

HB-2316

Submitted on: 2/13/2024 3:33:41 PM

Testimony for CPC on 2/15/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Idor Harris	Honolulu Tower AOA	Support	Written Testimony Only

Comments:

Honolulu Tower is a 396 unit condominium located at Beretania and Maunakea Streets on the edge of Chinatown. At our monthly board meeting on February 5, 2024, the board unanimously supported the passage of HB2316 which clarifies that in condo elections cumulative voting rights apply to all candidates.

Idor Harris

Resident Manager

HB-2316

Submitted on: 2/13/2024 3:59:08 PM

Testimony for CPC on 2/15/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Richard Emery	Hawaii First Realty LLC	Comments	Written Testimony Only

Comments:

I support the testimony of the Hawaii Chapter of the National Association of Parliamentarians.

HB-2316

Submitted on: 2/13/2024 4:50:31 PM

Testimony for CPC on 2/15/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Brandon Madix	Palehua Townhouse Association	Support	Written Testimony Only

Comments:

Our association supports HB2316. We do recommend that the term "governing documents" be replaced with **bylaws**. Please pass this bill with appropriate amendments.

Mike Golojuch, Sr., President

HB-2316

Submitted on: 2/13/2024 4:51:45 PM

Testimony for CPC on 2/15/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mark McKellar	Law Offices of Mark K. McKellar, LLC	Support	Written Testimony Only

Comments:

Dear Representative Nakashima, Chair, Representative Sayama, Vice Chair, and Members of the Committee:

I support the intent of H.B. 2316, but am suggesting changes.

The intent of the bill is good, but the wording needs to be modified for clarification. The term candidate needs to be defined to include both nominees and write-in candidates. The reference to the governing documents should be changed to the bylaws. Additionally, subsection (a) should be modified for clarification. Please consider amending the bill to read as follows:

[§514B-124.5] Voting for elections; cumulative voting. (a) If an election is to be held by cumulative voting pursuant to the bylaws, [~~If the bylaws provide for cumulative voting for an election at a meeting,~~] each unit owner present in person or represented by proxy shall have a number of votes equal to the unit owner's voting percentage multiplied by the number of positions to be filled at the election.

(b) Each unit owner shall be entitled to cumulate the individual votes of the unit owner and give all of the votes to one [~~nominee~~] candidate or distribute the individual votes among any or all of the [~~nominees~~] candidates.

(c) The [~~nominee or nominees~~] candidate or candidates receiving the highest number of votes under this section, up to the total number of positions to be filled, shall be deemed elected and shall be given the longest term.

(d) This section shall not prevent the filling of vacancies on the board of directors in accordance with this chapter and the association's bylaws [governing documents].

For purposes of this section, the term candidates shall mean and include both nominees and write-in candidates.

Please consider passing H.B. 2316 with the above amendments.

Respectfully submitted,

Mark McKellar

H.B. 2316 TESTAMONY

February 13, 2024

Dear Representative Nakashima, Chair, Representative Sayama, Vice Chair, and Members of the Committee on Consumer Protection and Commerce:

and

Dear Representative Tarnas, Chair, Representative Takayama, Vice Chair, and Members of the Committee on Judiciary and Hawaiian Affairs:

I support the intent of H.B. 2316, but am suggesting changes.

The intent of the bill is good, but the wording needs to be modified for clarification. The term candidate needs to be defined to include both nominees and write-in candidates. The reference to the governing documents should be changed to the bylaws. Additionally, subsection (a) should be modified for clarification. Please consider amending the bill to read as follows:

[§514B-124.5] Voting for elections; cumulative voting. (a) If an election is to be held by cumulative voting pursuant to the bylaws. ~~[If the bylaws provide for cumulative voting for an election at a meeting,]~~ each unit owner present in person or represented by proxy shall have a number of votes equal to the unit owner's voting percentage multiplied by the number of positions to be filled at the election.

(b) Each unit owner shall be entitled to cumulate the individual votes of the unit owner and give all of the votes to one ~~[nominee]~~ candidate or distribute the individual votes among any or all of the ~~[nominees]~~ candidates.

(c) The ~~[nominee or nominees]~~ candidate or candidates receiving the highest number of votes under this section, up to the total number of positions to be filled, shall be deemed elected and shall be given the longest term.

(d) This section shall not prevent the filling of vacancies on the board of directors in accordance with this chapter and the association's bylaws [governing documents].

For purposes of this section, the term candidates shall mean and include both nominees and write-in candidates.

Please consider passing H.B. 2316 with the above amendments.

Respectfully submitted,

Reyna C. Murakami
AOUO President, AOAO Waialae Place
AOUO President, AOAO Mariner's Village 1
AOUO Vice- President, The Continental Apartments

HB-2316

Submitted on: 2/14/2024 6:55:11 AM

Testimony for CPC on 2/15/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Rachel Glanstein	AOAO Lakeview Sands	Support	Written Testimony Only

Comments:

Aloha,

I support the intent of H.B. 2316, but am suggesting some clarifying changes.

The intent of the bill is good, but the wording needs to be modified for clarification. The term candidate needs to be defined to include both nominees and write-in candidates. The reference to the governing documents should be changed to the bylaws. Additionally, subsection (a) should be modified for clarification. Please consider amending the bill to read as follows (bracketed language is to be deleted and the replacement language is in ALL CAPS):

"§514B-124.5. Voting for elections; cumulative voting. (a) IF AN ELECTION IS TO BE HELD BY CUMULATIVE VOTING PURSUANT TO THE BYLAWS, [If the bylaws provide for cumulative voting for an election at a meeting,] each unit owner present in person or represented by proxy shall have a number of votes equal to the unit owner's voting percentage multiplied by the number of positions to be filled at the election.

(b) Each unit owner shall be entitled to cumulate the INDIVIDUAL votes of the unit owner and give all of the votes to one [nominee] CANDIDATE or distribute the INDIVIDUAL votes among any or all of the [nominees] CANDIDATES.

(c) The [nominee or nominees] CANDIDATE or CANDIDATES receiving the highest number of votes under this section, up to the total number of positions to be filled, shall be deemed elected and shall be given the longest term.

(d) This section shall not prevent the filling of vacancies on the board of directors in accordance with this chapter and the association's BYLAWS [governing documents].

FOR PURPOSES OF THIS SECTION, THE TERM CANDIDATES SHALL MEAN AND INCLUDE BOTH NOMINEES AND WRITE-IN CANDIDATES."

Please consider passing H.B. 2316 with the above amendments.

Mahalo for your time,

Rachel Glanstein



**HAWAII STATE ASSOCIATION OF PARLIAMENTARIANS
LEGISLATIVE COMMITTEE
P. O. Box 29213
HONOLULU, HAWAII 96820-1613
E-MAIL: STEVEGHI@GMAIL.COM**

February 13, 2024

Honorable Rep. Mark M. Nakashima, Chair
Honorable Rep. Jackson D. Sayama, Vice Chair
House Committee on Consumer Protection and Commerce (CPC)
Hawaii State Capitol, Room 325
415 South Beretania Street
Honolulu, HI 96813

Honorable Rep. David A. Tarnas, Chair
Honorable Rep. Gregg Takayama, Vice Chair
House Committee on Judiciary and Hawaiian Affairs (JHA)
Hawaii State Capitol, Room 325
415 South Beretania Street
Honolulu, HI 96813

**RE: Testimony in SUPPORT OF HB2316 with Amendments; Hearing Date:
February 15, 2024 at 2:00 p.m.; sent via Internet**

Dear Rep. Mark M. Nakashima, Rep. David A. Tarnas, Chairs, and Committee Members:

Thank you for the opportunity to provide testimony on this bill. The Hawaii State Association of Parliamentarians ("HSAP") has been providing professional parliamentary expertise to Hawaii since 1964.

I am the chair of the HSAP Legislative Committee. I'm also an experienced Professional Registered Parliamentarian who has worked with condominium and community associations every year since I began my parliamentary practice in 1983 (more than 2,000 meetings in 40 years). I was also a member of the Blue Ribbon Recodification Advisory Committee that presented the recodification of Chapter 514B to the legislature in 2004.

This testimony is provided as part of HSAP's effort to assist the community based upon our collective experiences with the bylaws and meetings of numerous condominiums, cooperatives, and planned community associations.

This testimony is presented in SUPPORT OF HB2316 with some proposed changes.

We concur with Anne Anderson, Esq. who has provided similar comments on this proposed bill.

Summary of Bill:

The bill proposes to clarify the cumulative voting requirements for condominium association meetings.

Proposed Change:

The first sentence clarifies the process applies to a condominium election held with cumulative voting pursuant to the bylaws.

The remainder recognizes that owners may also use write-in names of individuals who have not been nominated. This proposed change clarifies that owners will have the right to cumulative vote for both nominees and write-in candidates.

[§514B-124.5] Voting for elections; cumulative voting. (a) If an election is to be held by cumulative voting pursuant to the bylaws, [If the bylaws provide for cumulative voting for an election at a meeting;] each unit owner present in person or represented by proxy shall have a number of votes equal to the unit owner's voting percentage multiplied by the number of positions to be filled at the election.

(b) Each unit owner shall be entitled to cumulate the individual votes of the unit owner and give all of the votes to one [nominee] candidate or distribute the individual votes among any or all of the [nominees] candidates.

(c) The [nominee or nominees] candidate or candidates receiving the highest number of votes under this section, up to the total number of positions to be filled, shall be deemed elected and shall be given the longest term.

(d) This section shall not prevent the filling of vacancies on the board of directors in accordance with this chapter and the association's bylaws [governing documents].

For purposes of this section, the term candidates shall mean and include both nominees and write-in candidates.

We request that HB2316 be approved by the Committees with the above discussed amendments.

If you require any additional information, your call is most welcome. I may be contacted via phone: 423-6766 or through e-mail: Steveghi@Gmail.com. Thank you for the opportunity to present this testimony.

Sincerely,

Steve Glanstein

Steve Glanstein, Professional Registered Parliamentarian
Chair, HSAP Legislative Committee

SG:tbs/Amendments

HB-2316

Submitted on: 2/13/2024 3:31:41 PM

Testimony for CPC on 2/15/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
lynne matusow	Individual	Support	Written Testimony Only

Comments:

I am a condo owner and board member. We elect our board members by cumulative voting and I support this measure.

Please move this bill forward.

HB-2316

Submitted on: 2/13/2024 3:57:10 PM

Testimony for CPC on 2/15/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
John Toalson	Individual	Support	Written Testimony Only

Comments:

Dear Representative Nakashima, Chair, Representative Sayama, Vice Chair, and Members of the Committee:

I support the intent of H.B. 2316, but am suggesting changes.

1. intent of the bill is good, but the wording needs to be modified for clarification. The term candidate needs to be defined to include both nominees and write-in candidates. The reference to the governing documents should be changed to the bylaws. Additionally, subsection (a) should be modified for clarification. Please consider amending the bill to read as follows:

[§514B-124.5] Voting for elections; cumulative voting. (a) If an election is to be held by cumulative voting pursuant to the bylaws, [~~If the bylaws provide for cumulative voting for an election at a meeting,~~] each unit owner present in person or represented by proxy shall have a number of votes equal to the unit owner's voting percentage multiplied by the number of positions to be filled at the election.

(b) Each unit owner shall be entitled to cumulate the individual votes of the unit owner and give all of the votes to one [~~nominee~~] candidate or distribute the individual votes among any or all of the [~~nominees~~] candidates.

(c) The [~~nominee or nominees~~] candidate or candidates receiving the highest number of votes under this section, up to the total number of positions to be filled, shall be deemed elected and shall be given the longest term.

(d) This section shall not prevent the filling of vacancies on the board of directors in accordance with this chapter and the association's bylaws [governing documents].

For purposes of this section, the term candidates shall mean and include both nominees and write-in candidates.

Please consider passing H.B. 2316 with the above amendments.

Respectfully submitted,

John Toalson

HB-2316

Submitted on: 2/13/2024 4:10:30 PM

Testimony for CPC on 2/15/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Joe M Taylor	Individual	Support	Written Testimony Only

Comments:

Dear Representative Nakashima, Chair, Representative Sayama, Vice Chair, and Members of the Committee:

I support the intent of H.B. 2316, but am suggesting changes.

The intent of the bill is good, but the wording needs to be modified for clarification. The term candidate needs to be defined to include both nominees and write-in candidates. The reference to the governing documents should be changed to the bylaws. Additionally, subsection (a) should be modified for clarification. Please consider amending the bill to read as follows:

[§514B-124.5] Voting for elections; cumulative voting. (a) If an election is to be held by cumulative voting pursuant to the bylaws, [If the bylaws provide for cumulative voting for an election at a meeting,] each unit owner present in person or represented by proxy shall have a number of votes equal to the unit owner's voting percentage multiplied by the number of positions to be filled at the election.

(b) Each unit owner shall be entitled to cumulate the individual votes of the unit owner and give all of the votes to one [nominee] candidate or distribute the individual votes among any or all of the [nominees] candidates.

(c) The [nominee or nominees] candidate or candidates receiving the highest number of votes under this section, up to the total number of positions to be filled, shall be deemed elected and shall be given the longest term.

(d) This section shall not prevent the filling of vacancies on the board of directors in accordance with this chapter and the association's bylaws [governing documents].

For purposes of this section, the term candidates shall mean and include both nominees and write-in candidates.

Please consider passing H.B. 2316 with the above amendments.

Respectfully submitted,

Joe Taylor

HB-2316

Submitted on: 2/13/2024 4:12:10 PM

Testimony for CPC on 2/15/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Laura Bearden	Individual	Support	Written Testimony Only

Comments:

Dear Representative Nakashima, Chair, Representative Sayama, Vice Chair, and Members of the Committee:

I support the intent of H.B. 2316, but am suggesting changes.

The intent of the bill is good, but the wording needs to be modified for clarification. The term candidate needs to be defined to include both nominees and write-in candidates. The reference to the governing documents should be changed to the bylaws. Additionally, subsection (a) should be modified for clarification. Please consider amending the bill to read as follows:

[§514B-124.5] Voting for elections; cumulative voting. (a) *If an election is to be held by cumulative voting pursuant to the bylaws, [If the bylaws provide for cumulative voting for an election at a meeting,]* each unit owner present in person or represented by proxy shall have a number of votes equal to the unit owner's voting percentage multiplied by the number of positions to be filled at the election.

(b) Each unit owner shall be entitled to cumulate the *individual* votes of the unit owner and give all of the votes to one [~~nominee~~] *candidate* or distribute the *individual* votes among any or all of the [~~nominees~~] *candidates*.

(c) The [~~nominee or nominees~~] *candidate or candidates* receiving the highest number of votes under this section, up to the total number of positions to be filled, shall be deemed elected and shall be given the longest term.

(d) This section shall not prevent the filling of vacancies on the board of directors in accordance with this chapter and the association's *bylaws* [~~governing documents~~].

For purposes of this section, the term candidates shall mean and include both nominees and write-in candidates.

Please consider passing H.B. 2316 with the above amendments.

Respectfully submitted,

Laura Bearden

HB-2316

Submitted on: 2/13/2024 4:12:37 PM

Testimony for CPC on 2/15/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Laurie Sokach	Individual	Support	Written Testimony Only

Comments:

Dear Representative Nakashima, Chair, Representative Sayama, Vice Chair, and Members of the Committee:

I support the intent of H.B. 2316, but am suggesting changes.

The intent of the bill is good, but the wording needs to be modified for clarification. The term candidate needs to be defined to include both nominees and write-in candidates. The reference to the governing documents should be changed to the bylaws. Additionally, subsection (a) should be modified for clarification. Please consider amending the bill to read as follows:

[§514B-124.5] Voting for elections; cumulative voting. (a) If an election is to be held by cumulative voting pursuant to the bylaws, [~~If the bylaws provide for cumulative voting for an election at a meeting,~~] each unit owner present in person or represented by proxy shall have a number of votes equal to the unit owner's voting percentage multiplied by the number of positions to be filled at the election.

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(d) This section shall not prevent the filling of vacancies on the board of directors in accordance with this chapter and the association's bylaws [governing documents].

For purposes of this section, the term candidates shall mean and include both nominees and write-in candidates.

Please consider passing H.B. 2316 with the above amendments.

Respectfully submitted,

Laurie Sokach AMS, PCAM

Community Portfolio Manager

HB-2316

Submitted on: 2/13/2024 4:54:08 PM

Testimony for CPC on 2/15/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Paul A. Ireland Koftinow	Individual	Comments	Written Testimony Only

Comments:

Dear Representative Nakashima, Chair, Representative Sayama, Vice Chair, and Members of the Committee:

I support the intent of H.B. 2316, but am suggesting changes.

The intent of the bill is good, but the wording needs to be modified for clarification. The term candidate needs to be defined to include both nominees and write-in candidates. The reference to the governing documents should be changed to the bylaws. Additionally, subsection (a) should be modified for clarification. Please consider amending the bill to read as follows:

[§514B-124.5] Voting for elections; cumulative voting. (a) If an election is to be held by cumulative voting pursuant to the bylaws. [~~If the bylaws provide for cumulative voting for an election at a meeting,~~] each unit owner present in person or represented by proxy shall have a number of votes equal to the unit owner's voting percentage multiplied by the number of positions to be filled at the election.

(b) Each unit owner shall be entitled to cumulate the individual votes of the unit owner and give all of the votes to one [~~nominee~~] candidate or distribute the individual votes among any or all of the [~~nominees~~] candidates.

(c) The [~~nominee or nominees~~] candidate or candidates receiving the highest number of votes under this section, up to the total number of positions to be filled, shall be deemed elected and shall be given the longest term.

(d) This section shall not prevent the filling of vacancies on the board of directors in accordance with this chapter and the association's bylaws [governing documents].

For purposes of this section, the term candidates shall mean and include both nominees and write-in candidates.

Please consider passing H.B. 2316 with the above amendments.

Respectfully submitted,

Paul A. Ireland Koftinow

February 13, 2024

Dear Representative Nakashima, Chair, Representative Sayama, Vice Chair, and Members of the Committee:

and

Dear Representative Tarnas, Chair, Representative Takayama, Vice Chair, and Members of the Committee on Judiciary and Hawaiian Affairs:

I support the intent of H.B. 2316, but am suggesting changes.

The intent of the bill is good, but the wording needs to be modified for clarification. The term candidate needs to be defined to include both nominees and write-in candidates. The reference to the governing documents should be changed to the bylaws. Additionally, subsection (a) should be modified for clarification. Please consider amending the bill to read as follows:

[§514B-124.5] Voting for elections; cumulative voting. (a) If an election is to be held by cumulative voting pursuant to the bylaws, [~~If the bylaws provide for cumulative voting for an election at a meeting,~~] each unit owner present in person or represented by proxy shall have a number of votes equal to the unit owner's voting percentage multiplied by the number of positions to be filled at the election.

(b) Each unit owner shall be entitled to cumulate the individual votes of the unit owner and give all of the votes to one [~~nominee~~] candidate or distribute the individual votes among any or all of the [~~nominees~~] candidates.

(c) The [~~nominee or nominees~~] candidate or candidates receiving the highest number of votes under this section, up to the total number of positions to be filled, shall be deemed elected and shall be given the longest term.

(d) This section shall not prevent the filling of vacancies on the board of directors in accordance with this chapter and the association's bylaws [governing documents].

For purposes of this section, the term candidates shall mean and include both nominees and write-in candidates.

Please consider passing H.B. 2316 with the above amendments.

Respectfully submitted,

Anne Anderson

HB-2316

Submitted on: 2/13/2024 7:23:53 PM

Testimony for CPC on 2/15/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Primrose	Individual	Support	Written Testimony Only

Comments:

Dear Representative Nakashima, Chair, Representative Sayama, Vice Chair, and Members of the Committee:

I support the intent of H.B. 2316, but am suggesting changes.

1. The intent of the bill is good, but the wording needs to be modified for clarification. The term candidate needs to be defined to include both nominees and write-in candidates. The reference to the governing documents should be changed to the bylaws. Additionally, subsection (a) should be modified for clarification. Please consider amending the bill to read as follows:

[§514B-124.5] Voting for elections; cumulative voting. (a) If an election is to be held by cumulative voting under the bylaws, [~~If the bylaws provide for cumulative voting for an election at a meeting,~~] each unit owner present in person or represented by proxy shall have a number of votes equal to the unit owner's voting percentage multiplied by the number of positions to be filled at the election.

(b) Each unit owner shall be entitled to cumulate the individual votes of the unit owner and give all of the votes to one [~~nominee~~] candidate or distribute the individual votes among any or all of the [~~nominees~~] candidates.

(c) The [~~nominee or nominees~~] candidate or candidates receiving the highest number of votes under this section, up to the total number of positions to be filled, shall be deemed elected and shall be given the longest term.

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For purposes of this section, the term candidates shall mean and include both nominees and write-in candidates.

Please consider passing H.B. 2316 with the above amendments

Respectfully submitted,

Primrose K. Leong-Nakamoto

HB-2316

Submitted on: 2/13/2024 9:44:00 PM

Testimony for CPC on 2/15/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Edwina Spallone	Individual	Support	Written Testimony Only

Comments:

Aloha,

I support HB2316.

Mahalo & God Bless,

Edwina Spallone

Dear Representative Nakashima, Chair, Representative Sayama, Vice Chair, and Members of the Committee on Consumer Protection and Commerce:

and

Dear Representative Tarnas, Chair, Representative Takayama, Vice Chair, and Members of the Committee on Judiciary and Hawaiian Affairs:

I support the intent of H.B. 2316, but am suggesting changes.

The intent of the bill is good, but the wording needs to be modified for clarification. The term candidate needs to be defined to include both nominees and write-in candidates. The reference to the governing documents should be changed to the bylaws. Additionally, subsection (a) should be modified for clarification. Please consider amending the bill to read as follows:

[§514B-124.5] Voting for elections; cumulative voting. (a) If an election is to be held by cumulative voting pursuant to the bylaws, ~~[If the bylaws provide for cumulative voting for an election at a meeting,]~~ each unit owner present in person or represented by proxy shall have a number of votes equal to the unit owner's voting percentage multiplied by the number of positions to be filled at the election.

(b) Each unit owner shall be entitled to cumulate the individual votes of the unit owner and give all of the votes to one ~~[nominee]~~ candidate or distribute the individual votes among any or all of the ~~[nominees]~~ candidates.

(c) The ~~[nominee or nominees]~~ candidate or candidates receiving the highest number of votes under this section, up to the total number of positions to be filled, shall be deemed elected and shall be given the longest term.

(d) This section shall not prevent the filling of vacancies on the board of directors in accordance with this chapter and the association's bylaws [governing documents].

For purposes of this section, the term candidates shall mean and include both nominees and write-in candidates.

Please consider passing H.B. 2316 with the above amendments.

Respectfully submitted,
Lance Fujisaki

HB-2316

Submitted on: 2/14/2024 6:52:15 AM

Testimony for CPC on 2/15/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Julie Wassel	Individual	Support	Written Testimony Only

Comments:

Dear Representative Nakashima, Chair, Representative Sayama, Vice Chair, and Members of the Committee on Consumer Protection and Commerce:

and

Dear Representative Tarnas, Chair, Representative Takayama, Vice Chair, and Members of the Committee on Judiciary and Hawaiian Affairs:

I support the intent of H.B. 2316, but am suggesting changes.

The intent of the bill is good, but the wording needs to be modified for clarification. The term candidate needs to be defined to include both nominees and write-in candidates. The reference to the governing documents should be changed to the bylaws. Additionally, subsection (a) should be modified for clarification. Please consider amending the bill to read as follows:

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(b) Each unit owner shall be entitled to cumulate the individual votes of the unit owner and give all of the votes to one [~~nominee~~] candidate or distribute the individual votes among any or all of the [~~nominees~~] candidates.

(c) The [~~nominee or nominees~~] candidate or candidates receiving the highest number of votes under this section, up to the total number of positions to be filled, shall be deemed elected and shall be given the longest term.

(d) This section shall not prevent the filling of vacancies on the board of directors in accordance with this chapter and the association's bylaws [governing documents].

For purposes of this section, the term candidates shall mean and include both nominees and write-in candidates.

Please consider passing H.B. 2316 with the above amendments.

Respectfully submitted,

Julie Wassel

HB-2316

Submitted on: 2/14/2024 8:21:13 AM

Testimony for CPC on 2/15/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lourdes Scheibert	Individual	Support	Written Testimony Only

Comments:

I support HB2316

HB-2316

Submitted on: 2/14/2024 10:58:44 AM

Testimony for CPC on 2/15/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Christy Hinds	Individual	Support	Written Testimony Only

Comments:

Dear Representative Nakashima, Chair, Representative Sayama, Vice Chair, and Members of the Committee:

I support the intent of H.B. 2316, but am suggesting changes.

1. intent of the bill is good, but the wording needs to be modified for clarification. The term candidate needs to be defined to include both nominees and write-in candidates. The reference to the governing documents should be changed to the bylaws. Additionally, subsection (a) should be modified for clarification. Please consider amending the bill to read as follows:

[§514B-124.5] Voting for elections; cumulative voting. (a) If an election is to be held by cumulative voting pursuant to the bylaws, [~~If the bylaws provide for cumulative voting for an election at a meeting,~~] each unit owner present in person or represented by proxy shall have a number of votes equal to the unit owner's voting percentage multiplied by the number of positions to be filled at the election.

(b) Each unit owner shall be entitled to cumulate the individual votes of the unit owner and give all of the votes to one [~~nominee~~] candidate or distribute the individual votes among any or all of the [~~nominees~~] candidates.

(c) The [~~nominee or nominees~~] candidate or candidates receiving the highest number of votes under this section, up to the total number of positions to be filled, shall be deemed elected and shall be given the longest term.

(d) This section shall not prevent the filling of vacancies on the board of directors in accordance with this chapter and the association's bylaws [governing documents].

For purposes of this section, the term candidates shall mean and include both nominees and write-in candidates.

Please consider passing H.B. 2316 with the above amendments.

Respectfully submitted,

Christy Hinds

HB-2316

Submitted on: 2/14/2024 11:40:14 AM

Testimony for CPC on 2/15/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jessica Herzog	Individual	Support	Written Testimony Only

Comments:

To the Esteemed Legislators of the Legislative Body Addressing Bill HB2316:

I write to request your full support for HB2316, a critical bill poised to improve the fairness and integrity of condominium elections through the clarification and enhancement of cumulative voting rights. This legislation ensures that every vote in condominium elections can be distributed among candidates as the voter sees fit, regardless of nomination status, thus promoting a more democratic election process.

The significance of HB2316 cannot be overstated, especially in communities where the engagement and representation of all owners are paramount. By enabling a clearer, more equitable approach to cumulative voting, this bill directly addresses the challenges we face in ensuring that every owner's voice is heard and has an impact.

Therefore, I urge you to support and facilitate the passage of HB2316. This bill not only represents a step forward in condominium governance but also embodies a commitment to fairness, transparency, and the empowerment of homeowners across Hawaii.

Thank you for considering my support for HB2316.

Sincerely,

Jessica Herzog
Makaha Surfside AOA - 96792

HB-2316

Submitted on: 2/14/2024 1:28:05 PM

Testimony for CPC on 2/15/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Carol Walker	Individual	Comments	Written Testimony Only

Comments:

Dear Representative Nakashima, Chair, Representative Sayama, Vice Chair, and Members of the Committee:

I support the intent of H.B. 2316, but am suggesting changes.

1. intent of the bill is good, but the wording needs to be modified for clarification. The term candidate needs to be defined to include both nominees and write-in candidates. The reference to the governing documents should be changed to the bylaws. Additionally, subsection (a) should be modified for clarification. Please consider amending the bill to read as follows:

[§514B-124.5] Voting for elections; cumulative voting. (a) If an election is to be held by cumulative voting pursuant to the bylaws, [~~If the bylaws provide for cumulative voting for an election at a meeting,~~] each unit owner present in person or represented by proxy shall have a number of votes equal to the unit owner's voting percentage multiplied by the number of positions to be filled at the election.

(b) Each unit owner shall be entitled to cumulate the individual votes of the unit owner and give all of the votes to one [~~nominee~~] candidate or distribute the individual votes among any or all of the [~~nominees~~] candidates.

(c) The [~~nominee or nominees~~] candidate or candidates receiving the highest number of votes under this section, up to the total number of positions to be filled, shall be deemed elected and shall be given the longest term.

(d) This section shall not prevent the filling of vacancies on the board of directors in accordance with this chapter and the association's bylaws [governing documents].

For purposes of this section, the term candidates shall mean and include both nominees and write-in candidates.

Please consider passing H.B. 2316 with the above amendments.

Respectfully submitted,

Carol Walker

LATE

HB-2316

Submitted on: 2/14/2024 9:39:17 PM

Testimony for CPC on 2/15/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kate Paine	Individual	Support	Written Testimony Only

Comments:

Support building health and welfare.

LATE

HB-2316

Submitted on: 2/15/2024 6:42:25 AM

Testimony for CPC on 2/15/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lila Mower	Individual	Support	Written Testimony Only

Comments:

I support HB 2316.

LATE

HB-2316

Submitted on: 2/15/2024 11:18:19 AM

Testimony for CPC on 2/15/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Milica B.	Individual	Support	Written Testimony Only

Comments:

Ditto