

AFFIDAVIT OF FORMER SENATOR CHUCK GRAY

STATE OF ARIZONA)

County of Maricopa)

ss.

Former Senator Chuck Gray upon his oath deposes and says:

1. I was a member of the Arizona House of Representatives in 2005.
2. I was the Chairman of the Committee on Federal Mandates and Property Rights in January 2005 and the sponsor of House Bill 2154 (HB 2154) Homeowners Associations; proxies.
3. The purpose of HB 2154 was to prohibit the use of proxies for voting and requires votes to be cast in person and by absentee ballot in homeowners' associations after the period of Declarant control.
4. The intent of the bill was to have all voting for Members of a Planned Community to occur in an open meeting in accordance with ARS 33-1804.
5. The bill required that an Association provide for votes to be cast in person and by absentee ballot.
6. The legislature realized that many Planned Communities will be making more use of technology in the future and thus the HB 2154 provided that the Association may also allow for the use of other forms of delivery such as electronic mail or fax.
7. The intent of the legislature was that the "other form of delivery" was "IN ADDITON" to votes to be cast in person and by absentee ballot.
8. The intent of the legislature of the use of "other forms of delivery" was never to eliminate meetings as a venue for voting through the use of ARS 10-3708.
9. House Bill 2154 was transmitted to the Governor for signature on May 5, 2005 and signed into law for all Planned Communities on May 09, 2005.

SUBSCRIBED AND SWORN TO before me this 15 day of December, 2011, by

Chuck Gray, Former Senator, Arizona State Legislature.


NOTARY PUBLIC

MY COMMISSION EXPIRES: Aug 9 2015

