
A BILL FOR AN ACT

RELATING TO ELECTIONS.

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

1 SECTION 1. The legislature finds that the trend in Hawaii
2 has been toward increased mail-in voting. The 2014 Hawaii
3 primary election was the first election in which more ballots
4 were voted early than were cast on primary election day. Fifty-
5 six per cent of Hawaii voters chose to vote early during the
6 2014 primary, with approximately eighty-three per cent of these
7 early voters doing so by mail-in absentee ballot.

8 The legislature further finds that Hawaii's conversion to
9 elections by mail would significantly reduce the logistical
10 issues related to conducting elections. The legislature
11 concludes that an incremental implementation of an election by
12 mail voting system is the best approach for the State to
13 transition to elections by mail.

14 Accordingly, the purpose of this Act is to:

15 (1) Require the office of elections to implement elections
16 by mail in a county with a population of less than
17 100,000, beginning with the 2018 primary election, and
18 beginning with the 2020 primary election, implement



1 elections by mail in every county for all federal,
2 state, and county primary, special primary, general,
3 special general, and special elections;

4 (2) Provide places of deposit for personal delivery of
5 mail-in ballots and a limited number of voter service
6 centers that would remain open on the day of election
7 to receive personal delivery of absentee, permanent
8 absentee, and mail-in ballots, accommodate voters with
9 special needs, and provide other services; and

10 (3) Appropriate funds for the implementation and
11 administration of the election by mail program.

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

15 "PART . ELECTIONS BY MAIL

16 §11-A Elections eligible to be conducted by mail.

17 Beginning with the 2018 primary election, the office of
18 elections shall implement elections by mail in a county with a
19 population of less than 100,000. Beginning with the 2020
20 primary election, the office of elections shall implement
21 elections by mail for all federal, state, and county primary,



1 special primary, general, special general, and special elections
2 throughout the State in accordance with this part; provided
3 further that any person registered to vote in a county that has
4 not yet implemented elections by mail under this part may
5 request an absentee ballot or permanent absentee ballot in
6 accordance with section 15-4, in lieu of receiving an election
7 by mail ballot package pursuant to this part, and absentee
8 ballot-only elections may continue to be conducted pursuant to
9 section 15-4(b).

10 §11-B Procedures for conducting elections by mail. (a)

11 Ballot packages for elections by mail shall include:

- 12 (1) An official ballot;
- 13 (2) A pre-paid postage return identification envelope;
- 14 (3) A secrecy envelope; and
- 15 (4) Instructions.

16 (b) To the extent practicable, the county clerk shall mail
17 a ballot package by nonforwardable mail to each registered voter
18 in the county no earlier than eighteen days and no later than
19 fourteen days before the date of an election. Nothing in this
20 part shall be construed to change the responsibilities of the



1 chief election officer under chapter 15D with respect to uniform
2 military and overseas voters.

3 (c) The chief election officer shall determine and provide
4 for voter service centers and places of deposit pursuant to this
5 part and section 11-92.1.

6 §11-C Public notice of mailing. Public notice of the date
7 or dates that ballot packages are mailed shall be given by the
8 chief election officer and all county election officers in the
9 manner prescribed in section 1-28.5 when all the packages have
10 been mailed or made available to voters.

11 §11-D Ballot instructions; ballot return. (a) After
12 receipt of the ballot package, to cast a valid vote, the voter
13 shall comply with the instructions included in the ballot
14 package. The instructions shall include directions for:

- 15 (1) Marking the ballot;
- 16 (2) Inserting the marked ballot in the secrecy envelope;
- 17 (3) Inserting the secrecy envelope with the marked ballot
18 in the return identification envelope; and
- 19 (4) Signing the return identification envelope before
20 mailing or delivering the return identification



1 envelope containing the secrecy envelope with the
2 marked ballot.

3 (b) The instructions shall include information on election
4 fraud and voter fraud, as provided in sections 19-3(5) and 19-
5 3.5, and notice that violation of either section may subject the
6 voter, upon conviction, to imprisonment, a fine, or both.

7 (c) To cast a valid ballot, the voter shall return the
8 marked ballot in the return identification envelope containing
9 the secrecy envelope with the marked ballot:

10 (1) By mail so that the return identification envelope is
11 received at the office of the clerk no later than the
12 time provided in section 11-131 on the date of the
13 election;

14 (2) By personal delivery to any place of deposit no later
15 than 6:00 p.m. on the day preceding the date of the
16 election; or

17 (3) By personal delivery to any voter service center no
18 later than the time provided in section 11-131 on the
19 date of the election.

20 §11-E Replacement ballots. (a) A voter may obtain a
21 replacement ballot if the ballot was destroyed, spoiled, or



1 lost. Replacement ballots shall be provided to a voter who
2 completes and signs a replacement ballot request form. The
3 replacement ballot request form shall include information that
4 allows the clerk to verify the registration of the voter and
5 ensure that another ballot has not been returned by the voter.

6 (b) Upon receipt of the replacement ballot request form,
7 the clerk shall:

- 8 (1) Verify the registration of the voter and ensure that
9 another ballot has not been returned by the voter;
- 10 (2) Note on the list of registered voters that the voter
11 has requested a replacement ballot;
- 12 (3) Mark the return identification envelope as containing
13 a replacement ballot; and
- 14 (4) Issue the replacement ballot package by mail or by
15 making the ballot package available for pick-up by the
16 voter.

17 (c) Voters requesting a replacement ballot shall return
18 the return identification envelope containing the secrecy
19 envelope with the marked replacement ballot by mail or by
20 personal delivery to a place of deposit no later than 6:00 p.m.
21 on the day preceding the date of the election or by personal



1 delivery to a voter service center no later than the time
2 provided in section 11-131 on the date of the election.

3 §11-F Deficient return identification envelopes. If:

- 4 (1) A return identification envelope is returned with an
5 unsigned affirmation;
- 6 (2) The affirmation signature does not match a reference
7 signature image in the voter registration files; or
- 8 (3) A return identification envelope contains another
9 signature discrepancy that would invalidate the
10 counting of the ballot,

11 the clerk shall make a reasonable attempt to notify the voter by
12 first class postal mail, telephone, or electronic mail to inform
13 the voter of a procedure to correct the deficiency. The voter
14 shall have five business days after the date of the election to
15 cure the deficiency using the procedure. Counting of ballots
16 and disclosure of results may proceed during the five-day
17 period. An inability by the clerk to contact any voters under
18 this section shall not be grounds for contest for cause under
19 section 11-172.

20 §11-G Electronic transmission under certain circumstances.

21 If:



- 1 (1) A ballot package is not received by a voter within
- 2 five days of an election;
- 3 (2) A voter otherwise requires a replacement ballot within
- 4 five days of an election;
- 5 (3) A voter requires a replacement ballot within five days
- 6 of an election; or
- 7 (4) A voter would otherwise not be able to return the
- 8 voter's properly issued ballot by the close of the
- 9 polls,
- 10 the voter may request that a ballot be forwarded by electronic
- 11 transmission. Upon receipt of such a request and confirmation
- 12 that proper application was made, the clerk may transmit the
- 13 appropriate ballot, together with a form containing the
- 14 affirmations and information required by section 15-6, and a
- 15 form containing a waiver of the right to secrecy under section
- 16 11-137. The voter may return the voted replacement ballot and
- 17 executed forms by electronic transmission, mail, or deposit at a
- 18 place of deposit or voter service center; provided that the
- 19 ballot and forms are received by the issuing clerk no later than
- 20 the close of the polls on election day. Upon receipt, the clerk
- 21 shall verify compliance with the requirements of this part;



1 provided that if the voter returns multiple voted ballots for
2 the same election, the clerk shall prepare for counting only the
3 first ballot returned that is not spoiled.

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

14 **§11-I Voter service centers; places of deposit.** (a)
15 Beginning on January 1 of the year in which election by mail is
16 scheduled to be implemented in a county pursuant to this part,
17 the respective clerk, after consultation with the chief election
18 officer, shall designate at least one location in the county to
19 serve as a voter service center. The office of the clerk of
20 each respective county may serve as a voter service center, as
21 may any other locations that the clerk determines will serve the



1 particular needs of the county's voters. Section 11-21 relating
2 to changes and transfers of registration shall apply to each
3 voter service center as though it were the precinct at which a
4 person's name properly appears on the list of registered voters.

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

10 (c) Each voter service center shall provide the services
11 specified in section 11-1 under the definition of "voter service
12 center".

13 (d) The county clerks may also designate and provide for
14 places of deposit if locations and apparatus for the purposes
15 specified in this part can be securely maintained throughout the
16 period of use for each election.

17 **§11-J Election expenses and responsibilities for elections**
18 **by mail.** (a) Election expenses in an election by mail shall be
19 as follows:

20 (1) Expenses related to elections by mail involving both
21 state and county offices, or involving both federal



1 and county offices, unrelated to voter registration,
2 shall be divided in half between the State and the
3 counties. Each county shall pay a proration of
4 expenses as a proportion of the registered voters at
5 the time of the general election. The counties shall
6 separately be responsible for expenses associated with
7 voter registration;

8 (2) All expenses for county elections by mail, which do
9 not involve state or federal offices, shall be borne
10 by the county and paid out of appropriations as may be
11 made by the council; and

12 (3) All expenses for state or federal elections by mail,
13 which do not involve county offices, shall be borne by
14 the State and paid out of appropriations as may be
15 made by the legislature. Expenses attributable to
16 registration of voters by the clerk for state or
17 federal elections that do not involve county offices
18 shall be borne by the State and paid out of
19 appropriations as may be made by the legislature.

20 (b) Election responsibilities for elections by mail shall
21 be as follows:



- 1 (1) For elections by mail involving both state and county
2 offices, or involving both federal and county offices:
3 (A) The counties shall be responsible for voter
4 registration, absentee voting, and the mailing
5 and receipt of ballots;
6 (B) The State shall be responsible for the printing
7 and counting of ballots;
8 (C) The State and counties may otherwise agree to the
9 delegation of these responsibilities to each
10 other; and
11 (D) Any responsibilities not specified in this
12 paragraph may be assigned to the counties or the
13 State by the chief election officer;
- 14 (2) For elections by mail involving only county offices,
15 the respective county shall be solely responsible; and
- 16 (3) For elections by mail involving only state or federal
17 offices:
18 (A) The counties shall be responsible for voter
19 registration and absentee voting;
20 (B) The State shall be responsible for the printing,
21 mailing, receipt, and counting of ballots; and



1 (C) Any responsibilities not specified in this
2 paragraph may be assigned to the counties or the
3 State by the chief election officer."

4 SECTION 3. Chapter 11, Hawaii Revised Statutes, is amended
5 by adding a new section to part X to be appropriately designated
6 and to read as follows:

7 "§11- Postponed elections; disclosure of voting results.
8 Whenever the conduct of an election within any precinct has been
9 postponed:

- 10 (1) By the chief election officer or clerk in county
11 elections because of a natural disaster pursuant to
12 section 11-92.3; or
- 13 (2) By the governor during a state of emergency pursuant
14 to section 127A-13(a) (9),
15 the printout by the counting center computer or other disclosure
16 of the number of votes cast for each candidate or question
17 appearing on the ballot for the postponed election, from any
18 precinct whether or not designated for postponement, including
19 votes cast by absentee ballot or in an election by mail pursuant
20 to part , shall not be disclosed to the public until voting
21 for the postponed election has concluded. For candidates or



1 questions not appearing on the ballot for the postponed
2 election, the chief election officer or clerk in county
3 elections may postpone the printout or other disclosure of the
4 number of votes cast until voting for the postponed election has
5 concluded."

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

8 1. By adding four new definitions to be appropriately
9 inserted and to read:

10 "Electronic transmission" means the transmission of a
11 blank or voted ballot by facsimile or electronic mail delivery,
12 or the use of an online absentee ballot delivery and return
13 system, which may include the ability to mark the ballot.

14 "Place of deposit" means a site designated pursuant to
15 section 11-I for the purpose of receiving return identification
16 envelopes in an election conducted by mail pursuant to part .

17 "Poll" or "polling place" means an office or other suitable
18 facility designated by the respective clerks for the conduct of
19 voting. Beginning on January 1, 2018, the term "poll" or
20 "polling place" shall include a voter service center in a county
21 where elections by mail has been implemented.



1 "Voter service center" means a location established
2 pursuant to section 11-I to serve all of the following purposes:

- 3 (1) Receive return envelopes for absentee and permanent
4 absentee ballots pursuant to chapter 15;
5 (2) Receive return identification envelopes in an election
6 by mail pursuant to part ;
7 (3) Provide voting machine services for persons with
8 disabilities pursuant to the Help America Vote Act of
9 2002 (Public Law 107-252), as amended, and any other
10 federal or state law relating to persons with
11 disabilities;
12 (4) Assist with voter registration services as provided by
13 law; and
14 (5) Any other purposes the chief election officer may deem
15 necessary in the event of a natural disaster or other
16 exigent circumstances occurring prior to an election."

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

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



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

12 "Voting system" [~~7~~] means the use of paper ballots,
13 electronic [~~ballet cards~~] transmission, voting machines,
14 elections by mail pursuant to part , absentee voting pursuant
15 to chapter 15, or any system by which votes are cast and
16 counted."

17 SECTION 5. Section 11-4, Hawaii Revised Statutes, is
18 amended to read as follows:

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



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

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

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

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



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

7 (1) Those who submitted written requests for absentee
8 ballots as provided in section 15-4; or

9 (2) Anyone who preregistered pursuant to section 11-12(b).

10 If a person voted, at least once, in any of the above-mentioned
11 elections, the person's name shall remain on the list of
12 registered voters. For this purpose, "vote" means the
13 depositing of the ballot in the ballot box regardless of whether
14 the ballot is blank or later rejected for any reason. In the
15 case of voting machines, "vote" means the voter has activated
16 the proper mechanism and fed the vote into the machine. In the
17 case of an election by mail pursuant to part , "vote" means
18 the voter has returned the ballot to the chief election officer
19 or clerk by the United States Postal Service or by delivering
20 the ballot to a place of deposit or voter service center."



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

4 "§11-92.1 Election proclamation; ~~[establishment of a new~~
5 ~~precinct.] places of deposit; voter service centers. (a) The
6 chief election officer shall issue a proclamation ~~[whenever a~~
7 ~~new precinct is established in any representative district.]~~
8 listing all polling places and, in counties where elections by
9 mail have been implemented pursuant to part _____, places of
10 deposit, and voter service centers. Places of deposit may be
11 open as soon as election by mail ballot packets are made
12 available to voters. The chief election officer shall provide a
13 suitable polling place for each precinct~~[-]~~ in counties where
14 elections by mail have not been implemented. Beginning on
15 January 1, 2018, voter service centers shall be made available
16 pursuant to section 11-I in a county where elections by mail
17 have been implemented. Schools, recreational halls, park
18 facilities, and other publicly owned or controlled buildings,
19 whenever possible and convenient, shall be used as polling
20 places~~[-]~~ or, in the case of elections by mail pursuant to part
21 _____, as voter service centers. The chief election officer shall~~



1 make arrangements for the rental or erection of suitable shelter
2 for this purpose whenever public buildings are not available and
3 shall cause these polling places or voter service centers to be
4 equipped with the necessary facilities for lighting,
5 ventilation, and equipment needed for elections on any island.
6 This proclamation may be issued jointly with the proclamation
7 required in section 11-91."

8 SECTION 8. Section 11-92.3, Hawaii Revised Statutes, is
9 amended by amending its title and subsection (a) to read as
10 follows:

11 "§11-92.3 [~~Consolidated precincts; natural~~] Natural
12 disasters; postponement; absentee voting [~~required~~]; elections
13 by mail; special elections. (a) In the event of a flood,
14 tsunami, earthquake, volcanic eruption, high wind, or other
15 natural disaster, occurring prior to an election, that makes a
16 precinct or voter service center inaccessible, the chief
17 election officer or county clerk in the case of county elections
18 may consolidate precincts or provide an alternate precinct or
19 voter service center within a representative district[-] or
20 county, as applicable. If the extent of damage caused by any
21 natural disaster is such that the ability of voters, in any



1 precinct, district, or county, to exercise their right to vote
2 is substantially impaired, the chief election officer or county
3 clerk in the case of county elections may [~~require~~]:

4 (1) Require the registered voters of the affected
5 precinct, district, or county to vote by absentee
6 ballot pursuant to section 15-2.5 [~~and may postpone~~
7 or elections by mail pursuant to part _____; and

8 (2) Postpone the conducting of an election in the affected
9 precinct, district, or county for no more than twenty-
10 one days; provided that any such postponement shall
11 not affect the conduct of the election, tabulation, or
12 distribution of results for those precincts,
13 districts, or counties not designated for
14 postponement.

15 The chief election officer or county clerk in the case of county
16 elections shall give notice of the consolidation, postponement,
17 or requirement to vote by absentee ballot [~~7~~] or by mail, in the
18 affected [~~county or~~] precinct, county, or district prior to the
19 opening of [~~the~~] each precinct polling place by whatever
20 possible news or broadcast media are available. Precinct



1 officials and workers affected by any consolidation shall not
2 forfeit their pay."

3 SECTION 9. Section 11-173.5, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) In primary and special primary election contests, and
6 county election contests held concurrently with a regularly
7 scheduled primary or special primary election, the complaint
8 shall be filed in the office of the clerk of the supreme court
9 not later than 4:30 p.m. on the [~~sixth~~] thirteenth day after a
10 primary or special primary election, or county election contests
11 held concurrently with a regularly scheduled primary or special
12 primary election, and shall be accompanied by a deposit for
13 costs of court as established by rules of the supreme court.
14 The clerk shall issue to the defendants named in the complaint a
15 summons to appear before the supreme court not later than 4:30
16 p.m. on the fifth day after service thereof."

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

19 "§11-184 Election expenses and responsibilities in
20 combined state and county elections. Election expenses in
21 elections involving both state and county offices, except for



1 elections conducted by mail in whole or in part, shall be shared
2 as set forth below:

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



- 1 voter registration, including printing of the
- 2 voters list;
- 3 (B) Temporary election employees hired to do strictly
- 4 county work;
- 5 (C) Maintenance of existing voting machines,
- 6 including parts, freight, storage, programming,
- 7 and personnel;
- 8 (D) Maintenance and storage of voting devices and
- 9 other equipment; and
- 10 (E) Employees assigned to conduct absentee polling
- 11 place functions.
- 12 (3) The remaining election expenses shall be divided in
- 13 half between the State and the counties. Each county
- 14 will pay a proration of expenses as a proportion of
- 15 the registered voters at the time of the general
- 16 election. These expenses shall include but not be
- 17 limited to:
- 18 (A) Polling place supplies;
- 19 (B) All printing, including ballots, but excluding
- 20 printing connected with voter registration;



1 (C) Temporary election employees not including voting
2 machine programmers doing work for both the State
3 and county;

4 (D) Ballot preparation and packing; and

5 (E) All other costs for which the State or county are
6 not specifically responsible relating to the
7 operation of voting machines, electronic voting
8 systems, and other voting systems except paper
9 ballots to include but not be limited to real
10 property rentals, equipment rentals, personnel,
11 mileage, telephones, supplies, publicity,
12 computer programming, and freight.

13 The responsibility for the above functions shall
14 be determined by the chief election officer where the
15 responsibility for such functions has not been
16 assigned by the legislature.

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



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

4 "Electronic transmission" has the same meaning as in
5 section 11-1."

6 SECTION 12. Section 15-4, Hawaii Revised Statutes, is
7 amended by amending subsection (e) to read as follows:

8 "(e) When a registered voter requests an absentee ballot,
9 the voter also may include an additional request to receive
10 absentee ballots permanently. After receiving a request for
11 permanent absentee voter status, the clerk shall mail to the
12 voter who requested permanent absentee voter status an absentee
13 ballot for all subsequent elections conducted in that precinct.
14 The forwarding address for absentee ballots to be permanently
15 mailed shall be the in-state mailing address contained in the
16 voter's registration record. Voters who seek to have ballots
17 forwarded to another address shall apply for an absentee ballot
18 under subsection (a). Subject to the conditions set forth under
19 subsection (a), a permanent absentee voter or a voter in an
20 election by mail pursuant to part of chapter 11 may also
21 request from the clerk that the voter's ballot be forwarded



1 temporarily to an address other than the address registered for
2 permanent absentee mailing or for the purposes of part of
3 chapter 11, either in or outside of the State, for a single
4 election or for a primary or special primary election and the
5 election immediately following the primary or special primary
6 election. A voter's request under this subsection for a ballot
7 to be forwarded temporarily shall not serve as a cancellation of
8 the voter's permanent absentee status, as a change to the
9 voter's permanent absentee mailing address, or as a change to a
10 voter's registered address for an election by mail pursuant to
11 part of chapter 11. Upon completion of the election or
12 elections covered by the voter's temporary request under this
13 subsection, the clerk shall resume mailing the voter's ballots
14 to the permanent absentee mailing address originally requested
15 under subsection (a), or to a voter's registered address for an
16 election by mail pursuant to part of chapter 11."

17 SECTION 13. Section 15-5, Hawaii Revised Statutes, is
18 amended by amending subsection (b) to read as follows:

19 "(b) If [~~mailed~~] permanent absentee ballots or ballots
20 requested under section 15-4 are not received by [~~the~~] a voter
21 within five days of an election, or if a voter requires a



1 replacement ballot within five days of an election, or if a
2 voter would otherwise not be able to return a properly issued
3 ballot by the close of the polls, then a [covered] voter [under
4 chapter 15D] may request that absentee ballots be forwarded by
5 [faesimile-] electronic transmission. Upon receipt of such a
6 request and confirmation that proper application was made, the
7 clerk may transmit appropriate ballots [~~by faesimile~~], together
8 with a form requiring the affirmations and information required
9 by section 15-6, and a form containing a waiver of the right to
10 secrecy, as provided by section 11-137. The voter may return
11 the voted ballots and executed forms by [~~faesimile~~] electronic
12 transmission or mail; provided that they are received by the
13 issuing clerk no later than the close of polls on election day.
14 Upon receipt, the clerk shall verify compliance with the
15 requirements of section 15-9(c) [~~7~~] and prepare the ballots for
16 counting pursuant to section 15-10[~~-~~]; provided that if the
17 voter returns multiple voted absentee ballots for the same
18 election, the clerk shall prepare for counting only the first
19 absentee ballot returned that is not spoiled."

20 SECTION 14. Section 15D-3, Hawaii Revised Statutes, is
21 amended to read as follows:



1 " ~~[+]~~ §15D-3 ~~[+]~~ Elections covered. The voting procedures in
2 this chapter apply to:

- 3 (1) A general, special, or primary election for federal
4 office;
- 5 (2) A general, special, or primary election for statewide
6 or state legislative office or state ballot measure;
7 and
- 8 (3) A general, special, recall, primary, or runoff
9 election for local government office or local ballot
10 measure conducted under ~~[section 11-91.5]~~ part of
11 chapter 11 for which absentee voting or voting by mail
12 is available for other voters."

13 SECTION 15. Section 19-6, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "§19-6 Misdemeanors. The following persons shall be
16 guilty of a misdemeanor:

- 17 (1) Any person who offers any bribe or makes any promise
18 of gain, or with knowledge of the same permits any
19 person to offer any bribe or make any promise of gain
20 for the person's benefit to any voter to induce the
21 voter to sign a nomination paper, and any person who



1 accepts any bribe or promise of gain of any kind as
2 consideration for signing the same, whether the bribe
3 or promise of gain be offered or accepted before or
4 after the signing;

5 (2) Any person who wilfully tears down [~~or~~], destroys, or
6 defaces any election proclamation [~~or any~~], poster
7 [~~or~~], notice [~~or~~], list of voters [~~or~~], visual aids,
8 or facsimile ballot, issued or posted by authority of
9 law;

10 (3) Any person printing or duplicating or causing to be
11 printed or duplicated any ballot, conforming as to the
12 size, weight, shape, thickness, or color to the
13 official ballot so that it could be cast or counted as
14 an official ballot in an election;

15 (4) Every person who is disorderly or creates a
16 disturbance whereby any meeting of the precinct
17 officials or the board of registration of voters
18 during an election is disturbed or interfered with; or
19 whereby any person who intends to be lawfully present
20 at any meeting or election is prevented from
21 attending; or who causes any disturbance at any



- 1 election; and every person assisting or aiding or
2 abetting any disturbance;
- 3 (5) Every person who, either in person or through another,
4 in any manner breaks up or prevents, or endeavors to
5 break up or prevent, the holding of any meeting of the
6 board of registration of voters, or in any manner
7 breaks up or prevents, or endeavors to break up or
8 prevent, the holding of any election;
- 9 (6) Any person, other than those designated by section
10 11-132, who remains or loiters within the area set
11 aside for voting as set forth in section 11-132 during
12 the time appointed for voting;
- 13 (7) Any person, including candidates carrying on any
14 campaign activities within the area described in
15 section 11-132 during the period of time starting one
16 hour before the polling place opens and ending when
17 the polling place closes for the purpose of
18 influencing votes. Campaign activities shall include
19 the following:



- 1 (A) Any distribution, circulation, carrying, holding,
- 2 posting, or staking of campaign cards, pamphlets,
- 3 posters, and other literature;
- 4 (B) The use of public address systems and other
- 5 public communication media;
- 6 (C) The use of motor caravans or parades; and
- 7 (D) The use of entertainment troupes or the free
- 8 distribution of goods and services;
- 9 (8) Any person who opens a return envelope containing
- 10 [an]:
- 11 (A) An absentee ballot voted under chapter 15 other
- 12 than those persons authorized to do so under
- 13 chapter 15; or
- 14 (B) A ballot voted by mail under part of chapter
- 15 11 other than those persons authorized to do so
- 16 under part of chapter 11;
- 17 (9) Any unauthorized person found in possession of any
- 18 voting machine or keys thereof; and
- 19 (10) Every person who wilfully violates or fails to obey
- 20 any of the provisions of law, punishment for which is



1 not otherwise specified in this chapter [~~specially~~
2 ~~provided for~~]."

3 SECTION 16. Section 11-91.5, Hawaii Revised Statutes, is
4 repealed.

5 [~~"§11-91.5 Federal, state, and county elections by mail.~~

6 ~~(a) Any federal, state, or county election held other than on~~
7 ~~the date of a regularly scheduled primary or general election~~
8 ~~may be conducted by mail.~~

9 ~~(b) The chief election officer shall determine whether a~~
10 ~~federal or state election, other than a regularly scheduled~~
11 ~~primary or general election, may be conducted by mail or at~~
12 ~~polling places.~~

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

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



1 ~~(e) 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 SECTION 17. Act 166, Session Laws of Hawaii 2014, section
5 1, is amended by amending subsections (b) and (c) to read as
6 follows:

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

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

- 18 (1) Of the person's qualification to vote;
- 19 (2) Acknowledging that the person has not voted and will
20 not vote at any other polling place for that election



1 and has not cast and will not cast any absentee ballot
2 pursuant to chapter 15 for that election; and

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

7 SECTION 18. There is appropriated out of the general
8 revenues of the State of Hawaii the sum of \$ or so
9 much thereof as may be necessary for fiscal year 2016-2017 for
10 the purpose of implementing and administering elections by mail,
11 including voter education and public awareness programs.

12 The sum appropriated shall be expended by the office of
13 elections for the purposes of this Act.

14 SECTION 19. No later than twenty days prior to the
15 convening of each regular session of the legislature, from 2017
16 until 2023, the office of elections shall submit a report to the
17 legislature that includes:

- 18 (1) The office's progress in implementing this Act;
- 19 (2) The office's proposals for working with the county
20 clerks to eventually merge permanent absentee voter
21 registration lists with non-absentee voter



- 1 registration lists used for the purposes of
- 2 implementing this Act;
- 3 (3) Any additional resources the office may require to
- 4 implement this Act;
- 5 (4) Any difficulties encountered;
- 6 (5) Specific steps taken and recommendations necessary to
- 7 prevent fraud and ensure the integrity of the election
- 8 process; and
- 9 (6) Any other findings and recommendations, including any
- 10 proposed legislation necessary to clarify and make
- 11 consistent chapters 11, 12, 15, and 15D, Hawaii
- 12 Revised Statutes, in light of the transition to
- 13 statewide elections by mail.

14 SECTION 20. In codifying the new sections added by section
 15 2 of this Act, the revisor of statutes shall substitute
 16 appropriate section numbers for the letters used in designating
 17 the new sections in this Act.

18 SECTION 21. If any provision of this Act, or the
 19 application thereof to any person or circumstance, is held
 20 invalid, the invalidity does not affect other provisions or
 21 applications of the Act that can be given effect without the



1 invalid provision or application, and to this end the provisions
2 of this Act are severable.

3 SECTION 22. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 23. This Act shall take effect on July 1, 2076;
6 provided that:

7 (1) Section 16 shall take effect on the date of the 2020
8 primary election; and

9 (2) Section 17 shall take effect on January 1, 2018.



Report Title:

Elections; Voting; Elections by Mail; Absentee Voting; Postponed Elections and Election Results; Election Expenses; Appropriation

Description:

Beginning with the primary election in 2018, requires the office of elections to implement election by mail in a county with a population of fewer than 100,000 and beginning with the 2020 primary election, implement election by mail in each of the other counties for all elections. Establishes an elections by mail system, including requirements for ballots, replacement ballots, deficient return of ballots, ballot counting, voter service centers, places of deposit, and election expenses and responsibilities. Establishes procedures for postponed elections. Makes conforming amendments to provide for an elections by mail system. Allows permanent absentee voters to request that their ballots be temporarily forwarded to another address in or outside of the State for a single election or a primary or special primary election and the election immediately following it. Allows for the electronic transmission of mail-in ballots. Appropriates funds for the implementation and administration of the elections by mail program. Requires the office of elections to submit annual reports to the legislature from 2017 to 2023 regarding implementing the elections by mail program. Effective 7/1/2076. (SD1)

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

