ISSUE #1

Section 4.3 - Sample Provision Excerpt (Public Preview)

Eligibility to Vote. Only Members in Good Standing shall be entitled to vote on any issue or matter presented to the Members. A Member who owns more than one Lot shall be ineligible to vote if that Member is not in Good Standing with respect to any such Lot.

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 4.3 (p. 1): Unlawful Voting Suspension or "Good Standing" Disqualification: Clause strips member voting rights without statutory authority/due process or conditions records inspection/meeting notice on assessment "Good Standing" in violation of CA law.

Statutory / Legal Reference: Cal. Civ. Code § 5105(g)(1)

Statutory Comparison: Under Cal. Civ. Code § 5105(g)(1), associations may not strip member voting rights (prohibited outright in TX, CA, and NJ elections, and subject to strict statutory delinquency floors and prior written notice/hearing in FL, GA, and other states), and may never condition statutory records inspection or meeting notices on assessment "Good Standing."

CURRENT WORDING IN DOCUMENT:

Eligibility to Vote. Only Members in Good Standing shall be entitled to vote on any issue or matter presented to the Members. A Member who owns more than one Lot shall be ineligible to vote if that Member is not in Good Standing with respect to any such Lot.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section 4.3 to preserve member voting rights, meeting notices, and records inspection rights in compliance with Cal. Civ. Code § 5105(g)(1).