ISSUE #1

Section 1. - Sample Provision Excerpt (Public Preview)

(f) The Association shall have the right to suspend the voting rights and right to use of the recreational facilities by a member for any period during which any assessment against his lot remains unpaid; an'd for a period not to e~cee~ tllirty (3D) days .28 ' \ , after notice and hearing for any infraction of its published rules and regulations.

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:

(f) The Association shall have the right to suspend the voting rights and right to use of the recreational facilities by a member for any period during which any assessment against his lot remains unpaid; an'd for a period not to e~cee~ tllirty (3D) days .28 ' \ , after notice and hearing for any infraction of its published rules and regulations.

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.