

JAN 20 2023

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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-106, Hawaii Revised Statutes, is  
2 amended by amending subsection (f) to read as follows:

3           "(f) At any regular or special meeting of the association,  
4 any member of the board may be removed and successors shall be  
5 elected for the remainder of the term to fill the vacancies thus  
6 created. The removal and replacement shall be by a vote of a  
7 majority of the unit owners and, otherwise, in accordance with  
8 all applicable requirements and procedures in the bylaws for the  
9 removal and replacement of directors and, if removal and  
10 replacement is to occur at a special meeting, section  
11 [~~514B-121(e)~~] 514B-121(d)."

12           SECTION 2. Section 514B-110, Hawaii Revised Statutes, is  
13 amended by amending subsection (e) to read as follows:

14           "(e) Election of the new board in accordance with an  
15 amendment adopted pursuant to this section shall be held at the  
16 next regular meeting of the association or at a meeting called



1 in accordance with section [~~514B-121(e)~~] 514B-121(d) for this  
2 purpose."

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

5 "**§514B-121 Association meetings.** (a) A meeting of the  
6 association shall be held at least once each year.

7 (b) All association meetings shall be conducted in  
8 accordance with the most recent edition of Robert's Rules of  
9 Order Newly Revised.

10 [~~(b)~~] (c) Notwithstanding any other provision of this  
11 chapter, [~~except as provided in subsection (e), or the~~  
12 ~~declaration or bylaws of a condominium to the contrary,~~] at any  
13 association meeting conducted in person at a physical location,  
14 the board may direct the use of an electronic voting device  
15 regardless of whether a secret ballot is used or required.

16 [~~Except as provided in subsection (e), the~~] The use shall be  
17 subject to the following:

18 (1) The electronic voting device and all associated  
19 equipment shall be isolated from any connection to an  
20 external network, including the Internet, or shall use



1 a form of encryption comparable to that used for  
2 secured internet web browsers;

3 (2) The board shall establish reasonable procedures to  
4 provide for the secrecy and integrity of the unit  
5 owners' votes, including but not limited to procedures  
6 that ensure the availability of a printed audit trail  
7 containing:

8 (A) The reference number or internet address of the  
9 electronic voting device;

10 (B) Each common interest voted; and

11 (C) The vote that was tabulated;

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

15 (4) A copy of the procedures established pursuant to  
16 paragraph (2) shall be available at no charge to any  
17 owner and a copy shall be available at any meeting at  
18 which the association uses an electronic voting  
19 device.

20 ~~[If any conflict arises between this subsection and~~  
21 ~~subsection (c), subsection (c) shall control.]~~



1           ~~[(e)]~~ (d) Special meetings of the association may be  
2 called by the president, a majority of the board, or by a  
3 petition to the secretary or managing agent signed and dated by  
4 not less than twenty-five per cent of the unit owners as shown  
5 in the association's record of ownership; provided that if the  
6 secretary or managing agent fails to send out the notices for  
7 the special meeting within fourteen days of receipt of the  
8 petition, the petitioners shall have the authority to set the  
9 time, date, and place for the special meeting and to send out  
10 the notices and proxies for the special meeting at the  
11 association's expense in accordance with the requirements of the  
12 bylaws and of this part; provided further that a special meeting  
13 based upon a petition to the secretary or managing agent shall  
14 be set no later than sixty days from receipt of the petition.  
15 The petition shall be valid only if submitted within one hundred  
16 twenty days of the earliest signature.

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

20           (1) Hand-delivered;



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

4           (3) At the option of the unit owner, expressed in writing,  
5           by electronic mail to the electronic mailing address  
6           designated in writing by the unit owner.

7 The notice of any meeting must state the date, time, and place  
8 of the meeting and the items on the agenda, including the  
9 general nature and rationale of any proposed amendment to the  
10 declaration or bylaws, and any proposal to remove a member of  
11 the board; provided that this subsection shall not preclude any  
12 unit owner from proposing an amendment to the declaration or  
13 bylaws or to remove a member of the board at any annual  
14 association meeting.

15           ~~[(e) All association meetings shall be conducted in  
16 accordance with the most recent edition of Robert's Rules of  
17 Order Newly Revised.]~~

18           (f) Notwithstanding any provision to the contrary in the  
19 association's declaration or bylaws ~~[or in subsection (b)]~~,  
20 electronic meetings and electronic, machine, or mail voting may  
21 be authorized by the board in its sole discretion:



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

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

12          ~~[-(3) For any electronic, machine, or mail voting for which~~  
13          ~~notice of voting has been sent; provided that the~~  
14          ~~electronic, machine, or mail voting deadline is within~~  
15          ~~sixty days of the date the notice was first sent;~~

16          ~~-(4) Whenever approved in advance by:]~~

17          (3) When approved not less than three months nor more than  
18          eighteen months prior to the electronic meeting and  
19          electronic, machine, or mail voting by:

20           (A) Written consent of a majority of unit owners; or

21           (B) Majority vote at an association meeting; or



1       ~~[(5)]~~ (4) Whenever otherwise authorized in an association's  
2               declaration or bylaws.

3               For any electronic, machine, or mail voting, the voting  
4 deadline shall be within sixty days of the date the notice was  
5 first sent. The association shall implement reasonable measures  
6 to verify that each person permitted to vote is a member of the  
7 association or proxy of a member.

8               As used in this subsection, "mail voting" includes sending  
9 or receiving written ballots via mail, courier, or electronic  
10 transmission; provided that the transmission is a complete  
11 reproduction of the original.

12       ~~[(f)]~~ (g) 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 4. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19       SECTION 5. This Act shall take effect upon its approval.

20

INTRODUCED BY: 



# S.B. NO. 886

**Report Title:**

Condominium Association Meetings; Electronic Voting; Mail Voting; Machine Voting

**Description:**

Specifies the procedure for condominium association meetings conducted in person and electronically. Clarifies the procedure for electronic, machine, or mail voting.

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

