



1 district, as provided in section 11-92.1, to be open on an  
2 election day to provide walk-in voting and to receive ballots.

3 **§11- Procedures for conducting election by mail. (a)**

4 Ballot packages shall include:

- 5 (1) An official ballot;
- 6 (2) A pre-paid postage return identification envelope;
- 7 (3) A secrecy envelope; and
- 8 (4) Instructions.

9 (b) Except as provided in subsections (c), (d), and (e),  
10 the county clerk shall mail by nonforwardable mail a ballot  
11 package to each registered voter between eighteen and fourteen  
12 days before the date of the election; provided that the  
13 deadlines established under chapter 15D shall apply to the  
14 covered voters, as that term is defined in section 15D-2.

15 (c) If the county clerk determines that a voter does not  
16 receive daily mail service from the United States Postal  
17 Service, the county clerk shall mail by nonforwardable mail a  
18 ballot package to the voter between twenty days and eighteen  
19 days before the date of the election.

20 (d) If the voter requests that a ballot package be mailed  
21 outside of the State, the county clerk shall mail by



1 nonforwardable mail a ballot package to the voter not later than  
2 the twenty-ninth day before the election.

3 (e) Notwithstanding subsections (b), (c), and (d), ballot  
4 packages may be delivered or made available to voters who are  
5 unable to receive ballot packages by mail and who request a  
6 ballot package be delivered or made available for pick-up by the  
7 voter. A ballot package that is made available to a voter shall  
8 be made available in a manner and by a method that will ensure  
9 confidentiality as provided in section 11-14.5. The receipt of  
10 the ballot package by pick-up shall be available to the voter  
11 until three days before the election to enable the voter to vote  
12 on or before the date of the election.

13 (f) To complete the ballot package following receipt by  
14 mail, delivery, or pick-up, the voter shall:

- 15 (1) Mark the ballot;
- 16 (2) Sign the return identification envelope supplied with  
17 the ballot package; and
- 18 (3) Comply with the instructions provided with the ballot  
19 package.

20 The voter may return the marked ballot to the county clerk by  
21 the United States Postal Service or by depositing the ballot at



1 any polling place designated by the chief election officer or  
2 county clerk no later than the time stated in section 11-131 on  
3 the date of the election.

4       **§11- Instructions.** (a) The instructions shall include  
5 directions on marking the ballot, inserting the marked ballot in  
6 the secrecy envelope, inserting the secrecy envelope with the  
7 marked ballot in the return identification envelope, and signing  
8 the return identification envelope before mailing or delivering  
9 the return identification envelope containing the secrecy  
10 envelope with the marked ballot.

11       (b) The instructions shall include information on election  
12 fraud and voter fraud as provided in sections 19-3(5) and 19-  
13 3.5, and state that a violation of either section may subject  
14 the voter, upon conviction, to imprisonment, fine, or both.

15       **§11- Public notice of distribution.** Public notice of  
16 the date or dates that ballot packages are mailed, delivered, or  
17 made available shall be given by the chief election officer and  
18 all county election offices when all ballot packages have been  
19 mailed, delivered, and made available to voters. Public notices  
20 required under this section shall be executed in accordance with  
21 sections 1-28.5 and 15D-15.



1           **§11- Replacement ballots.** (a) A voter may obtain a  
2 replacement ballot if the ballot is destroyed, spoiled, lost, or  
3 not received by the county clerk. To vote by replacement  
4 ballot, the voter shall complete and sign a replacement ballot  
5 request form. The request for a replacement ballot may be made  
6 by mail, in person, or by other means designated by the chief  
7 election officer according to rule.

8           (b) Upon receipt of a request for a replacement ballot,  
9 the county clerk or a designee appointed by the clerk shall:

- 10           (1) Verify the registration of the voter and ensure that  
11                 another ballot has not been returned by the voter;  
12           (2) Note on the list of registered voters that the voter  
13                 has requested a replacement ballot;  
14           (3) Mark the return identification envelope so that it may  
15                 be identified as a replacement ballot; and  
16           (4) Issue a replacement ballot.

17           **§11- Counting of ballots.** (a) The method of preparing  
18 ballots for counting may begin no sooner than the seventh day  
19 before the election. In the presence of official observers,  
20 counting center employees may start to count the ballots on the



1 day of the election. All handling and counting of the mailed-in  
2 ballots shall be according to procedures provided by rule.

3 (b) A mailed ballot shall be counted if:

4 (1) It is received by the county clerk not later than the  
5 end of the period determined by the chief election  
6 officer;

7 (2) It is received in the return identification envelope;

8 (3) The envelope is signed by the voter to whom the ballot  
9 is issued; and

10 (4) The signature of the voter is verified pursuant to  
11 subsection (c).

12 (c) The county clerk, or a designee appointed by the  
13 county clerk, shall verify the signature on the return  
14 identification envelope according to procedures provided by  
15 rule.

16 (d) Upon receipt of a marked replacement ballot, the  
17 county clerk or a designated appointee shall verify that a  
18 completed and signed replacement ballot request form has been  
19 received by the county clerk or is included with the marked  
20 replacement ballot. If a request form has been completed and  
21 signed by the voter and received by the county clerk or included



1 with the marked ballot, the county clerk or a designated  
2 appointee shall process the ballot. If the replacement ballot  
3 request form is not completed or signed by the voter or not  
4 received by the county clerk or included with the mailed ballot,  
5 the county clerk or a designated appointee shall not process the  
6 ballot.

7       **§11- Uniformed and overseas citizens Absentee Voting**  
8 **Act; application.** To the extent that this part and chapter 15D  
9 conflict with regard to the application of any requirement  
10 established pursuant to this part to a covered voter, as that  
11 term is defined in section 15D-2, chapter 15D shall govern."

12       SECTION 3. Section 11-1, Hawaii Revised Statutes, is  
13 amended as follows:

14       1. By adding a new definition to be appropriately inserted  
15 and to read:

16       "Election by mail" means an election conducted principally  
17 by mail."

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

19       "Ballot", a ballot including a ballot used in an election  
20 by mail and an absentee ballot, is a written or printed, or  
21 partly written and partly printed paper or papers containing the



1 names of persons to be voted for, the office to be filled, and  
2 the questions or issues to be voted on. A ballot may consist of  
3 one or more cards or pieces of paper, or one face of a card or  
4 piece of paper, or a portion of the face of a card or piece of  
5 paper, depending on the number of offices, candidates to be  
6 elected thereto, questions or issues to be voted on, and the  
7 voting system in use. It shall also include the face of the  
8 mechanical voting machine when arranged with cardboard or other  
9 material within the ballot frames, containing the names of the  
10 candidates and questions to be voted on."

11 3. By amending the definition of "voting system" to read:  
12 "Voting system", the use of paper ballots, electronic  
13 ballot cards, voting machines, voting by mail, or any system by  
14 which votes are cast and counted."

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

17 "**§11-4 Rules [~~and regulations~~]**. The chief election  
18 officer may make, amend, and repeal [~~such~~] rules [~~and~~  
19 ~~regulations~~] governing elections held under this title, election  
20 procedures, and the selection, establishment, use, and operation  
21 of all voting systems now in use or to be adopted in the State,





1 and all other similar matters relating thereto as in the chief  
2 election officer's judgment shall be necessary to carry out this  
3 title.

4 In making, amending, and repealing rules [~~and regulations~~]  
5 for voters who cannot [~~vote at the polls in person~~] receive or  
6 return ballots by mail and all other voters, the chief election  
7 officer shall provide for voting by [~~such~~] these persons in  
8 [~~such~~] a manner [~~as~~] to [~~insure~~] ensure secrecy of the ballot  
9 and to preclude tampering with the ballots of these voters and  
10 other election frauds. [~~Such~~] These rules [~~and regulations~~],  
11 when adopted in conformity with chapter 91 and upon approval by  
12 the governor, shall have the force and effect of law."

13 SECTION 5. Section 11-17, Hawaii Revised Statutes, is  
14 amended by amending subsection (a) to read as follows:

15 "(a) The clerk, not later than 4:30 p.m. on the sixtieth  
16 day after every general election, shall remove the name of any  
17 registered voter who did not vote in that general election, and  
18 also did not vote in the primary election preceding that general  
19 election, and also did not vote in the previous general  
20 election, and also did not vote in the primary election  
21 preceding that general election, and also did not vote in the



1 regularly scheduled special elections held in conjunction with  
2 those primary and general elections, if any, with the exception  
3 of:

4 (1) Those who submitted written requests for absentee  
5 ballots as provided in section 15-4; or

6 (2) Anyone who preregistered pursuant to section 11-12(b).

7 If a person voted, at least once, in any of the above-mentioned  
8 elections, the person's name shall remain on the list of  
9 registered voters. For this purpose, "vote" means the  
10 depositing of the ballot in the ballot box whether the ballot is  
11 blank or later rejected for any reason. In the case of voting  
12 machines, "vote" means the voter has activated the proper  
13 mechanism and fed the vote into the machine. In the case of an  
14 election by mail pursuant to part \_\_\_\_\_, "vote" means the voter  
15 has returned the ballot to the chief election officer or county  
16 clerk by the United States Postal Service or by depositing the  
17 ballot at a precinct designated for ballot deposit by the chief  
18 election officer or county clerk."

19 SECTION 6. Section 11-92.1, Hawaii Revised Statutes, is  
20 amended by amending the title and subsection (a) to read as  
21 follows:



1           "**§11-92.1 Election proclamation; [~~establishment of a new~~**  
2 **~~precinct.] precincts; polling places.~~** (a) The chief election  
3 officer shall issue a proclamation whenever a new precinct is  
4 established in any representative district. The chief election  
5 officer, or the county clerk in a county election, shall provide  
6 a suitable polling place for each precinct~~[-]~~ in a general  
7 election, and for not less than one location in each  
8 representative district in a primary election. Schools,  
9 recreational halls, park facilities, and other publicly owned or  
10 controlled buildings, whenever possible and convenient, shall be  
11 used as polling places. The chief election officer, or the  
12 county clerk in a county election, shall make arrangements for  
13 the rental or erection of suitable shelter for this purpose  
14 whenever public buildings are not available and shall cause  
15 these polling places to be equipped with the necessary  
16 facilities for lighting, ventilation, and equipment needed for  
17 elections on any island. This proclamation may be issued  
18 jointly with the proclamation required in section 11-91."

19           SECTION 7. Section 11-184, Hawaii Revised Statutes, is  
20 amended to read as follows:



1           "§11-184 Election expenses and responsibilities in  
2 combined state and county elections. Election expenses in  
3 elections involving both state and county offices shall be  
4 shared as set forth below:

- 5           (1) The State shall pay and be responsible for:
- 6               (A) Precinct officials;
  - 7               (B) Instruction of precinct officials when initiated  
8                     or approved by the chief election officer;
  - 9               (C) Boards of registration;
  - 10              (D) Polling place costs other than supplies:  
11                     installation rentals, ballot boxes, voting  
12                     booths, custodians, telephones, and maintenance;
  - 13              (E) Other equipment such as ballot transport  
14                     containers;
  - 15              (F) Temporary election employees hired to do strictly  
16                     state work; and
  - 17              (G) Extraordinary voter registration and voter  
18                     education costs when approved by the chief  
19                     election officer.
- 20           (2) The county shall pay and be responsible for:



- 1           (A) Normal voter registration, voters list
- 2                   maintenance, and all printing connected with
- 3                   voter registration, including printing of the
- 4                   voters list;
- 5           (B) Temporary election employees hired to do strictly
- 6                   county work;
- 7           (C) Maintenance of existing voting machines,
- 8                   including parts, freight, storage, programming,
- 9                   and personnel;
- 10          (D) Maintenance and storage of voting devices and
- 11                   other equipment; and
- 12          (E) Employees assigned to conduct absentee or voting
- 13                   by mail polling place functions.
- 14          (3) The remaining election expenses shall be divided in
- 15                   half between the State and the counties. Each county
- 16                   will pay a proration of expenses as a proportion of
- 17                   the registered voters at the time of the general
- 18                   election. These expenses shall include but not be
- 19                   limited to:
- 20           (A) Polling place supplies;



- 1 (B) All printing, including ballots, but excluding
- 2 printing connected with voter registration;
- 3 (C) Temporary election employees not including voting
- 4 machine programmers doing work for both the State
- 5 and county;
- 6 (D) Ballot preparation and packing; and
- 7 (E) All other costs for which the State or county are
- 8 not specifically responsible relating to the
- 9 operation of voting machines, electronic voting
- 10 systems, and other voting systems except paper
- 11 ballots to include but not be limited to real
- 12 property rentals, equipment rentals, personnel,
- 13 mileage, telephones, supplies, publicity,
- 14 computer programming, and freight.

15 The responsibility for the above functions shall  
16 be determined by the chief election officer where the  
17 responsibility for such functions has not been  
18 assigned by the legislature.

19 Any future expenses not presently incurred under any voting  
20 system now in use or to be used shall be assigned to

21 [~~paragraphs~~] paragraph (1), (2), or (3) [~~above~~] by the chief



1 election officer upon agreement with the clerks or by the  
2 legislature."

3 SECTION 8. Section 19-6, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "§19-6 Misdemeanors. The following persons shall be  
6 guilty of a misdemeanor:

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

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

20 (3) Any person printing or duplicating or causing to be  
21 printed or duplicated any ballot, conforming as to the



1 size, weight, shape, thickness, or color to the  
2 official ballot so that it could be cast or counted as  
3 an official ballot in an election;

4 (4) Every person who is disorderly or creates a  
5 disturbance whereby any meeting of the precinct  
6 officials or the board of registration of voters  
7 during an election is disturbed or interfered with; or  
8 whereby any person who intends to be lawfully present  
9 at any meeting or election is prevented from  
10 attending; or who causes any disturbance at any  
11 election; and every person assisting or aiding or  
12 abetting any disturbance;

13 (5) Every person who, either in person or through another,  
14 in any manner breaks up or prevents, or endeavors to  
15 break up or prevent, the holding of any meeting of the  
16 board of registration of voters, or in any manner  
17 breaks up or prevents, or endeavors to break up or  
18 prevent, the holding of any election;

19 (6) Any person, other than those designated by section  
20 11-132, who remains or loiters within the area set





1           aside for voting as set forth in section 11-132 during  
2           the time appointed for voting;

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

10       (A) Any distribution, circulation, carrying, holding,  
11           posting, or staking of campaign cards, pamphlets,  
12           posters and other literature;

13       (B) The use of public address systems and other  
14           public communication media;

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

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

18       (8) Any person who opens a return envelope containing [~~an~~  
19           absentee]:



1           (A) An absentee ballot voted under chapter 15 other  
2           than those persons authorized to do so under  
3           chapter 15; or

4           (B) A ballot voted by mail under part other than  
5           those persons authorized to do so under part ;

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

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

11          SECTION 9. Section 11-91.5, Hawaii Revised Statutes, is  
12          repealed.

13          [ "~~§11-91.5 Federal, state, and county elections by mail.~~

14          ~~(a) Any federal, state, or county election held other than on~~  
15          ~~the date of a regularly scheduled primary or general election~~  
16          ~~may be conducted by mail.~~

17          ~~(b) The chief election officer shall determine whether a~~  
18          ~~federal or state election, other than a regularly scheduled~~  
19          ~~primary or general election, may be conducted by mail or at~~  
20          ~~polling places.~~



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

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

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

12       SECTION 10. Section 11-92.3, Hawaii Revised Statutes, is  
 13 repealed.

14       ~~[ "§11-92.3 Consolidated precincts, natural disasters,~~  
 15 ~~postponement, absentee voting required, special elections. (a)~~  
 16 ~~In the event of a flood, tsunami, earthquake, volcanic eruption,~~  
 17 ~~high wind, or other natural disaster, occurring prior to an~~  
 18 ~~election, that makes a precinct inaccessible, the chief election~~  
 19 ~~officer or county clerk in the case of county elections may~~  
 20 ~~consolidate precincts within a representative district. If the~~  
 21 ~~extent of damage caused by any natural disaster is such that the~~



1 ~~ability of voters, in any precinct, district, or county, to~~  
2 ~~exercise their right to vote is substantially impaired, the~~  
3 ~~chief election officer or county clerk in the case of county~~  
4 ~~elections may require the registered voters of the affected~~  
5 ~~precinct to vote by absentee ballot pursuant to section 15-2.5~~  
6 ~~and may postpone the conducting of an election in the affected~~  
7 ~~precinct for no more than twenty one days; provided that any~~  
8 ~~such postponement shall not affect the conduct of the election,~~  
9 ~~tabulation, or distribution of results for those precincts,~~  
10 ~~districts, or counties not designated for postponement.—The~~  
11 ~~chief election officer or county clerk in the case of county~~  
12 ~~elections shall give notice of the consolidation, postponement,~~  
13 ~~or requirement to vote by absentee ballot, in the affected~~  
14 ~~county or precinct prior to the opening of the precinct polling~~  
15 ~~place by whatever possible news or broadcast media are~~  
16 ~~available.—Precinct officials and workers affected by any~~  
17 ~~consolidation shall not forfeit their pay.~~

18 ~~(b) In the event the chief election officer or the county~~  
19 ~~clerk in a county election determines that the number of~~  
20 ~~candidates or issues on the ballot in a special, special~~  
21 ~~primary, or special general election does not require the full~~



1 ~~number of established precincts, the precincts may be~~  
 2 ~~consolidated for the purposes of the special, special primary,~~  
 3 ~~or special general election into a small number of special,~~  
 4 ~~special primary, or special general election precincts.~~

5 ~~A special, special primary, or special general election~~  
 6 ~~precinct shall be considered the same as an established precinct~~  
 7 ~~for all purposes, including precinct official requirements~~  
 8 ~~provided in section 11 71. Not later than 4:30 p.m. on the~~  
 9 ~~tenth day prior to the special, special primary, or special~~  
 10 ~~general election, the chief election officer or the county clerk~~  
 11 ~~shall give public notice, in the area in which the special,~~  
 12 ~~special primary, or special general election is to be held, of~~  
 13 ~~the special, special primary, or special general election~~  
 14 ~~precincts and their polling places. Notices of the~~  
 15 ~~consolidation also shall be posted on election day at the~~  
 16 ~~established precinct polling places, giving the location of the~~  
 17 ~~special, special primary, or special general election precinct~~  
 18 ~~polling place." ]~~

19 SECTION 11. There is appropriated out of the general  
 20 revenues of the State of Hawaii the sum of \$ or so much  
 21 thereof as may be necessary for fiscal year 2015-2016 and the



1 same sum or so much thereof as may be necessary for fiscal year  
2 2016-2017 for the purpose of implementing and administering the  
3 election by mail program.

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

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

8 SECTION 13. This Act shall take effect on July 1, 2015,  
9 and shall apply to the 2016 primary election and all elections  
10 conducted thereafter.

11

INTRODUCED BY:

George Taylor  
Sam J. Gu  
Ray A. ...  
Linda Chingame  
Richard ...  
Miss E. Lower

JAN 23 2015



**Report Title:**

Elections; Voting by Mail

**Description:**

Establishes an election by mail voting system for all elections beginning with the 2016 primary election.

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

