

ACT 83

H.B. NO. 599

A Bill for an Act Relating to Association Governance.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 421J-3.5, Hawaii Revised Statutes, is amended to read as follows:

“§421J-3.5 Notice required; regular, annual, and special meetings.”

(a) Not less than fourteen days in advance of any regular, annual [meeting], or special meeting of an association, the secretary or other officer specified in the bylaws shall give written notice of the meeting to each member of the association as provided in the bylaws of the association or by two or more of the following means:

- (1) Hand delivery;
 - (2) United States mail sent to the mailing address of each unit or to another mailing address designated in writing by the association member;
 - (3) Electronic mail to the electronic mailing address designated in writing by the association member; or
 - (4) Posting of the meeting notice in its entirety on a portion of the association's website that is accessible to all members.
- (b) Notice pursuant to this section shall state:

- (1) The date, time, and place of the meeting; and
 - (2) The items on the agenda, including the general nature of and rationale for any proposed amendment to the declaration or bylaws; any proposal for a special assessment, unless the authority for a special assessment is otherwise provided for in the association's governing documents; and any proposal to remove a member of the board.
- (c) The requirements of this section shall not be interpreted to preclude any association member from proposing an amendment to the declaration or bylaws or proposing to remove a member of the board at an association meeting.
- (d) The requirements of this section shall not be interpreted to apply to any board meetings or committee meetings of a planned community association.
- (e) Notwithstanding any provision to the contrary in the association documents, the association may conduct an annual, regular, or special meeting remotely in a manner consistent with section 414D-101(g) or 414D-102(f), as applicable.

SECTION 2. Section 514B-121, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (b) to read:

“(b) Notwithstanding any other provision of this chapter, except as provided in subsection (e), or the declaration or bylaws of a condominium to the contrary, at any association meeting the board may direct the use of an electronic voting device regardless of whether a secret ballot is used or required. [Such] Except as provided in subsection (e), the use shall be subject to the following:

- (1) The electronic voting device and all associated equipment shall be isolated from any connection to an external network, including the Internet;
- (2) The board shall establish reasonable procedures to provide for the secrecy and integrity of the unit owners' votes, including but not limited to procedures that ensure the availability of a printed audit trail containing:
 - (A) The reference number of the electronic voting device;
 - (B) Each common interest voted; and
 - (C) The vote that was tabulated;
- (3) A copy of the printed audit trail shall be available to owners after the meeting in the same manner provided by sections 514B-154 and 514B-154.5; and
- (4) A copy of the procedures established pursuant to paragraph (2) shall be available at no charge to any owner and a copy shall be available at any meeting at which the association uses an electronic voting device.

In the event of any conflict between this subsection and subsection (e), subsection (e) shall control.”

2. By amending subsection (e) to read:

“(e) All association meetings shall be conducted in accordance with the most recent edition of Robert's Rules of Order Newly Revised. [If so provided in the declaration or bylaws, meetings may be conducted by any means that allow participation by all unit owners in any deliberation or discussion.] 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 shall be authorized:

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

- (2) For any association meeting for which notice was given while a state of emergency or local state of emergency, declared pursuant to chapter 127A, was in effect for the county in which the condominium is located but is no longer in effect as of the date of the meeting; provided that the meeting is held within sixty days of the date the notice was first given; or
- (3) Whenever otherwise authorized in an association's declaration or bylaws."

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

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

(Approved June 24, 2021.)