
A BILL FOR AN ACT

RELATING TO ASSOCIATIONS.

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

1 SECTION 1. Section 421J-3.2, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~[+]§421J-3.2[+]~~ **Cumulative voting for directors.** (a)

4 ~~[If the association documents provide for cumulative voting by~~
5 ~~members,]~~ If an election is to be held by cumulative voting
6 pursuant to the bylaws, members may so vote, by multiplying the
7 number of votes the members are entitled to cast by the number
8 of positions for whom they are entitled to vote, and ~~[cast the~~
9 ~~product for a single candidate or distribute the product among~~
10 ~~two or more candidates.]~~ give all of the votes to one candidate
11 or distribute the individual votes among any or all of the
12 candidates. The candidates receiving the highest number of
13 votes under this section, up to the total number of positions to
14 be filled, shall be deemed elected, and shall be given the
15 longest term.

16 (b) Unless otherwise provided in the association
17 documents, cumulative voting shall not be permitted.



1 (c) A director elected by cumulative voting may be removed
2 by the members with or without cause if the requirements of
3 section 421J-3.3 are met.

4 (d) As used in this section, "candidate" means a nominee
5 or write-in candidate."

6 SECTION 2. Section 514B-124.5, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "[+]§514B-124.5[+] **Voting for elections; cumulative**
9 **voting.** (a) [~~If the bylaws provide for cumulative voting for~~
10 ~~an election at a meeting,~~] If an election is to be held by
11 cumulative voting pursuant to the bylaws, each unit owner
12 present in person or represented by proxy shall have a number of
13 votes equal to the unit owner's voting percentage multiplied by
14 the number of positions to be filled at the election.

15 (b) Each unit owner shall be entitled to cumulate the
16 individual votes of the unit owner and give all of the votes to
17 one [~~nominee~~] candidate or distribute the votes among any or all
18 of the [~~nominees.~~] candidates.

19 (c) The [~~nominee or nominees~~] candidate or candidates
20 receiving the highest number of votes under this section, up to



1 the total number of positions to be filled, shall be deemed
2 elected and shall be given the longest term.

3 (d) This section shall not prevent the filling of
4 vacancies on the board of directors in accordance with this
5 chapter and the association's governing documents.

6 (e) As used in this section, "candidate" means a nominee
7 or write-in candidate."

8 SECTION 3. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 4. This Act shall take effect upon its approval.



Report Title:

Planned Community Associations; Condominium Associations;
Cumulative Voting; Candidates

Description:

Clarifies that in planned community association and condominium association elections conducted by cumulative voting, cumulative voting rights apply to all candidates, including write-ins, and that individual votes are used when allocating votes. (CD1)

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

