A BILL FOR AN ACT

RELATING TO ELECTIONS.

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

SECTION 1. Chapter 11, Hawaii Revised Statutes, is amended by adding five new sections to part VI to be appropriately designated and to read as follows:

"§11-A Precinct officials; precinct requirements. There shall be no less than three precinct officials for each precinct, one of whom shall be the chairperson; provided that in precincts where more than one voting unit has been established, there shall be three precinct officials for each unit. The chairperson of precinct officials shall have authority in all units of the precinct.

In all precincts, the chief election officer may assign additional precinct officials, at least one of whom may be designated a voter assistance official.

So far as reasonably practicable, excepting the chairperson, no more than fifty per cent of the precinct officials in any precinct shall be of the same political party.
§11-B Precinct officials; submission of names and assignment; vacancies. (a) All qualified political parties shall submit names for precinct officials to the chief election officer no later than 4:30 p.m. on the sixtieth day before the close of filing for any primary, special primary, or special election. All precinct officials shall be able to read and write the English language. If any party fails to submit the required names by the above deadline, or names sufficient to fill the positions to which it would be entitled, assignment of positions to which the party would otherwise be entitled pursuant to subsection (b), may be made without regard to party affiliation.

(b) In assigning the precinct officials, the following criteria shall be followed:

(1) The precinct officials shall be registered voters of the precinct in which they serve; but if qualified persons in the precinct or representative district are not readily available to serve, they may be chosen from without the precinct or representative district, or if qualified persons either in or without the precinct or representative district are not available...
to serve, the chief election officer may designate
precinct officials who are not registered voters if
the persons so designated are otherwise qualified and
shall have attained the age of sixteen years on or
before June 30, of the year of the election in which
they are appointed to work;

(2) The chief election officer may designate more precinct
officials than are needed in order to create a pool of
qualified precinct officials who may be assigned to
fill vacancies or to perform their duties as needed in
any precinct;

(3) No parent, spouse, reciprocal beneficiary, child, or
sibling of a candidate shall be eligible to serve as a
precinct official in any precinct in which votes may
be cast for the candidate; nor shall any candidate for
any elective office be eligible to serve as a precinct
official in the same election in which the person is a
candidate. No candidate who failed to be nominated in
the primary or special primary election shall be
eligible to serve as a precinct official in the
general election next following; and
(4) The chairperson of the precinct officials shall be the first named precinct official on the list prepared by the chief election officer. The remainder of the precinct officials shall be apportioned as follows:

(A) The total votes cast, except those cast for nonpartisan candidates, for all of the following offices that were on the ballot in the next preceding general election shall be divided into the total votes cast for all the candidates of each party for these offices: president and vice-president, United States senator, United States representative, governor and lieutenant governor, state senator, and state representative;

(B) If a party's proportion of votes cast exceeds fifty per cent, its share shall be one-half of the precinct officials. The remaining one-half shall be divided among the remaining parties in proportion to their respective total of votes cast for the offices set forth in subparagraph (A);
(C) In the case of the above division resulting in parties having fractional positions, a whole position shall go to the party with the larger number of votes cast; and

(D) Newly qualified parties may be assigned up to ten per cent of the total positions available at the discretion of the chief election officer.

(c) In the recruitment and placement of precinct officials, any or all of the requirements of subsection (b) may be waived by the chief election officer if it is determined that minority language assistance or other special needs warrant such waiver, except as provided in subsection (b)(3).

(d) In case of inability, failure, or refusal of any person so assigned to serve as a precinct official, the chief election officer shall appoint a person to fill the vacancy.

§11-C Instruction of precinct officials. Before any election, the chief election officer, or the clerk if the election is a county election, shall conduct a school of instruction, if deemed necessary, for persons designated as prospective precinct officials. They shall notify the precinct
officials of the time and the place of the school of
instruction.

All prospective precinct officials shall attend a school of
instruction. The chairperson of the precinct officials shall be
required to also attend a refresher course before each election.
It shall be at the discretion of the chief election officer or
the county clerk in county elections to require those precinct
officials with previous training to attend a school of
instruction prior to each election.

No precinct official shall serve unless the official has
received instruction and has been certified by the authorized
instructor to that effect. This section shall not prevent the
assignment of a person who has not received such instruction or
such certificate but who is otherwise qualified, to fill a
vacancy among precinct officials when a qualified certified
person is not available. Periodic recertification shall be
required.

§11-D Meetings of precinct officials; procedure; oaths.
The chairperson of the precinct officials shall preside at all
meetings of the precinct officials. Any decision of the
precinct officials shall require a majority vote of the precinct
officials in the unit or precinct.

In all cases under this title, where duties are to be
performed by the chairperson of the precinct officials, the
duties may be performed by one of the other precinct officials,
whenever the chairperson is temporarily absent or is otherwise
for the time being unable to perform the duties.

Each precinct official may administer any oath in this
title provided to be administered by the precinct officials.

§11-E Duties of precinct officials. The duties of the
precinct officials shall vary with the voting system in use in
the precinct. The duties for the particular system shall be
assigned by the chief election officer by regulations adopted
for such purpose."

SECTION 2. Chapter 11, Hawaii Revised Statutes, is amended
by adding five new sections to part VII to be appropriately
designated and to read as follows:

"§11-F Federal, state, and county elections by mail. (a)
Any federal, state, or county election held other than on the
date of a regularly scheduled primary or general election may be
conducted by mail."
(b) The chief election officer shall determine whether a federal or state election, other than a regularly scheduled primary or general election, may be conducted by mail or at polling places.

(c) The county clerk shall determine whether a county election, held other than on the date of a regularly scheduled primary or general election, may be conducted by mail or at polling places. An election by mail in the county shall be under the supervision of the county clerk.

(d) Any ballot cast by mail under this section shall be subject to the provisions applicable to absentee ballots under sections 11-139 and 15-6.

(e) The chief election officer shall adopt rules pursuant to chapter 91 to provide for uniformity in the conduct of federal, state, and county elections by mail.

§11-G  Multiple polling place sites.  (a) The chief election officer may establish multiple polling place sites for contiguous precincts, notwithstanding district boundaries, when it is convenient and readily accessible for the voters of the precincts involved.
(b) No multiple polling place site shall be established later than 4:30 p.m. on the tenth day before the close of filing for an election.

§11-H Voting units. Immediately after the close of registration of voters preceding any election, the chief election officer shall establish one or more voting units in each precinct polling place. All voting units shall be in the same precinct polling place. In a precinct having more than one voting unit the chief election officer or the officer's authorized representative shall designate each unit by a uniform identification system. The clerk in preparing the list of registered voters shall divide the list, on an alphabetical basis, as equal as possible between or among the voting units.

§11-I Exemptions of voters on election day. Every voter shall be privileged from arrest on election day while at the voter's polling place and in going to and returning therefrom, except in case of breach of the peace then committed, or in case of treason or felony.

§11-J Employees entitled to leave on election day for voting. (a) Any voter shall on the day of the election be entitled to be absent from any service or employment in which
such voter is then engaged or employed for a period of not more than two hours (excluding any lunch or rest periods) between the time of opening and closing the polls to allow two consecutive hours in which to vote. Such voter shall not because of such absence be liable to any penalty, nor shall there be any rescheduling of normal hours or any deduction made, on account of the absence from any usual salary or wages; provided that the foregoing shall not be applicable to any employee whose hours of employment are such that the employee has a period of two consecutive hours (excluding any lunch or rest periods) between the time of opening and closing the polls when the employee is not working for the employer. If, however, any employee fails to vote after taking time off for that purpose the employer, upon verification of that fact, may make appropriate deductions from the salary or wages of the employee for the period during which the employee is hereunder entitled to be absent from employment. Presentation of a voter's receipt by an employee to the employer shall constitute proof of voting by the employee.

(b) Any person, business, or corporation who refuses an employee the privileges conferred by this section, or subjects an employee to a penalty or deduction of wages because of the
exercise of the privileges, or who directly or indirectly
violates this section, shall be subject to a fine of not less
than $50 nor more than $300.

(c) Any action taken to impose or collect the fines
established in this section shall be a civil action."

SECTION 3. Chapter 11, Hawaii Revised Statutes, is amended
by adding a new section to part VIII to be appropriately
designated and to read as follows:

"§11-K Distribution of ballots; record. The chief
election officer, or the county clerk in county elections, shall
forward the official ballots, specimen ballots, and other
materials to the precinct officials of the various precincts.
The ballots shall be delivered and kept in a secure fashion in
accordance with rules adopted by the chief election officer. In
no case shall the ballots arrive later than the opening of the
polls on election day."

SECTION 4. Chapter 11, Hawaii Revised Statutes, is amended
by adding four new sections to part IX to be appropriately
designated and to read as follows:

"§11-L Voting booths; placement of visual aids. The
precinct officials shall provide sufficient voting booths within
the polling place at or in which the voters may conveniently

cast their ballots. The booths shall be so arranged that in

casting the ballots the voters are screened from the observation

of others.

Visual aids shall be posted at or in each voting booth and

in conspicuous places outside the polling place before the

opening of the polls.

§11-M Ballot transport containers; ballot boxes. (a) The

seals of the ballot transport containers shall be broken and

opened on election day only in the presence of at least two

precinct officials not of the same political party.

(b) The chief election officer shall provide suitable

ballot boxes for each polling place needed. Each ballot box

shall have a hinged lid fastened securely by a nonreusable seal.

In the center of the lid there shall be an aperture of the

appropriate size for the voting system used. The ballot boxes

shall be placed at a point convenient for the deposit of ballots

and where they can be observed by the precinct officials.

(c) At the opening of the polls for election, the

chairperson of the precinct officials shall publicly open the

ballot boxes and expose them to all persons present to show that
they are empty. The ballot boxes shall be closed and sealed; they shall remain sealed until transported to the counting center; provided that, in precincts where the electronic voting system is used, the ballot boxes shall not be opened at the polling places except as provided by rules adopted pursuant to chapter 91.

§11-N Early collection of ballots. In an electronic ballot system election the chief election officer may authorize collection of voted ballots before the closing of the polls in order to facilitate the counting of ballots; provided that the voted ballots shall be returned to the counting center in sealed ballot boxes.

§11-O Poll book, identification, voting. Every person upon applying to vote shall sign the person's name in the poll book prepared for that purpose. This requirement may be waived by the chairperson of the precinct officials if, for reasons of illiteracy or blindness or other physical disability, the voter is unable to write. Every person shall provide identification if so requested by a precinct official. A poll book shall not contain the social security number of any person.
After signing the poll book and receiving the voter's ballot, the voter shall proceed to the voting booth to vote according to the voting system in use in the voter's precinct. The precinct official may, and upon request shall, explain to the voter the mode of voting."

SECTION 5. Chapter 11, Hawaii Revised Statutes, is amended by adding a new section to part XII, subpart A to be appropriately designated and to read as follows:

"§11-P Election expenses and responsibilities in combined state and county elections. Election expenses in elections involving both state and county offices shall be shared as set forth below:

(1) The State shall pay and be responsible for:

(A) Precinct officials;

(B) Instruction of precinct officials when initiated or approved by the chief election officer;

(C) Boards of registration;

(D) Polling place costs other than supplies:

installation rentals, ballot boxes, voting booths, custodians, telephones, and maintenance;
1. Other equipment such as ballot transport containers;
2. Temporary election employees hired to do strictly state work; and
3. Extraordinary voter registration and voter education costs when approved by the chief election officer.

(2) The county shall pay and be responsible for:

(A) Normal voter registration, voters list maintenance, and all printing connected with voter registration, including printing of the voters list;
(B) Temporary election employees hired to do strictly county work;
(C) Maintenance of existing voting machines, including parts, freight, storage, programming, and personnel;
(D) Maintenance and storage of voting devices and other equipment; and
(E) Employees assigned to conduct absentee polling place functions.
(3) The remaining election expenses shall be divided in half between the State and the counties. Each county will pay a proration of expenses as a proportion of the registered voters at the time of the general election. These expenses shall include:

(A) Polling place supplies;

(B) All printing, including ballots, but excluding printing connected with voter registration;

(C) Temporary election employees not including voting machine programmers doing work for both the State and county;

(D) Ballot preparation and packing; and

(E) All other costs for which the State or county are not specifically responsible relating to the operation of voting machines, electronic voting systems, and other voting systems except paper ballots to include real property rentals, equipment rentals, personnel, mileage, telephones, supplies, publicity, computer programming, and freight.
The responsibility for the above functions shall be determined by the chief election officer where the responsibility for such functions has not been assigned by the legislature.

Any future expenses not presently incurred under any voting system now in use or to be used shall be assigned to paragraphs (1), (2), or (3) above by the chief election officer upon agreement with the clerks or by the legislature."

SECTION 6. Chapter 15, Hawaii Revised Statutes, is amended by adding two new sections to be appropriately designated and to read as follows:

"§15-A Absentee polling place; registration at absentee polling place. (a) Absentee polling places shall be established at the office of the respective clerks, and may be established at other sites as may be designated by the clerk under the provisions prescribed in the rules adopted by the chief election officer. Section 11-21 relating to changes and transfers of registration shall apply to the absentee polling place as though it were the precinct at which a person's name properly appears on the list of registered voters."
(b) The absentee polling places shall be open no later than ten working days before election day, and all Saturdays falling within that time period, or as soon thereafter as ballots are available; provided that all absentee polling places shall be open on the same date statewide, as determined by the chief election officer.

(c) A person who is eligible to vote but is not registered to vote may register by appearing in person at the absentee polling place for the county in which the person maintains residence.

(d) The county clerk shall designate a registration clerk, who may be an election official, at each of the absentee polling places established in the county.

(e) The registration clerk shall process applications for any person not registered to vote who submits a signed affidavit in accordance with section 11-15, which shall include a sworn affirmation:

(1) Of the person's qualification to vote;

(2) Acknowledging that the person has not voted and will not vote at any other polling place for that election
and has not cast and will not cast any absentee ballot pursuant to this chapter for that election; and

(3) Acknowledging that providing false information may result in a class C felony, punishable by a fine not exceeding $1,000 or imprisonment not exceeding five years, or both.

(f) The registration clerk may accept, as prima facie evidence, the allegation of the person in the application regarding the person's residence in accordance with section 11-15(b), unless the allegation is contested by a qualified voter. The registration clerk may demand that the person furnish substantiating evidence to the other allegations of the person's application in accordance with section 11-15(b).

(g) Registration may be challenged in accordance with section 11-25.

(h) Notwithstanding subsection (c), registration pursuant to this section may be used by a person who is registered to vote but whose name cannot be found on the precinct list for the polling place associated with the person's residence.

(i) The clerk of each county shall add persons who properly register at an absentee polling place to the respective
general county register. Within thirty days of registration at an absentee polling place, the county clerk shall mail to the person a notice including the person's name, current street address, district 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.

§15-B Absentee ballot box. An absentee ballot box or boxes shall be provided in the absentee polling place for the purpose of depositing the return envelopes and the ballot envelopes of those who vote in person at the absentee polling place. The ballot box shall be secured in accordance with rules adopted by the chief election officer.

Tampering with the ballot box or opening it before the time prescribed in section 15-9 shall be an election offense under section 19-6."

SECTION 7. Chapter 11, Hawaii Revised Statutes, is amended by amending the title of part VI to read as follows:

"PART VI. [VOTER-SERVICE-CENTER] PRECINCT OFFICIALS AND WATCHERS"
SECTION 8. Section 11-1, Hawaii Revised Statutes, is amended to read as follows:

1. By adding two new definitions to be appropriately inserted and to read:

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

"Precinct official" means a person designated as a precinct official by the chief election officer."

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

"'Ballot" means a ballot, including an absentee ballot, that is a written or printed, or partly written and partly printed paper or papers containing the names of persons to be voted for, the office to be filled, and the questions or issues to be voted on. ["Ballot" includes a ballot used in an election by mail pursuant to part VIIA, including a ballot approved for electronic transmission.] A ballot may consist of one or more cards or pieces of paper, or one face of a card or piece of paper, or a portion of the face of a card or piece of paper, depending on the number of offices, candidates to be elected thereto, questions or issues to be voted on, and the voting system in use."
3. By amending the definition of "election officials" to read:

"Election [officials] official" means [person] a person designated as [officials] an official by the chief election officer."

4. By amending the definition of "voting system" to read:

"Voting system" means the use of paper ballots, voting machines, [elections by mail pursuant to part VIIA] absentee voting pursuant to chapter 15, or any system by which votes are cast and counted."

5. By deleting the definition of "electronic transmission":

["Electronic transmission" means the transmission of a blank or voted ballot by facsimile or electronic mail delivery, or the use of an online absentee ballot delivery and return system, which may include the ability to mark the ballot.]

6. By deleting the definition of "place of deposit":

["Place of deposit" means a site within the county of the voter's registration address designated pursuant to section 11-109 for the purpose of receiving return identification envelopes in an election conducted by mail pursuant to part VIIA.]

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7. By deleting the definition of "voter service center":

[""Voter service center" means a location within the county
of the voter's registration address established pursuant to
section 11-109 to serve all of the following purposes:

(1) Receive return envelopes for absentee ballots pursuant
to chapter 15;

(2) Receive return identification envelopes in an election
by mail conducted pursuant to part VIIA;

(3) Provide voting machine services for persons with
disabilities pursuant to the Help America Vote Act of
2002, P.L. 107-252, as amended, and any other federal
or state law relating to persons with disabilities;

(4) Provide any other voting services as provided by law;

and

(5) Any other purposes the chief election officer or clerk
may deem necessary if a natural disaster or other
exigent circumstance occurs before an election."

8. By deleting the definition of "voter turnout":

[""Voter turnout", means the total number of voters at an
election as determined by the number of ballot cards tabulated
by the computer or of paper ballots counted by the precinct
officials. When there is more than one ballot card issued to each voter, "voter turnout" means the total count of the alpha ballot card with the highest number of cards tabulated by the computer. Ballots that are blank or ballots that are rejected for any reason shall be included in the count of the total number of voters."

SECTION 9. Section 11-4, Hawaii Revised Statutes, is amended to read as follows:

"§11-4 Rules. The chief election officer may make, amend, and repeal rules governing elections held under this title, election procedures, and the selection, establishment, use, and operation of all voting systems now in use or to be adopted in the State, and all other similar matters relating thereto as in the chief election officer's judgment shall be necessary to carry out this title.

In making, amending, and repealing rules for voters who cannot vote at the polls in person or receive or return absentee ballots by mail, and all other voters, the chief election officer shall provide for voting by these persons in a manner that ensures secrecy of the ballot and precludes tampering with the ballots of these voters and other election frauds. The
rules, when adopted in conformity with chapter 91 and upon
approval by the governor, shall have the force and effect of
law."

SECTION 10. Section 11-15.2, Hawaii Revised Statutes, is
amended as follows:

1. By amending subsections (a) and (b) to read:

"(a) Notwithstanding the closing of the general county
register pursuant to section 11-24, a person who is eligible to
vote but is not registered to vote may register by appearing in
person [at any voter service center on or before]:

(1) Before election day[\textendash], at any absentee polling place
established pursuant to section 15-A in the county
associated with the person's residence; or

(2) On election day, at the polling place in the precinct
associated with the person's residence.

(b) The clerk shall designate a registration clerk, who
may be an election official, at each [voter service center.] of
the absentee polling places in the county established pursuant
to section 15-A, before the day of the election and at each of
the polling places in the county on the day of the election."

2. By amending subsections (f) and (g) to read:
"(f) Notwithstanding subsection (a), registration pursuant to this section may also be used by a person who is registered to vote but whose name cannot be found on the precinct list for the polling place associated with the person's residence.

(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 at the polling place, the clerk shall mail to the person a notice including the person's name, current street address, district, 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 11. Section 11-17, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

"(a) The clerk, no later than 4:30 p.m. on the sixtieth day after every general election, shall remove the name of any registered voter who did not vote in that general election, and also did not vote in the primary election preceding that general election, and also did not vote in the previous general election, and also did not vote in the primary election
preceding that general election, and also did not vote in the
regularly scheduled special elections held in conjunction with
those primary and general elections, if any, with the exception
of:

(1) Those who submitted written requests for absentee
ballots as provided in section 15-4; or
(2) Anyone who preregistered pursuant to section 11-12(b).

If a person voted, at least once, in any of the above-mentioned
elections, the person's name shall remain on the list of
registered voters. For this purpose, "vote" means the
depositing of the ballot in the ballot box regardless of whether
the ballot is blank or later rejected for any reason. In the
case of voting machines, "vote" means the voter has activated
the proper mechanism and fed the ballot into the machine. [In
the case of an election by mail pursuant to part VIIA, "vote"
means the voter has returned the ballot to the chief election
officer or clerk by the United States Postal Service, by
personal delivery of the ballot to a place of deposit or voter
service center, or by electronic transmission under certain
circumstances pursuant to part VIIA.]
(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 12. Section 11-21, Hawaii Revised Statutes, is amended to read as follows:

"§11-21 Change of name, transfer on election day. (a) The clerk may designate a registration clerk, who may be an
election official, at [a voter service center] any of the
polling places in the county on the day of the election.

(b) These registration clerks shall take applications for
change of name from voters who have been married or who have had
their names changed since the last election.

(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 at the
person's new polling place 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 and may vote only at the new precinct.

(d) Where a person was incorrectly placed on a list of
voters of a [district] precinct in which the person does not
actually reside, the person may correct the registration.

(e) No person shall be prevented from voting at the
election in the precinct in which the person's name appears on
the voters list due to a change of name, or other correction
made under this section. However, any voter registered in the
wrong precinct who shall refuse to make the correction of
registration may be challenged in accordance with section 11-25.

(f) Any person changing name or transferring shall receive
a copy of the change or transfer form."

SECTION 13. Section 11-22, Hawaii Revised Statutes, is
amended to read as follows:

"§11-22 Changing register; correction of errors. (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 [district,] 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).

(b) In any case where the clerk refuses to correct the
register, the person may appeal to the board of registration and
the register shall be changed upon a written order of the board
of registration, setting forth the reasons for the change. The
order shall be directed to the clerk[—] or to the precinct
officials of the election precinct where the voter is entitled
to vote if the register has been closed. The precinct officials shall thereupon correct the list of voters furnished them according to the terms of the order, noting on the list the reasons for the correction, and shall send the original order to the clerk as soon as may be possible after the close of the polls. The clerk, upon receipt of any order from the board of registration or from the precinct officials, as the case may be, shall correct the register according to the terms of the order, making on the register a reference to the order."

SECTION 14. Section 11-25, Hawaii Revised Statutes, is amended to read as follows:

"§11-25 Challenge by voters; grounds; procedure. (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; provided that in an election of members of the board of trustees of the office of Hawaiian affairs, the voter making the challenge must be registered to vote in that election. 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.

(b) Any voter rightfully in [a voter service center] the polling place, including an absentee polling place established pursuant to section 15-A, may challenge the right to vote of any person who comes to the [voter service center] precinct officials for voting purposes. The challenge shall be on the grounds that the voter is not the person the voter alleges to be, or that the voter is not entitled to vote in that precinct; provided that only in an election of members of the board of Hawaiian affairs, a person registered to vote in that election may challenge on the grounds that the voter is not Hawaiian. No other or further challenge shall be allowed. Any person challenged pursuant to this subsection shall first be given the opportunity to make the relevant correction pursuant to section 11-21. The challenge shall be considered and decided immediately by the [clerk] precinct officials, and the ruling shall be announced.

(c) If neither the challenger nor the challenged voter appeals the ruling of the clerk or the precinct officials,
then the voter shall either be allowed to vote or be prevented from voting in accordance with the ruling. If an appeal is taken to the board of registration, the challenged voter shall be allowed to vote; provided that the ballot is placed in a sealed envelope to be later counted or rejected in accordance with the ruling on appeal. The chief election officer shall adopt rules in accordance with chapter 91 to safeguard the secrecy of the challenged voter's ballot."

SECTION 15. Section 11-76, Hawaii Revised Statutes, is amended to read as follows:

"§11-76 Compensation. [Election officials under the supervision and control of the office of elections on election day] (a) Precinct officials and related election day nonprofit groups or employees shall be compensated for work performed for in electronic ballot and voting machine elections pursuant to a schedule established by the chief election officer. The schedule shall be contained in rules adopted pursuant to chapter 91.

(b) For work performed for paper ballot elections, the chairperson of the precinct officials and the precinct officials shall receive the same base amounts as in subsection (a). In
addition, all precinct officials shall be paid $5 for each three
hundred ballots or portion thereof cast at that precinct."

SECTION 16. Section 11-77, Hawaii Revised Statutes, is
amended to read as follows:

"§11-77 Appointment of watchers; service. (a) Each
qualified political party shall be entitled to appoint no more
than one watcher who may be present at any time [at a voter
service center.] in each precinct and absentee polling place in
which the candidates of that political party are on the ballot.
Each party shall submit its list of watchers no later than 4:30
p.m. on the [twentieth] tenth day before any election to the
chief election officer; provided that in a county election, the
list shall be submitted to the clerk. All watchers shall serve
without expense to the State or county. All watchers so
appointed shall be registered voters. No person shall serve as
a watcher if the person would not qualify to serve as a precinct
official pursuant to section 11-B(b)(3).

(b) Each watcher shall be provided with identification
from the chief election officer, or by the clerk in the case of
county elections, stating the watcher's name and the name of the
party the watcher represents. On election day, the watcher
shall present identification to the chairperson of precinct
officials of the precinct or precincts where the watcher is to
serve.

(c) All watchers for precincts shall be permitted to
observe the conduct of the election in the precinct. The
watchers may remain in the precinct as long as the precinct is
in operation, subject to section 19-6. Watchers may review the
polling book pursuant to section 11-97.

(d) The watcher shall call the attention of the
chairperson to any violations of the election laws that
the watcher observes. After the chairperson's
attention is called to the violation, the chairperson
shall make an attempt to correct the violation. If the chairperson fails to correct the violation, the watcher may
appeal to the clerk.

(e) The watchers shall be permitted to observe the
operations of the absentee polling place. Any violation of the
election laws shall be reported to the clerk."

SECTION 17. Section 11-92.1, Hawaii Revised Statutes, is
amended to read as follows:
"§11-92.1 Election proclamation; [voter service centers and places of deposit; changes to district boundaries.]

establishment of a new precinct. (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.] whenever a new precinct is established in any representative district. The chief election officer shall provide a suitable polling place for each precinct. Schools, recreational halls, park facilities, and other publicly owned or controlled buildings, whenever possible and convenient, shall be used as polling places. The [clerk] chief election officer shall make arrangements for the rental or erection of suitable shelter for [the establishment of a voter service center] this purpose whenever public buildings are not available and shall cause these [voter service centers] polling places 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 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 chief election officer is not required to establish polling places for precincts affected by natural disasters, as provided in section 15-2.5."

SECTION 18. Section 11-92.3, Hawaii Revised Statutes, is amended to read as follows:

"§11-92.3 [Natural] Consolidated precincts; natural disasters; postponement; absentee voting required; special elections. (a) In the event of a flood, tsunami, earthquake, volcanic eruption, high wind, or other natural disaster, occurring before an election that makes a precinct inaccessible, the chief election officer, or county clerk in the case of county elections, may consolidate precincts within a representative district. If 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 require the registered
voters of the affected precinct to vote by absentee ballot
pursuant to section 15-2.5 and may postpone the conducting of an
election in the affected [area] precinct for no more than
two-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
consolidation, postponement, or requirement to vote by absentee
ballot, in the affected county or precinct before the opening of
the precinct polling place by whatever possible news or
broadcast media are available. Precinct officials and workers
affected by any consolidation shall not forfeit their pay.

(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] precincts, the [districts] precincts
may be consolidated for the purposes of the special, special
primary, or special general election into a small number of
A special, special primary, or special general election precinct shall be considered the same as an established precinct for all purposes, including precinct official requirements provided in section 11-A. 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 held, of the special, special primary, or special general election precincts and their polling places. Notices of the consolidation also shall be posted on election day at the established precinct polling places, giving the location of the special, special primary, or special general election precinct polling place."

SECTION 19. Section 11-111, Hawaii Revised Statutes, is amended to read as follows:

"§11-111 Official and facsimile ballots. Ballots issued by the chief election officer in state elections and by the clerk in county elections are official ballots. In elections
using the paper ballot and electronic voting systems, the chief
election officer or clerk in the case of county elections shall
have printed informational posters containing facsimile ballots
that depict the official ballots to be used in the election.
The precinct officials shall post the informational posters
containing the facsimiles of the official ballots near the
entrance to the polling place where they may be easily seen by
the voters before voting."

SECTION 20. Section 11-119, Hawaii Revised Statutes, is
amended to read as follows:

"§11-119 Printing; quantity. (a) The ballots shall be
printed by order of the chief election officer or the clerk in
the case of county elections. In any state or county election,
the chief election officer and clerk shall endeavor to
consolidate the printing and absentee ballot package mailing
contracts where the consolidation will result in lower costs.

(b) Whenever the chief election officer is responsible for
the printing of ballots, unless provided otherwise, the exact
wording to appear thereon, including questions and issues, shall
be submitted to the chief election officer no later than 4:30
p.m. on the seventy-fifth calendar day before the applicable election.

(c) Based upon clarity and available space, the chief election officer or the clerk in the case of county elections shall determine the style and size of type to be used in printing the ballots. The color, size, weight, shape, and thickness of the ballot shall be determined by the chief election officer.

(d) Each precinct shall receive a sufficient number of ballots based on the number of registered voters and the expected spoilage in the election concerned. A sufficient number of absentee ballots shall be delivered to each clerk not later than 4:30 p.m. on the fifteenth day before the date of any election."

SECTION 21. Section 11-131, Hawaii Revised Statutes, is amended to read as follows:

"§11-131 [Voter-service-center-hours-] Hours of voting. The hours of voting at [voter-service centers] polling places on an election day shall be:

(1) Regular business hours as prescribed in section 11-109 and by the clerk; and
On an election day, from 7:00 a.m. until 7:00 p.m. of that day.

If, at 7:00 p.m. on an election day, any voter is standing in line [at a voter service center] outside the entrance of the polling place with the desire of entering and voting, but due to the [voter service center] polling place being overcrowded has been unable to do so, the voter shall be allowed to vote. No voter shall be permitted to enter or join the line after the prescribed hours of voting specified in this section."

SECTION 22. Section 11-132, Hawaii Revised Statutes, is amended to read as follows:

"§11-132 Two hundred foot radius[–]; admission within polling place. (a) [Election] Precinct officials shall post in a conspicuous place, before [operation of voting service centers or places of deposit,] the opening of the polls, a map designating an area of two hundred feet from the perimeter of [any voter service center, place of deposit,] the polling place and its appurtenances. Any person who remains or loiters within this specified area for the purpose of campaigning shall be guilty of a misdemeanor. For the purposes of this section, a
[voter service center, place of deposit,] polling place and its appurtenances shall include:

1. The building in which [voter service center, place of deposit, or its appurtenances are] the polling place is located;

2. Any parking lot adjacent to the building and routinely used for parking at that building;

3. The routes of access between the building and any parking lot; and

4. Any route of access between any public thoroughfare (right of way) and the [voter service center, place of deposit, or its appurtenances] polling place to ensure an open and accessible ingress and egress to and from the [voter service center, place of deposit, or appurtenances] polling place for voters.

(b) The chief election officer may regulate other activities within the area specified in subsection (a) pursuant to rules adopted by the chief election officer under chapter 91 in order to ensure the safe and orderly conduct of elections.
(c) Admission within the [voter service center, place of deposit, or appurtenances] polling place shall be [limited] granted only to [the following):

1. (1) Election officials;
2. (2) Watchers, if any, pursuant to section 11-77;
3. (3) Candidates;
4. (4) Any voters actually engaged in voting, going to vote, or returning from voting;
5. (5) Any person, designated by a voter who is physically disabled, while the person is assisting the voter;
6. (6) Any person or nonvoter group authorized by the chief election officer, or the clerk in county elections, to observe the election at designated precincts for educational purposes; provided that these persons conduct themselves so that they do not interfere with the election process; and
7. (7) [A] Any child for the purpose of observing the voting process when accompanied by an adult who is voting; provided that this activity does not disrupt or interfere with normal voting procedures.
(d) Within the appropriate boundary as established in subsection (a), the display or distribution of campaign posters, signs, or other campaign materials for the purpose of soliciting votes for or against any person or political party or position on a ballot question is prohibited. Any voter who displays campaign material [in the voter service center, place of deposit, or its appurtenances] shall remove or cover that material before entering the [voter service center, place of deposit,] polling place or its appurtenances. The chief election officer may adopt rules pursuant to chapter 91 to address special circumstances regarding the display of campaign materials."

SECTION 23. Section 11-137, Hawaii Revised Statutes, is amended to read as follows:

"§11-137 Secrecy; removal or exhibition of ballot. No person shall look at or ask to see the contents of the ballot or the choice of party or nonpartisan ballot of any voter, except as provided in sections 11-139 and 11-132, nor shall any person attempt to influence a voter in regard to whom the voter shall vote for. When a voter is in the voting booth for the purpose of voting, no other person, except as provided in sections
11-139 and 11-132, shall be allowed to enter the booth or to be in a position from which the person can observe how the voter votes.

No person shall take a ballot out of the voting center unless authorized by the chief election officer or a designee of the chief election officer polling place, except as provided in section 11-N. After voting, the voter shall leave the voting booth and deliver the voter's ballot to the precinct official in charge of the ballot boxes. The precinct official shall make certain that the precinct official has received the correct ballot and no other and then shall deposit the ballot into the ballot box. No person shall look at or ask to see the contents of the unvoted ballots. If any person having received a ballot leaves the polling place without first delivering the ballot to the precinct official as provided above, or wilfully exhibits the person's ballot or the person's unvoted ballots in a special primary or primary election, except as provided in sections 11-139 and 11-132, after the ballot has been marked, the person shall forfeit the person's right to vote, and the chairperson of the precinct officials shall cause a record to be made of the proceeding."
SECTION 24. Section 11-139, Hawaii Revised Statutes, is amended to read as follows:

"§11-139 Voting assistance. (a) Except as otherwise provided, any voter who requires assistance may be given assistance by a person of the voter's choice. A person with disabilities may be provided assistance at a [polling place pursuant to any state or federal law relating to persons with disabilities. The voter's employer or agent of that employer, agent of the voter's labor union, or a candidate for any office that is listed on the ballot shall not provide assistance. Written or oral instructions delivered via telephone, electronic means, or mail shall not be deemed assistance prohibited by this section; provided that the voter's employer or agent of that employer, agent of the voter's labor union, or a candidate for any office listed on the ballot is not physically present with the voter when the instructions are delivered.

(b) If assistance is provided pursuant to subsection (a), the precinct officials providing assistance shall enter in writing in the record book the following:

(1) The voter's name;
(2) The fact that the voter cannot read the names on the ballot, if that is the reason for requiring assistance, and otherwise, the specific physical disability which requires the voter to receive assistance; and

(3) The name or names of the person or persons furnishing the assistance.

[c] Violation of this section by an employer or agent of that employer, agent of the voter's labor union, or a candidate shall constitute election fraud as provided under section 19-3."

SECTION 25. Section 11-152, Hawaii Revised Statutes, is amended to read as follows:

"§11-152 Method of counting. [For votes cast] (a) In an election using the paper ballot voting system, immediately after the close of the polls, the chairperson of the precinct officials shall open the ballot box. The precinct officials at the precinct shall proceed to count the votes as follows:

(1) The whole number of ballots shall first be counted to see if their number corresponds with the number of ballots cast as recorded by the precinct officials;
(2) If the number of ballots corresponds with the number of persons recorded by the precinct officials as having voted, the precinct officials shall then proceed to count the vote cast for each candidate; and

(3) If there are more ballots or fewer ballots than the record calls for the precinct officials shall proceed as directed in section 11-153.

(b) In those precincts using the electronic voting system, the ballots shall be taken in the sealed ballot containers to the counting center according to the procedure and schedule adopted by the chief election officer to promote the security of the ballots. For all votes cast in an election, in the presence of official observers, counting center employees may start to count the ballots before [election day, as specified in section 11-108] the closing of the polls, provided there shall be no printout by the computer or other disclosure of the number of votes cast for a candidate or on a question before the closing of the polls. For the purposes of this section, the closing of the polls is that time identified in section 11-131 as the closing time of voting."
SECTION 26. Section 11-153, Hawaii Revised Statutes, is amended to read as follows:

"§11-153 More or fewer ballots than recorded. (a) If there are more ballots than [documented usage] the poll book indicates, this shall be an overage and if fewer ballots, it shall be an underage. The election officials or counting center employees responsible for the tabulation of ballots shall make a note of this fact on a form to be provided by the chief election officer. The form recording the overage or underage shall be sent directly to the chief election officer or the clerk in county elections separate and apart from the other election records.

(b) If the electronic voting system is being used in an election, the overage or underage shall be recorded after the tabulation of the ballots. In an election using the paper ballot voting system, the [chief election officer or the chief election officer's designee] precinct officials shall proceed to count the votes cast for each candidate or on a question after recording the overage or underage.

(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, and the clerk's office in counties other than the city and county of Honolulu in elections involving state candidates.

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

SECTION 27. Section 11-154, Hawaii Revised Statutes, is amended to read as follows:

"§11-154 Records, etc.; disposition. Precinct officials shall gather all records and supplies delivered to them and return them to the sending official, either the chief election officer or the clerk.

The voted ballots shall be kept secure and handled only in the presence of representatives not of the same political party or official observers in accordance with rules adopted for the various voting systems. After all the ballots have been tabulated they shall be sealed in containers. Thereafter, these
containers shall be unsealed and resealed only as prescribed by rules governing elections.

The ballots and other election records may be destroyed by the chief election officer or clerk when all elected candidates have been certified by the chief election officer, or in the case of candidates for county offices, by the clerk and after compliance with retention schedules of applicable federal law."

SECTION 28. Section 11-173.5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) In a primary and special primary election contest, or a county election contest held concurrently with a regularly scheduled primary or special primary election, the complaint shall be filed in the office of the clerk of the supreme court no later than 4:30 p.m. on the [thirteenth] sixth day after a primary or special primary election or a county election contest held concurrently with a regularly scheduled primary or special primary election, and shall be accompanied by a deposit for costs of court as established by the rules of the supreme court; provided that a complaint for a contest for cause that arises from a mandatory recount pursuant to section 11-158 shall be filed no later than 4:30 p.m. on the third calendar day
following the public announcement of the results of the
mandatory recount pursuant to section 11-158(c). The clerk
shall issue to the defendants named in the complaint a summons
to appear before the supreme court no later than 4:30 p.m. on
the fifth day after service of the summons."

SECTION 29. Section 15-1, Hawaii Revised Statutes, is
amended by adding a new definition to be appropriately inserted
and to read as follows:

"Absentee polling place" means an office or other suitable
facility designated by the respective clerks for the conduct of
absentee voting and the processing of absentee ballots."

SECTION 30. Section 15-2.5, Hawaii Revised Statutes, is
amended to read as follows:

"§15-2.5 [Voting by mail] Absentee voting 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] polling place 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.] absentee ballot; provided that if there are not enough absentee ballots for all voters of the precinct, the chief election officer or the clerk shall use other official ballots to make up the difference.

(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.

(c) Within ten days after the printed official absentee ballots are available for the designated precinct affected by this section, the clerk shall deliver, or cause to be delivered, by hand or mail, an absentee ballot, a return envelope, and any other appropriate material to each registered voter in the affected precinct.

(d) The chief election officer shall adopt rules pursuant to chapter 91 to implement this section."

SECTION 31. Section 15-4, Hawaii Revised Statutes, is amended to read as follows:

"§15-4 Request for absentee ballot. (a) Any person registered to vote [who is unable to receive a ballot at the person's voter registration address of record] may request an
absentee ballot or permanent absentee ballot in person or in writing from the clerk at any time but no later than 4:30 p.m. on the seventh day before the election. Any mailed requests for an absentee ballot or permanent absentee ballot shall be mailed by the person directly to the clerk. The clerk may waive any or all of the foregoing requirements in special cases as provided in the rules adopted by the chief election officer.

The request shall include information such as the last four digits of the person's social security number or the person's driver's license number, date of birth, and the address under which the person is registered to vote. The request shall also include the [temporary] address to which the person wishes the requested ballot to be forwarded. The request, when made for any primary or special primary election, may include an additional request for an absentee ballot to be voted at any election immediately following the primary or special primary; provided that the person so indicates in the person's request.

[Upon the completion of the election or elections covered by the voter's temporary request under this section, the clerk shall resume mailing the voter's ballot package to the mailing address noted within the voter's registration record.]
Subsequent to the closing of registration for each
election, the clerk may mail a request form for an absentee
ballot and permanent absentee ballot to each voter in a remote
area who has not already made such a request. The request form
shall be accompanied by:

(1) A stamped, self-addressed envelope; and

(2) Instructions regarding the manner of completing and
returning the request form.

(b) Notwithstanding subsection (a), the respective clerk
shall may conduct an absentee ballot-only election and may mail
an absentee ballot for each primary, special primary, special,
general, and special general election to each registered voter
who resides in the county of Kalawao or on any island of a
county with a population of fewer than one hundred eighty
thousand, except for the island where the county seat of
government is located. The chief election officer may adopt
rules to carry out this subsection.

(c) Notwithstanding any law to the contrary, in the event
there are fewer than five hundred registered voters as of the
preceding general election in an area covered by a unique ballot
type, the clerk shall mail an absentee ballot to each registered
voter who resides in such an area, if the chief election officer, or the clerk in a county only election, determines that an election day polling place will not be established for such voters.

(d) For the purposes of this section, "ballot type" means the unique ballot containing the contests, questions, or issues that will be used by the voters of a specific area.

(e) When a registered voter requests an absentee ballot, the voter also may include an additional request to receive absentee ballots permanently. After receiving a request for permanent absentee voter status, the clerk shall mail to the voter who requested permanent absentee voter status an absentee ballot for all subsequent elections conducted in that precinct. The forwarding address for absentee ballots to be permanently mailed shall be the in-state mailing address contained in the voter's registration record. Subject to the conditions of subsection (a), a permanent absentee voter may also request from the clerk that the voter's ballot be forwarded temporarily to an address other than the permanent absentee mailing address originally requested, either in or outside of the State, for a single election or for a primary or special primary election and
the election immediately following the primary or special
primary election. A permanent absentee voter's request for a
ballot to be forwarded temporarily shall not serve as a
cancellation of the voter's permanent absentee status or as a
change to the voter's permanent absentee mailing address. Upon
the completion of the election or elections covered by the
permanent absentee voter's temporary request under this
subsection, the clerk shall resume mailing the voter's ballots
to the permanent absentee mailing address originally requested
under subsection (a).

(f) The chief election officer shall inform voters of the
option of applying for permanent absentee voter status and shall
provide any necessary form to request the permanent absentee
ballot option to any registered voter requesting an absentee
ballot and any person applying to register to vote.

(g) A permanent absentee voter shall be responsible for
informing the clerk of any changes to personal information,
including changes to the voter's forwarding address.

(h) Except as provided in subsection (c), a voter's
permanent absentee voter status shall be terminated if any of
the following conditions apply:
(1) The voter requests in writing that the status be terminated;

(2) The voter dies, loses voting rights, registers to vote in another jurisdiction, or is otherwise disqualified from voting;

(3) The voter's absentee ballot, voter notification postcard, or any other election mail is returned to the clerk as undeliverable for any reason; or

(4) The voter does not return a voter ballot by 7:00 p.m. on election day in both the primary and general election of an election year.

(i) If a voter's permanent absentee voter status has been terminated due to one or more of the conditions specified in subsection (h), the voter shall be responsible for again requesting permanent absentee status as specified in subsection (e)."

SECTION 32. Section 15-6.5, Hawaii Revised Statutes, is amended to read as follows:

"§15-6.5 Absentee postage. The mailed distribution and return of absentee ballots shall be at no cost to the voter. The State and counties shall share in the cost of all postage
associated with the distribution and return of absentee ballots pursuant to sections 11—182 [and], 11—183, and 11—P if the costs are not covered by the federal government."

SECTION 33. Section 15—9, Hawaii Revised Statutes, is amended to read as follows:

"§15-9 Return and receipt of absentee ballots. (a) The return envelope shall be:

(1) Mailed and must be received by the clerk issuing the absentee ballot no later than the closing [hour] of the polls on election day, in accordance with section 11-131; [ex]

(2) Delivered other than by mail to the clerk issuing the absentee ballot, or to [a voter service center] another election official designated by the clerk to act on the clerk's behalf, no later than the closing [hour] of the polls on election day, in accordance with section 11-131[?]; or

(3) Delivered other than by mail to any polling place within the county in which the voter is registered and deposited by a precinct official in the ballot box.
before the closing of the polls on any election day, in accordance with section 11-131.

(b) Upon receipt of the return envelope from any person voting under this chapter, the clerk may prepare the ballots for counting pursuant to this section and section 15-10.

(c) Before opening the return and ballot envelopes and counting the ballots, the return envelopes shall be checked for the following:

(1) Signature on the affirmation statement;
(2) Whether the signature corresponds with the absentee request or register as prescribed in the rules adopted by the chief election officer; and
(3) Whether the person is a registered voter and has complied with the requirements of sections 11-15 and 11-16.

(d) If any requirement listed in subsection (c) is not met or if the return or ballot envelope appears to be tampered with, the clerk or the absentee ballot team official shall mark across the face of the envelope "invalid" and it shall be kept in the custody of the clerk and disposed of as prescribed for ballots in section 11-154.
(e) If an absentee polling place is established at the clerk's office prior to election day, the officials of the absentee polling place shall check the return or ballot envelopes for the above requirements prior to depositing them in the correct absentee ballot box."

SECTION 34. Section 15-10, Hawaii Revised Statutes, is amended to read as follows:

"§15-10 Counting of absentee ballots. If the requirements in section 15-9 are met, the return and ballot envelopes may be opened and the ballot counted as prescribed by law for the voting system in use.

In those absentee polling places using paper ballots, counting of the absentee ballots may begin after noon of election day.

In those absentee polling places using the electronic voting system, the absentee ballots shall be transported to the counting center in a manner and by a schedule as provided in the rules promulgated by the chief election officer. In no case, however, shall the results of the absentee count become publicly known before the polls have officially closed.
Any person violating this section shall be guilty of an election offense under section 19-6."

SECTION 35. Section 15-14, Hawaii Revised Statutes, is amended to read as follows:

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

SECTION 36. Section 15D-3, Hawaii Revised Statutes, is amended to read as follows:

"$15D-3  Elections covered. The voting procedures in this chapter apply to:

(1) A general, special, or primary election for federal office;

(2) A general, special, or primary election for statewide or state legislative office or state ballot measure; and
(3) A general, special, recall, primary, or runoff election for local government office or local ballot measure conducted under [part VIIA of chapter 11] section 11-F for which absentee voting or voting by mail is available for other voters."

SECTION 37. Section 16-25, Hawaii Revised Statutes, is amended to read as follows:

"§16-25 Order and method of counting. Each ballot shall be counted and finished as to all the candidates thereon before counting a second and subsequent ballots. [The] Except as provided in section 11-A, the ballots shall be counted by teams in the following manner only: by one [election] precinct official announcing the vote in a loud clear voice, one [election] precinct official tallying the vote, one [election] precinct official watching the [election] precinct official announcing the vote and one [election] precinct official watching the [election] precinct official tallying the vote. The [election] precinct official doing the announcing or tallying and the [election] precinct official watching that official shall not be of the same political party."
SECTION 38. Section 16-43, Hawaii Revised Statutes, is amended to read as follows:

"§16-43 Ballot handling. In every case where the ballots are handled by election officials or election employee, from the time the ballots are delivered to the several precincts to the time they are returned to the chief election officer, or clerk in a county election, for disposition upon completion of the tabulation, [they] the ballots shall be handled in the presence of not less than two officials assigned in accordance with sections 11-A and 11-B or section 16-45."

SECTION 39. Section 19-6, Hawaii Revised Statutes, is amended to read as follows:

"§19-6 Misdemeanors. The following persons shall be guilty of a misdemeanor:

(1) Any person who offers any bribe or makes any promise of gain, or with knowledge of the same, permits any person to offer any bribe or make any promise of gain for the person's benefit to any voter to induce the voter to sign a nomination paper, and any person who accepts any bribe or promise of gain of any kind as consideration for signing the same, whether the bribe
or promise of gain be offered or accepted before or
after the signing;

(2) Any person who wilfully tears down, destroys, or
defaces any election proclamation, poster, notice,
list of voters, visual [aids] aid, or facsimile
ballot, issued or posted by authority of law;

(3) Any person printing or duplicating or causing to be
printed or duplicated any ballot, conforming as to the
size, weight, shape, thickness, or color to the
official ballot so that it could be cast or counted as
an official ballot in an election;

(4) Every person who is disorderly or creates a
disturbance whereby any meeting of precinct officials
or the board of registration of voters during an
election is disturbed or interfered with; or whereby
any person who intends to be lawfully present at any
meeting or election is prevented from attending; or
who causes any disturbance at any election; and every
person assisting or aiding or abetting any
disturbance;
(5) Every person who, either in person or through another, in any manner breaks up or prevents, or endeavors to break up or prevent, the holding of any meeting of the board of registration of voters, or in any manner breaks up or prevents, or endeavors to break up or prevent, the holding of any election;

(6) Any person, other than those designated by section 11-132, who remains or loiters within the area set aside for voting as set forth in section 11-132 during the time appointed for voting;

(7) Any person, including candidates carrying on any campaign activities within the area described in section 11-132 during the period of time starting one hour before [voting] the polling place opens and ending when [voting] the polling place closes for the purpose of influencing votes. Campaign activities shall include the following:

(A) Any distribution, circulation, carrying, holding, posting, or staking of campaign cards, pamphlets, posters, and other literature;
(B) The use of public address systems and other public communication media;

(C) The use of motor caravans or parades; and

(D) The use of entertainment troupes or the free distribution of goods and services;

(E) Any person who opens a return envelope containing an absentee ballot voted under chapter 15 other than those persons authorized to do so under chapter 15; or

(F) A ballot voted by mail under part V I I A of chapter 15 other than those persons authorized to do so under part V I I A of chapter 15;

(G) Any unauthorized person found in possession of any voting machine or keys thereof; and

(H) Every person who wilfully violates or fails to obey any of the provisions of law, punishment for which is not otherwise specified in this chapter."

SECTION 40. Chapter 11, part V I I A, Hawaii Revised Statutes, is repealed.

"SECTION 57. There is appropriated out of the general revenues of the State of Hawaii the sum of $200,000 or so much thereof as may be necessary for fiscal year 2019-2020 and the same sum or so much thereof as may be necessary for fiscal year 2020-2021 for the purpose of preparing for, implementing, and administering elections by mail, including voter education and public awareness programs.

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

SECTION 58. There is appropriated out of the general revenues of the State of Hawaii the sum of $830,731 or so much thereof as may be necessary for fiscal year 2019-2020 and the same sum or so much thereof as may be necessary for fiscal year 2020-2021 to be made available to the counties in the form of grants to cover the startup and transition costs for the voting by mail implementation, provided that the amount available to each county shall be in proportion to its respective percentage of registered voters.

The sums appropriated shall be expended by the department of budget and finance for the purposes of this Act.
SECTION 59. No later than sixty days before the convening of each of the regular sessions of 2020, 2021, 2022, 2023, 2024, and 2025, the office of elections shall submit a report to the legislature that includes:

(1) The office's progress in implementing this Act;

(2) A summary of the office's discussions with the county clerks to determine areas of joint implementation of this Act;

(3) A summary of the expenditures required to implement this Act and a comparison of those expenditures with the expenditures required to conduct elections or election-related activities before the enactment of this Act;

(4) Any additional resources the county clerks or the office may require to implement this Act;

(5) Any developments in assistive technology that may be implemented by the State, the counties, or nonprofit associations to ensure that persons with disabilities are not, on the whole, disadvantaged by implementation of this Act, including the costs associated with such technology;
(6) Any difficulties encountered in the implementation of this Act;

(7) Specific steps taken and recommendations necessary to prevent fraud and ensure the integrity of the election process; and

(8) Any other findings and recommendations, including any proposed legislation necessary to clarify and make consistent chapters 11, 12, 15, 15D, 16, and 19, Hawaii Revised Statutes, in light of the transition to statewide elections by mail.

The counties shall coordinate with the office of elections in providing information necessary for the preparation of the reports required by this section."

SECTION 42. In codifying the new sections added by sections 1 to 6 the revisor of statutes shall substitute appropriate section numbers for the letters used in designating the new sections in this Act.

SECTION 43. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.
SECTION 44. This Act shall take effect upon its approval.

INTRODUCED BY: [Signature]

JAN 17 2020
Report Title:
Elections; Polling; Precincts

Description:
Restores the conducting of elections at polling places operated by precinct officials. Repeals provisions under Act 136, Session Laws of Hawaii 2019, that made voting by mail the primary and default method of voting. Repeals the establishment of voter service centers.

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