

JAN 21 2021

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~~



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 Statutory material to be repealed is bracketed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.



S.B. NO. 61

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

2

INTRODUCED BY: *Jessie L. Mowse*



S.B. NO. 61

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.

