

**COMMUNITY ASSOCIATIONS INSTITUTE
CENTRAL INDIANA CHAPTER
LEGISLATIVE ACTION COMMITTEE**

NEW PROXY REQUIREMENTS

(Ind. Code § 32-25.5-3-10, et seq.)

What does this law say?

- **Starting July 1, 2015**, a homeowners association proxy **must** include:
 - The name and address of the association member giving the proxy.
 - The name of the individual who can exercise the member's proxy.
 - The date on which the proxy is given.
 - The date of the meeting for which the proxy is given.
 - The member's signature.
 - *An affirmation under the penalties for perjury that the individual signing the proxy has the authority to grant the proxy to the individual named in the proxy to exercise the member's proxy.*
- A member may state in the proxy that it is limited to use in specific matters, and those matters must be described in the proxy.
- A member may give a proxy for a meeting and a continuation of that meeting, if the proxy states that it expires on a date not more than 180 days after the date the proxy is given.
- A member can create his or her own proxy form, so long as it meets the above requirements.
- A proxy must be kept with records of the meeting at which it is exercised.

What does this mean for Associations?

- **Thus, all homeowner associations' proxies must now include an affirmation.**
- An example of the affirmation language could say:
 - "I/we affirm, under penalties of perjury, that by signing this proxy I/we have the authority to grant this proxy to the individual named herein to exercise this proxy."
- The affirmation is that of the member who is giving and signing the proxy.
- Additionally, proxies are only good for a continuation of a meeting, and proxies expire 180 days after they are signed.
- If a proxy does not include all of this information or does not meet these requirements, it is void!