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## HOUSE RESOLUTION

REQUESTING THE REAL ESTATE COMMISSION TO REVIEW VOTING BY PROXY  
AT MEETINGS OF A CONDOMINIUM ASSOCIATION.

1 WHEREAS, for condominiums created within this State after  
2 July 1, 2006, section 514B-123(d), Hawaii Revised Statutes, sets  
3 out conditions for a proxy to be valid; and  
4

5 WHEREAS, standard proxy forms authorized by the condominium  
6 association must contain boxes wherein the owner indicates the  
7 purpose for which or the persons to whom the proxy is given; and  
8

9 WHEREAS, section 514B-123(d)(3)(C), Hawaii Revised  
10 Statutes, specifies that one of the boxes must indicate that the  
11 proxy is given "[t]o the board as a whole and that the vote is  
12 to be made on the basis of the preference of the majority of the  
13 directors present at the meeting"; and  
14

15 WHEREAS, section 514B-123(d)(3)(D), Hawaii Revised  
16 Statutes, specifies that one of the other boxes must indicate  
17 that the proxy is given "[t]o those directors present at the  
18 meeting with the vote to be shared with each director receiving  
19 an equal percentage"; and  
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21 WHEREAS, repealing section 514B-123(d)(3)(C) and (D),  
22 Hawaii Revised Statutes, may help to level the playing field and  
23 allow association members to elect association board members of  
24 their choice and make association board members more conscious  
25 of the association's desires; now, therefore,  
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27 BE IT RESOLVED by the House of Representatives of the  
28 Twenty-seventh Legislature of the State of Hawaii, Regular  
29 Session of 2014, that the Real Estate Commission is requested to  
30 review the desirability and effect of amending section 514B-  
31 123(d)(3), Hawaii Revised Statutes, by repealing subparagraphs  
32 (C) and (D); and  
33

34 BE IT FURTHER RESOLVED that the Real Estate Commission is  
35 requested to submit a report of its findings and



1 recommendations, including any proposed legislation, to the  
2 Legislature not later than twenty days prior to the convening of  
3 the Regular Session of 2015; and  
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5 BE IT FURTHER RESOLVED that certified copies of this  
6 Resolution be transmitted to the Chairperson and members of the  
7 Real Estate Commission.  
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10

OFFERED BY: \_\_\_\_\_

A handwritten signature in black ink, appearing to read "G. Wind", is written over a horizontal line.

MAR 07 2014

