

HB-2315-HD-1

Submitted on: 3/15/2024 3:06:58 PM

Testimony for CPN on 3/20/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Richard Emery	Testifying for Hawaii First Realty LLC	Support	Written Testimony Only

Comments:

Clarifies the procedures required. Support.

HB-2315-HD-1

Submitted on: 3/16/2024 3:27:47 PM

Testimony for CPN on 3/20/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Idor Harris	Testifying for Honolulu Tower AOA	Oppose	Written Testimony Only

Comments:

Honolulu Tower is a 396 unit condominium located at Beretania and Maunakea Streets on the edge of Chinatown. The Honolulu Tower Association of Apartment Owners Board of Directors has discussed electronic voting in the past and is on record as opposed to this procedure and urges you to defer this bill.

This bill appears annually, in one or both chambers. Many of our members are uneducated in the use of smart phones, tablets, computers, etc. This bill will disenfranchise them. This is their home. The unit is a financial investment for them.

The board is also opposed to requiring voting by mail, attending and casting votes via electronic transmission technology, paper ballots to be mailed out before any annual or periodic election of board members. Our owners are used to candidates being nominated from the floor, in 2021 and 2023 candidates nominated from the floor were elected to the board.

Idor Harris

Resident Manager



**HAWAII STATE ASSOCIATION OF PARLIAMENTARIANS
LEGISLATIVE COMMITTEE
P. O. Box 29213
HONOLULU, HAWAII 96820-1613
E-MAIL: STEVEGHI@GMAIL.COM**

March 18, 2024

Honorable Sen. Jarrett Keohokalole, Chair
Honorable Sen. Carol Fukunaga, Vice Chair
Senate Committee on Commerce and Consumer Protection (CPN)
Hawaii State Capitol, Room 229
415 South Beretania Street
Honolulu, HI 96813

**RE: Testimony in SUPPORT OF HB2315 HD1 with Amendments; Hearing Date:
March 20, 2024 at 9:30 a.m.; sent via Internet**

Dear Sen. Keohokalole, Chair, Sen. Fukunaga, Vice Chair, and Committee Members:

Thank you for the opportunity to provide testimony on this bill. The Hawaii State Association of Parliamentarians ("HSAP") has been providing professional parliamentary expertise to Hawaii since 1964.

I am the chair of the HSAP Legislative Committee. I'm also an experienced Professional Registered Parliamentarian who has worked with condominium and community associations every year since I began my parliamentary practice in 1983 (more than 2,000 meetings in 40 years). I was also a member of the Blue Ribbon Recodification Advisory Committee that presented the recodification of Chapter 514B to the legislature in 2004.

This testimony is provided as part of HSAP's effort to assist the community based upon our collective experiences with the bylaws and meetings of numerous condominiums, cooperatives, and planned community associations.

This testimony is presented in SUPPORT OF HB2315 HD1 with some proposed changes.

Summary of Bill:

The bill proposes to improve HRS §514B-121 with respect to electronic meetings, electronic voting, and mail voting.

In 2019, several volunteers worked together to provide legislation that would permit electronic voting devices to be used as a more efficient, accurate, and auditable method for counting votes at condominium meetings. There were few solutions at the time but we were able to draft proposed legislation to enable their use.

In 2021 and 2022, several of us worked to provide legislation for additional COVID related relief for condominium association meetings in the state of Hawaii. In 2023, several of us

realized, based upon election experience that the electronic voting technology had evolved.

The result is that electronic voting devices have been replaced with smart phone technology and there is a high level of auditing, security, and control.

The current statute, HRS §514B-121, needs some cleanup and we're requesting that the legislature assist in that effort.

Proposed Changes:

1. We agree that the subsection HRS §514B-121(b) regarding conduct of meetings needs to be its own subsection (page 2, lines 7-9).
2. HRS §514B-121(b) in the current statute or the new proposed HRS §514B-121(c) refers to electronic voting devices. We suggest this subsection **has become obsolete due to evolving technology** and is no longer needed (page 2, lines 10-20 through page 3, lines 1-21).

Since 2022, several parliamentarians have conducted or been present at hundreds of condominium meetings. **We know of no Hawaii condominium meeting that has used an electronic voting device defined in current HRS §514B-121(b) or new proposed HRS §514B-121(c) (page 2, lines 10-20 through page 3, lines 1-21).**

We believe the proposed subsection (c) may be safely deleted.

If the Committee chooses to retain this subsection, we recommend that the conflict provision in page 2, lines 20-21 be retained.

3. There is a reference to "machine" with respect to voting on page 5, line 20, page 6, line 19, and page 7, line 3. We believe that this reference to "machine" voting is vague and confusing.

If acceptable ("machine voting" appears in the title), we suggest removal of the word "machine" and use of a reference to "electronic meetings, electronic voting, and mail voting."

4. We recommend the Committee consider making electronic meetings, electronic voting, and mail voting more accessible in order to allow owners to have more participation with their association's meetings and voting process.
5. Please consider clarifying HRS §514B-121(e) in the current statute or the new proposed HRS §514B-121(f) to:

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

“(3) When approved by adoption of a special meeting rule at an association meeting that permits the Board to authorize electronic meetings, electronic voting, and mail voting; or”

(page 5, lines 18-21 and page 6, lines 17-19).

6. Please make sure existing subsection HRS §514B-121(e)(5) or new subsection §514B-121(f)(4) remains unchanged as several associations on Maui and Kauai **have already amended their bylaws** to provide for electronic meetings, electronic voting, and mail voting in accordance with the current statute (page 7, lines 1-2).
7. The new HRS Section 514B-121(g) should be amended to make it clear that it does not apply to electronic meetings where all persons participate electronically. In those instances, there would be **no physical location** for the meeting.

It is suggested that subsection (g) be amended to read "All association meetings, except those where all persons attend by electronic means, shall be held at the address of the condominium or elsewhere in the State (page 7, lines 12-16).

We request that HB2315 HD1 be approved by the Committee with the above discussed amendments. We are willing to work with staff if requested to ensure that the changes are in accord with the Committee's decision.

If you require any additional information, your call is most welcome. I may be contacted via phone: 423-6766 or through e-mail: Steveghi@gmail.com. Thank you for the opportunity to present this testimony.

Sincerely,

Steve Glanstein

Steve Glanstein, Professional Registered Parliamentarian
Chair, HSAP Legislative Committee

SG:tbs

HB-2315-HD-1

Submitted on: 3/16/2024 8:44:40 AM

Testimony for CPN on 3/20/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Mike Golojuch, Sr.	Individual	Support	Written Testimony Only

Comments:

I support HB2315 with the amendments submitted by the Professional Registered Parliamentarians.

Mike Golojuch, Sr., President, Palehua Townhouse Association

HB-2315-HD-1

Submitted on: 3/16/2024 3:22:47 PM

Testimony for CPN on 3/20/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
lynne matusow	Individual	Oppose	Written Testimony Only

Comments:

As a condo owner and board member I am opposed to this bill. If an association is to vote electronically, the decision should be made by the owners, not the board. This is a major change. There are many owners in my building who do not have computers, smart phones, are unfamiliar with electronic communications and don't want to learn. One owner was frustrated when he could not get a discount at Safeway because it was a digital coupon and he did not know how to get the coupon. You are disenfranching many condo owners.

Mail voting is another problem. At our meetings candidates are nominated from the floor. In 2023 three candidates were nominated at the annual meeting. They decided as the meeting progressed that they wanted to run. One was elected. A mail ballot denies some owners of running. There should not be any blanket provision allowing for mail ballots. Candidates must be allowed to be nominated at the meeting.

It also appears that this bill will amend our bylaws. That should be up to 67% of the owners, not legislators, most of whom do not and have not lived in or owned condominiums.

This bill is a mess. It seems to be a clone of SB886 from 2023.

Please defer.

HB-2315-HD-1

Submitted on: 3/18/2024 8:00:34 AM

Testimony for CPN on 3/20/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Anne Anderson	Individual	Comments	Written Testimony Only

Comments:

Dear Senator Keohokalole, Chair, Senator Fukunaga, Vice Chair, and Members of the Committee:

I am providing comments on H.B. 2315, H.D.1. The intent of the bill is good, but it needs work.

The bill makes changes to the new HRS Section 514B-121(c). This provision should be deleted in its entirety because it is obsolete. It is also no longer needed in light of the new Section 514B-121(f). If it is not deleted then, at the very least, it should continue to provide that in the event of any conflict between this section and the new Section 514B-121(f), Section 514B-121(f) shall control.

The proposed change to HRS Section 514B-121(f) is well intended, but it should be amended as follows.

First, the reference to “machine” voting is vague and confusing. It would be better to delete the word “machine” and simply reference electronic meetings, electronic voting, and mail voting.

Second, the Committee should consider making electronic meetings, electronic voting, and mail voting more accessible to condominiums, which seems to be the intent of the bill. It would be better to replace the new Section 514B-121(f)(3) with a provision that would allow condominium associations to adopt a special meeting rule at an association meeting that permits the Board to authorize electronic meetings, electronic voting, and mail voting under the terms approved by the unit owners. The new subsection (f)(3) could read: “(3) When approved by adoption of a special meeting rule at an association meeting that permits the Board to authorize electronic meetings, electronic voting, and mail voting; or”

Third, the new HRS Section 514B-121(g) should be amended to make it clear that it does not apply to electronic meetings where all persons participate electronically. In those instances, there would be no physical location for the meeting. It is suggested that subsection (g) be amended to read “All association meetings, except those where all persons attend by electronic means, shall be held at the address of the condominium or elsewhere in the State

For the reasons stated herein, if H.B. 2315, H.B.1 is passed by the Committee, please adopt it with the above-discussed amendments.

Respectfully submitted,

Anne Anderson

HB-2315-HD-1

Submitted on: 3/18/2024 8:35:12 AM

Testimony for CPN on 3/20/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Laura Bearden	Individual	Comments	Written Testimony Only

Comments:

Dear Senator Keohokalole, Chair, Senator Fukunaga, Vice Chair, and Members of the Committee:

I am providing comments on H.B. 2315, H.D.1. The intent of the bill is good, but it needs work.

The bill makes changes to the new HRS Section 514B-121(c). This provision should be deleted in its entirety because it is obsolete. It is also no longer needed in light of the new Section 514B-121(f). If it is not deleted then, at the very least, it should continue to provide that in the event of any conflict between this section and the new Section 514B-121(f), Section 514B-121(f) shall control.

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For the reasons stated herein, if H.B. 2315, H.B.1 is passed by the Committee, please adopt it with the above-discussed amendments.

Respectfully submitted,

Laura Bearden

HB-2315-HD-1

Submitted on: 3/18/2024 8:40:39 AM

Testimony for CPN on 3/20/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Lance S. Fujisaki	Individual	Comments	Written Testimony Only

Comments:

Dear Senator Keohokalole, Chair, Senator Fukunaga, Vice Chair, and Members of the Committee:

I am providing comments on H.B. 2315, H.D.1. The intent of the bill is good, but it needs work.

The bill makes changes to the new HRS Section 514B-121(c). This provision should be deleted in its entirety because it is obsolete. It is also no longer needed in light of the new Section 514B-121(f). If it is not deleted then, at the very least, it should continue to provide that in the event of any conflict between this section and the new Section 514B-121(f), Section 514B-121(f) shall control.

The proposed change to HRS Section 514B-121(f) is well intended, but it should be amended as follows.

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For the reasons stated herein, if H.B. 2315, H.B.1 is passed by the Committee, please adopt it with the above-discussed amendments.

Respectfully submitted,
Lance Fujisaki

HB-2315-HD-1

Submitted on: 3/18/2024 10:05:56 AM

Testimony for CPN on 3/20/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
mary freeman	Individual	Comments	Written Testimony Only

Comments:

Dear Senator Keohokalole, Chair, Senator Fukunaga, Vice Chair, and Members of the Committee:

I am providing comments on H.B. 2315, H.D.1. The intent of the bill is good, but it needs work.

1. bill makes changes to the new HRS Section 514B-121(c). This provision should be deleted in its entirety because it is obsolete. It is also no longer needed in light of the new Section 514B-121(f). If it is not deleted then, at the very least, it should continue to provide that in the event of any conflict between this section and the new Section 514B-121(f), Section 514B-121(f) shall control.

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or”

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For the reasons stated herein, if H.B. 2315, H.B.1 is passed by the Committee, please adopt it with the above-discussed amendments.

Respectfully submitted,

Mary Freeman

Ewa Beach

HB-2315-HD-1

Submitted on: 3/18/2024 1:03:58 PM

Testimony for CPN on 3/20/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Joe M Taylor	Individual	Comments	Written Testimony Only

Comments:

Dear Senator Keohokalole, Chair, Senator Fukunaga, Vice Chair, and Members of the Committee:

I am providing comments on H.B. 2315, H.D.1. The intent of the bill is good, but it needs work.

1. bill makes changes to the new HRS Section 514B-121(c). This provision should be deleted in its entirety because it is obsolete. It is also no longer needed in light of the new Section 514B-121(f). If it is not deleted then, at the very least, it should continue to provide that in the event of any conflict between this section and the new Section 514B-121(f), Section 514B-121(f) shall control.

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For the reasons stated herein, if H.B. 2315, H.B.1 is passed by the Committee, please adopt it with the above-discussed amendments.

Respectfully submitted,

Joe Taylor

HB-2315-HD-1

Submitted on: 3/18/2024 2:33:47 PM

Testimony for CPN on 3/20/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Cameo Fong	Individual	Comments	Written Testimony Only

Comments:

Dear Senator Keohokalole, Chair, Senator Fukunaga, Vice Chair, and Members of the Committee:

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For the reasons stated herein, if H.B. 2315, H.B.1 is passed by the Committee, please adopt it with the above-discussed amendments.

Respectfully submitted,

Cameo Fong

HB-2315-HD-1

Submitted on: 3/18/2024 2:57:57 PM

Testimony for CPN on 3/20/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Primrose	Individual	Comments	Written Testimony Only

Comments:

Dear Senator Keohokalole, Chair, Senator Fukunaga, Vice Chair, and Members of the Committee:

I am providing comments on H.B. 2315, H.D.1. The intent of the bill is good, but it needs work.

1. bill makes changes to the new HRS Section 514B-121(c). This provision should be deleted in its entirety because it is obsolete. It is also no longer needed in light of the new Section 514B-121(f). If it is not deleted then, at the very least, it should continue to provide that in the event of any conflict between this section and the new Section 514B-121(f), Section 514B-121(f) shall control.

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For the reasons stated herein, if H.B. 2315, H.B.1 is passed by the Committee, please adopt it with the above-discussed amendments.

Respectfully submitted,

Primrose K. Leong-Nakamoto

HB-2315-HD-1

Submitted on: 3/18/2024 3:10:00 PM

Testimony for CPN on 3/20/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
John Toalson	Individual	Comments	Written Testimony Only

Comments:

Dear Senator Keohokalole, Chair, Senator Fukunaga, Vice Chair, and Members of the Committee:

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For the reasons stated herein, if H.B. 2315, H.B.1 is passed by the Committee, please adopt it with the above-discussed amendments.

Respectfully submitted,

John Toalson

HB-2315-HD-1

Submitted on: 3/18/2024 7:04:22 PM

Testimony for CPN on 3/20/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Carol Walker	Individual	Comments	Written Testimony Only

Comments:

Dear Senator Keohokalole, Chair, Senator Fukunaga, Vice Chair, and Members of the Committee:

I am providing comments on H.B. 2315, H.D.1. The intent of the bill is good, but it needs work.

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For the reasons stated herein, if H.B. 2315, H.B.1 is passed by the Committee, please adopt it with the above-discussed amendments.

Respectfully submitted,

Carol Walker

HB-2315-HD-1

Submitted on: 3/18/2024 7:15:19 PM

Testimony for CPN on 3/20/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Julie Wassel	Individual	Comments	Written Testimony Only

Comments:

Dear Senator Keohokalole, Chair, Senator Fukunaga, Vice Chair, and Members of the Committee:

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Third, the new HRS Section 514B-121(g) should be amended to make it clear that it does not apply to electronic meetings where all persons participate electronically. In those instances, there would be no physical location for the meeting. It is suggested that subsection (g) be amended to read “All association meetings, except those where all persons attend by electronic means, shall be held at the address of the condominium or elsewhere in the State ...”

For the reasons stated herein, if H.B. 2315, H.B.1 is passed by the Committee, please adopt it with the above-discussed amendments.

Thank you,

Julie Wassel

HB-2315-HD-1

Submitted on: 3/19/2024 8:20:17 AM

Testimony for CPN on 3/20/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Paul A. Ireland Koftinow	Individual	Comments	Written Testimony Only

Comments:

Dear Senator Keohokalole, Chair, Senator Fukunaga, Vice Chair, and Members of the Committee:

I am providing comments on H.B. 2315, H.D.1. The intent of the bill is good, but it needs work.

The bill makes changes to the new HRS Section 514B-121(c). This provision should be deleted in its entirety because it is obsolete. It is also no longer needed in light of the new Section 514B-121(f). If it is not deleted then, at the very least, it should continue to provide that in the event of any conflict between this section and the new Section 514B-121(f), Section 514B-121(f) shall control.

The proposed change to HRS Section 514B-121(f) is well intended, but it should be amended as follows.

First, the reference to “machine” voting is vague and confusing. It would be better to delete the word “machine” and simply reference electronic meetings, electronic voting, and mail voting.

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Respectfully submitted,

Pamela J. Schell

LATE

HB-2315-HD-1

Submitted on: 3/19/2024 9:53:24 AM

Testimony for CPN on 3/20/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Laurie Sokach	Individual	Comments	Written Testimony Only

Comments:

Dear Senator Keohokalole, Chair, Senator Fukunaga, Vice Chair, and Members of the Committee:

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Respectfully submitted,

Laurie Sokach AMS, PCAM

Community Portfolio Manager

LATE

HB-2315-HD-1

Submitted on: 3/19/2024 9:23:08 PM

Testimony for CPN on 3/20/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Clarke Farden	Individual	Comments	Written Testimony Only

Comments:

Dear Senator Keohokalole, Chair, Senator Fukunaga, Vice Chair, and Members of the Committee:

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