
A BILL FOR AN ACT

RELATING TO ELECTIONS.

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

1 SECTION 1. The legislature finds that in 2014, the office
2 of elections postponed voting for two precincts in the Puna
3 district of Hawaii island that did not open on the day of the
4 primary election because of nearby damage caused by Tropical
5 Storm Iselle. The postponement of voting by nearly a week for
6 the affected precincts demonstrated the unique challenges that
7 may arise when partial election results are released to the
8 public for ballot contests that are still undetermined pending
9 the results of postponed voting. For example, the two leading
10 candidates in the Democratic primary race for the United States
11 Senate were separated by only 1,635 votes, with an estimated
12 6,821 voters eligible to participate in the postponed vote.
13 This situation prompted concerns that prior knowledge of the
14 status of ongoing election contests heading into the postponed
15 vote could skew election results by changing voter behavior or
16 providing candidates and other interested parties with the



1 unusual advantage of focusing campaign efforts on specific
2 groups of swing voters.

3 The legislature further finds that the release of partial
4 election results prior to the completion of postponed balloting
5 undermines the current general policy of prohibiting the
6 disclosure of voting results prior to the closing of the polls,
7 as set forth in section 11-152(b), Hawaii Revised Statutes.

8 The purpose of this Act is to promote fairness in the
9 conduct of postponed elections by prohibiting the public
10 disclosure of voting results from every precinct for any ballot
11 contest or question affected by the postponement, until the
12 closing of the polls for the postponed election.

13 SECTION 2. Chapter 11, Hawaii Revised Statutes, is amended
14 by adding a new section to part X to be appropriately designated
15 and to read as follows:

16 "§11- Postponed elections; disclosure of voting results.
17 Whenever the conduct of an election within any precinct has been
18 postponed:

19 (1) By the chief election officer, or county clerk in
20 county elections, because of a natural disaster
21 pursuant to section 11-92.3; or



1 (2) By the governor during a state of emergency pursuant
2 to section 127A-13(a)(9),
3 the printout by the counting center computer or other disclosure
4 of the number of votes cast for each candidate or question
5 appearing on the ballot for the postponed election, from any
6 precinct whether or not designated for postponement, including
7 votes cast by absentee ballot, shall not be disclosed to the
8 public until voting for the postponed election has concluded.
9 For candidates or questions not appearing on the ballot for the
10 postponed election, the chief election officer, or county clerk
11 in county elections, may postpone the printout or other
12 disclosure of the number of votes cast until voting for the
13 postponed election has concluded."

14 SECTION 3. Section 11-92.3, Hawaii Revised Statutes, is
15 amended by amending subsection (a) to read as follows:

16 "(a) In the event of a flood, tsunami, earthquake,
17 volcanic eruption, high wind, or other natural disaster,
18 occurring prior to an election, that makes a precinct
19 inaccessible, the chief election officer or county clerk in the
20 case of county elections may consolidate precincts within a
21 representative district. If the extent of damage caused by any



1 natural disaster is such that the ability of voters, in any
2 precinct, district, or county, to exercise their right to vote
3 is substantially impaired, prior to the commencement of the
4 election, the chief election officer or county clerk in the case
5 of county elections or, upon commencement of the election and
6 thereafter, the governor acting in addition to duties prescribed
7 under section 127A-13(a)(9), may require the registered voters
8 of the affected precinct to vote by absentee ballot within seven
9 days of the election pursuant to section 15-2.5 [~~and~~] or may
10 postpone the conducting of an election in the affected precinct
11 for no more than [~~twenty one~~] seven days; provided that any such
12 postponement shall not affect the conduct of the election,
13 tabulation, or distribution of results for those precincts,
14 districts, or counties not designated for postponement [~~-~~],
15 except as otherwise provided in section 11- . The chief
16 election officer or county clerk in the case of county elections
17 shall give notice of the consolidation, postponement, or
18 requirement to vote by absentee ballot, in the affected county
19 or precinct prior to the opening of the precinct polling place
20 by whatever possible news or broadcast media are available.



1 Precinct officials and workers affected by any consolidation
2 shall not forfeit their pay."

3 SECTION 4. Section 11-152, Hawaii Revised Statutes, is
4 amended by amending subsection (b) to read as follows:

5 "(b) In those precincts using the electronic voting
6 system, the ballots shall be taken in the sealed ballot boxes to
7 the counting center according to the procedure and schedule
8 promulgated by the chief election officer to promote the
9 security of the ballots. In the presence of official observers,
10 counting center employees may start to count the ballots prior
11 to the closing of the polls; provided that there shall be no
12 printout by the computer or other disclosure of the number of
13 votes cast for a candidate or on a question prior to the closing
14 of the polls[-], subject to the provisions of section 11- for
15 the printout or other disclosure of votes in the event of a
16 postponed election. For the purposes of this section, the
17 closing of the polls is that time identified in section 11-131
18 as the closing hour of voting."

19 SECTION 5. Section 15-2.5, Hawaii Revised Statutes, is
20 amended to read as follows:



1 " ~~[§]~~ §15-2.5 ~~[§]~~ Absentee voting in precinct affected by
2 natural disasters. (a) If the chief election officer ~~[and]~~,
3 clerk of a county ~~[affected as a result of a natural disaster~~
4 ~~determine]~~, or governor, as applicable pursuant to section 11-
5 92.3, determines that the opening of a designated polling place
6 will adversely affect the health and safety of voters or
7 precinct officials, the chief election officer ~~[and]~~, county
8 clerk, or governor, as applicable, by written order, may require
9 the registered voters of any precinct to vote by absentee
10 ballot; provided that such voting concludes within seven days of
11 the election; provided further that if there are not enough
12 absentee ballots for all voters of the precinct, the chief
13 election officer or the clerk shall use other official ballots
14 to make up the difference.

15 (b) ~~[Within thirty days]~~ As soon as possible after the
16 issuance of such an order, the chief election officer and county
17 clerk shall notify all registered voters in the affected
18 precinct of the issuance of the order.

19 (c) ~~[Within ten days]~~ As soon as possible after the
20 printed official absentee ballots are available for the
21 designated precinct affected by this section, the clerk shall



1 deliver, or cause to be delivered, by hand or mail, an absentee
2 ballot, a return envelope, and any other appropriate material to
3 each registered voter in the affected precinct.

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

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

8 SECTION 7. This Act shall take effect upon its approval.



Report Title:

Emergencies and Disasters; Postponed Elections; Disclosure of Election Results

Description:

Prohibits disclosure of votes cast in a postponed election. Authorizes discretionary withholding of election results unrelated to postponement. Clarifies Governor's emergency postponement authority. Limits postponement period to seven days after an election. (HB612 HD1)

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

