

Section C - Sample Provision Excerpt (Public Preview)

B. Wilde
207 Marshail Drive
Walnut Creek, California
Genora Mabraten
3167 Neal Avenue
San Jose, California

ISSUE #1 authorized number and qualifications of members of this corporation, the different classes of membership, the property, voting and other rights and privileges of members, and the liability of members to dues or assessments and the method of...

MARKUP #1 ->



MARKUP #1 · MISSING MANDATORY STATUTORY PROVISION

BOARD & COUNSEL REVIEW

Sec. C (p. 2): Election provisions omit mandatory Davis-Stirling secret ballot procedures and independent Inspector of Elections requirements under California Civil Code §§ 5105 - 5125.

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:

B. Wilde 207 Marshail Drive Walnut Creek, California Genora Mabraten 3167 Neal Avenue San Jose, California SIXTH: The authorized number and qualifications of members of this corporation, the different classes of membership, the property, voting and other rights and privileges of members, and the liability of members to dues or assessments and the method of...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

B. Wilde 207 Marshail Drive Walnut Creek, California Genora Mabraten 3167 Neal Avenue San Jose, California SIXTH: The authorized number and qualifications of members of this corporation, the different classes of membership, the property, voting and other rights and privileges of members, and the liability of members to dues or assessments and the method of collection thereof, shall be as set...