
A BILL FOR AN ACT

RELATING TO MILITARY AND OVERSEAS CIVILIAN ABSENTEE VOTERS.

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

1 SECTION 1. Chapter 15, Hawaii Revised Statutes, is amended
2 by adding a new part to be appropriately designated and to read
3 as follows:

4 "PART . MILITARY AND OVERSEAS CIVILIAN ABSENTEE VOTERS
5 §15-A Definitions. For the purpose of this part:

6 "Absent uniformed services voter" means:

- 7 (1) A member of a uniformed service on active duty who, by
8 reason of active duty, is absent from the place of
9 residence where the member is otherwise qualified to
10 vote;
- 11 (2) A member of the merchant marine who, by reason of
12 service in the merchant marine, is absent from the
13 place of residence where the member is otherwise
14 qualified to vote; or
- 15 (3) A spouse or dependent of a member referred to in
16 paragraph (1) or (2) who, by reason of the active duty
17 or service of the member, is absent from the place of



1 residence where the spouse or dependent is otherwise
2 qualified to vote.

3 "Balloting materials" means, as applicable, the official
4 post card forms prescribed under Title 42 United States Code
5 Section 1973ff, federal write-in absentee ballots, prescribed
6 under Title 42 United States Code Section 1973ff-2, and any
7 other materials prescribed by the chief elections officer by
8 rule, which may include but not be limited to those described in
9 section 15-6.

10 "Covered election" means any presidential, United States
11 senatorial, or congressional election.

12 "Member of the merchant marine" means an individual (other
13 than a member of a uniformed service or an individual employed,
14 enrolled, or maintained on the Great Lakes or the inland
15 waterways) who is:

16 (A) Employed as an officer or crew member of a vessel
17 documented under the laws of the United States, or a
18 vessel owned by the United States, or a vessel of
19 foreign-flag registry under charter to or control of
20 the United States; or

21 (B) Enrolled with the United States for employment or
22 training for employment, or maintained by the United



1 States for emergency relief service, as an officer or
2 crew member of any such vessel.

3 "Overseas civilian voter" means a United States citizen who
4 is outside the United States and who:

5 (1) Is qualified to vote in this state;

6 (2) Would be eligible to vote in this state, if this state
7 was the most recent place in which the citizen was
8 eligible to vote, or, if the citizen had been of
9 voting age, would have been eligible to vote, before
10 leaving the United States; or

11 (3) In the case of a citizen who was born outside the
12 United States and who is not included in paragraph (1)
13 or (2), would be eligible to vote in this state if a
14 resident of this state and if this state was the most
15 recent place in the United States in which one of the
16 citizen's parents was eligible to vote.

17 "Uniformed services" means the Army, Navy, Air Force,
18 Marine Corps, and Coast Guard, the United States Public Health
19 Service Commissioned Corps, and the National Oceanic and
20 Atmospheric Administration Commissioned Corps.



1 "United States," where used in the territorial sense, means
2 the fifty states, the District of Columbia, the Commonwealth of
3 Puerto Rico, Guam, the Virgin Islands, and American Samoa.

4 **§15-B Transmission of unvoted ballot.** (a) For all
5 covered elections, the official charged with preparing and
6 distributing ballots and election materials in each jurisdiction
7 shall prepare a sufficient number of absentee ballots as soon as
8 possible after receiving information concerning candidates to be
9 voted on at the election and shall immediately transmit absentee
10 ballots and related balloting materials to all absent uniformed
11 services voters and overseas civilian voters who have applied
12 for an absentee ballot.

13 (b) No later than forty-five days before a covered
14 election, each clerk, with the assistance of the chief election
15 officer, as appropriate, shall make available by electronic
16 means, which may include facsimile transmission or electronic
17 mail, an unvoted absentee ballot and related balloting materials
18 to any absent uniformed services voter or overseas voter who, by
19 that date, has submitted a valid absentee ballot application
20 requesting electronic transmission of absentee balloting
21 materials.



1 (c) An absent uniformed services voter or overseas
2 civilian voter may request to receive an absentee ballot and
3 related balloting materials by electronic mail, or Internet
4 delivery, where available. Each clerk, with the assistance of
5 the chief election officer, shall transmit the absentee ballot
6 and related balloting materials to the voter using the
7 electronic transmission method requested by the voter.

8 (d) When an absentee ballot application of an absent
9 uniformed services voter or overseas voter arrives after the
10 jurisdiction has begun transmitting absentee balloting materials
11 to voters, the official charged with distributing ballots and
12 related balloting materials shall transmit the absentee
13 balloting materials to the voter as promptly as possible.

14 **§15-C Acceptance of federal write-in absentee ballot. (a)**

15 In a covered election, an absent uniformed services voter or an
16 overseas voter may use the federal write-in absentee ballot
17 approved under the Uniformed and Overseas Citizens Absentee
18 Voting Act, Title 42 United States Code Sections 1973ff through
19 1973ff-6, if the voter affirms that:

20 (1) The voter submitted a federal post card application or
21 other application requesting a federal absentee ballot
22 in time to be received by the later of:



- 1 (A) Thirty days prior to the election, or
2 (B) The last date for other voters in the state to
3 apply for an absentee ballot for the election;
4 and
5 (2) The voter has not received the requested absentee
6 ballot.
7 (b) In a covered election, an absent uniformed services
8 voter or an overseas civilian voter may use the federal write-in
9 absentee ballot transmission envelope's voter declaration as a
10 request for registration and an application for a state absentee
11 ballot simultaneously with the submission of the federal write-
12 in absentee ballot. The request for registration and
13 application for an absentee ballot shall be accepted if:
14 (1) It is received by the later of the thirty days prior
15 to the election, or the last day for registering to
16 vote; and
17 (2) The voter is otherwise eligible to vote in the
18 jurisdiction to which the request is submitted."

19 SECTION 2. Chapter 15, Hawaii Revised Statutes, is amended
20 by designating sections 15-1 to 15-14 as part I and adding a
21 title before section 15-1 to read:

22 "GENERAL PROVISIONS"



1 SECTION 3. Section 15-3.5, Hawaii Revised Statutes, is
2 repealed.

3 ~~["~~§15-3.5~~ Federal write in absentee ballot.~~

4 ~~Notwithstanding the provisions of this chapter and chapters 11~~
5 ~~and 16, the federal write in absentee ballot for overseas voters~~
6 ~~in general elections for federal office which must be prescribed~~
7 ~~under section 1973ff of title 42, United States Code, as~~
8 ~~amended, may be used in general elections for federal offices."]~~

9 SECTION 4. In codifying the new sections added by
10 section 1 of this Act, the revisor of statutes shall substitute
11 appropriate section numbers for the letters used in designating
12 the new sections in this Act.

13 SECTION 5. Statutory material to be repealed is bracketed
14 and stricken.

15 SECTION 6. This Act shall take effect on July 1, 2112.



Report Title:

Elections; Uniformed Services and Overseas Absentee Voters

Description:

Implements voting provisions for uniformed services and overseas absentee voters, as required by the Military and Overseas Voter Empowerment Act, 42 U.S.C. Sections 1973ff through 1973ff-6. Effective July 1, 2112. (SB2335 HD1)

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