

JAN 21 2022

A BILL FOR AN ACT

RELATING TO CONDOMINIUMS.

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

1 SECTION 1. Section 514B-121, Hawaii Revised Statutes, is
2 amended as follows:

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

4 "(b) Notwithstanding any other provision of this chapter,
5 ~~[except as provided in subsection (e),]~~ or the declaration or
6 bylaws of a condominium to the contrary, at any association
7 meeting, the board may direct the use of an electronic voting
8 device to comply with subsection (e)(2), regardless of whether a
9 secret ballot is used or required. ~~[Except as provided in~~
10 ~~subsection (e), the]~~ The use shall be subject to the following:

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

14 (2) The board shall establish reasonable procedures to
15 provide for the secrecy and integrity of the unit
16 owners' votes, including ~~[but not limited to]~~



1 procedures that ensure the availability of a printed
2 audit trail containing:

3 (A) The reference number of the electronic voting
4 device;

5 (B) Each common interest voted; and

6 (C) The vote that was tabulated;

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

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

15 ~~[In the event of]~~ If any conflict arises between this
16 subsection and subsection (e), subsection (e) shall control."

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

18 "(e) All association meetings shall be conducted in
19 accordance with the most recent edition of Robert's Rules of
20 Order Newly Revised. Notwithstanding any provision to the
21 contrary in the association's declaration or bylaws or in



1 subsection (b), [~~electronic meetings and electronic, machine, or~~
2 ~~mail voting shall be authorized.~~

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

7 ~~(2) For any association meeting for which notice was given~~
8 ~~while a state of emergency or local state of~~
9 ~~emergency, declared pursuant to chapter 127A, was in~~
10 ~~effect for the county in which the condominium is~~
11 ~~located but is no longer in effect as of the date of~~
12 ~~the meeting, provided that the meeting is held within~~
13 ~~sixty days of the date the notice was first given, or~~

14 ~~(3) Whenever otherwise authorized in an association's~~
15 ~~declaration or bylaws.]~~

16 members of the association or proxies of members shall be
17 allowed to vote by mail and participate in any association
18 meeting by means of the internet, teleconference, or other
19 electronic transmission technology in a manner that allows
20 members the opportunity to:



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- 1 (1) View and hear the proceedings substantially
- 2 concurrently with the occurrence of the proceedings;
- 3 (2) Vote on matters submitted to members of the
- 4 association;
- 5 (3) Pose questions; and
- 6 (4) Make comments."

7 SECTION 2. This Act does not affect rights and duties that
8 matured, penalties that were incurred, and proceedings that were
9 begun before its effective date.

10 SECTION 3. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 4. This Act shall take effect on July 1, 2022.

13

INTRODUCED BY: 



S.B. NO. 2852

Report Title:

Condominium Associations; Meetings; Members; Internet; Voting

Description:

Requires condominium associations to allow members or their proxies to vote by mail and attend and cast votes in association meetings through the internet, teleconference, or other electronic transmission technology. Ensures the provision of copies of printed audit trails.

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

