Section 3. Multiple Ownership of Lots. Ownership of a Lot shall give rise to a single membership vote in the Association. Accordingly, if more than one person owns a Lot, all of said persons shall be deemed to be one Member for voting purposes, although all such Owners shall have equal rights as Members to use and enjoy the Common Area.

ARTICLE IV
Membership Voting

Section 1. Single Class of Membership. The Association shall have one class of voting membership.

Section 2. Member Voting Rights. On each matter submitted to a vote of the Members, whether at a meeting of the membership called and held pursuant to the provisions of these Bylaws or otherwise, each Member shall be entitled to cast one vote for each lot owned by such Member.

ISSUE #1

Section 3. Eligibility to Vote. Only Members in good standing shall be entitled to vote at any membership meeting. In order to be in good standing, a Member must be current in the payment of all assessments levied against the Member's Lot(s) and not be subject to any suspension of voting privileges as a result of any disciplinary proceeding conducted in accordance with article XI, section 6 of the Declaration. A Member's good standing shall be determined as of the record date established in accordance with article V hereof. The Association shall not be obligated to conduct a hearing in order to suspend a Member's voting privileges on the basis of the nonpayment of assessments, although a delinquent Member shall be entitled to request such a hearing in accordance with the Declaration.

Section 4. Manner of Casting Votes.

(a) Voting at Membership Meetings. In order to maximize the opportunity for Member participation in Association affairs, all Member voting shall be conducted by written ballot (see section 5 of this Article IV). Voting at any membership meetings shall be limited to: (i) the receipt of written ballots previously mailed to the Members (see section 5(j), below); (ii) the conduct of informational, nonbinding votes to poll the Members in attendance with respect to a matter or issue of interest to the Association or the Amador Pines community; (iii) to approve a motion for the submission of a matter or proposal to the Members for a vote by written ballot in accordance with section 5; or (iv) votes on procedural matters relating to the conduct of the meeting, such as a vote to adjourn. Any motion pursuant to subparagraph (iii) of the preceding sentence must be approved by the affirmative vote of at least 5 percent of the voting power of the Members (see section 5(b), below).

(b) Voting by Written Ballot. Except for the limited membership voting permitted at meetings (see subparagraph (a), above), Members' votes shall be solicited by written ballot with respect to any issue requiring membership approval under the Governing Documents or by law. Written ballot voting shall be conducted in accordance with section 5 of this Article IV.

(c) Proxy Voting. Proxy voting shall not be permitted.

(d) Cumulative Voting. Cumulative voting shall not be permitted.

MARKUP #1 ->

MARKUP #1 · POTENTIAL STATUTE CONFLICT

BOARD & COUNSEL REVIEW

Sec. 3. (p. 6): Unlawful Voting Suspension or "Good Standing" Disqualification: Clause strips member voting rights without statutory authority/due process or conditions records inspection/meeting notice on assessment "Good Standing" in violation of CA law.

Statutory / Legal Reference: Cal. Civ. Code § 5105(g)(1)

Statutory Comparison: Under Cal. Civ. Code § 5105(g)(1), associations may not strip member voting rights (prohibited outright in TX, CA, and NJ elections, and subject to strict statutory delinquency floors and prior written notice/hearing in FL, GA, and other states), and may never condition statutory records inspection or meeting notices on assessment "Good Standing."

CURRENT WORDING IN DOCUMENT:
Eligibility to Vote. Only Members in good standing shall be entitled to vote at any membership meeting. In order to be in good standing, a Member must be current in the payment of all assessments levied against the Member's Lot(s) and not be subject to any suspension of voting privileges as a result of any disciplinary proceeding conducted in accordance with article XI, section 6 of the Declaration. A Member's good standing shall be determined as of the record date established in accordance with article V hereof. The Association shall

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Amend Section 3. to preserve member voting rights, meeting notices, and records inspection rights in compliance with Cal. Civ. Code § 5105(g)(1).