

---

---

# A BILL FOR AN ACT

RELATING TO VOTING.

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

1           SECTION 1. Chapter 15, Hawaii Revised Statutes, is amended  
2 by adding a new section to be appropriately designated and to  
3 read as follows:

4           "§15-    Eligibility of voter after absentee ballot cast.

5 The absentee ballot of any voter who was eligible to vote at the  
6 time the ballot was cast shall not be deemed invalid solely  
7 because the voter became ineligible to vote after casting the  
8 ballot. For the purposes of this section, "cast" means that the  
9 voter has:

10           (1) Deposited the absentee ballot in the mail for ballots  
11           mailed in accordance with section 15-9(a) (1);

12           (2) Delivered the absentee ballot to the appropriate  
13           county clerk or polling place in accordance with  
14           section 15-9(a) (2) or (3); or

15           (3) Completed voting in person at an absentee polling  
16           place."



1 SECTION 2. Chapter 15D, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4 "§15D- Eligibility of covered voter after ballot cast.

5 The military-overseas ballot of any covered voter who was  
6 eligible to vote at the time the ballot was cast in accordance  
7 with this chapter shall not be deemed invalid solely because the  
8 covered voter became ineligible to vote after casting the  
9 ballot."

10 SECTION 3. Section 15-14, Hawaii Revised Statutes, is  
11 amended to read as follows:

12 "§15-14 Ballots; where voting machines are used. In all  
13 precincts in which voting machines are used, sections 15-1 to  
14 [~~15-13~~] 15-12 shall apply; provided that the number and type of  
15 absentee ballots to be printed shall be determined at the  
16 discretion of the officer charged with printing and furnishing  
17 them. The officer may use reasonable facsimiles of the sample  
18 ballot used in voting machine precincts."

19 SECTION 4. Section 15-13, Hawaii Revised Statutes, is  
20 repealed.



1           ~~["§15-13 Death of voter prior to opening of polls.~~  
2 ~~Whenever sufficient proof is shown to the clerk that an absentee~~  
3 ~~voter who has returned the voter's return envelope has died~~  
4 ~~prior to the opening of the polls on the date of election, the~~  
5 ~~voter's ballot shall be deemed invalid and disposed of pursuant~~  
6 ~~to section 11-154. The casting of any such ballot shall not~~  
7 ~~invalidate the election."]~~

8           SECTION 5. Statutory material to be repealed is bracketed  
9 and stricken. New statutory material is underscored.

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



**Report Title:**

Elections; Absentee Voting; Military-overseas Voting; Validity of Ballot Cast by Voter Who Becomes Ineligible

**Description:**

Provides that the ballot of an absentee or military-overseas voter is valid even if the voter becomes ineligible to vote after casting the ballot. Repeals the requirement that an absentee voter's ballot be deemed invalid if the voter returns the return envelope but dies prior to the opening of polls.  
(SD1)

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

