

HB4177



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4177

Introduced 10/25/2023, by Rep. Tom Weber

SYNOPSIS AS INTRODUCED:

765 ILCS 160/1-25

Amends the Common Interest Community Association Act. Provides that in cases in which each unit holder is entitled to only one vote, upon the written request of one or more unit owners, any vote to be taken must be by secret ballot.

LRB103 34717 LNS 64564 b

A BILL FOR

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Common Interest Community Association Act
5 is amended by changing Section 1-25 as follows:

6 (765 ILCS 160/1-25)

7 Sec. 1-25. Board of managers, board of directors, duties,
8 elections, and voting.

9 (a) Elections shall be held in accordance with the
10 community instruments, provided that an election shall be held
11 no less frequently than once every 24 months, for the board of
12 managers or board of directors from among the membership of a
13 common interest community association.

14 (b) (Blank).

15 (c) The members of the board shall serve without
16 compensation, unless the community instruments indicate
17 otherwise.

18 (d) No member of the board or officer shall be elected for
19 a term of more than 4 years, but officers and board members may
20 succeed themselves.

21 (e) If there is a vacancy on the board, the remaining
22 members of the board may fill the vacancy by a two-thirds vote
23 of the remaining board members until the next annual meeting

1 of the membership or until members holding 20% of the votes of
2 the association request a meeting of the members to fill the
3 vacancy for the balance of the term. A meeting of the members
4 shall be called for purposes of filling a vacancy on the board
5 no later than 30 days following the filing of a petition signed
6 by membership holding 20% of the votes of the association
7 requesting such a meeting.

8 (f) There shall be an election of a:

9 (1) president from among the members of the board, who
10 shall preside over the meetings of the board and of the
11 membership;

12 (2) secretary from among the members of the board, who
13 shall keep the minutes of all meetings of the board and of
14 the membership and who shall, in general, perform all the
15 duties incident to the office of secretary; and

16 (3) treasurer from among the members of the board, who
17 shall keep the financial records and books of account.

18 (g) If no election is held to elect board members within
19 the time period specified in the bylaws, or within a
20 reasonable amount of time thereafter not to exceed 90 days,
21 then 20% of the members may bring an action to compel
22 compliance with the election requirements specified in the
23 bylaws or operating agreement. If the court finds that an
24 election was not held to elect members of the board within the
25 required period due to the bad faith acts or omissions of the
26 board of managers or the board of directors, the members shall

1 be entitled to recover their reasonable attorney's fees and
2 costs from the association. If the relevant notice
3 requirements have been met and an election is not held solely
4 due to a lack of a quorum, then this subsection (g) does not
5 apply.

6 (h) Where there is more than one owner of a unit and there
7 is only one member vote associated with that unit, if only one
8 of the multiple owners is present at a meeting of the
9 membership, he or she is entitled to cast the member vote
10 associated with that unit.

11 (h-5) A member may vote:

12 (1) by proxy executed in writing by the member or by
13 his or her duly authorized attorney in fact, provided,
14 however, that the proxy bears the date of execution.
15 Unless the community instruments or the written proxy
16 itself provide otherwise, proxies will not be valid for
17 more than 11 months after the date of its execution; or

18 (2) by submitting an association-issued ballot in
19 person at the election meeting; or

20 (3) by submitting an association-issued ballot to the
21 association or its designated agent by mail or other means
22 of delivery specified in the declaration or bylaws; or

23 (4) by any electronic or acceptable technological
24 means.

25 Votes cast under any paragraph of this subsection (h-5)
26 are valid for the purpose of establishing a quorum.

1 (h-10) In cases in which each unit holder is entitled to
2 only one vote, upon the written request of one or more unit
3 owners, any vote to be taken must be by secret ballot.

4 (i) The association may, upon adoption of the appropriate
5 rules by the board, conduct elections by electronic or
6 acceptable technological means. Members may not vote by proxy
7 in board elections. Instructions regarding the use of
8 electronic means or acceptable technological means for voting
9 shall be distributed to all members not less than 10 and not
10 more than 30 days before the election meeting. The instruction
11 notice must include the names of all candidates who have given
12 the board or its authorized agent timely written notice of
13 their candidacy and must give the person voting through
14 electronic or acceptable technological means the opportunity
15 to cast votes for candidates whose names do not appear on the
16 ballot. The board rules shall provide and the instructions
17 provided to the member shall state that a member who submits a
18 vote using electronic or acceptable technological means may
19 request and cast a ballot in person at the election meeting,
20 and thereby void any vote previously submitted by that member.

21 (j) Upon proof of purchase, the purchaser of a unit from a
22 seller other than the developer pursuant to an installment
23 contract for purchase shall, during such times as he or she
24 resides in the unit, be counted toward a quorum for purposes of
25 election of members of the board at any meeting of the
26 membership called for purposes of electing members of the

1 board, shall have the right to vote for the members of the
2 board of the common interest community association and to be
3 elected to and serve on the board unless the seller expressly
4 retains in writing any or all of such rights.

5 (Source: P.A. 98-1042, eff. 1-1-15; 99-41, eff. 7-14-15.)