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# A BILL FOR AN ACT

RELATING TO CONDOMINIUM VOTING.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. The legislature finds that many condominiums  
2 are governed by declarations and bylaws that require secret  
3 ballots at their association meetings. This can be unduly  
4 burdensome for condominiums that need to ballot with different  
5 common interests.

6       The purpose of this Act is to authorize the use of an  
7 electronic voting device at condominium association meetings in  
8 place of the secret ballot; provided that the board of directors  
9 establishes procedures to ensure a reasonable level of ballot  
10 secrecy and integrity.

11       SECTION 2. Section 514B-106, Hawaii Revised Statutes, is  
12 amended by amending subsection (f) to read as follows:

13       "(f) At any regular or special meeting of the association,  
14 any member of the board may be removed and successors shall be  
15 elected for the remainder of the term to fill the vacancies thus  
16 created. The removal and replacement shall be by a vote of a  
17 majority of the unit owners and, otherwise, in accordance with



1 all applicable requirements and procedures in the bylaws for the  
2 removal and replacement of directors and, if removal and  
3 replacement is to occur at a special meeting, section  
4 ~~[514B-121(b)]~~ 514B-121(c)."

5 SECTION 3. Section 514B-110, Hawaii Revised Statutes, is  
6 amended by amending subsection (e) to read as follows:

7 "(e) Election of the new board in accordance with an  
8 amendment adopted pursuant to this section shall be held at the  
9 next regular meeting of the association or at a meeting called  
10 in accordance with section ~~[514B-121(b)]~~ 514B-121(c) for this  
11 purpose."

12 SECTION 4. Section 514B-121, Hawaii Revised Statutes, is  
13 amended to read as follows:

14 "§514B-121 Association meetings. (a) A meeting of the  
15 association shall be held at least once each year.

16 (b) Notwithstanding any other provision of this chapter or  
17 the declaration or bylaws of a condominium, at any association  
18 meeting where a secret ballot is required or used, the  
19 association may use an electronic voting device instead of a  
20 secret ballot. Such use shall be subject to the following:



1        (1) The board shall establish reasonable procedures to  
2        provide for the secrecy and integrity of the unit  
3        owners' votes, including, but not limited to,  
4        procedures that ensure the availability of a printed  
5        audit trail containing the serial number of the  
6        electronic voting device, each common interest voted,  
7        and the vote that was tabulated;

8        (2) A copy of the printed audit trail shall be available  
9        to owners after the meeting in the same manner  
10       provided by sections 514B-154 and 514B-154.5; and

11       (3) A copy of the procedures established pursuant to  
12       paragraph (1) shall be available at no charge to any  
13       owner and a copy shall be available at any meeting at  
14       which the association uses an electronic voting  
15       device.

16       [~~(b)~~] (c) Special meetings of the association may be  
17 called by the president, a majority of the board, or by a  
18 petition to the secretary or managing agent signed by not less  
19 than twenty-five per cent of the unit owners as shown in the  
20 association's record of ownership; provided that if the  
21 secretary or managing agent fails to send out the notices for



1 the special meeting within fourteen days of receipt of the  
2 petition, the petitioners shall have the authority to set the  
3 time, date, and place for the special meeting and to send out  
4 the notices and proxies for the special meeting at the  
5 association's expense in accordance with the requirements of the  
6 bylaws and of this part; provided further that a special meeting  
7 based upon a petition to the secretary or managing agent shall  
8 be set no later than sixty days from receipt of the petition.

9       ~~[-e-]~~ (d) Not less than fourteen days in advance of any  
10 meeting, the secretary or other officer specified in the bylaws  
11 shall cause notice to be:

12       (1) Hand-delivered;

13       (2) Sent prepaid by United States mail to the mailing  
14 address of each unit or to any other mailing address  
15 designated in writing by the unit owner; or

16       (3) At the option of the unit owner, expressed in writing,  
17 by electronic mail to the electronic mailing address  
18 designated in writing by the unit owner.

19 The notice of any meeting must state the date, time, and place  
20 of the meeting and the items on the agenda, including the  
21 general nature and rationale of any proposed amendment to the



1 declaration or bylaws, and any proposal to remove a member of  
2 the board; provided that this subsection shall not preclude any  
3 unit owner from proposing an amendment to the declaration or  
4 bylaws or to remove a member of the board at any annual  
5 association meeting.

6       ~~[(d)]~~ (e) All association meetings shall be conducted in  
7 accordance with the most recent edition of Robert's Rules of  
8 Order Newly Revised. If so provided in the declaration or  
9 bylaws, meetings may be conducted by any means that allow  
10 participation by all unit owners in any deliberation or  
11 discussion.

12       ~~[(e)]~~ (f) All association meetings shall be held at the  
13 address of the condominium or elsewhere within the State as  
14 determined by the board; provided that in the event of a natural  
15 disaster, such as a hurricane, an association meeting may be  
16 held outside the State."

17       SECTION 5. This Act does not affect rights and duties that  
18 matured, penalties that were incurred, and proceedings that were  
19 begun before its effective date.

20       SECTION 6. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.



# H.B. NO. 2630

1 SECTION 7. This Act shall take effect upon its approval.

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INTRODUCED BY: *James B. King*

JAN 24 2018



# H.B. NO. 2630

**Report Title:**

Condominiums; Voting

**Description:**

Provides for the use of an electronic voting device in condominium association meetings; provided that an association's board takes reasonable steps to ensure the secrecy and integrity of the votes, and that an audit trail is made available after the meetings.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

