

ISSUE #1

Section 1: [Bylaws Article V, Section 5] Suspension of Member Voting Rights for Delinquency or Rule Violations

MARKUP #1 ->

The Board of Directors shall have the power to suspend the voting rights and amenity privileges of any Member during any period in which such Member is in default in the payment of any assessment or fine levied by the Association, or for up to sixty (60) days for any infraction of published rules and regulations.

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. 1 (p. 1): Covenant suspending member voting rights is void under California Civil Code § 5105(g).

Statutory / Legal Reference: Cal. Civ. Code § 5105(g)(1) (Davis-Stirling Act)

Statutory Comparison: Under California Civil Code § 5105(g)(1), an association shall not deny a ballot to a member for any reason other than not being a member at the time when ballots are distributed; suspending voting rights for assessment delinquency or disciplinary infractions is strictly prohibited.

CURRENT WORDING IN DOCUMENT:

[Bylaws Article V, Section 5] Suspension of Member Voting Rights for Delinquency or Rule Violations The Board of Directors shall have the power to suspend the voting rights and amenity privileges of any Member during any period in which such Member is in default in the payment of any assessment or fine levied by the Association, or for up to sixty (60) days for any infraction of published rules and regulations.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to Cal. Civ. Code § 5105(g)(1), the Association shall not suspend a member's voting rights or deny a ballot for assessment delinquency or governing document violations.