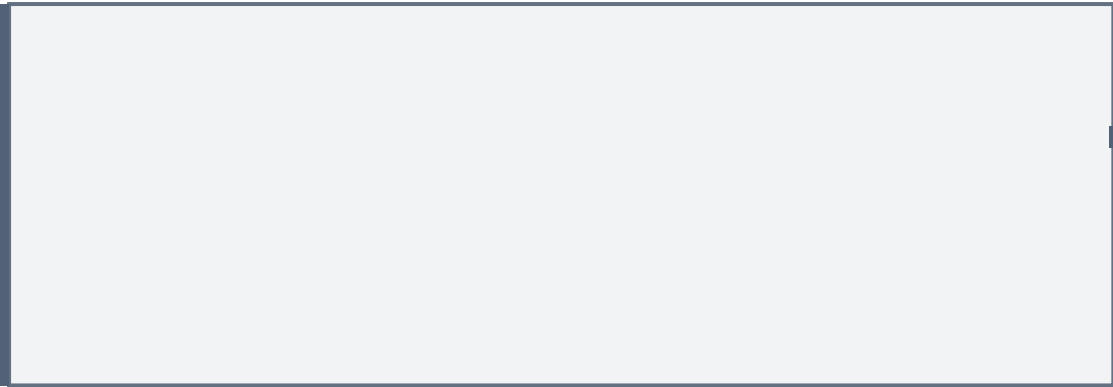


Section 4.06. - Sample Provision Excerpt (Public Preview)

Suspension of Voting Rights.
The Board shall have the authority, after Notice and Hearing,
to suspend the voting rights of any Member for any period during
which the payment of any Assessment against the Member and his Lot or
Condominium remains delinquent.

ISSUE #1



MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 4.06. (p. 22): Election or voting provision conflicts with California Civil Code §§ 5100 - 5145 requirements for secret ballots, independent Inspector of Elections, non-suspension of member voting rights (§ 5105(g)(1)), or AB 2159 electronic voting safeguards.

Statutory / Legal Reference: Cal. Civ. Code §§ 5100, 5105, 5110 & 5115 (SB 323 / AB 2159)

Statutory Comparison: Under Cal. Civ. Code §§ 5100 - 5115, elections regarding directors, assessments legally requiring a vote, governing document amendments, and grants of exclusive use of common area must be conducted by secret ballot (double-envelope paper ballot or compliant electronic secret ballot under AB 2159, except that electronic secret ballots remain prohibited for votes on regular or special assessments...

CURRENT WORDING IN DOCUMENT:

Suspension of Voting Rights. The Board shall have the authority, after Notice and Hearing, to suspend the voting rights of any Member for any period during which the payment of any Assessment against the Member and his Lot or Condominium remains delinquent.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Suspension of Voting Rights. The Board shall have the authority, after Notice and Hearing, to suspend the voting rights of any Member for any period during which the payment of any Assessment against the Member and his Lot or Condominium remains delinquent.