A BILL FOR AN ACT

RELATING TO ELECTIONS.

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

SECTION 1. The legislature finds that Act 136, Session Laws of Hawaii 2019, established that all elections statewide were to be conducted by mail beginning with the 2020 primary election. This Act reinstates the definition of "precinct" and amends the definition of "district" to facilitate the administration of elections.

SECTION 2. Section 11-1, Hawaii Revised Statutes, is amended as follows:

1. By adding a new definition to be appropriately inserted and to read as follows:

""Precinct" means the smallest political subdivision established by law."

2. By amending the definition of "district" to read:

""District" means, unless otherwise specified, the district of political representation [with the fewest eligible voters in a particular election] associated with a state representative."
SECTION 3. Section 11-15.2, Hawaii Revised Statutes, is amended by amending subsection (g) to read as follows:

"(g) The clerk of each county shall add persons who properly register under this section to the respective general county register. Within thirty days of registration, the clerk shall mail to the person a notice including the person's name, current street address, district[\text{r}] and precinct, and date of registration. A notice mailed pursuant to this subsection shall serve as prima facie evidence that the person is a registered voter as of the date of registration."

SECTION 4. Section 11-17, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) The clerk shall also identify or remove the name of any registered voter if the clerk, after mailing a notice or other correspondence, properly addressed, with postage prepaid, receives the notice or other correspondence as return mail with a postal notation that the notice or other correspondence was not deliverable. On election day, any person identified or removed shall have the person's name corrected or restored in the register and shall be allowed to vote if the person
completes an affidavit or other form prescribed by the chief election officer affirming that the person:

(1) Claims the person's legal residence at the address listed on the register;
(2) Changed the person's legal residence after the closing of the register for that election; or
(3) Moved to a new residence within the same [district] precinct as the person's residence as listed on the register."

SECTION 5. Section 11-21, Hawaii Revised Statutes, is amended by amending subsections (c) and (d) to read as follows:

"(c) Any person whose name appears on the registered voters list whose residence has changed since the last election, and whom the clerk has not transferred under section 11-20, may apply on a form prescribed by the chief election officer on the day of the election for transfer of registration to the [district] precinct of the new residence. Any person so transferring voter registration shall be immediately added to the register of the new [district] precinct."
(d) Where a person was incorrectly placed on a list of voters of a precinct in which the person does not actually reside, the person may correct the registration."

SECTION 6. Section 11-22, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) The clerk shall correct the register if at any time it shall be manifest to the clerk that the name of a person registered has been accidentally misspelled, or that the person has been misnamed therein, or that the person has been accidentally registered under the wrong precinct, or that the person was accidentally removed pursuant to section 11-17(a), or that the name of the person should be corrected or restored pursuant to section 11-17(b)."

SECTION 7. Section 11-25, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Any registered voter may challenge the right of a person to be or to remain registered as a voter in any precinct for any cause not previously decided by the board of registration or the supreme court in respect to the same person. The challenge shall be in writing, setting forth the grounds upon which it is based, and be signed by the person making the
challenge. The challenge shall be delivered to the clerk who shall immediately serve notice thereof on the person challenged. The clerk shall, as soon as possible, investigate and rule on the challenge."

SECTION 8. Section 11-92.1, Hawaii Revised Statutes, is amended to read as follows:

"§11-92.1 Election proclamation; establishment of a new precinct; voter service centers and places of deposit; changes to [district] precinct boundaries. (a) The chief election officer shall issue a proclamation listing all voter service centers and places of deposit as may have been determined by the clerk as of the proclamation date[–] and whenever a new precinct is established in any representative district. The clerk shall make arrangements for the rental or erection of suitable shelter for the establishment of a voter service center whenever public buildings are not available and shall cause these voter service centers to be equipped with the necessary facilities for lighting, ventilation, and equipment needed for elections on any island. This proclamation may be issued jointly with the proclamation required in section 11-91."
(b) No change shall be made in the boundaries of any
[district] precinct later than 4:30 p.m. on the tenth day before
the close of filing for an election.

(c) Notwithstanding subsection (a), and pursuant to
section 15-2.5, the clerk is not required to establish voter
service centers for [district] precincts affected by natural
disasters, as provided in section 15-2.5."

SECTION 9. Section 11-92.3, Hawaii Revised Statutes, is
amended to read as follows:

"§11-92.3 Natural disasters; postponement; consolidation
of [district] precincts; special elections. (a) In the event
of a flood, tsunami, earthquake, volcanic eruption, high wind,
or other natural disaster, occurring before an election where
the extent of damage caused is such that the ability of voters,
in any precinct, district, or county, to exercise their right to
vote is substantially impaired, the chief election officer or
clerk in the case of county elections may postpone the
conducting of an election in the affected [area] precinct for no
more than twenty-one days; provided that any postponement shall
not affect the conduct of the election, tabulation, or
distribution of results for those precincts, districts, or
counties not designated for postponement. The chief election officer or clerk in the case of county elections shall give notice of the postponement by whatever possible news or broadcast media are available.

(b) In the event the chief election officer or the clerk in a county election determines that the number of candidates or issues on the ballot in a special, special primary, or special general election does not require the full number of established districts, the districts may be consolidated for the purposes of the special, special primary, or special general election into a small number of special, special primary, or special general election districts.

A special, special primary, or special general election district shall be considered the same as an established district for all purposes. No later than 4:30 p.m. on the tenth day before the special, special primary, or special general election, the chief election officer or the clerk shall give public notice, in the area in which the special, special primary, or special general election is to be
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held, of the special, special primary, or special general
election [districts] precincts."  

SECTION 10. Section 11-153, Hawaii Revised Statutes, is
amended by amending subsection (c) to read as follows:
"(c) The chief election officer or the clerk shall make a
list of all [districts] precincts in which an overage or
underage occurred and the amount of the overage or underage.
This list shall be filed and kept as a public record in the
office of the chief election officer or the clerk in county
elections.

An election contest may be brought under part XI, if the
overage or underage in any [district] precinct could affect the
outcome of an election."

SECTION 11. Section 15-2.5, Hawaii Revised Statutes, is
amended by amending the title and subsections (a) and (b) to
read as follows:
"§15-2.5 Voting by mail in [district] precinct affected by
natural disasters. (a) If the chief election officer and clerk
of a county affected as a result of a natural disaster determine
that the opening of a designated voter service center will
adversely affect the health and safety of voters or precinct
officials, the chief election officer and county clerk, by written order, may require the registered voters of any [district] precinct to vote by mail as provided in part VIIA of chapter 11.

(b) Within thirty days after the issuance of such an order, the chief election officer and county clerk shall notify all registered voters in the affected [district] precinct of the issuance of the order."

SECTION 12. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 13. This Act shall take effect upon its approval.

INTRODUCED BY: _____________________________

By Request

JAN 5 2020
Report Title:
Office of Elections Package; Elections; Precincts; Reinstatement

Description:
Reinstates the definition of "precinct" and amends the definition of "district" to facilitate the administration of elections.

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