Section 1 - Sample Provision Excerpt (Public Preview)

Io improve and maintain entrance gateways,
ornamental fences, fountains and other ornamental features
now existing or hereafter erected on the following described
property, or on the streets in or bordering upon the said
property, and to provide for the lighting thereof, to-wit:
All those certain lots, pieces

ISSUE #1

land, situate lying and being
in...

MARKUP #1 ->

MARKUP #1 · POTENTIAL ISSUE FOR REVIEW

BOARD & COUNSEL REVIEW

Sec. 1 (p. 1): Potential Issue for Review: Election provisions omit mandatory Davis-Stirling secret ballot procedures and independent Inspector of Elections requirements under California Civil Code §§ 5105 - 5125 - look for this language in other governing documents, standalone policies, or amendments that were not included in this review.

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...

CURRENT WORDING IN DOCUMENT:

Io improve and maintain entrance gateways, ornamental fences, fountains and other ornamental features now existing or hereafter erected on the following described property, or on the streets in or bordering upon the said property, and to provide for the lighting thereof, to-wit: All those certain lots, pieces or parcels of land, situate, lying and being in...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

First look for this language in other governing documents, standalone policies/resolutions, or amendments not included in this review. If not already addressed in another document (and if applicable to this community), incorporate: Pursuant to California Civil Code §§ 5100 - 5145, the Association shall maintain compliant Election Operating Rules providing for equal access to Association media,...