
A BILL FOR AN ACT

RELATING TO ELECTIONS.

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

1 SECTION 1. Chapter 11, Hawaii Revised Statutes, is amended
2 by adding a new part to be appropriately designated and to read
3 as follows:

4 **"PART . ELECTIONS BY MAIL**

5 **§11-A Elections eligible to be conducted by mail. (a)**

6 Beginning with the 2016 primary election, the office of
7 elections shall implement elections by mail in a county with a
8 population of less than 100,000. Beginning with the 2018
9 primary election, the office of elections shall additionally
10 implement elections by mail in one or more counties with a
11 population of more than 100,000. Thereafter, all federal,
12 state, and county primary, special primary, general, special
13 general, and special elections shall be conducted by mail in
14 accordance with this part; provided that any person registered
15 to vote may request an absentee ballot or permanent absentee
16 ballot in accordance with section 15-4, in lieu of receiving an
17 election-by-mail ballot packet pursuant to this part.



1 (b) The chief election officer shall adopt rules pursuant
2 to chapter 91 to provide for uniformity in the conduct of
3 federal, state, and county elections by mail.

4 **§11-B Procedures for conducting elections by mail. (a)**
5 Between eighteen and twenty-two days before the date of an
6 election, to the extent possible, the county clerk shall mail an
7 election-by-mail ballot packet by nonforwardable mail to each
8 registered voter who has not requested an absentee ballot or
9 permanent absentee ballot in accordance with section 15-4.

10 (b) Public notice of the date or dates that election-by-
11 mail ballot packets are mailed, delivered, or made available
12 shall be given by the chief election officer and all county
13 election officers in the manner prescribed in section 1-28.5
14 when all the packets have been mailed, delivered, or made
15 available to voters.

16 (c) A voter may obtain a replacement ballot if the ballot
17 was destroyed, spoiled, lost, or not received by the voter. The
18 clerk shall keep a record of each ballot issued to ensure that
19 another ballot has not been returned by the voter.

20 (d) If a mailed election-by-mail ballot is not received by
21 the voter within five days of an election, or a voter otherwise



1 requires a replacement ballot within five days of an election,
2 the voter may request that a ballot be forwarded by electronic
3 transmission. Upon receipt of such a request and confirmation
4 that proper application was made, the clerk may transmit the
5 appropriate ballot, together with a form containing the
6 affirmations and information required by section 15-6, and a
7 form containing a waiver of the right to secrecy under section
8 11-137. The voter may return the voted ballot and executed
9 forms by electronic transmission or mail or by deposit at a
10 place of deposit or voter service center; provided that the
11 ballot and forms are received by the issuing clerk before voting
12 has concluded. Upon receipt, the clerk shall verify compliance
13 with the requirements of this part; provided that if the voter
14 returns multiple voted ballots for the same election, the clerk
15 shall prepare, for counting, only the first ballot returned that
16 is not spoiled. Prior to an election, the clerk shall determine
17 the permissible form or forms of electronic transmission that
18 may be used for the initial transmission of ballots to voters
19 and the return transmission of ballots by voters. The forms of
20 electronic transmission permitted for the initial transmission
21 of ballots may differ from those permitted for the return of



1 ballots by voters. For purposes of this subsection, "electronic
2 transmission" may include facsimile transmission, electronic
3 mail delivery, or the utilization of an online ballot delivery
4 and return system.

5 (e) After receipt of an election-by-mail ballot packet, to
6 cast a valid ballot the voter shall comply with the instructions
7 included in the ballot packet. The instructions shall include
8 information on election fraud and voter fraud, as provided in
9 sections 19-3(5) and 19-3.5, and notice that violation of either
10 section may subject the voter, upon conviction, to imprisonment,
11 a fine, or both.

12 (f) To cast a valid election-by-mail ballot, the voter
13 shall return the marked ballot in the return identification
14 envelope. The marked ballot may be returned by mail, to a place
15 of deposit, or, beginning January 1, 2016, to a voter service
16 center; provided that the return identification envelope shall
17 be received at the office of the clerk, place of deposit, or
18 voter service center no later than the close of the polls as
19 provided in section 11-131 on the date of the election.

20 **§11-C Counting of mail-in ballots.** The counting of
21 election-by-mail ballots may begin no sooner than the seventh



1 day before the day of the election. In the presence of official
2 observers, counting center employees may start to count the
3 ballots provided that any tabulation of the number of votes cast
4 for a candidate or question appearing on the ballot, including a
5 counting center printout or other disclosure, shall be kept
6 confidential and shall not be disclosed to the public until
7 voting for the election has concluded. All handling and
8 counting of election-by-mail ballots shall be according to
9 procedures established by the chief election officer.

10 **§11-D Voter service centers; minimum number; designation;**
11 **services provided.** (a) Beginning on January 1, 2016, in any
12 county where election-by-mail has been implemented, voter
13 service centers shall be established at the office of the
14 respective county clerks and may be established at other sites
15 as may be designated by the county clerk pursuant to this
16 section and rules adopted by the chief election officer.
17 Section 11-21 relating to changes and transfers of registration
18 shall apply to each voter service center as though it were the
19 precinct at which a person's name properly appears on the list
20 of registered voters.



1 (b) Voter service centers shall be open from the tenth day
2 preceding the day of the election through the day of the
3 election and at the same times statewide, except as may be
4 provided in section 11-92.3 or by the chief election officer
5 through administrative rules.

6 (c) In designating voter service centers pursuant to this
7 section, each county clerk shall consider the following factors
8 to address the needs of the county:

- 9 (1) Proximity to public transportation lines and
10 availability of parking;
- 11 (2) Geographic features, such as mountain passes, that
12 tend to affect access and convenience;
- 13 (3) Equitable distribution across the county so as to
14 afford maximally convenient options for voters;
- 15 (4) The existence and location of population centers;
- 16 (5) Access for persons with disabilities;
- 17 (6) Use of locations that have historically served as
18 polling places for a significant number of voters;
- 19 (7) Use of schools, recreational halls, park facilities,
20 and other publicly owned or controlled buildings that
21 are known to voters in the county, especially to the



1 extent that using such buildings results in cost
2 savings compared to other potential locations; and
3 (8) When private locations are considered or designated as
4 voter service centers in accordance with this section,
5 methods and standards to ensure the security of voting
6 conducted at such locations.

7 (d) Each county clerk shall solicit public comments in
8 proposing voter service center locations and shall submit the
9 proposed locations to the chief election officer for approval.
10 The chief election officer shall adopt administrative rules,
11 pursuant to chapter 91, to prescribe the manner of submission,
12 public comment and notice requirements, deadline for submission,
13 and criteria for approval of proposed voter service center
14 locations.

15 (e) Each voter service center shall provide:

16 (1) The means for an eligible voter to deposit or cast a
17 ballot;

18 (2) The means for an eligible voter to update the voter's
19 address in voting records;



- 1 (3) The means for an eligible voter who has legally
2 changed the voter's name to have the voter's name
3 changed in the voting records;
- 4 (4) Facilities and equipment that are compliant with the
5 federal Americans with Disabilities Act of 1990, title
6 42 United States Code section 12101 et seq., as
7 amended;
- 8 (5) Electronic voting machines or other voting systems
9 accessible to voters with disabilities;
- 10 (6) Voting booths;
- 11 (7) Ballots for distribution; and
- 12 (8) Pursuant to section 11-15.2, beginning on January 1,
13 2018, the means for an eligible voter to register to
14 vote on the day preceding the day of the election."

15 SECTION 2. Section 11-1, Hawaii Revised Statutes, is
16 amended as follows:

17 1. By adding four new definitions to be appropriately
18 inserted and to read:

19 "Election-by-mail ballot packet" means the packet of
20 information, including an official ballot, a pre-paid postage
21 return identification envelope, a secrecy envelope, and



1 instructions, that shall be provided to eligible voters in any
2 county where elections by mail have been implemented.

3 "Place of deposit" means any site designated by the chief
4 election officer for receiving return identification envelopes
5 in an election by mail pursuant to part .

6 "Poll" or "polling place" means an office or other suitable
7 facility designated by the respective clerks for the conduct of
8 voting. Beginning on January 1, 2016, the term "poll" or
9 "polling place" shall include a voter service center in a county
10 where elections by mail has been implemented.

11 "Voter service center" means a location established
12 pursuant to section 11-D for accepting ballots and providing
13 other services described in section 11-D."

14 2. By amending the definitions of "ballot" and "voting
15 system" to read:

16 "Ballot" [~~, a ballot including an absentee ballot is~~] means
17 a written or printed, or partly written and partly printed paper
18 or papers, containing the names of persons to be voted for, the
19 office to be filled, and the questions or issues to be voted on.
20 "Ballot" includes an absentee ballot and a ballot used in an
21 election by mail pursuant to part . A ballot may consist of



1 one or more cards or pieces of paper, or one face of a card or
2 piece of paper, or a portion of the face of a card or piece of
3 paper, depending on the number of offices, candidates to be
4 elected thereto, questions or issues to be voted on, and the
5 voting system in use. It shall also include the face of the
6 mechanical voting machine when arranged with cardboard or other
7 material within the ballot frames, containing the names of the
8 candidates and questions to be voted on.

9 "Voting system" [7] means the use of paper ballots,
10 electronic ballot cards, voting machines, items necessary for
11 processing elections by mail, or any system by which votes are
12 cast and counted."

13 SECTION 3. Section 11-4, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "**§11-4 Rules [~~and regulations~~]**. The chief election
16 officer may make, amend, and repeal [~~such~~] rules [~~and~~
17 ~~regulations~~] governing elections held under this title, election
18 procedures, and the selection, establishment, use, and operation
19 of all voting systems now in use or to be adopted in the State,
20 and all other similar matters relating thereto as in the chief



1 election officer's judgment shall be necessary to carry out this
2 title.

3 In making, amending, and repealing rules [~~and regulations~~]
4 for voters who cannot vote at the polls in person or receive or
5 return ballots by mail, and all other voters, the chief election
6 officer shall provide for voting by [~~such~~] these persons in
7 [~~such~~] a manner as to [~~insure~~] ensure secrecy of the ballot and
8 to preclude tampering with the ballots of these voters and other
9 election frauds. [~~Such~~] The rules [~~and regulations~~], when
10 adopted in conformity with chapter 91 and upon approval by the
11 governor, shall have the force and effect of law."

12 SECTION 4. Section 11-15.2, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "[+]§11-15.2[+] **Late registration.** (a) Notwithstanding
15 the closing of the general county register pursuant to section
16 11-24, a person who is eligible to vote but is not registered to
17 vote may register by appearing in person:

18 (1) Prior to the day of the election, at any absentee
19 polling place established pursuant to section 15-7 in
20 the county associated with the person's residence[+]



1 or at a voter service center in a county where
2 elections by mail has been implemented; or

3 (2) On the day of the election, at the polling place in
4 the precinct associated with the person's residence.

5 (b) The county clerk shall designate a registration clerk,
6 who may be an election official, at each of the absentee polling
7 places in the county established pursuant to section 15-7[7] and
8 at each voter service center in the county, prior to the day of
9 the election and at each of the polling places in the county on
10 the day of the election.

11 (c) The registration clerk shall process applications for
12 any person not registered to vote who submits a signed affidavit
13 in accordance with section 11-15, which shall include a sworn
14 affirmation:

15 (1) Of the person's qualification to vote;

16 (2) Acknowledging that the person has not voted and will
17 not vote at any other polling place for that election
18 and has not cast and will not cast any ballot by mail
19 or any absentee ballot pursuant to chapter 15 for that
20 election; and



1 (3) Acknowledging that providing false information may
2 result in a class C felony, punishable by a fine not
3 exceeding \$1,000 or imprisonment not exceeding five
4 years, or both.

5 (d) The registration clerk may accept, as prima facie
6 evidence, the allegation of the person in the application
7 regarding the person's residence in accordance with section
8 11-15(b), unless the allegation is contested by a qualified
9 voter. The registration clerk may demand that the person
10 furnish substantiating evidence to the other allegations of the
11 person's application in accordance with section 11-15(b).

12 (e) Registration may be challenged in accordance with
13 section 11-25.

14 (f) Notwithstanding subsection (a), registration pursuant
15 to this section may also be used by a person who is registered
16 to vote but whose name cannot be found on the precinct list for
17 the polling place associated with the person's residence.

18 (g) The clerk of each county shall add persons who
19 properly register under this section to the respective general
20 county register. Within thirty days of registration at the
21 polling place~~[7]~~ or absentee polling place, the county clerk



1 shall mail to the person a notice including the person's name,
2 current street address, district and precinct, and date of
3 registration. A notice mailed pursuant to this subsection shall
4 serve as prima facie evidence that the person is a registered
5 voter as of the date of registration."

6 SECTION 5. Section 11-17, Hawaii Revised Statutes, is
7 amended by amending subsection (a) to read as follows:

8 "(a) The clerk, not later than 4:30 p.m. on the sixtieth
9 day after every general election, shall remove the name of any
10 registered voter who did not vote in that general election, and
11 also did not vote in the primary election preceding that general
12 election, and also did not vote in the previous general
13 election, and also did not vote in the primary election
14 preceding that general election, and also did not vote in the
15 regularly scheduled special elections held in conjunction with
16 those primary and general elections, if any, with the exception
17 of:

- 18 (1) Those who submitted written requests for absentee
19 ballots as provided in section 15-4; or
20 (2) Anyone who preregistered pursuant to section 11-12(b).



1 If a person voted, at least once, in any of the above-mentioned
2 elections, the person's name shall remain on the list of
3 registered voters. For this purpose, "vote" means the mailing
4 in of the ballot or the depositing of the ballot in the ballot
5 box or at a place of deposit or voter service center, whether
6 the ballot is blank or later rejected for any reason. In the
7 case of voting machines, "vote" means the voter has activated
8 the proper mechanism and fed the vote into the machine."

9 SECTION 6. Section 11-91.5, Hawaii Revised Statutes, is
10 amended to read as follows:

11 **"§11-91.5 Federal, state, and county elections by mail.**

12 (a) Any federal, state, or county election [~~held other than on~~
13 ~~the date of a regularly scheduled primary or general election~~]
14 may be conducted by mail[-] in whole or in part, including
15 designating specific precincts or counties for election by mail
16 in whole or in part, in accordance with this section and part .

17 (b) The chief election officer shall determine whether [a
18 ~~federal or state election, other than a regularly scheduled~~
19 ~~primary or general~~] an election, other than an election
20 involving solely county offices, [may] shall be conducted by
21 mail in whole or in part [~~or at polling places~~].



1 (c) The county clerk shall determine whether a solely
2 county election, held other than on the date of a regularly
3 scheduled primary or general election, [~~may~~] shall be conducted
4 by mail in whole or in part [~~or at polling places~~]. An election
5 by mail in the county shall be under the supervision of the
6 county clerk[~~er~~] subject to subsection (g).

7 (d) Any ballot cast by mail under this section shall be
8 subject to the provisions applicable to absentee ballots under
9 sections 11-139 and 15-6.

10 (e) Voters may vote by absentee ballot at an absentee
11 walk-in polling place. For purposes of an election conducted by
12 mail, at least one absentee walk-in polling place shall be
13 designated by the county clerk to be open on the day of the
14 election. In the event of an election that does not involve
15 county offices, the chief election officer shall designate at
16 least one absentee walk-in polling place to be open on the day
17 of the election.

18 (f) Election expenses for conducting an election by mail
19 shall be shared as follows:

20 (1) For elections involving federal and county, state and
21 county, or federal, state, and county offices,



1 expenses, other than expenses related to voter
2 registration and absentee voting, shall be divided in
3 half between the State and the counties, and each
4 county shall pay a proration of expenses as a
5 proportion of the registered voters at the time of the
6 general election. Expenses related to voter
7 registration and absentee voting shall be paid by the
8 counties;

9 (2) For elections involving solely county offices, all
10 expenses shall be paid by the county and paid out of
11 such appropriations as may be made by the council for
12 election purposes; and

13 (3) For elections conducted in any county which do not
14 involve elections for county offices, all expenses
15 shall be paid by the State and paid out of such
16 appropriations as may be made by the legislature for
17 election purposes.

18 (g) Election responsibilities for conducting an election
19 by mail shall be as follows:

20 (1) The counties shall be responsible for voter
21 registration and absentee voting, including voter



1 service centers, even in elections where there are no
2 county offices on the ballot; and

3 (2) The State shall be responsible for preparing, mailing,
4 receiving, processing, and tabulating mail ballots,
5 even in elections where there are no federal or State
6 offices on the ballot.

7 (h) The chief election officer shall adopt rules pursuant
8 to chapter 91 to provide for uniformity in the conduct of
9 federal, state, and county elections by mail."

10 SECTION 7. Section 11-92.1, Hawaii Revised Statutes, is
11 amended by amending its title and subsection (a) to read as
12 follows:

13 "**§11-92.1 Election proclamation; ~~establishment of a new~~**
14 **~~precinct.] precincts.~~** (a) The chief election officer shall
15 issue a proclamation [~~whenever a new precinct is established in~~
16 ~~any representative district.] listing all polling places and
17 places of deposit. Places of deposit may be open as soon as
18 election-by-mail ballot packets are made available to voters.
19 The chief election officer shall provide [~~a suitable polling~~
20 ~~place for each precinct.] one or more places of deposit within a
21 representative district as the chief election officer deems~~~~



1 necessary for voters who are unable to participate in elections
2 by mail pursuant to part . Beginning on January 1, 2016,
3 voter service centers shall be made available pursuant to
4 section 11-D in a county where elections by mail have been
5 implemented. Schools, recreational halls, park facilities, and
6 other publicly owned or controlled buildings, whenever possible
7 and convenient, shall be used as polling places. The chief
8 election officer shall make arrangements for the rental or
9 erection of suitable shelter for this purpose whenever public
10 buildings are not available and shall cause these polling places
11 to be equipped with the necessary facilities for lighting,
12 ventilation, and equipment needed for elections on any island.
13 This proclamation may be issued jointly with the proclamation
14 required in section 11-91."

15 SECTION 8. Section 11-92.3, Hawaii Revised Statutes, is
16 amended by amending the title and subsection (a) to read as
17 follows:

18 "§11-92.3 Consolidated or alternate precincts; natural
19 disasters; postponement; absentee voting [~~required~~]; elections
20 by mail; special elections. (a) In the event of a flood,
21 tsunami, earthquake, volcanic eruption, high wind, or other



1 natural disaster, occurring prior to an election, that makes a
2 precinct, place of deposit, or voter service center
3 inaccessible, the chief election officer or county clerk in the
4 case of county elections may consolidate precincts or provide an
5 alternate precinct within a representative district. If the
6 extent of damage caused by any natural disaster is such that the
7 ability of voters, in any precinct, district, or county, to
8 exercise their right to vote is substantially impaired, the
9 chief election officer or county clerk in the case of county
10 elections may [~~require the~~]:

11 (1) Require the registered voters of the affected
12 precinct, district, or county to vote by absentee
13 ballot pursuant to section 15-2.5 [~~and may postpone~~]
14 or elections by mail pursuant to part ; and

15 (2) Postpone the conducting of an election in the affected
16 precinct for no more than twenty-one days; provided
17 that any such postponement shall not affect the
18 conduct of the election, tabulation, or distribution
19 of results for those precincts, districts, or counties
20 not designated for postponement.



1 The chief election officer or county clerk in the case of county
2 elections shall give notice of the consolidation, postponement,
3 or requirement to vote by absentee ballot~~[7]~~ or by mail, in the
4 affected [~~county or~~] precinct, county, or district prior to the
5 opening of [~~the~~] each precinct polling place by whatever
6 possible news or broadcast media are available. Precinct
7 officials and workers affected by any consolidation shall not
8 forfeit their pay."

9 SECTION 9. Section 11-184, Hawaii Revised Statutes, is
10 amended to read as follows:

11 **"§11-184 Election expenses and responsibilities in**
12 **combined state and county elections.** Election expenses in
13 elections involving both state and county offices, except for
14 elections conducted by mail in whole or in part, shall be shared
15 as set forth below:

- 16 (1) The State shall pay and be responsible for:
- 17 (A) Precinct officials;
- 18 (B) Instruction of precinct officials when initiated
19 or approved by the chief election officer;
- 20 (C) Boards of registration;



- 1 (D) Polling place costs other than supplies:
2 installation rentals, ballot boxes, voting
3 booths, custodians, telephones, and maintenance;
- 4 (E) Other equipment such as ballot transport
5 containers;
- 6 (F) Temporary election employees hired to do strictly
7 state work; and
- 8 (G) Extraordinary voter registration and voter
9 education costs when approved by the chief
10 election officer.
- 11 (2) The county shall pay and be responsible for:
- 12 (A) Normal voter registration, voters list
13 maintenance, and all printing connected with
14 voter registration, including printing of the
15 voters list;
- 16 (B) Temporary election employees hired to do strictly
17 county work;
- 18 (C) Maintenance of existing voting machines,
19 including parts, freight, storage, programming,
20 and personnel;



- 1 (D) Maintenance and storage of voting devices and
2 other equipment; and
- 3 (E) Employees assigned to conduct absentee polling
4 place functions.
- 5 (3) The remaining election expenses shall be divided in
6 half between the State and the counties. Each county
7 will pay a proration of expenses as a proportion of
8 the registered voters at the time of the general
9 election. These expenses shall include but not be
10 limited to:
- 11 (A) Polling place supplies;
- 12 (B) All printing, including ballots, but excluding
13 printing connected with voter registration;
- 14 (C) Temporary election employees not including voting
15 machine programmers doing work for both the State
16 and county;
- 17 (D) Ballot preparation and packing; and
- 18 (E) All other costs for which the State or county are
19 not specifically responsible relating to the
20 operation of voting machines, electronic voting
21 systems, and other voting systems except paper



1 ballots to include but not be limited to real
2 property rentals, equipment rentals, personnel,
3 mileage, telephones, supplies, publicity,
4 computer programming, and freight.

5 The responsibility for the above functions shall
6 be determined by the chief election officer where the
7 responsibility for such functions has not been
8 assigned by the legislature.

9 Any future expenses not presently incurred under any voting
10 system now in use or to be used shall be assigned to
11 [~~paragraphs~~] paragraph (1), (2), or (3) [~~above~~] by the chief
12 election officer upon agreement with the clerks or by the
13 legislature."

14 SECTION 10. Section 15-1, Hawaii Revised Statutes, is
15 amended by adding a new definition to be appropriately inserted
16 and to read as follows:

17 "Voter service center" means a location established
18 pursuant to section 11-D for accepting ballots and providing
19 other services described in section 11-D."

20 SECTION 11. Section 15-7, Hawaii Revised Statutes, is
21 amended as follows:



1 1. By amending the title to read:

2 "§15-7 Absentee polling place; registration at absentee
3 polling place[-]; registration at voter service center."

4 2. By amending subsections (b) to (d) to read:

5 "(b) The absentee polling places shall be open [~~no later~~
6 ~~than~~] at least ten working days before election day, and all
7 Saturdays falling within that time period, or as soon thereafter
8 as ballots are available[~~;~~ ~~provided that all~~], and shall remain
9 open through election day. All absentee polling places shall be
10 open on the same dates and times statewide, as determined by the
11 chief election officer. Beginning on January 1, 2016, voter
12 service centers shall be open in each county where election by
13 mail has been implemented to receive absentee ballots and
14 election-by-mail ballots pursuant to chapter 11, part and to
15 provide other services described in section 11-D.

16 (c) A person who is eligible to vote but is not registered
17 to vote may register as follows:

18 (1) Pursuant to chapter 11;

19 (2) Beginning on January 1, 2016, in a county where
20 election by mail has been implemented, prior to
21 election day by appearing in person at the absentee



1 polling place for the county in which the person
2 maintains residence[-]; or

3 (3) Beginning on January 1, 2018, in a county where
4 election by mail has been implemented, from the tenth
5 day preceding the day of an election through the day
6 of the election at any voter service center.

7 (d) The county clerk shall designate a registration clerk,
8 who may be an election official[-]:

9 (1) Beginning on January 1, 2016, in a county where
10 election by mail has been implemented, at each of the
11 absentee polling places established in the county[-],
12 prior to election day; and

13 (2) Beginning on January 1, 2018, in a county where
14 election by mail has been implemented, from the tenth
15 day preceding the day of an election through the day
16 of the election at any voter service center."

17 3. By amending subsection (i) to read:

18 "(i) The clerk of each county shall add persons who
19 properly register at an absentee polling place or voter service
20 center, as applicable, to the respective general county
21 register. Within thirty days of registration at an absentee



1 polling place[7] or voter service center, as applicable, the
2 county clerk shall mail to the person a notice including the
3 person's name, current street address, district and precinct,
4 and date of registration. A notice mailed pursuant to this
5 subsection shall serve as prima facie evidence that the person
6 is a registered voter as of the date of registration."

7 SECTION 12. Section 15D-3, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "[+]§15D-3[+] **Elections covered.** The voting procedures in
10 this chapter apply to:

- 11 (1) A general, special, or primary election for federal
12 office;
- 13 (2) A general, special, or primary election for statewide
14 or state legislative office or state ballot measure;
15 and
- 16 (3) A general, special, recall, primary, or runoff
17 election for local government office or local ballot
18 measure conducted under [~~section 11-91.5~~] part of
19 chapter 11 for which absentee voting or voting by mail
20 is available for other voters."



1 SECTION 13. Section 19-6, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§19-6 Misdemeanors.** The following persons shall be
4 guilty of a misdemeanor:

- 5 (1) Any person who offers any bribe or makes any promise
6 of gain, or with knowledge of the same permits any
7 person to offer any bribe or make any promise of gain
8 for the person's benefit to any voter to induce the
9 voter to sign a nomination paper, and any person who
10 accepts any bribe or promise of gain of any kind as
11 consideration for signing the same, whether the bribe
12 or promise of gain be offered or accepted before or
13 after the signing;
- 14 (2) Any person who wilfully tears down or destroys or
15 defaces any election proclamation or any poster or
16 notice or list of voters or visual aids or facsimile
17 ballot, issued or posted by authority of law;
- 18 (3) Any person printing or duplicating or causing to be
19 printed or duplicated any ballot, conforming as to the
20 size, weight, shape, thickness, or color to the



- 1 official ballot so that it could be cast or counted as
2 an official ballot in an election;
- 3 (4) Every person who is disorderly or creates a
4 disturbance whereby any meeting of the precinct
5 officials or the board of registration of voters
6 during an election is disturbed or interfered with; or
7 whereby any person who intends to be lawfully present
8 at any meeting or election is prevented from
9 attending; or who causes any disturbance at any
10 election; and every person assisting or aiding or
11 abetting any disturbance;
- 12 (5) Every person who, either in person or through another,
13 in any manner breaks up or prevents, or endeavors to
14 break up or prevent, the holding of any meeting of the
15 board of registration of voters, or in any manner
16 breaks up or prevents, or endeavors to break up or
17 prevent, the holding of any election;
- 18 (6) Any person, other than those designated by section
19 11-132, who remains or loiters within the area set
20 aside for voting as set forth in section 11-132 during
21 the time appointed for voting;



- 1 (7) Any person, including candidates carrying on any
2 campaign activities within the area described in
3 section 11-132 during the period of time starting one
4 hour before the polling place opens and ending when
5 the polling place closes for the purpose of
6 influencing votes. Campaign activities shall include
7 the following:
- 8 (A) Any distribution, circulation, carrying, holding,
9 posting, or staking of campaign cards, pamphlets,
10 posters and other literature;
- 11 (B) The use of public address systems and other
12 public communication media;
- 13 (C) The use of motor caravans or parades; and
- 14 (D) The use of entertainment troupes or the free
15 distribution of goods and services;
- 16 (8) Any person who opens a return envelope containing [~~an~~
17 ~~absentee~~]:
- 18 (A) An absentee ballot voted under chapter 15 other
19 than those persons authorized to do so under
20 chapter 15; or



1 (B) A ballot voted by mail under part of chapter
2 11 other than those persons authorized to do so
3 under part of chapter 11;

4 (9) Any unauthorized person found in possession of any
5 voting machine or keys thereof; and

6 (10) Every person who wilfully violates or fails to obey
7 any of the provisions of law, punishment for which is
8 not otherwise in this chapter specially provided for."

9 SECTION 14. The chief election officer shall submit a
10 report of its findings and recommendations, including any
11 proposed legislation, on the implementation of elections by mail
12 to the legislature no later than twenty days prior to the
13 convening of each regular session through 2019.

14 SECTION 15. There is appropriated out of the general
15 revenues of the State of Hawaii the sum of \$ or so much
16 thereof as may be necessary for fiscal year 2015-2016 and the
17 same sum or so much thereof as may be necessary for fiscal year
18 2016-2017 for the purpose of implementing and administering the
19 election by mail program.

20 The sums appropriated shall be expended by the office of
21 elections for the purposes of this Act.



1 SECTION 16. In codifying the new sections added by section
2 1 of this Act, the revisor of statutes shall substitute
3 appropriate section numbers for the letters used in designating
4 the new sections in this Act.

5 SECTION 17. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 18. This Act shall take effect on July 1, 2030;
8 provided that:

9 (1) Sections 10 and 11 of this Act shall take effect on
10 January 1, 2016;

11 (2) Section 11-15.2, Hawaii Revised Statutes, as amended
12 by section 4 of this Act, shall take effect on January
13 1, 2018; and

14 (3) Section 11-D, Hawaii Revised Statutes, established by
15 section 1 of this Act, shall take effect on January 1,
16 2016.



Report Title:

Elections; Voting; Elections by Mail; Appropriation

Description:

Beginning with the primary election in 2016, requires the office of elections to implement elections by mail in a county with a population less than 100,000. In 2018, elections by mail will be held in one or more counties with a population of more than 100,000. Thereafter requires all federal, state, and county primary, special primary, general, special general, and special elections to be conducted by mail. Establishes voter service centers for the counties and islands, in lieu of traditional polling places. Requires voter service centers to provide services such as voter registration. Appropriates funds.
(HB124 HD2)

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

