

Section V - Sample Provision Excerpt (Public Preview)

- Nominations and Elections of Officers ..... 3

ISSUE #1



MARKUP #1 ->



MARKUP #1 · MISSING MANDATORY STATUTORY PROVISION

BOARD & COUNSEL REVIEW

**Sec. V (p. 2): Election provisions omit mandatory Davis-Stirling secret ballot procedures and independent Inspector of Elections requirements under California Civil Code §§ 5105 - 5125.**

**Statutory / Legal Reference: Cal. Civ. Code §§ 5105, 5110 & 5115 (SB 323 / AB 2159)**

Statutory Comparison: Under Cal. Civ. Code §§ 5105 and 5110, every association must adopt election operating rules and conduct specified elections through an independent third-party Inspector of Elections using secret double-envelope paper ballots (or compliant electronic secret ballots under AB 2159), with at least 30 days general notice of the nomination deadline and at least 30 days pre-ballot notice before ballots are distributed.

**CURRENT WORDING IN DOCUMENT:**

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**SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):**

Pursuant to California Civil Code §§ 5100 - 5145, the Association shall maintain compliant Election Operating Rules providing for equal access to Association media, candidate qualifications meeting Civil Code § 5105(b) - (c), appointment of one (1) or three (3) independent Inspectors of Elections under § 5110, and secret ballot voting procedures (double-envelope paper ballots or compliant AB 2159 electronic secret ballots) with...