
A BILL FOR AN ACT

RELATING TO CONDOMINIUMS.

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

1 SECTION 1. The legislature finds that existing law on
2 voting pursuant to a proxy at a meeting of a condominium
3 association specifies that a standard proxy form must contain
4 boxes for a condominium owner to check and indicate how a proxy
5 is given. However, proxy forms may sometimes be returned to an
6 association's secretary or managing agent with more than one box
7 checked, or with nothing marked on the proxy form. This may
8 lead to confusion over how the proxy should be counted.

9 Accordingly, the purpose of this Act is to clarify that
10 when a proxy is returned with no boxes checked or more than one
11 box checked, the proxy shall be counted for quorum purposes
12 only.

13 SECTION 2. Section 514B-123, Hawaii Revised Statutes, is
14 amended by amending subsection (d) to read as follows:

15 "(d) A proxy, to be valid, shall:

16 (1) Be delivered to the secretary of the association or
17 the managing agent, if any, no later than 4:30 p.m. on



- 1 the second business day prior to the date of the
2 meeting to which it pertains;
- 3 (2) Contain at least the name of the association, the date
4 of the meeting of the association, the printed names
5 and signatures of the persons giving the proxy, the
6 unit numbers for which the proxy is given, the names
7 of persons to whom the proxy is given, and the date
8 that the proxy is given; [~~and~~]
- 9 (3) [~~If it is~~] Be a standard proxy form authorized by the
10 association, and contain boxes wherein the owner has
11 indicated that the proxy is given:
- 12 (A) For quorum purposes only;
- 13 (B) To the individual whose name is printed on a line
14 next to this box;
- 15 (C) To the board as a whole and that the vote is to
16 be made on the basis of the preference of the
17 majority of the directors present at the meeting;
18 or
- 19 (D) To those directors present at the meeting with
20 the vote to be shared with each director
21 receiving an equal percentage.



1 The proxy form shall also contain a box wherein the
2 owner may indicate that the owner wishes to obtain a
3 copy of the annual audit report required by section
4 514B-150. A proxy form that is returned with no box
5 checked or more than one box checked, shall be counted
6 for quorum purposes only."

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 Statutory material to be repealed is bracketed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

9 SECTION 4. This Act shall take effect on July 1, 2099.



Report Title:

Condominiums; Associations; Meetings; Voting; Proxies

Description:

Clarifies that when a standard proxy form is returned with no boxes checked or more than one box checked, the proxy shall be counted for quorum purposes only. (HB239 HD1)

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