

STAND. COM. REP. NO. **3046**

Honolulu, Hawaii

MAR 23 2016

RE: H.B. No. 1654
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred
H.B. No. 1654, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ABSENTEE BALLOTS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Authorize a permanent absentee voter to request and receive a ballot at an alternate address for elections within an election cycle such that the request does not cancel the voter's permanent absentee status or change the voter's permanent absentee mailing address;
- (2) Clarify that certain conditions that normally lead to a termination of permanent absentee voter status do not apply if the voter resides in an absentee ballot only area;
- (3) Replace references to facsimile ballots with references to electronic ballots; and
- (4) Authorize a voter to receive a permanent absentee ballot by electronic transmission if the voter has not received the ballot within five days of an election, requires a replacement ballot within five days of an election, or would otherwise not be able to return a properly issued ballot by the close of polls.



Your Committee received testimony in support of this measure from the Office of Elections; Office of the County Clerk, County of Kaua'i; Office of the County Clerk, County of Maui; League of Women Voters of Hawaii; and one individual. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that as the number of permanent absentee mail voters rises, so does the potential need to send a ballot to an alternate address or replace a voter's ballot for various reasons including but not limited to spoilage and postal non-delivery. While voters who are covered under the Uniform Military and Overseas Voters Act may receive a replacement ballot by facsimile transmission or electronic mail delivery, all other absentee mail voters are limited to receiving a replacement ballot by postal mail. Authorizing voters to receive a permanent absentee ballot by electronic transmission, under certain conditions, will benefit voters who, due to a variety of circumstances, are unable to receive and return a ballot by mail by the closing of polls. Implementation of this measure provides a practical and expeditious means for absentee mail voters to cast a ballot and is consistent with efforts to maximize voter participation.

Your Committee has amended this measure by:

- (1) Deleting its contents and inserting the contents of S.B. No. 2117, S.D. 1 (Regular Session of 2016), a substantially similar measure, which amends this measure by making technical amendments and inserting an effective date of upon approval; and
- (2) Clarifying that the authorization for a voter to receive an absentee ballot by electronic transmission if the voter does not receive the replacement ballot within five days of an election applies to all types of absentee ballots, including permanent absentee ballots.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1654, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1654,



H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

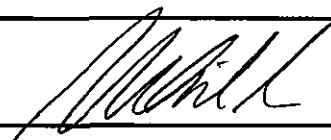
Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,


GILBERT S.C. KEITH-ASARAN, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 1654 HDI	JDL, WAM	3/17/16		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)	/			
SHIMABUKURO, Maile S.L. (VC)	/			
GABBARD, Mike	/			
KAHELE, Kaiali'i				/
KIM, Donna Mercado	/			
THIELEN, Laura H.	/			
SLOM, Sam	/			
TOTAL	6			1
Recommendation:				
<input checked="" type="checkbox"/> Adopted		<input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes