

Section 1: [Bylaws Article IV & Article V] Meetings of Members, Proxies, Quorum, and Board Elections

At any annual or special meeting of the Members, twenty percent (20%) of the Members in Good Standing present in person or by proxy shall constitute a quorum. Members may vote in person, by written proxy executed in favor of another Member or the Board Secretary, or by absentee/mail-in ballot as prescribed by the Board of Directors for the election of Directors.

MARKUP #1 ->

ISSUE #1

Section 2: [Bylaws Article IX & Administrative Policy on Association Records] Inspection of Corporate Books and Records

A Member in Good Standing may inspect the books and records of the Association only for a proper purpose stated in writing, upon at least ten (10) business days' advance written request approved by the General Manager or Board of Directors, and upon payment in advance of the Association's administrative staff time and copying charges.

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. 2 (p. 1): Unlawful Voting Suspension or "Good Standing" Disqualification: Clause strips member voting rights without statutory authority/due process or conditions records inspection/meeting notice on assessment "Good Standing" in violation of IL law.

Statutory / Legal Reference: 805 ILCS 105/ (General Not For Profit Corporation Act); 765 ILCS 160/ (Common Interest Community Association Act)

Statutory Comparison: Under 805 ILCS 105/ (General Not For Profit Corporation Act); 765 ILCS 160/ (Common Interest Community Association Act), associations may not strip member voting rights (prohibited outright in TX, CA, and NJ elections, and subject to strict statutory delinquency floors and prior written notice/hearing in FL, GA, and other states), and may never condition statutory records inspection or meeting notices on assessment "Good Standing."

CURRENT WORDING IN DOCUMENT:

[Bylaws Article IX & Administrative Policy on Association Records] Inspection of Corporate Books and Reco A Member in Good Standing may inspect the books and records of the Association only for a proper purpose stated in writing, upon at least ten (10) business days' advance written request approved by the General Manager or Board of Directors, and upon payment in advance of the Association's administrative staff time and copying charges.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section 2 to preserve member voting rights, meeting notices, and records inspection rights in compliance with 805 ILCS 105/ (General Not For Profit Corporation Act); 765 ILCS 160/ (Common Interest Community Association Act).