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# 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 in accordance  
19 with this subsection to ensure that another ballot has not been  
20 returned by the voter.



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



1 transmission permitted for the initial transmission of ballots  
2 may differ from those permitted for the return of ballots by  
3 voters. For purposes of this subsection, "electronic  
4 transmission" may include facsimile transmission, electronic  
5 mail delivery, or the utilization of an online ballot delivery  
6 and return system.

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

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



1           **§11-C Counting of mail-in ballots.** The counting of  
2 election-by-mail ballots may begin no sooner than the seventh  
3 day before the day of the election. In the presence of official  
4 observers, counting center employees may start to count the  
5 ballots provided that any tabulation of the number of votes cast  
6 for a candidate or question appearing on the ballot, including a  
7 counting center printout or other disclosure, shall be kept  
8 confidential and shall not be disclosed to the public until  
9 voting for the election has concluded. All handling and  
10 counting of election-by-mail ballots shall be according to  
11 procedures established by the chief election officer.

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



1 precinct at which a person's name properly appears on the list  
2 of registered voters.

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

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

- 11 (1) Proximity to public transportation lines and  
12 availability of parking;
- 13 (2) Geographic features, such as mountain passes, that  
14 tend to affect access and convenience;
- 15 (3) Equitable distribution across the county so as to  
16 afford maximally convenient options for voters;
- 17 (4) The existence and location of population centers;
- 18 (5) Access for persons with disabilities;
- 19 (6) Use of locations that have historically served as  
20 polling places for a significant number of voters;



1 (7) Use of schools, recreational halls, park facilities,  
2 and other publicly owned or controlled buildings that  
3 are known to voters in the county, especially to the  
4 extent that using such buildings results in cost  
5 savings compared to other potential locations; and

6 (8) When private locations are considered or designated as  
7 voter service centers in accordance with this section,  
8 methods and standards to ensure the security of voting  
9 conducted at such locations.

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

18 (e) Each voter service center shall provide:

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



- 1           (2) The means for an eligible voter to update the voter's
- 2           address in voting records;
- 3           (3) The means for an eligible voter who has legally
- 4           changed the voter's name to have the voter's name
- 5           changed in the voting records;
- 6           (4) Facilities and equipment that are compliant with the
- 7           federal Americans with Disabilities Act of 1990, title
- 8           42 United States Code section 12101 et seq., as
- 9           amended;
- 10          (5) Electronic voting machines or other voting systems
- 11          accessible to voters with disabilities;
- 12          (6) Voting booths;
- 13          (7) Ballots for distribution; and
- 14          (8) Pursuant to section 11-15.2, beginning on January 1,
- 15          2018, the means for an eligible voter to register to
- 16          vote on the day preceding the day of the election."

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

- 19           1. By adding four new definitions to be appropriately
- 20           inserted and to read:





1       "Election-by-mail ballot packet" means the packet of  
2 information, including an official ballot, a pre-paid postage  
3 return identification envelope, a secrecy envelope, and  
4 instructions, that shall be provided to eligible voters in any  
5 county where elections by mail have been implemented.

6       "Place of deposit" means any site designated by the chief  
7 election officer for receiving return identification envelopes  
8 in an election by mail pursuant to part \_\_\_\_\_.

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

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

17       2. By amending the definitions of "ballot" and "voting  
18 system" to read:

19       "Ballot" [~~7, a ballot including an absentee ballot is~~] means  
20 a written or printed, or partly written and partly printed paper  
21 or papers, containing the names of persons to be voted for, the



1 office to be filled, and the questions or issues to be voted on.  
2 "Ballot" includes an absentee ballot and a ballot used in an  
3 election by mail pursuant to part . A ballot may consist of  
4 one or more cards or pieces of paper, or one face of a card or  
5 piece of paper, or a portion of the face of a card or piece of  
6 paper, depending on the number of offices, candidates to be  
7 elected thereto, questions or issues to be voted on, and the  
8 voting system in use. It shall also include the face of the  
9 mechanical voting machine when arranged with cardboard or other  
10 material within the ballot frames, containing the names of the  
11 candidates and questions to be voted on.

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

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

18 "**§11-4 Rules [~~and regulations~~]**. The chief election  
19 officer may make, amend, and repeal [~~such~~] rules [~~and~~  
20 ~~regulations~~] governing elections held under this title, election  
21 procedures, and the selection, establishment, use, and operation



1 of all voting systems now in use or to be adopted in the State,  
2 and all other similar matters relating thereto as in the chief  
3 election officer's judgment shall be necessary to carry out this  
4 title.

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

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

16 "[+]§11-15.2[+] **Late registration.** (a) Notwithstanding  
17 the closing of the general county register pursuant to section  
18 11-24, a person who is eligible to vote but is not registered to  
19 vote may register by appearing in person:

20 (1) Prior to the day of the election, at any absentee  
21 polling place established pursuant to section 15-7 in



1 the county associated with the person's residence[+] ]  
2 or at a voter service center in a county where  
3 elections by mail has been implemented; or

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

6 (b) The county clerk shall designate a registration clerk,  
7 who may be an election official, at each of the absentee polling  
8 places in the county established pursuant to section 15-7, prior  
9 to the day of the election and at each of the polling places in  
10 the county on 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 11-92.1, Hawaii Revised Statutes, is  
10 amended by amending its title and subsection (a) to read as  
11 follows:

12 "**§11-92.1 Election proclamation; [establishment of a new**  
13 **precinct.] precincts.** (a) The chief election officer shall  
14 issue a proclamation [~~whenever a new precinct is established in~~  
15 ~~any representative district.] listing all polling places and~~  
16 places of deposit. Places of deposit may be open as soon as  
17 election-by-mail ballot packets are made available to voters.  
18 The chief election officer shall provide [~~a suitable polling~~  
19 ~~place for each precinct.] one or more places of deposit within a~~  
20 representative district as the chief election officer deems  
21 necessary for voters who are unable to participate in elections



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

14 SECTION 7. Section 11-91.5, Hawaii Revised Statutes, is  
15 amended to read as follows:

16 **"§11-91.5 Federal, state, and county elections by mail.**

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





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

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

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

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

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

3        (1) For elections involving federal and county, state and  
4 county, or federal, state, and county offices,  
5 expenses, other than expenses related to voter  
6 registration and absentee voting, shall be divided in  
7 half between the State and the counties, and each  
8 county shall pay a proration of expenses as a  
9 proportion of the registered voters at the time of the  
10 general election. Expenses related to voter  
11 registration and absentee voting shall be paid by the  
12 counties;

13        (2) For elections involving solely county offices, all  
14 expenses shall be paid by the county and paid out of  
15 such appropriations as may be made by the council for  
16 election purposes;

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



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

3        (1) The counties shall be responsible for voter  
4 registration and absentee voting, including voter  
5 service centers, even in elections where there are no  
6 county offices on the ballot;

7        (2) The State shall be responsible for preparing, mailing,  
8 receiving, processing, and tabulating mail ballots,  
9 even in elections where there are no federal or State  
10 offices on the ballot;

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

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

17        **"§11-92.3 Consolidated or alternate precincts; natural**  
18 **disasters; postponement; absentee voting [~~required~~]; elections**  
19 **by mail; special elections.** (a) In the event of a flood,  
20 tsunami, earthquake, volcanic eruption, high wind, or other  
21 natural disaster, occurring prior to an election, that makes a



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

- 10       (1) Require the registered voters of the affected  
11       precinct, district, or county to vote by absentee  
12       ballot pursuant to section 15-2.5 [~~and may postpone~~]  
13       or elections by mail pursuant to part ; and  
14       (2) Postpone the conducting of an election in the affected  
15       precinct for no more than twenty-one days; provided  
16       that any such postponement shall not affect the  
17       conduct of the election, tabulation, or distribution  
18       of results for those precincts, districts, or counties  
19       not designated for postponement.

20 The chief election officer or county clerk in the case of county  
21 elections shall give notice of the consolidation, postponement,



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

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

9 **"§11-184 Election expenses and responsibilities in**  
 10 **combined state and county elections.** Election expenses in  
 11 elections involving both state and county offices, except for  
 12 elections conducted by mail in whole or in part, shall be shared  
 13 as set forth below:

- 14 (1) The State shall pay and be responsible for:
- 15 (A) Precinct officials;
  - 16 (B) Instruction of precinct officials when initiated
  - 17 or approved by the chief election officer;
  - 18 (C) Boards of registration;
  - 19 (D) Polling place costs other than supplies:
  - 20 installation rentals, ballot boxes, voting
  - 21 booths, custodians, telephones, and maintenance;



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



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



1                   The responsibility for the above functions shall  
 2                   be determined by the chief election officer where the  
 3                   responsibility for such functions has not been  
 4                   assigned by the legislature.

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

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

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

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

18                  1. By amending the title to read:

19                  "**§15-7 Absentee polling place; registration at absentee**  
 20                  **polling place[-]; registration at voter service center.**"

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





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

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

14 (1) Pursuant to chapter 11;

15 (2) Beginning on January 1, 2016, in a county where  
16 election by mail has been implemented, prior to  
17 election day by appearing in person at the absentee  
18 polling place for the county in which the person  
19 maintains residence[~~-~~]; or

20 (3) Beginning on January 1, 2018, in a county where  
21 election by mail has been implemented, from the tenth



1           day preceding the day of an election through the day  
2           of the election at any voter service center.

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

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

9           (2) Beginning on January 1, 2016, in a county where  
10           election by mail has been implemented, from the tenth  
11           day preceding the day of an election through the day  
12           of the election at any voter service center."

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

14           "(i) The clerk of each county shall add persons who  
15 properly register at an absentee polling place or voter service  
16 center, as applicable, to the respective general county  
17 register. Within thirty days of registration at an absentee  
18 polling place[7] or voter service center, as applicable, the  
19 county clerk shall mail to the person a notice including the  
20 person's name, current street address, district and precinct,  
21 and date of registration. A notice mailed pursuant to this



1 subsection shall serve as prima facie evidence that the person  
2 is a registered voter as of the date of registration."

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

5 "~~+~~§15D-3~~+~~ **Elections covered.** The voting procedures in  
6 this chapter apply to:

7 (1) A general, special, or primary election for federal  
8 office;

9 (2) A general, special, or primary election for statewide  
10 or state legislative office or state ballot measure;  
11 and

12 (3) A general, special, recall, primary, or runoff  
13 election for local government office or local ballot  
14 measure conducted under ~~[section 11-91.5]~~ part of  
15 chapter 11 for which absentee voting or voting by mail  
16 is available for other voters."

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

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



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



1 during an election is disturbed or interfered with; or  
2 whereby any person who intends to be lawfully present  
3 at any meeting or election is prevented from  
4 attending; or who causes any disturbance at any  
5 election; and every person assisting or aiding or  
6 abetting any disturbance;

7 (5) Every person who, either in person or through another,  
8 in any manner breaks up or prevents, or endeavors to  
9 break up or prevent, the holding of any meeting of the  
10 board of registration of voters, or in any manner  
11 breaks up or prevents, or endeavors to break up or  
12 prevent, the holding of any election;

13 (6) Any person, other than those designated by section  
14 11-132, who remains or loiters within the area set  
15 aside for voting as set forth in section 11-132 during  
16 the time appointed for voting;

17 (7) Any person, including candidates carrying on any  
18 campaign activities within the area described in  
19 section 11-132 during the period of time starting one  
20 hour before the polling place opens and ending when  
21 the polling place closes for the purpose of



1 influencing votes. Campaign activities shall include  
2 the following:

3 (A) Any distribution, circulation, carrying, holding,  
4 posting, or staking of campaign cards, pamphlets,  
5 posters and other literature;

6 (B) The use of public address systems and other  
7 public communication media;

8 (C) The use of motor caravans or parades; and

9 (D) The use of entertainment troupes or the free  
10 distribution of goods and services;

11 (8) Any person who opens a return envelope containing [~~an~~  
12 absentee]:

13 (A) An absentee ballot voted under chapter 15 other  
14 than those persons authorized to do so under  
15 chapter 15; or

16 (B) A ballot voted by mail under part of chapter  
17 11 other than those persons authorized to do so  
18 under part of chapter 11;

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



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

4 SECTION 14. The chief elections officer shall submit a  
 5 report of its findings and recommendations, including any  
 6 proposed legislations, on the implementation of elections by  
 7 mail to the legislature no later than twenty days prior to the  
 8 convening of each regular session through 2019.

9 SECTION 15. There is appropriated out of the general  
 10 revenues of the State of Hawaii the sum of \$ or so much  
 11 thereof as may be necessary for fiscal year 2015-2016 and the  
 12 same sum or so much thereof as may be necessary for fiscal year  
 13 2016-2017 for the purpose of implementing and administering the  
 14 election by mail program.

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

17 SECTION 16. In codifying the new sections added by section  
 18 1 of this Act, the revisor of statutes shall substitute  
 19 appropriate section numbers for the letters used in designating  
 20 the new sections in this Act.



1 SECTION 17. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 18. This Act shall take effect on July 1, 2015;  
4 provided that:

5 (1) Section 10 of this Act shall take effect on January 1,  
6 2016;

7 (2) Section 11-15.2, Hawaii Revised Statutes, as amended  
8 by section 4 of this Act, shall take effect on January  
9 1, 2018; and

10 (3) Section 11-D, Hawaii Revised Statutes, established by  
11 section 1 of this Act, shall take effect on January 1,  
12 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 of similar size. 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 HD1)

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

