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# A BILL FOR AN ACT

RELATING TO CONDOMINIUMS.

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

1       SECTION 1. Section 514B-121, Hawaii Revised Statutes, is  
2 amended as follows:

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

4       "(b) Notwithstanding any other provision of this chapter,  
5 ~~[except as provided in subsection (e),]~~ or the declaration or  
6 bylaws of a condominium to the contrary, at any association  
7 meeting, the board may direct the use of an electronic voting  
8 device to comply with subsection (e)(2), regardless of whether a  
9 secret ballot is used or required. ~~[Except as provided in~~  
10 ~~subsection (e), the]~~ The use shall be subject to the following:

11       (1) The electronic voting device and all associated  
12 equipment shall be isolated from any connection to an  
13 external network, including the Internet;

14       (2) The board shall establish reasonable procedures to  
15 provide for the secrecy and integrity of the unit  
16 owners' votes, including ~~[but not limited to]~~



1 procedures that ensure the availability of a printed  
2 audit trail containing:

3 (A) The reference number of the electronic voting  
4 device;

5 (B) Each common interest voted; and

6 (C) The vote that was tabulated;

7 (3) A copy of the printed audit trail shall be available  
8 to owners after the meeting in the same manner  
9 provided by sections 514B-154 and 514B-154.5; and

10 (4) A copy of the procedures established pursuant to  
11 paragraph (2) shall be available at no charge to any  
12 owner and a copy shall be available at any meeting at  
13 which the association uses an electronic voting  
14 device.

15 ~~[In the event of]~~ If any conflict arises between this  
16 subsection and subsection (e), subsection (e) shall control."

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

18 "(e) All association meetings shall be conducted in  
19 accordance with the most recent edition of Robert's Rules of  
20 Order Newly Revised. Notwithstanding any provision to the  
21 contrary in the association's declaration or bylaws or in



1 subsection (b), ~~[electronic meetings and electronic, machine, or~~  
2 ~~mail voting shall be authorized.~~

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

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

14 ~~(3) Whenever otherwise authorized in an association's~~  
15 ~~declaration or bylaws.]~~

16 if authorized by the board of directors in its sole discretion,  
17 members of the association or proxies of members shall be  
18 allowed to vote by mail and participate in any association  
19 meeting by means of the Internet, teleconference, or other  
20 electronic transmission technology in a manner that allows  
21 members the opportunity to:



- 1       (1) View and hear the proceedings substantially  
2               concurrently with the occurrence of the proceedings;  
3       (2) Vote on matters submitted to members of the  
4               association;  
5       (3) Pose questions; and  
6       (4) Make comments.

7   A member of the association or proxy of a member participating  
8   in a meeting by means of Internet, teleconference, or other  
9   electronic transmission technology shall be deemed to be present  
10   in person at the meeting. The association shall implement  
11   reasonable measures to verify that each person deemed present  
12   and permitted to vote at the meeting by means of the Internet,  
13   teleconference, or other electronic transmission technology is a  
14   member of the association or proxy of a member."

15       SECTION 2. This Act does not affect rights and duties that  
16   matured, penalties that were incurred, and proceedings that were  
17   begun before its effective date.

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

20       SECTION 4. This Act shall take effect on July 1, 2022.



**Report Title:**

Condominium Associations; Meetings; Members; Internet; Voting

**Description:**

Requires condominium associations to allow members or their proxies to vote by mail and attend and cast votes in association meetings through the Internet, teleconference, or other electronic transmission technology. Ensures the provision of copies of printed audit trails. (SD1)

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