



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

March 25, 2024

Honorable Sen. Jarrett Keohokalole, Chair
Honorable Sen. Carol Fukunaga, Vice Chair
Senate Committee on Commerce and Consumer Protection (CPN)
Hawaii State Capitol, Room 229
415 South Beretania Street
Honolulu, HI 96813

**RE: Testimony in SUPPORT OF HB2316 HD1 with Amendments; Hearing Date:
March 28, 2024 at 9:30 a.m.; sent via Internet**

Dear Sen. Keohokalole, Chair, Sen. Fukunaga, Vice Chair, and Committee Members

This testimony is presented in SUPPORT OF HB2316 HD1 with two proposed changes. (Unfortunately, none of us can be physically present today due to other condominium annual meeting commitments.)

Summary of Bill: The bill proposes to clarify the cumulative voting requirements for condominium association meetings.

Proposed Changes:

#1

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

Some associations have provided for cumulative voting in their bylaws by permitting it upon request of a specific percentage of owners while others have placed the opposite in their bylaws. We suggest that the cumulative voting requirements in the statute apply **whenever there is an election by cumulative voting** rather than whenever cumulative voting is described in the bylaws.

Proposed wording:

[\$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.

#2

One important component of a secret ballot requirement in Robert's Rules of Order Newly Revised is the right of a member (in this case an owner) to write-in the name of an eligible owner who may not have been nominated.

We suggest the Committee add the following to the end of the section to clarify that cumulative voting can also be used when write-in candidates are selected by an owner.

Proposed wording (add to end of section):

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

We request that HB2316 HD1 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: Steveveghi@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

HB-2316-HD-1

Submitted on: 3/22/2024 5:10:01 PM

Testimony for CPN on 3/28/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Mike Golojuch, Sr.	Testifying for Palehua Townhouse	Support	Written Testimony Only

Comments:

Our association supports HB2316, HD1. Please pass this bill.

Mike Golojuch, Sr., President

HB-2316-HD-1

Submitted on: 3/23/2024 2:17:40 PM

Testimony for CPN on 3/28/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Richard Emery	Testifying for Hawaii First Realty LLC	Support	Written Testimony Only

Comments:

SUPPORT

HB-2316-HD-1

Submitted on: 3/25/2024 9:14:30 AM

Testimony for CPN on 3/28/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Idor Harris	Testifying for 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

H.B. 2316, H.D.1 TESTAMONY

March 24, 2024

Dear Senator Keohokalole, Chair, Senator Fukunaga, Vice Chair, and Members of the Committee:

I support the intent of H.B. 2316, H.D.1, but the wording needs to be modified for clarification. I support the changes proposed by Steve Glanstein, Chair of the Hawaii State Association of Parliamentarians Legislative Committee and urge the Committee to make those changes

Respectfully submitted,

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

HB-2316-HD-1

Submitted on: 3/25/2024 5:05:09 PM

Testimony for CPN on 3/28/2024 9:30:00 AM

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

Comments:

Dear Senator Keohokalole, Chair, Senator Fukunaga, Vice Chair, and Members of the Committee:

I support the intent of H.B. 2316, H.D.1, but the wording needs to be modified for clarification. I support the changes proposed by Steve Glanstein, Chair of the Hawaii State Association of Parliamentarians Legislative Committee and urge the Committee to make those changes

Respectfully submitted,

Mark McKellar

HB-2316-HD-1

Submitted on: 3/24/2024 11:20:46 AM

Testimony for CPN on 3/28/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Anne Anderson	Individual	Support	Written Testimony Only

Comments:

Dear Senator Keohokalole, Chair, Senator Fukunaga, Vice Chair, and Members of the Committee:

I support the intent of H.B. 2316, H.D.1, but the wording needs to be modified for clarification. I support the changes proposed by Steve Glanstein, Chair of the Hawaii State Association of Parliamentarians Legislative Committee and urge the Committee to make those changes

Respectfully submitted,

Anne Anderson

HB-2316-HD-1

Submitted on: 3/24/2024 2:51:18 PM

Testimony for CPN on 3/28/2024 9:30:00 AM

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

Comments:

Dear Senator Keohokalole, Chair, Senator Fukunaga, Vice Chair, and Members of the Committee:

1. support the intent of H.B. 2316, H.D.1, but the wording needs to be modified for clarification. I support the changes proposed by Steve Glanstein, Chair of the Hawaii State Association of Parliamentarians Legislative Committee and urge the Committee to make those changes

Respectfully submitted
Joe Taylor

HB-2316-HD-1

Submitted on: 3/24/2024 4:07:39 PM

Testimony for CPN on 3/28/2024 9:30:00 AM

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

Comments:

Dear Senator Keohokalole, Chair, Senator Fukunaga, Vice Chair, and Members of the Committee:

I support the intent of H.B. 2316, H.D.1, but the wording needs to be modified for clarification. I support the changes proposed by Steve Glanstein, Chair of the Hawaii State Association of Parliamentarians Legislative Committee and urge the Committee to make those changes

Respectfully submitted,

John Toalson

HB-2316-HD-1

Submitted on: 3/24/2024 4:22:48 PM

Testimony for CPN on 3/28/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Michael Targgart	Individual	Support	Written Testimony Only

Comments:

Dear Senator Keohokalole, Chair, Senator Fukunaga, Vice Chair, and Members of the Committee:

1. I support the intent of H.B. 2316, H.D.1, but the wording needs to be modified for clarification. I support the changes proposed by Steve Glanstein, Chair of the Hawaii State Association of Parliamentarians Legislative Committee and urge the Committee to make those changes

Respectfully submitted,
Michael Targgart

HB-2316-HD-1

Submitted on: 3/24/2024 6:58:06 PM

Testimony for CPN on 3/28/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
mary freeman	Individual	Support	Written Testimony Only

Comments:

Dear Senator Keohokalole, Chair, Senator Fukunaga, Vice Chair, and Members of the Committee:

I support the intent of H.B. 2316, H.D.1, but the wording needs to be modified for clarification. I support the changes proposed by Steve Glanstein, Chair of the Hawaii State Association of Parliamentarians Legislative Committee and urge the Committee to make those changes

Respectfully submitted,

Mary Freeman

Ewa Beach

HB-2316-HD-1

Submitted on: 3/25/2024 5:34:28 AM

Testimony for CPN on 3/28/2024 9:30:00 AM

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

Comments:

I support HB2316 HD 1

HB-2316-HD-1

Submitted on: 3/25/2024 6:28:59 AM

Testimony for CPN on 3/28/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Lance S. Fujisaki	Individual	Comments	Written Testimony Only

Comments:

Dear Senator Keohokalole, Chair, Senator Fukunaga, Vice Chair, and Members of the Committee:

I support the intent of H.B. 2316, H.D.1, but the wording needs to be modified for clarification. I support the changes proposed by Steve Glanstein, Chair of the Hawaii State Association of Parliamentarians Legislative Committee and urge the Committee to make those changes

Respectfully submitted,

Lance Fujisaki

Dear Senator Keohokalole, Chair, Senator Fukunaga, Vice Chair, and Members of the Committee:

I support the intent of H.B. 2316, H.D.1, but the wording needs to be modified for clarification. I support the changes proposed by Steve Glanstein, Chair of the Hawaii State Association of Parliamentarians Legislative Committee and urge the Committee to make those changes

Respectfully submitted,

Pamela J. Schell

HB-2316-HD-1

Submitted on: 3/25/2024 9:12:10 AM

Testimony for CPN on 3/28/2024 9:30:00 AM

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. However, I suggest you make the following amendment:

[§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.

I also propose an additional sentence at the end of HRS Section 514B-124.5:

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

Please move this bill forward and make it effective upon apporval, eliminating the defective date. Too often bills die becасue the legislature runs out of time when inserting realistic effective dates.

HB-2316-HD-1

Submitted on: 3/25/2024 9:46:03 AM

Testimony for CPN on 3/28/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Shaunagh Haiola	Individual	Support	Written Testimony Only

Comments:

Dear Senator Keohokalole, Chair, Senator Fukunaga, Vice Chair, and Members of the Committee:

I support the intent of H.B. 2316, H.D.1, but the wording needs to be modified for clarification. I support the changes proposed by Steve Glanstein, Chair of the Hawaii State Association of Parliamentarians Legislative Committee and urge the Committee to make those changes.

Respectfully submitted,

Shaunagh Haiola

HB-2316-HD-1

Submitted on: 3/25/2024 10:23:57 AM

Testimony for CPN on 3/28/2024 9:30:00 AM

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

Comments:

Dear Senator Keohokalole, Chair, Senator Fukunaga, Vice Chair, and Members of the Committee:

I support the intent of H.B. 2316, H.D.1, but the wording needs to be modified for clarification. I support the changes proposed by Steve Glanstein, Chair of the Hawaii State Association of Parliamentarians Legislative Committee and urge the Committee to make those changes

Respectfully submitted,

Paul A. Ireland Koftinow

HB-2316-HD-1

Submitted on: 3/25/2024 10:42:07 AM

Testimony for CPN on 3/28/2024 9:30:00 AM

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

Comments:

To the Esteemed Members of the Hawaii State Legislature:

Subject: Support for HB2316 HD1 - Ensuring Fair and Inclusive Condominium Elections

I am writing to voice my strong support for HB2316 HD1, a bill that promises to enhance the fairness and inclusivity of condominium elections through the clarification of cumulative voting rights. This legislative proposal is not just about refining an electoral mechanism; it's a critical step towards empowering condominium owners and ensuring their rightful participation in the governance of their communities.

Beyond the specific provisions of HB2316 HD1, I urge lawmakers to recognize the broader context of this bill: the ongoing struggle of condominium owners against unfair practices and the disproportionate influence of property management agencies, predatory legal practices, and monopolistic tendencies within the insurance industry. The current landscape, shaped significantly by these entities, has too often led to condominium owners suffering under laws not crafted in their best interest.

The adoption of HB2316 HD1 is an opportunity to signal a commitment to addressing these challenges head-on. It's a chance to show support for the countless owners who have faced legal and financial hardships, sometimes losing their homes, under the weight of an imbalanced system. By ensuring that all candidates, regardless of nomination status, can be equally represented through cumulative voting, this bill is a step towards correcting that imbalance.

In conclusion, I ask that you not only support HB2316 HD1 but also continue to work towards broader reforms that protect condominium owners from the predatory practices that have become all too common. The residents of Hawaii deserve laws that safeguard their rights, properties, and financial well-being.

Thank you for considering my testimony.

Mahalo,

Jessica Herzog
AOAO Makaha Surfside

HB-2316-HD-1

Submitted on: 3/25/2024 11:28:00 AM

Testimony for CPN on 3/28/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Christina Marumoto	Individual	Support	Written Testimony Only

Comments:

Dear Senator Keohokalole, Chair, Senator Fukunaga, Vice Chair, and Members of the Committee:

1. support the intent of H.B. 2316, H.D.1, but the wording needs to be modified for clarification. I support the changes proposed by Steve Glanstein, Chair of the Hawaii State Association of Parliamentarians Legislative Committee and urge the Committee to make those changes

Respectfully submitted,

Christina Marumoto

HB-2316-HD-1

Submitted on: 3/25/2024 3:01:33 PM

Testimony for CPN on 3/28/2024 9:30:00 AM

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

Comments:

Dear Senator Keohokalole, Chair, Senator Fukunaga, Vice Chair, and Members of the Committee:

I support the intent of H.B. 2316, H.D.1, but the wording needs to be modified for clarification. I support the changes proposed by Steve Glanstein, Chair of the Hawaii State Association of Parliamentarians Legislative Committee and urge the Committee to make those changes

Proposed change to HRS Section 514B-124.5(a):

[§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.

Proposed additional sentence at the end of HRS Section 514B-124.5:

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

Respectfully submitted,

Laurie Sokach AMS, PCAM

Community Portfolio Manager

HB-2316-HD-1

Submitted on: 3/27/2024 7:06:20 AM

Testimony for CPN on 3/28/2024 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Rita Wong	Individual	Oppose	Written Testimony Only

Comments:

I OPPOSE bill HB2316 HD1