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# A BILL FOR AN ACT

RELATING TO CONDOMINIUMS.

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

1           SECTION 1. Section 514B-123, Hawaii Revised Statutes, is  
2 amended as follows:

3           1. By amending subsection (e) to read:

4           "(e) If a proxy is a standard proxy form authorized by the  
5 association, the proxy shall comply with the following  
6 additional requirements:

7           (1) The proxy shall contain boxes wherein the owner may  
8 indicate that the proxy is given:

9           (A) For quorum purposes only;

10           (B) To the individual whose name is printed on a line  
11 next to this box;

12           ~~[(C) To the board as a whole and that the vote is to~~  
13           ~~be made on the basis of the preference of the~~  
14           ~~majority of the directors present at the~~  
15           ~~meeting,] or~~



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1           ~~[(D)]~~ (C) To those directors present at the meeting with  
 2                           the vote to be shared with each director  
 3                           receiving an equal percentage;  
 4           provided that if the proxy is returned with no box or  
 5           more than one of the boxes in subparagraphs (A)  
 6           through ~~[(D)]~~ (C) checked, the proxy shall be counted  
 7           for quorum purposes only; and

8           (2) The proxy form shall also contain a box wherein the  
 9           owner may indicate that the owner wishes to obtain a  
 10           copy of the annual audit report required by section  
 11           514B-150."

12           2. By amending subsection (j) to read:

13           "(j) No managing agent ~~[or]~~, resident manager, or their  
 14 employees, or the association's employees, shall solicit~~[, for~~  
 15 ~~use by the managing agent or resident manager,~~] any proxies from  
 16 any unit owner of the association ~~[that retains the managing~~  
 17 ~~agent or employs the resident manager]~~, nor shall the managing  
 18 agent or resident manager cast any proxy vote at any association  
 19 meeting except for the purpose of establishing a quorum."

20           SECTION 2. Statutory material to be repealed is bracketed  
 21 and stricken. New statutory material is underscored.



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1 SECTION 3. This Act shall take effect upon its approval.

2

INTRODUCED BY:

A handwritten signature in black ink, appearing to be 'R. J. ...', is written over a horizontal line.

JAN 21 2021



# H.B. NO. 221

**Report Title:**

Condominium Associations; Proxy Voting

**Description:**

Amends the requirements for a condominium association's standard proxy form by deleting the option for a condominium owner to give the proxy to the board as a whole. Clarifies that no managing agent, resident manager, or their employees, or the association's employees, shall solicit any proxies from any unit owner of the association.

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

