



GOV. MSG. NO. 1185

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

June 24, 2021

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Thirty First State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Thirty First State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 24, 2021, the following bill was signed into law:

HB0599 HD1 SD1 CD1

RELATING TO ASSOCIATION GOVERNANCE
ACT 083 (21)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

A BILL FOR AN ACT

RELATING TO ASSOCIATION GOVERNANCE.

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

SECTION 1. Section 421J-3.5, Hawaii Revised Statutes, is amended to read as follows:

"[+]§421J-3.5 Notice required; regular, annual, and special meetings.[+] (a) Not less than fourteen days in advance of any regular, annual [meeting], or special meeting of an association, the secretary or other officer specified in the bylaws shall give written notice of the meeting to each member of the association as provided in the bylaws of the association or by two or more of the following means:

(1) Hand delivery;

(2) United States mail sent to the mailing address of each unit or to another mailing address designated in writing by the association member;

(3) Electronic mail to the electronic mailing address designated in writing by the association member; or



(4) Posting of the meeting notice in its entirety on a portion of the association's website that is accessible to all members.

(b) Notice pursuant to this section shall state:

(1) The date, time, and place of the meeting; and

(2) The items on the agenda, including the general nature of and rationale for any proposed amendment to the declaration or bylaws; any proposal for a special assessment, unless the authority for a special assessment is otherwise provided for in the association's governing documents; and any proposal to remove a member of the board.

(c) The requirements of this section shall not be interpreted to preclude any association member from proposing an amendment to the declaration or bylaws or proposing to remove a member of the board at an association meeting.

(d) The requirements of this section shall not be interpreted to apply to any board meetings or committee meetings of a planned community association.

(e) Notwithstanding any provision to the contrary in the association documents, the association may conduct an annual,



1 regular, or special meeting remotely in a manner consistent with
2 section 414D-101(g) or 414D-102(f), as applicable."

3 SECTION 2. Section 514B-121, Hawaii Revised Statutes, is
4 amended as follows:

5 1. By amending subsection (b) to read:

6 "(b) Notwithstanding any other provision of this chapter,
7 except as provided in subsection (e), or the declaration or
8 bylaws of a condominium to the contrary, at any association
9 meeting the board may direct the use of an electronic voting
10 device regardless of whether a secret ballot is used or
11 required. [~~Sueh~~] Except as provided in subsection (e), the use
12 shall be subject to the following:

13 (1) The electronic voting device and all associated
14 equipment shall be isolated from any connection to an
15 external network, including the Internet;

16 (2) The board shall establish reasonable procedures to
17 provide for the secrecy and integrity of the unit
18 owners' votes, including but not limited to procedures
19 that ensure the availability of a printed audit trail
20 containing:



1 (A) The reference number of the electronic voting
2 device;

3 (B) Each common interest voted; and

4 (C) The vote that was tabulated;

5 (3) A copy of the printed audit trail shall be available
6 to owners after the meeting in the same manner
7 provided by sections 514B-154 and 514B-154.5; and

8 (4) A copy of the procedures established pursuant to
9 paragraph (2) shall be available at no charge to any
10 owner and a copy shall be available at any meeting at
11 which the association uses an electronic voting
12 device.

13 In the event of any conflict between this subsection and
14 subsection (e), subsection (e) shall control."

15 2. By amending subsection (e) to read:

16 "(e) All association meetings shall be conducted in
17 accordance with the most recent edition of Robert's Rules of
18 Order Newly Revised. ~~[If so provided in the declaration or~~
19 ~~bylaws, meetings may be conducted by any means that allow~~
20 ~~participation by all unit owners in any deliberation or~~
21 ~~discussion.]~~ Notwithstanding any provision to the contrary in



1 the association's declaration or bylaws or in subsection (b),
2 electronic meetings and electronic, machine, or mail voting
3 shall be authorized:

4 (1) During any period in which a state of emergency or
5 local state of emergency, declared pursuant to
6 chapter 127A, is in effect in the county in which the
7 condominium is located;

8 (2) For any association meeting for which notice was given
9 while a state of emergency or local state of
10 emergency, declared pursuant to chapter 127A, was in
11 effect for the county in which the condominium is
12 located but is no longer in effect as of the date of
13 the meeting; provided that the meeting is held within
14 sixty days of the date the notice was first given; or
15 (3) Whenever otherwise authorized in an association's
16 declaration or bylaws."

17 SECTION 3. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 4. This Act shall take effect upon its approval.



H.B. NO. 599
H.D. 1
S.D. 1
C.D. 1

APPROVED this 24 day of JUN, 2021

A handwritten signature in black ink, reading "David Ige". The signature is fluid and cursive, with a large, sweeping "D" and a stylized "Ige".

GOVERNOR OF THE STATE OF HAWAII

HB No. 599, HD 1, SD 1, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 27, 2021
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-First Legislature of the State of Hawaii, Regular Session of 2021.



Scott K. Saiki
Speaker
House of Representatives

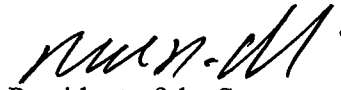



Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAI‘I

Date: April 27, 2021
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate
of the Thirty-First Legislature of the State of Hawai‘i, Regular Session of 2021.


President of the Senate


Clerk of the Senate