

Section 4.8 - Sample Provision Excerpt (Public Preview)

Adjustment of Voting Power and Quorum. For purposes of establishing a quorum and determining the total Voting Power of the Association, if a Member's voting rights are suspended as provided in the Governing Documents, the total Voting Power of the Association shall be reduced for the period of time for which the suspension is in effect by an amount equal to...

ISSUE #1



MARKUP #1 ->



MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. 4.8 (p. 12): 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:

Adjustment of Voting Power and Quorum. For purposes of establishing a quorum and determining the total Voting Power of the Association, if a Member's voting rights are suspended as provided in the Governing Documents, the total Voting Power of the Association shall be reduced for the period of time for which the suspension is in effect by an amount equal to...

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.