

Section 2. - Sample Provision Excerpt (Public Preview)

(C) The right of the Association to suspend the voting rights and rights and easements of use and enjoyment of the Association Property of any Member, and all persons deriving such rights and easements from any Member (as

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 2. (p. 25): 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 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:

(C) The right of the Association to suspend the voting rights and rights and easements of use and enjoyment of the Association Property of any Member, and all persons deriving such rights and easements from any Member (as

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

(C) The right of the Association to suspend the voting rights and rights and easements of use and enjoyment of the Association Property of any Member, and all persons deriving such rights and easements from any Member (as [STATUTORY VOTING RIGHTS PROTECTION]: Pursuant to Cal. Civ.