

Section 2.3. - Sample Provision Excerpt (Public Preview)

The right of the Association to suspend the voting rights of an Owner for any period during which any assessment against such Owner's Lot remains unpaid; and for a period not to exceed thirty (30) days for any infraction of its Rules and Regulations after reasonable written notice and an opportunity for a hearing before the Board as set forth in the

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 2.3. (p. 12): 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 of an Owner for any period during which any assessment against such Owner's Lot remains unpaid; and for a period not to exceed thirty (30) days for any infraction of its Rules and Regulations after reasonable written notice and an opportunity for a hearing before the Board as set forth in the

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

The right of the Association to suspend the voting rights of an Owner for any period during which any assessment against such Owner's Lot remains unpaid; and for a period not to exceed thirty (30) days for any infraction of its Rules and Regulations after reasonable written notice and an opportunity for a hearing before the Board as set forth in the [STATUTORY VOTING RIGHTS PROTECTION]; Pursuant...