

JAN 21 2026

A BILL FOR AN ACT

RELATING TO COMMON INTEREST COMMUNITIES.

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

1 SECTION 1. Section 421J-4, Hawaii Revised Statutes, is
2 amended by amending subsection (d) to read as follows:
3 "(d) If a proxy is a standard proxy form authorized by the
4 association, the proxy shall contain the following statement,
5 including boxes wherein the owner may indicate that the proxy is
6 given:
7 (1) ~~For quorum purposes only;~~
8 (2) ~~To the individual whose name is printed on a line next~~
9 ~~to this box;~~
10 (3) ~~To the board of directors as a whole and that the vote~~
11 ~~be made on the basis of the preference of the majority~~
12 ~~of the directors present at the meeting; or~~
13 (4) ~~To those directors present at the meeting and the vote~~
14 ~~to be shared with each board member receiving an equal~~
15 ~~percentage;~~
16 ~~Provided that if]~~



1 " For quorum purposes only. In order for the
2 Association to legally conduct the Annual Meeting, it
3 requires a Quorum percentage of Ownership. If this
4 box is selected, this proxy counts towards the quorum
5 number requirement. Quorum Purposes Only has no
6 voting actions.

7 To the individual whose name is printed on a line next
8 to this box: _____.

9 If you are unable to attend the Annual Meeting or
10 think you may not be able to attend the Annual
11 Meeting, you can select this box and name an
12 individual to represent you as a proxy. If, on the
13 day of the Annual Meeting, you do attend and check in
14 at the Annual Meeting, this proxy shall become void
15 and you will be directly participating in the voting
16 ballot process.

17 To the Board as a whole. This selection means the
18 proxy is presented to the entire Board, not just to
19 individual Directors. The Board is voting together as
20 one. If you are happy with the composition of the
21 total Board (Board as a whole), selecting this box



1 will put your vote toward re-electing the current
2 members of the Board.

3 [] To those Directors present at the Meeting with the
4 vote to be shared with each Director receiving an
5 equal percentage. This selection means the vote is to
6 be made on the basis of the preference of the
7 Directors present at the Meeting. Only Directors who
8 are physically present at the Meeting count toward the
9 vote. For example, if you have a 7 member Board, but
10 only 5 attend, the majority is 3 votes (out of 5
11 present), not 4 (out of 7 total). Your ownership is
12 then divided amongst the Board Members present at the
13 Meeting. These Board Members will then submit their
14 voting ballot based upon their vote and not anyone
15 else's vote."

16 If the proxy is returned with no box checked, or if more than
17 one of the foregoing boxes [in paragraphs (1) through (4)] is
18 checked, the proxy shall be counted for quorum purposes only."

19 SECTION 2. Section 421I-4, Hawaii Revised Statutes, is
20 amended by amending subsection (c) to read as follows:



1 "(c) A proxy [statement] form shall contain [at least the
2 ~~following information:~~], at minimum:

3 (1) The name of the corporation;

4 (2) The date of the meeting to which the proxy is
5 applicable;

6 (3) The printed name and the signature of the shareholder
7 giving the proxy; [and]

8 (4) The dwelling unit or units for which the proxy is
9 given[.]; and

10 (5) The following statement, including boxes wherein the
11 shareholder may indicate that the proxy is given:

20 If you are unable to attend the Meeting or think you
21 may not be able to attend the Meeting, you can select



1 this box and name an individual to represent you as a
2 proxy. If, on the day of the Meeting, you do attend
3 and check in at the Meeting, this proxy shall become
4 void and you will be directly participating in the
5 voting ballot process.

6 To the Board as a whole. This selection means the
7 proxy is presented to the entire Board, not just to
8 individual Directors. The Board is voting together as
9 one. If you are happy with the composition of the
10 total Board (Board as a whole), selecting this box
11 will put your vote toward re-electing the current
12 members of the Board.

13 To those Directors present at the Meeting with the
14 vote to be shared with each Director receiving an
15 equal percentage. This selection means the vote is to
16 be made on the basis of the preference of the
17 Directors present at the Meeting. Only Directors who
18 are physically present at the Meeting count toward the
19 vote. For example, if you have a 7 member Board, but
20 only 5 attend, the majority is 3 votes (out of 5
21 present), not 4 (out of 7 total). Your ownership is



1 then divided amongst the Board Members present at the
2 Meeting. These Board Members will then submit their
3 voting ballot based upon their vote and not anyone
4 else's vote."

5 If the proxy is returned with no box checked, or if more than
6 one of the foregoing boxes is checked, the proxy shall be
7 counted for quorum purposes only."

8 SECTION 3. Section 514B-123, Hawaii Revised Statutes, is
9 amended by amending subsection (e) to read as follows:

10 "(e) If a proxy is a standard proxy form authorized by the
11 association, the proxy shall comply with the following
12 additional requirements:

13 (1) The proxy shall contain the following statement,
14 including boxes wherein the owner may indicate that
15 the proxy is given:

16 ~~(A) For quorum purposes only;~~
17 ~~(B) To the individual whose name is printed on a line~~
18 ~~next to this box;~~
19 ~~(C) To the board as a whole and that the vote is to~~
20 ~~be made on the basis of the preference of the~~



1 majority of the directors present at the meeting;
2 or
3 (D) To those directors present at the meeting with
4 the vote to be shared with each director
5 receiving an equal percentage;]

12 [] To the individual whose name is printed on a line next
13 to this box: _____
14 If you are unable to attend the Annual Meeting or
15 think you may not be able to attend the Annual
16 Meeting, you can select this box and name an
17 individual to represent you as a proxy. If, on the
18 day of the Annual Meeting, you do attend and check in
19 at the Annual Meeting, this proxy shall become void
20 and you will be directly participating in the voting
21 ballot process.



1 **To the Board as a whole.** This selection means the
2 proxy is presented to the entire Board, not just to
3 individual Directors. The Board is voting together as
4 one. If you are happy with the composition of the
5 total Board (Board as a whole), selecting this box
6 will put your vote toward re-electing the current
7 members of the Board.

8 **To those Directors present at the Meeting with the**
9 **vote to be shared with each Director receiving an**
10 **equal percentage.** This selection means the vote is to
11 be made on the basis of the preference of the
12 Directors present at the Meeting. Only Directors who
13 are physically present at the meeting count toward the
14 vote. For example, if you have a 7 member Board, but
15 only 5 attend, the majority is 3 votes (out of 5
16 present), not 4 (out of 7 total). Your ownership is
17 then divided amongst the Board Members present at the
18 meeting. These Board Members will then submit their
19 voting ballot based upon their vote and not anyone
20 else's vote.";



1 provided that if the proxy is returned with no box
2 checked, or if more than one of the foregoing boxes
3 [~~in subparagraphs (A) through (D)~~] is checked, the
4 proxy shall be counted for quorum purposes only; and
5 (2) The proxy form shall also contain a box wherein the
6 owner may indicate that the owner wishes to obtain a
7 copy of the annual audit report required by section
8 514B-150."

9 SECTION 4. This Act does not affect rights and duties that
10 matured, penalties that were incurred, and proceedings that were
11 begun before its effective date.

12 SECTION 5. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 6. This Act shall take effect upon its approval.

15

INTRODUCED BY: Carol Frannega



S.B. NO. 2298

Report Title:

Common Interest Communities; Planned Community Associations; Cooperative Housing Corporations; Condominium Associations; Proxy Forms; Explanations

Description:

Requires common interest community proxy forms to include certain language related to the selection options for proxies.

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

