

1 online voting in the manner provided in this chapter and the
2 rules adopted by the chief election officer.

3 § -3 Online ballots; application for; distribution. (a)

4 The chief election officer shall establish a process through
5 which a registered voter may apply with the county clerk to
6 receive online ballots and related voter information under this
7 chapter; provided that the application for an online ballot
8 shall require the applicant to provide information that is
9 substantially similar to the information required under section
10 15-4(a).

11 (b) A registered voter may apply for an online ballot
12 pursuant to this section at any time but not later than 4:30
13 p.m. on the day prior to the election.

14 (c) The county clerk shall request an electronic mail
15 address from each voter who applies for an online ballot. An
16 electronic mail address provided by a voter shall not be made
17 available to the public or any individual or organization, other
18 than an authorized agent of the county clerk, and shall be
19 exempt from disclosure under chapter 92F. The electronic mail
20 address shall be used only for official communication with the
21 voter about the voting process, including transmitting online



1 ballots and election materials, returning online ballots, and
2 verifying the voter's mailing address and physical location.
3 The voter shall be responsible for informing the county clerk of
4 any changes to personal information, including changes to the
5 voter's electronic mail address.

6 § -4 Online voting system. (a) The chief election
7 officer shall develop a standardized online voting system,
8 including:

- 9 (1) A system for the delivery and return of online
10 ballots;
- 11 (2) An online portal through which a voter may securely
12 log in using a personal identifier;
- 13 (3) An online ballot marking system;
- 14 (4) Affirmation and declaration materials; provided that
15 the materials shall include a statement substantially
16 similar to the statement required in section 15-6; and
- 17 (5) Voting instructions.

18 (b) The county clerk, in accordance with the online voting
19 system established under subsection (a), shall make online
20 ballots available electronically to each voter who successfully



1 applies for an online ballot no later than days prior to
2 the election.

3 (c) A voter who has successfully applied for an online
4 ballot pursuant to this chapter shall mark the ballot
5 electronically with the voter's selections and return the online
6 ballot to the county clerk through the online voting system and
7 by the deadline set forth in section -6(a).

8 (d) The voter shall return with the online ballot a
9 declaration or affirmation acknowledging that a material
10 misstatement of fact in completing the ballot may be grounds for
11 a conviction of perjury or related offenses under the laws of
12 the United States or this State.

13 § -5 **Confirmation of receipt of application and voted**
14 **ballot.** The chief election officer, in coordination with each
15 county clerk, shall implement an electronic free-access system
16 by which a voter may determine by telephone, electronic mail, or
17 Internet whether:

- 18 (1) The voter's online ballot application has been
19 received and accepted; and
20 (2) The voter's online ballot has been received.



1 § -6 **Counting of voted ballots.** (a) Except as
2 otherwise provided in subsection (c), an online ballot shall be
3 counted if it is received by the county clerk through the online
4 voting system established under section -4 by the close of
5 the polls on the day of the election. Online ballots shall be
6 counted in the manner prescribed by rules adopted by the chief
7 election officer.

8 (b) All online ballots received by the county clerk after
9 the deadline for receipt as provided in subsection (a) shall not
10 be counted by the county clerk.

11 (c) Whenever sufficient proof is shown to the county clerk
12 that a voter who has returned an online ballot pursuant to this
13 chapter has died prior to the opening of the polls on the date
14 of the election, the voter's online ballot shall be deemed
15 invalid and disposed of pursuant to section 11-154. The casting
16 of any such online ballot shall not invalidate the election.

17 § -7 **Voting at polls by online voter prohibited.** Any
18 person who has voted an online ballot pursuant to this chapter
19 shall not be entitled to cast a ballot at the polls on election
20 day or to vote by absentee ballot pursuant to chapter 15. Any



1 person who violates this section shall be guilty of an election
2 offense under section 19-3(5).

3 § -8 Chief election officer; contracts for services.

4 The chief election officer may contract with a third party, in
5 accordance with the requirements of chapter 103D, to assist with
6 carrying out the purposes of this chapter."

7 SECTION 2. 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 2015-2016 and
10 the same sum or so much thereof as may be necessary for fiscal
11 year 2016-2017 for the planning and implementation of an online
12 voting system pursuant to this Act.

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

15 SECTION 3. This Act shall take effect on July 1, 2015.
16

INTRODUCED BY:

John M. M...
Tom Brown
Paul Abund...
Clem...
ocum...



H.B. NO. 1130

Report Title:

Elections; Online Voting; Appropriation

Description:

Establishes a process for online voting by any registered voter for any election. Appropriates moneys to implement the process.

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

