

CORPORATIONS CODE

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§ 5080

§ 5078. Voting power

"Voting power" means the * * * power to vote for the election of directors at the time any determination of voting power is made and does not include the right to vote upon the happening of some condition or event which has not yet occurred. In any case where different classes of memberships are entitled to vote as separate classes for different members of the board, the determination of percentage of voting power shall be made on the basis of the percentage of the total number of authorized directors which the memberships in question (whether of one or more classes) have the power to elect in an election at which all memberships then entitled to vote for the election of any directors are voted.

(Added by Stats.1978, c. 567, p. 1740, § 4, operative Jan. 1, 1980. Amended by Stats.1979, c. 724, p. 2231, § 11.2, operative Jan. 1, 1980.)

§ 5079. Written; in writing

"Written" or "in writing" includes facsimile and telegraphic communication.
(Added by Stats.1978, c. 567, p. 1740, § 4, operative Jan. 1, 1980.)

§ 5080. Written ballot

"Written ballot" does not include a ballot distributed at a special or regular meeting of members.
(Added by Stats.1978, c. 567, p. 1740, § 4, operative Jan. 1, 1980.)

PART 2. NONPROFIT PUBLIC BENEFIT CORPORATIONS

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Part 2 was added by Stats.1978, c. 567, p. 1750, § 5, operative Jan. 1, 1980.

Heading of Part 2, Corporations Sole, was renumbered Part 6 and amended by Stats.1978, c. 1305, p. 4268, § 5, operative Jan. 1, 1980. See §§ 10000 to 10015, post.

CHAPTER 1. ORGANIZATION AND BYLAWS

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Chapter 1 was added by Stats.1978, c. 567, p. 1750, § 5, operative Jan. 1, 1980.

Asterisks * * * indicate deletions by amendment

ARTICLE 1. TITLE AND PURPOSES

Section

5110. Citation of part.

5111. Public or charitable purposes.

Article 1 was added by Stats.1978, c. 567, p. 1750, § 5, operative Jan. 1, 1980.

Cross References

California state world trade commission subject to this part, see Government Code § 15364.1.

Common trust funds, establishment by corporation organized for charitable or eleemosynary purposes, see § 10250.

Corporations existing January 1, 1873, election to continue under prior code provision, see § 9926.

Corporations organized for charitable or eleemosynary purposes, see § 10200.

Corporations organized under or subject to this part, applicability of part 1, see § 5003.

Corporations subject to this part, see § 9911.

Correction of agreements, certificates or instruments, see § 5007.

General provisions and definitions governing construction of this part, see § 5002 et seq.

Hospital service plan, formation under this part, see § 10840.

Mailing, see § 5009.

Mutual benefit corporations, see § 7110 et seq.

Nonprofit health care service plans, see § 10820.

Nonprofit medical, hospital, or legal services corporations, see § 10810.

Nonprofit public benefit corporation or public benefit corporation defined, see § 5060.

Organization under this part, see § 10820.

Private nonstock postsecondary educational institutions, when deemed organized under this part, see Education Code § 94306.

Rights, privileges and powers of corporations suspended under prior law, see § 9927.

Small business bond insurance corporations subject to provisions in this act, see Government Code § 15398.2.

Small business development corporations, application of this part, see § 14080.

Societies for prevention of cruelty to children and animals, see § 10400.

Tax exemption, primary purpose of rendering financial assistance to government, see Revenue and Taxation Code § 23701u.

Law Review Commentaries

Corporate governance: Who controls the large corporation? Thomas M. Jones (1979) 30 *Hast.L.J.* 1261.Evolving role of the director in corporate governance. Marshall L. Small (1979) 30 *Hast.L.J.* 1353.Nonprofit corporations. (1982) 13 *Pacific L.J.* 584.Some thoughts on the directors' evolving role. Donald E. Schwartz (1979) 30 *Hast.L.J.* 1405.State statutes governing directors of charitable corporations. Elizabeth Moody (1984) 18 *U.S.F.L.Rev.* 749.

Library References

Report of the Assembly select committee on revision of the nonprofit corporations code 79 *A.J.* 9002.

§ 5110. Citation of part

This part shall be known and may be cited as the Nonprofit Public Benefit Corporation Law. (Added by Stats.1978, c. 567, p. 1750, § 5, operative Jan. 1, 1980.)

Cross References

Corporation defined, see § 5046.

Library References

Corporations § 14(1).

C.J.S. Corporations § 47.

Notes of Decisions

1. In general

The priority to purchase surplus school property provided for in Ed.C. § 39363.5 does include non-profit corporations

§ 5111. Public or charitable purposes

Subject to any other * * * provisions of law of this state applying to the particular class of corporation or line of activity, a corporation may be formed under this part for any public or charitable * * * purposes.

(Added by Stats.1978, c. 567, p. 1750, § 5, operative Jan. 1, 1980. Amended by Stats.1979, c. 724, p. 2232, § 11.4, operative Jan. 1, 1980.)

Historical Note

Derivation: Former § 10200, enacted by Stats.1947, c. 1038, p. 2419, § 10200.

Cross References

Articles of incorporation as evidence, see § 5133.

Formation of corporation, see § 5120 et seq.

Underline indicates changes or additions by amendment

Section

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