Section VII - Sample Provision Excerpt (Public Preview)

voting power of the Association, excluding those members whose voting rights have been suspended. When a quorum is present, the affirmative vote of the majority of the voting power represented at the meeting, entitled to vote, and voting on any matter shall be the act of the members.

ISSUE #1

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. VII (p. 8): 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:

voting power of the Association, excluding those members whose voting rights have been suspended. When a quorum is present, the affirmative vote of the majority of the voting power represented at the meeting, entitled to vote, and voting on any matter shall be the act of the members.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

voting power of the Association, excluding those members whose voting rights have been suspended. When a quorum is present, the affirmative vote of the majority of the voting power represented at the meeting, entitled to vote, and voting on any matter shall be the act of the members. [STATUTORY VOTING RIGHTS PROTECTION]: 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.