Section 1. - Sample Provision Excerpt (Public Preview)

The right of the Association to suspend the voting rights and the rights to use of the recreational facilities by a member any period during which any assessment against his Lot remains unpaid, and for a period not to exceed 30 days for any Infraction of its published rules and regulations.

ISSUE #1

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 1. (p. 2): 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:

The right of the Association to suspend the voting rights and the rights to use of the recreational facilities by a member for any period during which any assessment against his Lot remains unpaid, and for a period not to exceed 30 days for any Infraction of its published rules and regulations.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

The right of the Association to suspend the voting rights and the rights to use of the recreational facilities by a member for any period during which any assessment against his Lot remains unpaid, and for a period not to exceed 30 days for any Infraction of its published rules and regulations. The right of the Association to dedicate or transfer all or any part of the Community Facility to any...