ISSUE #1

**Section 1. - Sample Provision Excerpt (Public Preview)**

The Association may temporarily suspend the voting rights and right to use the Common Area facilities by an Owner for any period during which any assessments remain unpaid, or for up to ninety (90) days for the Members or his or her guests, tenants, or family members' violation of the Governing Documents, after Due Process, set forth in subsection (D).

MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

**Sec. 1. (p. 1): 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:

The Association may temporarily suspend the voting rights and right to use the Common Area facilities by an Owner for any period during which any assessments remain unpaid, or for up to ninety (90) days for the Members or his or her guests, tenants, or family members' violation of the Governing Documents, after Due Process, set forth in subsection (D).

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.**