Woodside Commons HOA · Ccrs And Bylaws (Bylaws) - Page 1

ISSUE #1

Section 3.19 - Sample Provision Excerpt (Public Preview)

Suspend voting rights, and impose any other disciplinary action for violation of the Governing Documents to the fuliest extent permitted by California law. Before a poncy involving the imposition of monetary penalties takes effect, and any time such penalties are revised, the Association shall provide each Owner with a written...

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING — BOARD & COUNSEL REVIEW

Sec. 3.19 (p. 1): 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 Cal. Civ. Code §§ 5100 - 5115, elections regarding directors, assessments legally requiring a vote, governing document amendments, and grants of exclusive use of common area must be conducted by secret ballot (double-envelope paper ballot or compliant electronic secret ballot under AB 2159, except that electronic secret ballots remain prohibited for votes on regular or special assessments under Cal. Civ. Code § 5105(i)). Under § 5110, the association must select 1 or 3 independent third-party Inspectors of Elections.

CURRENT WORDING IN DOCUMENT:
Suspend voting rights, and impose any other disciplinary action for violation of the Governing Documents to the fuliest extent permitted by California law. Before a poncy involving the imposition of monetary penalties takes effect, and any time such penalties are revised, the Association shall provide each Owner with a written...

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Pursuant to California Civil Code §§ 5100 - 5145, all elections of directors, recall elections, governing document amendments, and assessment votes shall be conducted by secret ballot overseen by one (1) or three (3) independent Inspectors of Elections meeting the independence requirements of Civil Code § 5110.