LA TERRAZZA HOA
ADENDUM TO RULES AND REGULATIONS
BOARD NOMINATION AND VOTING PROCESS

d. The ballot itself must be inserted into an envelope that is sealed. The sealed ballot envelope is to be inserted into a second envelope that is also sealed. In the upper left hand corner of the second, outside, envelope, the voter prints and signs his or her name, address and lot/parcel/unit number that entitles him or her to vote. The second, outside, envelope is addressed to the inspectors of election, who will be tallying the votes.

e. Owners may return their secret ballot by mail, hand deliver it to the meeting or complete the ballot at the meeting; provided only those ballots which are delivered to the inspectors of election prior to the polls closing shall be counted.

f. A member may request a receipt for delivery

ISSUE #1

g. Owners whose voting rights have been suspended in accordance with the Association=s governing documents after notice and hearing shall not be entitled to vote. Any ballot returned by an owner who is suspended shall be deemed invalid and discarded.

h. As secret ballots are returned to the Ballot Collector, the Ballot Collector shall check off on a homeowner listing/sign in sheet, that a ballot has been received for such home. The first secret ballot received for any home shall be the ballot which is counted. Any subsequent ballots for the same home which are received shall be deemed invalid and shall be discarded. Homeowners are not permitted to change their vote, once submitted. The inspectors of election shall confirm that no more than one ballot was returned for each home.

i. The sealed ballots at all times shall be in the custody of the inspector of election or at a location designated by the inspector until delivered to the inspectors at the meeting for the opening of the ballots and the tabulation of the vote. After the counting of the ballots and the verification of the election results by the inspectors of election, the ballots shall be transferred to the Association.

j. No person, including a member of the Association or an employee of the Management Company, shall open or otherwise review any ballot prior to the time and place at which the ballots are counted and tabulated.

k. The inspectors of election shall tabulate the ballots for the election of directors at the annual meeting of the owners or, if no quorum is present, at a special meeting of the Board of Directors duly noticed for the same date, time and place, as the annual meeting of the members, called for the purpose of counting ballots at which a quorum of the Board is present. The Board of Directors shall determine the date,

MARKUP #1 ->

MARKUP #1 · POTENTIAL STATUTE CONFLICT

BOARD & COUNSEL REVIEW

Sec. 3 (p. 3): 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:
Owners whose voting rights have been suspended in accordance with the Association=s governing documents after notice and hearing shall not be entitled to vote. Any ballot returned by an owner who is suspended shall be deemed invalid and discarded.

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.