

Section 4.4 - Sample Provision Excerpt (Public Preview)

issued with a minimum of \$250 fine, suspend voting rights, continued loss of privileges and if applicable legal action commenced. If any fines are not paid within one year a lien will be filed against the property owner. This addendum will be accordance with CC&R 5.5. For CC&R 4.4 and 5.5; Reasonable amount of time is defined as not to exceed 30 days
Approved by Lushmeadows Association: January 12th 2022

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 4.4 (p. 9): 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:

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SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

issued with a minimum of \$250 fine, suspend voting rights, continued loss of privileges and if applicable legal action commenced. If any fines are not paid within one year a lien will be filed against the property owner. This addendum will be accordance with CC&R 5.5. For CC&R 4.4 and 5.5; Reasonable amount of time is defined as not to exceed 30 days. Approved by Lushmeadows Association: January 12th 2022 [STATUTORY VOTING RIGHTS PROTECTION]: Pursuant to Cal. Civ.