

JAN 21 2016

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, which 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



1 voter's registration record. Voters who seek to have ballots
2 forwarded to another address shall apply for an absentee ballot
3 under subsection (a). Permanent absentee voters may request
4 under subsection (a) that their ballots be forwarded to another
5 address either in or outside of the State for a single election
6 or for a primary or special primary election and the election
7 immediately following the primary or special primary election.
8 A permanent absentee voter's request for a ballot to be
9 forwarded temporarily under subsection (a) will not serve as a
10 cancellation of the voter's permanent absentee status or as a
11 change to the voter's permanent absentee mailing address. Upon
12 the completion of the election or elections covered by the
13 permanent absentee voter's request under subsection (a), the
14 voter's permanent absentee mailing address, on file with
15 election officials, will resume as the address to which the
16 voter's ballots will be mailed to permanently."

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

19 "(h) A voter's permanent absentee voter status, unless the
20 voter resides in an absentee ballot only area, shall be
21 terminated if any of 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~~ permanent absentee ballots or ballots
15 requested under section 15-4, are not received by ~~the~~ a voter
16 within five days of an election, or a voter requires a
17 replacement ballot within five days of an election, or a voter
18 would otherwise not be able to return their properly issued
19 ballot by the close of polls, then a ~~covered~~ voter ~~under~~
20 ~~chapter 15D~~ may request that absentee ballots be forwarded by
21 ~~facsimile~~ electronic transmission. Upon receipt of such a



1 request and confirmation that proper application was made, the
2 clerk may transmit appropriate ballots [~~by facsimile~~], together
3 with a form requiring the affirmations and information required
4 by section 15-6, and a form containing a waiver of the right to
5 secrecy, as provided by section 11-137. The voter may return
6 the voted ballots and executed forms by [~~facsimile~~] electronic
7 transmission or mail; provided that they are received by the
8 issuing clerk no later than the close of polls on election day.
9 Upon receipt, the clerk shall verify compliance with the
10 requirements of section 15-9(c) [~~7~~] and prepare the ballots for
11 counting pursuant to section 15-10[~~-~~]; provided that if the
12 voter returns multiple voted absentee ballots for the same
13 election, the clerk shall prepare, for counting, only the first
14 absentee ballot 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.

18

INTRODUCED BY: _____

Ann. M.
BY REQUEST



S.B. NO. 2117

Report Title:

Office of Elections Package; Absentee Ballots; Electronic Transmission

Description:

Allows a permanent absentee voter to receive a ballots 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 voter only area. Replaces references to facsimile ballots with references to electronic 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 their properly issued ballot by the close of polls.

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

