
A BILL FOR AN ACT

RELATING TO ABSENTEE BALLOTS.

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

1 SECTION 1. 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" means the transmission of a
5 blank or voted ballot by facsimile, electronic mail delivery, or
6 the utilization of an online absentee ballot delivery and return
7 system that may include the ability to mark the ballot."

8 SECTION 2. Section 15-4, Hawaii Revised Statutes, is
9 amended by amending subsection (e) to read as follows:

10 "(e) When a registered voter requests an absentee ballot,
11 the voter also may include an additional request to receive
12 absentee ballots permanently. After receiving a request for
13 permanent absentee voter status, the clerk shall mail to the
14 voter who requested permanent absentee voter status an absentee
15 ballot for all subsequent elections conducted in that precinct.
16 The forwarding address for absentee ballots to be permanently
17 mailed shall be the in-state mailing address contained in the
18 voter's registration record. ~~[Voters who seek to have ballots~~



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

17 SECTION 3. Section 15-4, Hawaii Revised Statutes, is
18 amended by amending subsection (h) to read as follows:

19 "(h) [A] Except as provided in subsection (c), a voter's
20 permanent absentee voter status shall be terminated if any of
21 the following conditions apply:



- 1 (1) The voter requests in writing that such status be
2 terminated;
- 3 (2) The voter dies, loses voting rights, registers to vote
4 in another jurisdiction, or is otherwise disqualified
5 from voting;
- 6 (3) The voter's absentee ballot, voter notification
7 postcard, or any other election mail is returned to
8 the clerk as undeliverable for any reason; or
- 9 (4) The voter does not return a voter ballot by 6:00 p.m.
10 on election day in both the primary and general
11 election of an election year."

12 SECTION 4. Section 15-5, Hawaii Revised Statutes, is
13 amended by amending subsection (b) to read as follows:

14 "(b) If [~~mailed~~] absentee ballots requested under section
15 15-4 are not received by [~~the~~] a voter within five days of an
16 election, if a voter requires a replacement ballot within five
17 days of an election, or if a voter would otherwise not be able
18 to return a properly issued ballot by the close of polls, then a
19 [~~covered~~] voter [~~under chapter 15D~~] may request that absentee
20 ballots be forwarded by [~~facsimile-~~] electronic transmission.
21 Upon receipt of such a request and confirmation that proper



1 application was made, the clerk may transmit appropriate ballots
2 [~~by facsimile~~], together with a form requiring the affirmations
3 and information required by section 15-6, and a form containing
4 a waiver of the right to secrecy, as provided by section 11-137.
5 The voter may return the voted ballots and executed forms by
6 [~~facsimile~~] electronic transmission or mail; provided that they
7 are received by the issuing clerk no later than the close of
8 polls on election day. Upon receipt, the clerk shall verify
9 compliance with the requirements of section 15-9(c) [~~7~~] and
10 prepare the ballots for counting pursuant to section 15-10 [~~7~~];
11 provided that if the voter returns multiple voted absentee
12 ballots for the same election, the clerk shall, for purposes of
13 counting ballots, prepare only the first absentee ballot
14 returned that is not spoiled."

15 SECTION 5. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 6. This Act shall take effect upon its approval.



Report Title:

Office of Elections Package; Absentee Ballots; Electronic
Transmission

Description:

Allows a permanent absentee voter to temporarily receive a ballot at an alternate address for elections within an election cycle. Clarifies 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. Replaces references to facsimile ballots with references to electronically transmitted ballots. Allows a voter to receive an absentee ballot by electronic transmission if the voter requires such a ballot within five days of an election, or the voter would otherwise not be able to return a properly issued ballot by the close of polls. (SD2)

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

