
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 to read as follows:

3 "**§514B-121 Association meetings.** (a) A meeting of the
4 association shall be held at least once each year.

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

12 ~~(1) The electronic voting device and all associated~~
13 ~~equipment shall be isolated from any connection to an~~
14 ~~external network, including the Internet, or shall use~~
15 ~~a form of encryption comparable to that used for~~
16 ~~secured internet web browsers;~~



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

6 ~~(A) The reference number or internet address of the~~
7 ~~electronic voting device;~~

8 ~~(B) Each common interest voted; and~~

9 ~~(C) The vote that was tabulated;~~

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

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

18 ~~If any conflict arises between this subsection and~~
19 ~~subsection (e), subsection (e) shall control.]~~



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

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



1 (d) [~~Not~~] No less than fourteen days in advance of any
2 meeting, the secretary or other officer specified in the bylaws
3 shall cause notice to be:

4 (1) Hand-delivered;

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

8 (3) At the option of the unit owner, expressed in writing,
9 by electronic mail to the electronic mailing address
10 designated in writing by the unit owner.

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

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



1 (e) Notwithstanding any provision to the contrary in the
2 association's declaration or bylaws [~~or in subsection (b)~~],
3 electronic meetings, [~~and electronic, machine, or~~] electronic
4 voting, and mail voting may be authorized by the board in its
5 sole discretion:

6 (1) During any period in which a state of emergency or
7 local state of emergency, declared pursuant to chapter
8 127A, is in effect in the county in which the
9 condominium is located;

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

17 [~~(3) For any electronic, machine, or mail voting for which~~
18 ~~notice of voting has been sent; provided that the~~
19 ~~electronic, machine, or mail voting deadline is within~~
20 ~~sixty days of the date the notice was first sent;~~

21 [~~(4) Whenever approved in advance by:]~~



1 (3) When approved by adoption of a special meeting rule at
2 an association meeting that permits the board to
3 authorize electronic meetings, electronic voting, and
4 mail voting;

5 (4) When approved no less than three months and no more
6 than eighteen months before the electronic meeting,
7 electronic voting, and mail voting by:

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

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

10 (5) Whenever otherwise authorized in an association's
11 declaration or bylaws.

12 For any electronic meetings, electronic voting, and mail
13 voting, the voting deadline shall be within sixty days of the
14 date the notice was first sent. The association shall implement
15 reasonable measures to verify that each person permitted to vote
16 is a member of the association or proxy of a member.

17 As used in this subsection, "mail voting" includes sending
18 or receiving written ballots via mail, courier, or electronic
19 transmission; provided that the transmission is a complete
20 reproduction of the original.



1 (f) All association meetings, except those where all
 2 persons attend by electronic means, shall be held at the address
 3 of the condominium or elsewhere within the State as determined
 4 by the board; provided that in the event of a natural disaster,
 5 [~~such as a hurricane,~~] an association meeting may be held
 6 outside the State."

7 SECTION 2. Statutory material to be repealed is bracketed
 8 and stricken. New statutory material is underscored.

9 SECTION 3. This Act shall take effect on July 1, 3000.



Report Title:

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

Description:

Specifies the procedure for condominium association meetings conducted in person and electronically. Clarifies the procedure for electronic meetings, electronic voting, and mail voting. Effective 7/1/3000. (SD1)

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