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

8 (c) Special meetings of the association may be called by
9 the president, a majority of the board, or by a petition to the
10 secretary or managing agent signed and dated by no less than
11 twenty-five per cent of the unit owners as shown in the
12 association's record of ownership; provided that if the
13 secretary or managing agent fails to send out the notices for
14 the special meeting within fourteen days of receipt of the
15 petition, the petitioners shall have the authority to set the
16 time, date, and place for the special meeting and to send out
17 the notices and proxies for the special meeting at the



1 association's expense in accordance with the requirements of the
2 bylaws and of this part; provided further that a special meeting
3 based upon a petition to the secretary or managing agent shall
4 be set no later than sixty days from receipt of the petition.
5 The petition shall be valid only if submitted within one hundred
6 twenty days of the earliest signature.

7 (d) No less than fourteen days in advance of any meeting,
8 the secretary or other officer specified in the bylaws shall
9 cause notice to be:

10 (1) Hand-delivered;

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

14 (3) At the option of the unit owner, expressed in writing,
15 by electronic mail to the electronic mailing address
16 designated in writing by the unit owner.

17 The notice of any meeting shall state the date, time, and place
18 of the meeting [~~and~~]; provided that for electronic meetings
19 where there is no physical location, the notice need not state
20 the place of the meeting but shall provide information regarding
21 the method for attending the meeting. The notice shall also



1 include the items on the agenda, including the general nature
2 and rationale of any proposed amendment to the declaration or
3 bylaws, and any proposal to remove a member of the board;
4 provided that this subsection shall not preclude any unit owner
5 from proposing an amendment to the declaration or bylaws or to
6 remove a member of the board at any annual association meeting.

7 (e) Notwithstanding any provision [~~to the contrary~~] in the
8 association's declaration or bylaws, [~~electronic meetings,~~
9 ~~electronic voting, and mail voting may be authorized by~~] the
10 board, in its sole discretion[+], may authorize:

- 11 (1) Electronic voting at any in-person association
12 meeting; and
- 13 (2) Electronic meetings, electronic voting at electronic
14 meetings, electronic voting without a meeting, and
15 mail voting without a meeting for any and all
16 association business, including, without limitation,
17 the election of directors, the adoption of amendments
18 to the declaration and bylaws, and the adoption of
19 motions and resolutions:

20 [~~1~~] (A) During any period in which a state of emergency
21 or local state of emergency, declared pursuant to



1 chapter 127A, is in effect in the county in which
 2 the condominium is located; provided that the
 3 termination or expiration of the state of
 4 emergency or local state of emergency shall not
 5 be grounds for invalidating any action taken at
 6 an electronic meeting that was noticed, or any
 7 action taken by means of electronic voting or
 8 mail voting without a meeting that was commenced,
 9 while a state of emergency or local state of
 10 emergency declared pursuant to chapter 127A was
 11 in effect;

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

19 ~~[-3]~~ (B) When approved by adoption of a special [meeting]
 20 rule at an association meeting [~~that permits the~~



1 ~~board to authorize electronic meetings,~~
2 ~~electronic voting, and mail voting];~~

3 ~~[(4)] (C) When approved [no less than three months and no~~
4 ~~more than eighteen months before the electronic~~
5 ~~meeting, electronic voting, and mail voting by:~~

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

7 ~~(B) Majority vote at an association meeting;]~~ by the
8 written consent of a majority of unit owners; or

9 ~~[(5)] (D) Whenever otherwise authorized by this chapter or~~
10 ~~in an association's declaration or bylaws.~~

11 ~~[For any electronic meetings, electronic voting, and mail~~
12 ~~voting, the voting deadline shall be within sixty days of the~~
13 ~~date the notice was first sent.]~~

14 (f) Voting conducted by means of electronic voting or mail
15 voting without a meeting of the association shall commence and
16 end on dates established by the board; provided that if a
17 deadline for voting or written consent is established by an
18 authority other than the board, it is first the deadline
19 established by the declaration, then the bylaws, then this
20 chapter that shall control.



1 (g) Proxies shall not be used for any voting conducted
2 without a meeting of the association.

3 (h) The association shall implement reasonable measures to
4 verify that each person permitted to vote is a member of the
5 association or, where proxy voting is authorized, the proxy of a
6 member.

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

11 ~~(f)]~~ (i) All association meetings, except those where all
12 persons attend by electronic means, shall be held at the address
13 of the condominium or elsewhere within the State as determined
14 by the board; provided that in the event of a natural disaster,
15 an association meeting may be held outside the State.

16 (j) As used in this section:
17 "Electronic voting" includes sending or receiving votes
18 electronically via electronic ballots.

19 "Mail voting" includes sending or receiving written ballots
20 or written consent forms by mail, courier, hand delivery, or via
21 electronic transmission, such as an attachment to an email;



1 provided that a written ballot or written consent form sent via
2 electronic transmission is a complete reproduction of the
3 original written ballot or written consent form."

4 SECTION 2. Section 514B-123, Hawaii Revised Statutes, is
5 amended by amending subsection (b) to read as follows:

6 "(b) Votes allocated to a unit may be cast at a meeting
7 pursuant to a proxy duly executed by a unit owner. [~~A unit~~
8 ~~owner may vote by mail or electronic transmission through a duly~~
9 ~~executed proxy.~~] If a unit is owned by more than one person,
10 each owner of the unit may vote or register protest to the
11 casting of votes by the other owners of the unit through a duly
12 executed proxy. In the absence of protest, any owner may cast
13 the votes allocated to the unit by proxy. A unit owner may
14 revoke a proxy given pursuant to this section only by actual
15 notice of revocation to the secretary of the association or the
16 managing agent. A proxy is void if it purports to be revocable
17 without notice."

18 SECTION 3. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 4. This Act shall take effect on July 1, 3000.



Report Title:

Condominium Associations; Electronic Meetings; Electronic Voting at Electronic Meetings; Electronic Voting Without a Meeting; Mail Voting Without a Meeting; Proxies

Description:

Clarifies an association board's authority with respect to calling and authorizing electronic meetings, electronic voting at electronic meetings, electronic voting without a meeting, and mail voting without a meeting. Clarifies that proxies are only to be used for any voting conducted at a meeting. Effective 7/1/3000. (SD2)

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