

Section 2.5 - Sample Provision Excerpt (Public Preview)

Classes of Members/Gp 12

2.6

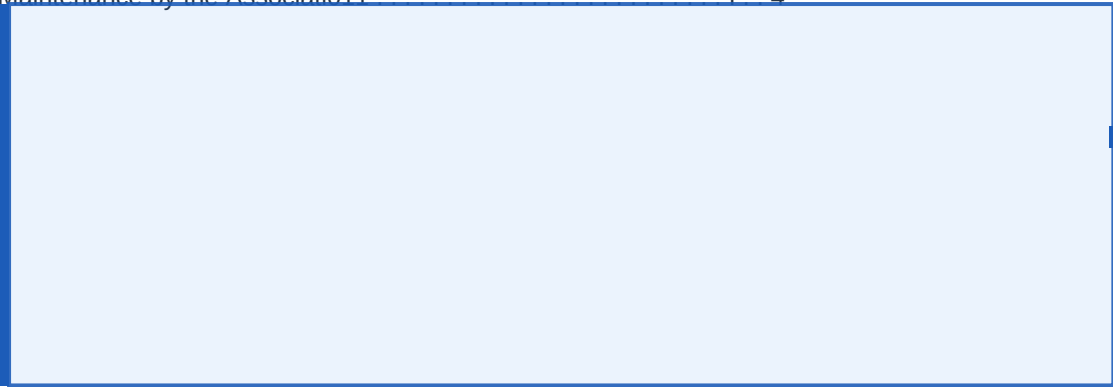
Voting Rights

13

2.7

Repair and Maintenance by the Association 11 4

ISSUE #1



MARKUP #1 ->



MARKUP #1 · MISSING MANDATORY STATUTORY PROVISION

BOARD & COUNSEL REVIEW

Sec. 2.5 (p. 5): 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:

Classes of Members/Gp 12 2.6 Voting Rights
 13 2.7 Repair and Maintenance by
the Association 11 4 P

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 §...