

JAN 23 2015

A BILL FOR AN ACT

RELATING TO ELECTIONS.

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

PART I

SECTION 1. The purpose of this Act is to:

- (1) Beginning on July 1, 2016, require that absentee ballots be mailed to all registered voters, and require voters to return ballots by mail or walk in, deposit in ballot boxes prior to and on election day, and deposit at polling places on election day;
- (2) Allow persons to register to vote at absentee polling places at any time prior to the day of an election and, beginning on July 1, 2018, to register and vote at polling places on the day of an election;
- (3) Preserve references to absentee voting and ballots as used in the Uniform Military and Overseas Voters Act; and
- (4) Beginning on July 1, 2018, establish a minimum number of voter service centers per county and island, in lieu of existing polling places, and require voter



1 service centers to provide services such as allowing
2 people to register to vote and cast ballots on the day
3 of an election.

4 PART II

5 SECTION 2. Chapter 15, Hawaii Revised Statutes, is amended
6 by adding a new section to be appropriately designated and to
7 read as follows:

8 "§15- Voter service centers; minimum number;
9 designation; services provided. (a) Beginning on July 1, 2018,
10 voter service centers shall be established at the office of the
11 respective county clerks and may be established at other sites
12 as may be designated by the county clerk pursuant to this
13 section and rules adopted by the chief election officer.
14 Section 11-21 relating to changes and transfers of registration
15 shall apply to the voter service centers as though it were the
16 precinct at which a person's name properly appears on the list
17 of registered voters.

18 (b) All voting service centers shall be open only on the
19 day of the election and at the same times statewide, except as
20 may be provided in section 11-92.3 or by the chief election
21 officer through administrative rules.



1 (c) For all elections, each county clerk shall designate a
2 minimum number of voter service centers as follows:

3 (1) For counties with at least four hundred thousand
4 registered voters, at least twenty-five in each such
5 county;

6 (2) For counties with at least seventy-five thousand but
7 fewer than four hundred thousand registered voters, at
8 least six in each such county;

9 (3) For counties with at least fifteen thousand but fewer
10 than seventy-five thousand registered voters, at least
11 three in each such county; and

12 (4) For counties with fewer than fifteen thousand
13 registered voters, at least one voter service center
14 in each such county;

15 provided that there shall be at least one voter service center
16 on each inhabited island of the State.

17 (d) In designating voter service centers pursuant to this
18 section, each county clerk shall consider the following factors
19 to address the needs of the county:

20 (1) Proximity to public transportation lines and
21 availability of parking;



- 1 (2) Geographic features, such as mountain passes, that
2 tend to affect access and convenience;
- 3 (3) Equitable distribution across the county so as to
4 afford maximally convenient options for voters;
- 5 (4) The existence and location of population centers;
- 6 (5) Access for persons with disabilities;
- 7 (6) Use of locations that have historically served as
8 polling places for a significant number of voters;
- 9 (7) Use of schools, recreational halls, park facilities,
10 and other publicly owned or controlled buildings that
11 are known to voters in the county, especially to the
12 extent that using such buildings results in cost
13 savings compared to other potential locations; and
- 14 (8) When private locations are considered or designated as
15 voter service centers in accordance with this section,
16 methods and standards to ensure the security of voting
17 conducted at such locations.

18 (e) Each county clerk shall solicit public comments in
19 proposing voter service center locations and shall submit the
20 proposed locations to the chief election officer for approval.
21 The chief election officer shall adopt administrative rules,



1 pursuant to chapter 91, to prescribe the manner of submission,
2 public comment and notice requirements, deadline for submission,
3 and criteria for approval of proposed voter service center
4 locations.

5 (f) Each voter service center shall provide:

6 (1) The ability for an eligible voter to deposit or cast a
7 ballot;

8 (2) The ability for an eligible voter to update the
9 voter's address;

10 (3) The ability for an eligible voter who has legally
11 changed the voter's name to have the voter's name
12 changed;

13 (4) Facilities and equipment that are compliant with the
14 federal Americans with Disabilities Act of 1990, title
15 42 United States Code section 12101 et seq., as
16 amended;

17 (5) Electronic voting machines or other voting systems
18 accessible to voters with disabilities;

19 (6) Voting booths;

20 (7) Ballots for distribution;

21 (8) At least one ballot box; and



1 (9) Pursuant to section 11-15.2, beginning on July 1,
2 2018, the ability for an eligible voter to register to
3 vote on the day of the election."

4 SECTION 3. Section 15-1, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "**§15-1 Definitions.** As used in this chapter, unless the
7 context otherwise requires:

8 "Absentee ballot" means a ballot, as defined in section
9 11-1, used in absentee voting[-] pursuant to this chapter.

10 "Absentee polling place" means an office or other suitable
11 facility designated by the respective clerks for the conduct of
12 absentee voting and the processing of absentee ballots.

13 "Ballot" means a ballot, as defined in section 11-1, used
14 in voting pursuant to this chapter. The term includes absentee
15 ballots.

16 "Ballot box" means a location established pursuant to
17 section 15-8 to accept the deposit of ballots.

18 "Invalid ballot" means any absentee ballot [~~which~~] that
19 does not meet the requirements for a ballot to be counted as
20 listed in section 15-9.



1 ~~["Voter in a remote area" means any registered voter who~~
2 ~~resides ten miles or more from the voter's designated polling~~
3 ~~place by the most direct route for public travel.]~~

4 "Poll" or "polling place" means an office or other suitable
5 facility designated by the respective clerks for the conduct of
6 voting. Beginning on July 1, 2018, the term "poll" or "polling
7 place" means a voter service center.

8 "Stand-alone ballot box" means a location that is
9 established pursuant to section 15-8 to accept the deposit of
10 ballots and is not a ballot box provided at a polling place.

11 "Voter service center" means a location established
12 pursuant to section 15- for accepting ballots on the day of an
13 election and providing other services described in section
14 15- ."

15 SECTION 4. Section 15-2, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "§15-2 Who [may vote by absentee ballot.] shall receive an
18 absentee ballot by mail. Any person registered to vote [may
19 ~~east an absentee ballot in the manner provided in this chapter~~
20 ~~and rules adopted by the chief election officer.] and whose name~~



1 has not been removed from the register pursuant to section 11-17
2 shall receive an absentee ballot by mail."

3 SECTION 5. Section 15-5, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§15-5 **Delivery of ballots.** [~~a~~] Immediately upon
6 receipt of [~~a request within the time limit specified in section~~
7 ~~15-4,~~] an application to register to vote, the clerk shall
8 examine the records to ascertain whether or not the voter is
9 lawfully entitled to vote as requested. As soon as the printed
10 official ballots are available, the clerk shall [~~mail~~]:

11 (1) Mail in a forwarding envelope; or [~~deliver~~]
12 (2) Deliver in person, if the voter appears at [~~the office~~
13 ~~of the clerk,~~] an absentee polling place; if the voter
14 appears at a voter service center beginning on July 1,
15 2018; or if there is insufficient time to mail a
16 ballot to the voter,

17 an official ballot and other materials prescribed in section
18 15-6, except that an incapacitated voter may send a
19 representative to obtain the voter's ballots pursuant to the
20 rules [~~promulgated~~] adopted by the chief election officer. [~~All~~
21 ~~requests received upon the last day specified in section 15-4~~



1 ~~for receipt shall be mailed to the voter requesting the same as~~
2 ~~soon as reasonably practicable, but in no event later than~~
3 ~~twenty four hours after receipt thereof.~~

4 ~~(b) If mailed absentee ballots are not received by the~~
5 ~~voter within five days of an election, a covered voter under~~
6 ~~chapter 15D may request that absentee ballots be forwarded by~~
7 ~~facsimile. Upon receipt of such a request and confirmation that~~
8 ~~proper application was made, the clerk may transmit appropriate~~
9 ~~ballots by facsimile together with a form requiring the~~
10 ~~affirmations and information required by section 15-6, and a~~
11 ~~form containing a waiver of the right to secrecy, as provided by~~
12 ~~section 11-137. The voter may return the voted ballots and~~
13 ~~executed forms by facsimile or mail, provided that they are~~
14 ~~received by the issuing clerk no later than the close of polls~~
15 ~~on election day. Upon receipt, the clerk shall verify~~
16 ~~compliance with the requirements of section 15-9(c), and prepare~~
17 ~~the ballots for counting pursuant to section 15-10.] "~~

18 SECTION 6. Section 15-7, Hawaii Revised Statutes, is
19 amended as follows:

20 1. By amending the title to read:



1 "§15-7 Absentee polling place; registration at absentee
2 polling place[-] prior to election day; registration at voter
3 service center on election day."

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 the day before election day. All absentee polling
10 places shall be open on the same date statewide, as determined
11 by the chief election officer.

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

14 (1) Pursuant to chapter 11;

15 (2) Beginning on July 1, 2016, prior to election day by
16 appearing in person at the absentee polling place for
17 the county in which the person maintains residence[-];
18 or

19 (3) Beginning on July 1, 2018, on election day at any
20 voter service center.



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

3 (1) Beginning on July 1, 2016, at each of the absentee
4 polling places established in the county[-], prior to
5 election day; and

6 (2) Beginning on July 1, 2018, at each voter service
7 center on election day."

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

9 "(i) The clerk of each county shall add persons who
10 properly register at an absentee polling place or voter service
11 center, as applicable, to the respective general county
12 register. Within thirty days of registration at an absentee
13 polling place[-] or voter service center, as applicable, the
14 county clerk shall mail to the person a notice including the
15 person's name, current street address, district and precinct,
16 and date of registration. A notice mailed pursuant to this
17 subsection shall serve as prima facie evidence that the person
18 is a registered voter as of the date of registration."

19 SECTION 7. Section 15-8, Hawaii Revised Statutes, is
20 amended to read as follows:



1 "§15-8 [~~Absentee ballot box.~~] Ballot boxes; stand-alone
2 ballot boxes. (a) [~~An absentee~~] At least one ballot box [~~or~~
3 ~~boxes~~] shall be provided in [~~the absentee polling place for the~~
4 ~~purpose of depositing the return envelopes and the ballot~~
5 ~~envelopes of those who vote~~] each absentee polling place and
6 polling place to allow voters to deposit absentee ballots in
7 person [~~at the absentee polling place. The~~].

8 (b) The counties shall also establish stand-alone ballot
9 boxes, at locations other than polling places, to allow voters
10 to deposit their completed ballots. All ballot boxes, excluding
11 ballot boxes located in polling places, shall be open as soon as
12 ballots are made available to voters; provided that all stand-
13 alone ballot boxes shall be open on the same dates and times
14 statewide, except as provided in section 11-92.3 or by the chief
15 election officer through administrative rules.

16 (c) Each county shall make available at least one stand-
17 alone ballot box for every ten thousand registered voters in the
18 county.

19 (d) Counties are encouraged to designate community-based
20 locations as sites for stand-alone ballot boxes.



1 (e) Each ballot box shall be secured in accordance with
2 rules [~~promulgated~~] adopted by the chief election officer.

3 (f) Tampering with [~~the~~] a ballot box or opening it before
4 the time prescribed in section 15-9 shall be an election offense
5 under section 19-6."

6 SECTION 8. Section 15-9, Hawaii Revised Statutes, is
7 amended as follows:

8 1. By amending the title and subsection (a) to read:

9 "**§15-9 Return [and], receipt, and checking of absentee**
10 **ballots.** (a) The return envelope shall be:

11 (1) Mailed and must be received by the clerk issuing the
12 absentee ballot not later than the closing of the
13 polls on any election day;

14 (2) Delivered other than by mail to the clerk issuing the
15 absentee ballot, or another election official
16 designated by the clerk to act on the clerk's behalf,
17 not later than the closing of polls on any election
18 day; [~~or~~]

19 (3) Delivered other than by mail to any polling place
20 within the county in which the voter is registered and
21 deposited by a precinct official in the ballot box



1 before the closing of the polls on any election
2 day[-]; or

3 (4) Deposited in any ballot box before the closing of the
4 polls on any election day."

5 2. By amending subsection (c) to read:

6 "(c) Prior to opening the return and ballot envelopes and
7 counting the ballots, the return envelopes shall be checked for
8 the following:

9 (1) Signature on the affirmation statement;

10 (2) Whether the signature corresponds with the [~~absentee~~
11 ~~request or~~] register as prescribed in the rules
12 adopted by the chief election officer; and

13 (3) Whether the person is a registered voter and has
14 complied with the requirements of sections 11-15 and
15 11-16."

16 SECTION 9. Section 15-14, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "**§15-14 Ballots; where voting machines are used.** In all
19 [~~precincts~~] polling places in which voting machines are used,
20 sections 15-1 to 15-13 shall apply provided that the number and
21 type of [~~absentee~~] ballots to be printed shall be determined at



1 the discretion of the officer charged with printing and
2 furnishing them. The officer may use reasonable facsimiles of
3 the sample ballot used in polling places that use voting
4 ~~[machine precincts.]~~ machines."

5 SECTION 10. Section 15-4, Hawaii Revised Statutes, is
6 repealed.

7 ~~["§15-4 Request for absentee ballot. (a) Any person~~
8 ~~registered to vote may request an absentee ballot or permanent~~
9 ~~absentee ballot in person or in writing from the clerk at any~~
10 ~~time but not later than 4:30 p.m. on the seventh day prior to~~
11 ~~the election. Any mailed requests for an absentee ballot or~~
12 ~~permanent absentee ballot shall be mailed by the person directly~~
13 ~~to the clerk. The clerk may waive any or all of the foregoing~~
14 ~~requirements in special cases as provided in the rules adopted~~
15 ~~by the chief election officer.~~

16 ~~The request shall include information such as the person's~~
17 ~~social security number, date of birth, and the address under~~
18 ~~which the person is registered to vote. The request shall also~~
19 ~~include the address to which the person wishes the requested~~
20 ~~ballot to be forwarded. The request, when made for any primary~~
21 ~~or special primary election, may include an additional request~~



1 ~~for an absentee ballot to be voted at any election immediately~~
2 ~~following the primary or special primary; provided the person so~~
3 ~~indicates in the person's request.~~

4 ~~Subsequent to the closing of registration for each~~
5 ~~election, the clerk may mail a request form for an absentee~~
6 ~~ballot and permanent absentee ballot to each voter in a remote~~
7 ~~area who has not already made such a request. The request form~~
8 ~~shall be accompanied by:~~

9 ~~(1) A stamped, self-addressed envelope; and~~

10 ~~(2) Instructions regarding the manner of completing and~~
11 ~~returning the request form.~~

12 ~~(b) Notwithstanding subsection (a), the respective clerk~~
13 ~~shall be allowed to conduct an absentee ballot only election and~~
14 ~~may mail an absentee ballot for each primary, special primary,~~
15 ~~special, general, and special general election to each~~
16 ~~registered voter who resides in the county of Kalawao or on any~~
17 ~~island of a county with a population of less than one hundred~~
18 ~~eighty thousand, except for the island where the county seat of~~
19 ~~government is located. The chief election officer may adopt~~
20 ~~rules to carry out this subsection.~~



1 ~~(c) Notwithstanding any law to the contrary, in the event~~
2 ~~there are fewer than five hundred registered voters as of the~~
3 ~~preceding general election in an area covered by a unique~~
4 ~~ballot type, the clerk shall mail an absentee ballot to each~~
5 ~~registered voter who resides in such an area, if the chief~~
6 ~~election officer, or the clerk in a county only election,~~
7 ~~determines that an election day polling place will not be~~
8 ~~established for such voters.~~

9 ~~(d) For the purposes of this section, "ballot type" means~~
10 ~~the unique ballot containing the contests, questions, or issues~~
11 ~~that will be used by the voters of a specific area.~~

12 ~~(e) When a registered voter requests an absentee ballot,~~
13 ~~the voter also may include an additional request to receive~~
14 ~~absentee ballots permanently. After receiving a request for~~
15 ~~permanent absentee voter status, the clerk shall mail to the~~
16 ~~voter who requested permanent absentee voter status an absentee~~
17 ~~ballot for all subsequent elections conducted in that precinct.~~

18 ~~(f) The chief election officer shall inform voters of the~~
19 ~~option of applying for permanent absentee voter status and shall~~
20 ~~provide any necessary form to request the permanent absentee~~



1 ~~ballot option to any registered voter requesting an absentee~~
2 ~~ballot and any person applying to register to vote.~~

3 ~~(g) A permanent absentee voter shall be responsible for~~
4 ~~informing the clerk of any changes to personal information,~~
5 ~~including changes to the voter's forwarding address.~~

6 ~~(h) A voter's permanent absentee voter status shall be~~
7 ~~terminated if any of the following conditions apply:~~

8 ~~(1) The voter requests in writing that such status be~~
9 ~~terminated;~~

10 ~~(2) The voter dies, loses voting rights, registers to vote~~
11 ~~in another jurisdiction, or is otherwise disqualified~~
12 ~~from voting;~~

13 ~~(3) The voter's absentee ballot, voter notification~~
14 ~~postcard, or any other election mail is returned to~~
15 ~~the clerk as undeliverable for any reason; or~~

16 ~~(4) The voter does not return a voter ballot by 6:00 p.m.~~
17 ~~on election day in both the primary and general~~
18 ~~election of an election year.~~

19 ~~(i) If a voter's permanent absentee voter status has been~~
20 ~~terminated due to one or more of the conditions specified in~~
21 ~~subsection (h), the voter shall be responsible for again~~



1 ~~requesting permanent absentee status as specified in subsection~~
2 ~~(e)."]~~

3 **PART III. CONFORMING AMENDMENTS**

4 SECTION 11. Section 11-1, Hawaii Revised Statutes, is
5 amended as follows:

6 1. By adding three new definitions to be appropriately
7 inserted and to read:

8 "Ballot box" means a location established pursuant to
9 section 15-8 to accept the deposit of ballots.

10 "Poll" or "polling place" means an office or other suitable
11 facility designated by the respective clerks for the conduct of
12 voting. Beginning on July 1, 2018, the term "poll" or "polling
13 place" means a voter service center.

14 "Voter service center" means a location established
15 pursuant to section 15- for accepting ballots on the day of an
16 election and providing other services described in section
17 15- ."

18 SECTION 12. Section 11-15, Hawaii Revised Statutes, is
19 amended by amending subsection (a) to read as follows:



1 "(a) Any person qualified to and desiring to register as a
2 voter in any county shall make and subscribe to an application
3 in the form of an affidavit.

4 The affidavit shall contain the following information:

5 (1) Name;

6 (2) Social security number;

7 (3) Date of birth;

8 (4) Residence, including mailing address;

9 (5) That the residence stated in the affidavit is not
10 simply because of the person's presence in the State,
11 but that the residence was acquired with the intent to
12 make Hawaii the person's legal residence with all the
13 accompanying obligations therein; and

14 (6) That the person is a citizen.

15 ~~[An application to register to vote shall include a space
16 to request a permanent absentee ballot.]"~~

17 SECTION 13. Section 11-16, Hawaii Revised Statutes, is
18 amended by amending subsection (a) to read as follows:

19 "(a) Any qualified person unable for any cause to appear
20 in person before the clerk for registration may register to vote
21 by mail, not later than thirty days prior to a primary or



1 general election, through the affidavit on application for voter
2 registration or other form prescribed by the chief election
3 officer. The form shall include a self-subscribing oath for the
4 applicant to swear to the truth of the allegations in the
5 application. An applicant unable to write for reason of
6 illiteracy, blindness, or other physical disability shall have
7 the applicant's mark witnessed by a person who shall sign the
8 affidavit in the space provided. [~~Each application form shall~~
9 ~~also include a space to request a permanent absentee ballot.~~]
10 Application forms shall be made available to any qualified
11 person through community groups, political parties, and other
12 groups prescribed by the chief election officer. Application
13 forms shall be made available to any qualified person at the
14 time of that person's driver's license application or renewal
15 through the examiner of drivers."

16 SECTION 14. Section 11-17, Hawaii Revised Statutes, is
17 amended as follows:

18 1. By amending subsection (a) to read:

19 "(a) The clerk, not later than 4:30 p.m. on the sixtieth
20 day after every general election, shall remove the name of any
21 registered voter who did not vote in that general election, and



1 also did not vote in the primary election preceding that general
2 election, and also did not vote in the previous general
3 election, and also did not vote in the primary election
4 preceding that general election, and also did not vote in the
5 regularly scheduled special elections held in conjunction with
6 those primary and general elections, if any, with the exception
7 of:

- 8 (1) Those who submitted written requests for absentee
9 ballots as provided in section 15-4 [~~7-07~~] prior to
10 July 1, 2016, for any of the elections described in
11 this subsection; or
- 12 (2) Anyone who preregistered pursuant to section 11-12(b).
13 If a person voted, at least once, in any of the above-mentioned
14 elections, the person's name shall remain on the list of
15 registered voters. For this purpose, "vote" means the mailing
16 in of the ballot or the depositing of the ballot in the ballot
17 box whether the ballot is blank or later rejected for any
18 reason. In the case of voting machines, "vote" means the voter
19 has activated the proper mechanism and fed the vote into the
20 machine."

21 2. By amending subsection (d) to read:



1 "(d) Any person whose name has been removed from the
2 register [~~, at any time prior to the closing of the register, as~~
3 ~~provided in section 11-24,~~] may have that person's name restored
4 in the register by presenting oneself to the clerk and
5 reregistering pursuant to section 11-15, or by making
6 application by mail or otherwise pursuant to procedures
7 established by the clerk. The clerk shall require satisfactory
8 evidence to establish the identity of the applicant. The names
9 of all those persons shall be reentered in the register."

10 SECTION 15. Section 11-20, Hawaii Revised Statutes, is
11 amended by amending subsection (d) to read as follows:

12 "(d) [~~Notwithstanding section 11-24, the~~] The clerk may,
13 at any time, transfer a voter's registration when notice of a
14 change of address is received by registration affidavit or other
15 form or means approved by the chief election officer."

16 SECTION 16. Section 11-24, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "§11-24 [~~Closing register.~~] Register to remain open. [~~(a)~~
19 ~~At 4:30 p.m. on the thirtieth day prior to each primary, special~~
20 ~~primary, or special election, but if the day is a Saturday,~~
21 ~~Sunday, or holiday then at 4:30 p.m. on the first working day~~



1 ~~immediately thereafter, the general county register shall be~~
2 ~~closed to registration for persons seeking to vote at the~~
3 ~~primary, special primary, or special election and remain closed~~
4 ~~to registration until after the election, subject to change only~~
5 ~~as provided in sections 11-21(c), 11-22, 11-25, 11-26, and this~~
6 ~~section.~~

7 ~~(b) Notwithstanding the closing of the register for~~
8 ~~registration to vote at the primary or special primary election,~~
9 ~~the] The register shall remain open for the registration of~~
10 ~~persons seeking to vote at [the] each primary, special primary,~~
11 ~~special, general, or special general election[7] until [4:30~~
12 ~~p.m. on the thirtieth day prior to] the closing of all polls~~
13 ~~during the [general or special general] election[, but if the~~
14 ~~day is a Saturday, Sunday, or holiday then at 4:30 p.m. on the~~
15 ~~first working day immediately thereafter, at the end of which~~
16 ~~period the general county register shall be closed to~~
17 ~~registration and remain closed until after the general or~~
18 ~~special general election next following, subject to change only~~
19 ~~as provided in sections 11-21(c), 11-22, 11-25, and 11-26]."~~

20 SECTION 17. Section 11-91.5, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "~~§11-91.5 Federal, state, and county elections by [mail.]~~
2 absentee voting. (a) [~~Any federal, state, or county election~~
3 ~~held other than on the date of a regularly scheduled primary or~~
4 ~~general election may be conducted by mail.~~

5 ~~(b) The chief election officer shall determine whether a~~
6 ~~federal or state election, other than a regularly scheduled~~
7 ~~primary or general election, may be conducted by mail or at~~
8 ~~polling places.~~

9 ~~(c) The county clerk shall determine whether a county~~
10 ~~election, held other than on the date of a regularly scheduled~~
11 ~~primary or general election, may be conducted by mail or at~~
12 ~~polling places. An election by mail in the county shall be~~
13 ~~under the supervision of the county clerk.~~

14 ~~(d)]~~ All federal, state, and county primary, special
15 primary, and general elections shall be conducted by absentee
16 voting pursuant to chapter 15, except as may be provided through
17 administrative rules adopted by the chief election officer
18 pursuant to chapter 91.

19 (b) Any ballot cast by mail under this section shall be
20 subject to the provisions applicable to absentee ballots under
21 sections 11-139 and 15-6.



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

4 SECTION 18. Section 11-92.1, Hawaii Revised Statutes, is
5 amended by amending subsection (a) to read as follows:

6 "(a) The chief election officer shall issue a proclamation
7 whenever a new precinct is established in any representative
8 district. The chief election officer, or the county clerk in a
9 county election, shall provide [a] suitable polling [~~place for~~
10 ~~each precinct. Schools, recreational halls, park facilities,~~
11 ~~and other publicly owned or controlled buildings, whenever~~
12 ~~possible and convenient, shall be used as polling places. The~~
13 ~~chief election officer shall make arrangements for the rental or~~
14 ~~erection of suitable shelter for this purpose whenever public~~
15 ~~buildings are not available and shall cause these polling places~~
16 ~~to be equipped with the necessary facilities for lighting,~~
17 ~~ventilation, and equipment needed for elections on any island.]~~
18 places and ballot boxes in accordance with chapter 15. This
19 proclamation may be issued jointly with the proclamation
20 required in section 11-91."



1 SECTION 19. Section 11-92.3, Hawaii Revised Statutes, is
2 amended by amending the title and subsection (a) to read as
3 follows:

4 "§11-92.3 Consolidated precincts; natural disasters;
5 postponement; [~~absentee voting required;~~] special elections.

6 (a) In the event of a flood, tsunami, earthquake, volcanic
7 eruption, high wind, or other natural disaster, occurring prior
8 to an election, that makes a precinct, polling place, or ballot
9 box inaccessible, the chief election officer or county clerk in
10 the case of county elections may consolidate precincts within a
11 representative district. If the extent of damage caused by any
12 natural disaster is such that the ability of voters, in any
13 precinct, district, or county, to exercise their right to vote
14 is substantially impaired, the chief election officer or county
15 clerk in the case of county elections may [~~require the~~
16 ~~registered voters of the affected precinct to vote by absentee~~
17 ~~ballot pursuant to section 15-2.5 and may~~] postpone the
18 conducting of an election in the affected precinct for no more
19 than twenty-one days; provided that any such postponement shall
20 not affect the conduct of the election, tabulation, or
21 distribution of results for those precincts, districts, or



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

9 SECTION 20. 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 shall be
14 shared as set forth below:

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



S.B. NO. 336

- 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 and ballot box 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



S.B. NO. 336

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."

PART IV

15 SECTION 21. Chapter 15D, Hawaii Revised Statutes, is
 16 amended by adding two new sections to be appropriately
 17 designated and to read as follows:

18 "§15D-A Request for absentee ballot. (a) Any covered
 19 voter who is registered to vote in this State may request an
 20 absentee ballot or permanent absentee ballot in person or in
 21 writing from the clerk at any time but not later than 4:30 p.m.



1 on the seventh day prior to the election. Any mailed requests
2 for an absentee ballot or permanent absentee ballot shall be
3 mailed by the person directly to the clerk. The clerk may waive
4 any or all of the foregoing requirements in special cases as
5 provided in the rules adopted by the chief election officer.

6 The request shall include information such as the covered
7 voter's social security number, date of birth, and the address
8 under which the person is registered to vote. The request shall
9 also include the address to which the person wishes the
10 requested ballot to be forwarded. The request, when made for
11 any primary or special primary election, may include an
12 additional request for an absentee ballot to be voted at any
13 election immediately following the primary or special primary;
14 provided the person so indicates in the person's request.

15 (b) When a covered voter who is registered to vote in this
16 State requests an absentee ballot, the voter also may include an
17 additional request to receive absentee ballots permanently.
18 After receiving a request for permanent absentee voter status,
19 the clerk shall mail to the covered voter who requested
20 permanent absentee voter status an absentee ballot for all
21 subsequent elections conducted in that precinct.



1 (c) The chief election officer shall inform covered voters
2 who are registered to vote in this State of the option of
3 applying for permanent absentee voter status and shall provide
4 any necessary form to request the permanent absentee ballot
5 option to any covered voter requesting an absentee ballot and
6 any person applying to register to vote.

7 (d) A permanent absentee voter shall be responsible for
8 informing the clerk of any changes to personal information,
9 including changes to the voter's forwarding address.

10 (e) Permanent absentee voter status shall be terminated if
11 any of the following conditions apply:

12 (1) The voter requests in writing that such status be
13 terminated;

14 (2) The voter dies, loses voting rights, registers to vote
15 in another jurisdiction, or is otherwise disqualified
16 from voting;

17 (3) The voter's absentee ballot, voter notification
18 postcard, or any other election mail is returned to
19 the clerk as undeliverable for any reason; or



1 (4) The voter does not return a voter ballot by 6:00 p.m.
2 on election day in both the primary and general
3 election of an election year.

4 (f) If permanent absentee voter status has been terminated
5 due to one or more of the conditions specified in subsection
6 (e), the voter shall be responsible for again requesting
7 permanent absentee status as specified in subsection (a).

8 §15D-B Delivery of ballots. If mailed absentee ballots
9 are not received by the voter within five days of an election, a
10 covered voter may request that absentee ballots be forwarded by
11 facsimile. Upon receipt of such a request and confirmation that
12 proper application was made, the clerk may transmit appropriate
13 ballots by facsimile together with a form requiring the
14 affirmations and information required by section 15-6, and a
15 form containing a waiver of the right to secrecy, as provided by
16 section 11-137. The voter may return the voted ballots and
17 executed forms by facsimile or mail; provided that they are
18 received by the issuing clerk no later than the close of polls
19 on election day. Upon receipt, the clerk shall verify
20 compliance with the requirements of section 15-9(c), and prepare
21 the ballots for counting pursuant to section 15-10."



1 SECTION 22. Section 15D-7, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By amending subsection (a) to read:

4 "(a) A covered voter who is registered to vote in this
5 State may apply for a military-overseas ballot using the
6 absentee ballot application prescribed in section [~~15-4,~~] 15D-A,
7 the federal postcard application, or the application's
8 electronic equivalent, as appropriate."

9 2. By amending subsection (d) to read:

10 "(d) A covered voter may use the declaration accompanying
11 the federal write-in absentee ballot as an application for a
12 military-overseas ballot simultaneously upon its submission if
13 it is received by the appropriate election official by the
14 deadline prescribed under section [~~15-4,~~] 15D-A."

15 SECTION 23. Section 15D-8, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "[~~§~~15D-8[~~§~~] **Timeliness and scope of application for**
18 **military-overseas ballot.** An application for a military-
19 overseas ballot shall be timely if received by the request
20 period prescribed under section [~~15-4,~~] 15D-A. An application
21 for a military-overseas ballot for a primary election, whether



1 or not timely, shall be effective as an application for a
2 military-overseas ballot for the general election and all
3 subsequent elections held before December 31 of that calendar
4 year."

5 SECTION 24. Section 15D-15, Hawaii Revised Statutes, is
6 amended by amending subsection (c) to read as follows:

7 "(c) As soon as ballot styles are finalized pursuant to
8 section 11-119, and no later than the date ballots are required
9 to be transmitted to voters under section [~~15-47~~] 15D-A, the
10 official charged with preparing the election notice under
11 subsection (a) shall update the notice with the certified
12 candidates for each office and ballot measure questions and make
13 the updated notice publicly available."

14 **PART V**

15 SECTION 25 Section 11-15.2, Hawaii Revised Statutes, is
16 amended to read as follows:

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



1 (1) Prior to the day of the election, at any absentee
2 polling place established pursuant to section 15-7 in
3 the county associated with the person's residence; or

4 (2) On the day of the election, at the [~~polling place in~~
5 ~~the precinct~~] voting service center associated with
6 the person's residence.

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

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

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

17 (2) Acknowledging that the person has not voted and will
18 not vote at any other polling place for that election
19 and has not cast and will not cast any absentee ballot
20 pursuant to chapter 15 for that 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]~~ voter service center associated with the
18 person's residence.

19 (g) The clerk of each county shall add persons who
20 properly register under this section to the respective general
21 county register. Within thirty days of registration at the



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

PART VI

8 SECTION 26. In codifying the new sections added by section
 9 21 of this Act, the revisor of statutes shall substitute
 10 appropriate section numbers for the letters used in designating
 11 the new sections in this Act.

12 SECTION 27. Statutory material to be repealed is bracketed
 13 and stricken. New statutory material is underscored.

14 SECTION 28. This Act shall take effect on July 1, 2016;
 15 provided that section 25 of this Act and section 15- , Hawaii
 16 Revised Statutes, established by section 2 of this Act, shall
 17 take effect on July 1, 2018.

18

INTRODUCED BY:

[Handwritten signatures]
John Hironaka
Scott Rothblatt
Will Espero
Clarence K. Iwihikene
Frederic L. Inoué



S.B. NO. 336

Report Title:

Absentee Voting; Late Voter Registration; Ballot Boxes; Voter Service Centers

Description:

Beginning on July 1, 2016: Requires an absentee ballot for elections held on their regularly scheduled days to be mailed to each registered voter; replaces absentee polling places to remain open through the day before election day; requires ballots to be returned by mail, at absentee polling places before election day, deposited in ballot boxes before and on election day, or deposited at polling places on election day; requires the voter register to remain open. Preserves references to absentee voting and ballots as used in the Uniform Military and Overseas Voters Act. Beginning on July 1, 2018: Establishes a minimum number of voter service centers per county and island, in lieu of traditional polling places; requires voter service centers to provide services such as voter registration on election day.

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

