
A BILL FOR AN ACT

RELATING TO ASSOCIATION GOVERNANCE.

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

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

3 "[+]§421J-3.5 Notice required; regular, annual, and
4 special meetings.[+] (a) Not less than fourteen days in
5 advance of any regular, annual [~~meeting~~], or special meeting of
6 an association, the secretary or other officer specified in the
7 bylaws shall give written notice of the meeting to each member
8 of the association as provided in the bylaws of the association
9 or by two or more of the following means:

- 10 (1) Hand delivery;
- 11 (2) United States mail sent to the mailing address of each
12 unit or to another mailing address designated in
13 writing by the association member;
- 14 (3) Electronic mail to the electronic mailing address
15 designated in writing by the association member; or



1 (4) Posting of the meeting notice in its entirety on a
2 portion of the association's website that is
3 accessible to all members.

4 (b) Notice pursuant to this section shall state:

5 (1) The date, time, and place of the meeting; and

6 (2) The items on the agenda, including the general nature
7 of and rationale for any proposed amendment to the
8 declaration or bylaws; any proposal for a special
9 assessment, unless the authority for a special
10 assessment is otherwise provided for in the
11 association's governing documents; and any proposal to
12 remove a member of the board.

13 (c) The requirements of this section shall not be
14 interpreted to preclude any association member from proposing an
15 amendment to the declaration or bylaws or proposing to remove a
16 member of the board at an association meeting.

17 (d) The requirements of this section shall not be
18 interpreted to apply to any board meetings or committee meetings
19 of a planned community association.

20 (e) Notwithstanding any provision to the contrary in the
21 association documents, the association may conduct an annual,



1 regular, or special meeting remotely in a manner consistent with
2 section 414D-101(g) or 414D-102(f), as applicable."

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

5 1. By amending subsection (b) to read:

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

- 13 (1) The electronic voting device and all associated
14 equipment shall be isolated from any connection to an
15 external network, including the Internet;
- 16 (2) The board shall establish reasonable procedures to
17 provide for the secrecy and integrity of the unit
18 owners' votes, including but not limited to procedures
19 that ensure the availability of a printed audit trail
20 containing:



- 1 (A) The reference number of the electronic voting
- 2 device;
- 3 (B) Each common interest voted; and
- 4 (C) The vote that was tabulated;
- 5 (3) A copy of the printed audit trail shall be available
- 6 to owners after the meeting in the same manner
- 7 provided by sections 514B-154 and 514B-154.5; and
- 8 (4) A copy of the procedures established pursuant to
- 9 paragraph (2) shall be available at no charge to any
- 10 owner and a copy shall be available at any meeting at
- 11 which the association uses an electronic voting
- 12 device.

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

15 2. By amending subsection (e) to read:

16 "(e) All association meetings shall be conducted in
 17 accordance with the most recent edition of Robert's Rules of
 18 Order Newly Revised. [~~If so provided in the declaration or~~
 19 ~~bylaws, meetings may be conducted by any means that allow~~
 20 ~~participation by all unit owners in any deliberation or~~
 21 ~~discussion.] Notwithstanding any provision to the contrary in~~



1 the association's declaration or bylaws or in subsection (b),
2 electronic meetings and electronic, machine, or mail voting
3 shall be authorized:

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

8 (2) For any association meeting for which notice was given
9 while a state of emergency or local state of
10 emergency, declared pursuant to chapter 127A, was in
11 effect for the county in which the condominium is
12 located but is no longer in effect as of the date of
13 the meeting; provided that the meeting is held within
14 sixty days of the date the notice was first given; or

15 (3) Whenever otherwise authorized in an association's
16 declaration or bylaws."

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

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



Report Title:

Association Meetings; Planned Community Associations;
Condominium Associations; Remote Meetings; Electronic Meetings;
Voting; State of Emergency; Local State of Emergency

Description:

Clarifies that planned community associations may conduct meetings remotely consistent with the Hawaii Nonprofit Corporations Act. Authorizes condominium associations to conduct electronic meetings and electronic, machine, or mail voting during a state of emergency or local state of emergency, or any meeting noticed during such emergencies and for which the applicable emergency has since expired. (CD1)

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

