

JAN 22 2016

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# 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 the trend in Hawaii  
2 has been toward increased mail-in voting. The 2014 Hawaii  
3 primary election was the first election in which more ballots  
4 were voted early than were cast on primary election day. Fifty-  
5 six per cent of Hawaii voters chose to vote early during the  
6 2014 primary, with approximately eighty-three per cent of these  
7 early voters doing so by mail-in absentee ballot.

8           The legislature further finds that Hawaii's conversion to  
9 elections by mail would significantly reduce the logistical  
10 issues related to conducting elections. The legislature  
11 concludes that an incremental implementation of an election by  
12 mail voting system is the best approach for the State to  
13 transition to elections by mail.

14           Accordingly, the purpose of this Act is to:

15           (1) Require the office of elections to implement elections  
16           by mail in a county with a population of less than  
17           100,000, beginning with the 2018 primary election, to





1 elections shall implement elections by mail in a county with a  
2 population of less than 100,000. Beginning with the 2022  
3 primary election, the office of elections shall additionally  
4 implement elections by mail in each county with a population of  
5 less than 500,000. Beginning in 2022, all federal, state, and  
6 county primary, special primary, general, special general, and  
7 special elections shall be conducted by mail in accordance with  
8 this part; provided further that any person registered to vote  
9 may request an absentee ballot or permanent absentee ballot in  
10 accordance with section 15-4, in lieu of receiving an election  
11 by mail ballot package pursuant to this part.

12 §11-B Procedures for conducting elections by mail. (a)

13 Ballot packages for elections by mail shall include:

- 14 (1) An official ballot;
- 15 (2) A pre-paid postage return identification envelope;
- 16 (3) A secrecy envelope; and
- 17 (4) Instructions.

18 (b) To the extent practicable, the county clerk shall mail  
19 a ballot package by nonforwardable mail to each registered voter  
20 in the county no earlier than thirty days before the date of an  
21 election.



1 (c) Public notice of the date or dates that election by  
2 mail ballot packages are mailed, delivered, or made available  
3 shall be given by the chief election officer and all county  
4 election officers in the manner prescribed in section 1-28.5  
5 when all the packages have been mailed, delivered, or made  
6 available to voters.

7 (d) After receipt of an election by mail ballot package,  
8 the voter shall comply with the instructions included in the  
9 ballot package to cast a valid ballot. The instructions shall  
10 include information on election fraud and voter fraud, as  
11 provided in sections 19-3(5) and 19-3.5, and notice that  
12 violation of either section may subject the voter, upon  
13 conviction, to imprisonment, a fine, or both. To cast a valid  
14 election by mail ballot, the voter shall return the marked  
15 ballot in the return identification envelope. The marked ballot  
16 may be returned by mail, to a place of deposit, or to a voter  
17 service center; provided that the return identification envelope  
18 shall be received at the office of the clerk, place of deposit,  
19 or voter service center no later than the close of the polls as  
20 provided in section 11-131 on the date of the election.



1           (e) A voter may obtain a replacement ballot if the ballot  
2 was destroyed, spoiled, lost, or not received by the voter. The  
3 clerk shall keep a record of each ballot issued to ensure that  
4 another ballot has not been returned by the voter.

5           (f) If a mailed election by mail ballot is not received by  
6 the voter within five days of an election, or a voter otherwise  
7 requires a replacement ballot within five days of an election,  
8 the voter may request that a ballot be forwarded by electronic  
9 transmission. Upon receipt of such a request and confirmation  
10 that proper application was made, the clerk may transmit the  
11 appropriate ballot, together with a form containing the  
12 affirmations and information required by section 15-6, and a  
13 form containing a waiver of the right to secrecy under section  
14 11-137. The voter may return the voted replacement ballot and  
15 executed forms by electronic transmission, mail, or deposit at a  
16 place of deposit or voter service center; provided that the  
17 ballot and forms are received by the issuing clerk before voting  
18 has concluded. Upon receipt, the clerk shall verify compliance  
19 with the requirements of this part; provided that if the voter  
20 returns multiple voted ballots for the same election, the clerk  
21 shall prepare, for counting, only the first ballot returned that



1 is not spoiled. Prior to an election, the clerk shall determine  
2 the permissible form or forms of electronic transmission that  
3 may be used for the initial transmission of ballots to voters  
4 and the return transmission of ballots by voters. The forms of  
5 electronic transmission permitted for the initial transmission  
6 of ballots may differ from those permitted for the return of  
7 ballots by voters. For purposes of this subsection, "electronic  
8 transmission" may include facsimile transmission, electronic  
9 mail delivery, or the utilization of an online ballot delivery  
10 and return system.

11 (g) The chief election officer shall determine and provide  
12 for places of deposit and voter service centers pursuant to this  
13 part and section 11-92.1.

14 §11-C Counting of mail-in ballots. Counting may begin no  
15 sooner than the seventh day before the election. In the  
16 presence of official observers, counting center employees may  
17 start to count the ballots; provided that any tabulation of the  
18 number of votes cast for a candidate or question appearing on  
19 the ballot, including a counting center printout or other  
20 disclosure, shall be kept confidential and shall not be  
21 disclosed to the public until voting for the election has



1 concluded. All handling and counting of election by mail  
2 ballots shall be according to procedures established by the  
3 chief election officer.

4 §11-D Voter service centers; minimum number; designation;  
5 services provided. (a) Beginning on January 1, 2018, in any  
6 county where election by mail has been implemented, voter  
7 service centers shall be established at the office of the  
8 respective county clerks and may be established at other sites  
9 as may be designated by the county clerk pursuant to this  
10 section and rules adopted by the chief election officer.

11 Section 11-21 relating to changes and transfers of registration  
12 shall apply to each voter service center as though it were the  
13 precinct at which a person's name properly appears on the list  
14 of registered voters.

15 (b) Voter service centers shall be open from the tenth day  
16 preceding the day of the election through the day of the  
17 election and at the same times statewide, except as may be  
18 provided in section 11-92.3 or by the chief election officer  
19 through administrative rules.



1 (c) In designating voter service centers pursuant to this  
2 section, each county clerk shall consider the following factors  
3 to address the needs of the county:

- 4 (1) Proximity to public transportation lines and  
5 availability of parking;
- 6 (2) Geographic features, such as mountain passes, that  
7 tend to affect access and convenience;
- 8 (3) Equitable distribution across the county so as to  
9 afford maximally convenient options for voters;
- 10 (4) The existence and location of population centers;
- 11 (5) Access for persons with disabilities;
- 12 (6) Use of locations that have historically served as  
13 polling places for a significant number of voters;
- 14 (7) Use of schools, recreational halls, park facilities,  
15 and other publicly owned or controlled buildings that  
16 are known to voters in the county, especially to the  
17 extent that using such buildings results in cost  
18 savings compared to other potential locations; and
- 19 (8) When private locations are considered or designated as  
20 voter service centers in accordance with this section,





1 methods and standards to ensure the security of voting  
2 conducted at such locations.

3 Each county clerk shall solicit public comments in proposing  
4 voter service center locations and shall submit the proposed  
5 locations to the chief election officer for approval. The chief  
6 election officer shall adopt administrative rules, pursuant to  
7 chapter 91, to prescribe the manner of submission, public  
8 comment and notice requirements, deadline for submission, and  
9 criteria for approval of proposed voter service center  
10 locations.

11 (d) Each voter service center shall provide:

12 (1) The means for an eligible voter to deposit or cast a  
13 ballot;

14 (2) The means for an eligible voter to update the voter's  
15 address in voting records;

16 (3) The means for an eligible voter who has legally  
17 changed the voter's name to have the voter's name  
18 changed in the voting records;

19 (4) Facilities and equipment that are compliant with the  
20 federal Americans with Disabilities Act of 1990, title



- 1           42 United States Code section 12101 et seq., as
- 2           amended;
- 3           (5) Electronic voting machines or other voting systems
- 4           accessible to voters with disabilities;
- 5           (6) Voting booths;
- 6           (7) Ballots for distribution; and
- 7           (8) Pursuant to section 11-15.2, beginning on January 1,
- 8           2018, the means for an eligible voter to register to
- 9           vote on the day of the election."

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

13           "§11-    Postponed elections; disclosure of voting results.  
 14 Whenever the conduct of an election within any precinct has been  
 15 postponed:

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

19           (2) By the governor during a state of emergency pursuant  
 20           to section 127A-13(a)(9),



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

12 SECTION 4. Section 11-1, Hawaii Revised Statutes, is  
13 amended as follows:

14 1. By adding four new definitions to be appropriately  
15 inserted and to read:

16 "Election by mail ballot package" means the packet of  
17 information, including an official ballot, a pre-paid postage  
18 return identification envelope, a secrecy envelope, and  
19 instructions, that shall be provided to eligible voters in any  
20 county where elections by mail have been implemented.



1       "Place of deposit" means a site designated by the chief  
2 election officer for the purpose of receiving return  
3 identification envelopes in an election conducted by mail  
4 pursuant to part \_\_\_\_\_.

5       "Poll" or "polling place" means an office or other suitable  
6 facility designated by the respective clerks for the conduct of  
7 voting. Beginning on January 1, 2018, the term "poll" or  
8 "polling place" shall include a voter service center in a county  
9 where elections by mail has been implemented.

10       "Voter service center" means a location established  
11 pursuant to section 11-D for accepting ballots and providing  
12 other services described in section 11-D."

13       2. By amending the definitions of "ballot" and "voting  
14 system" to read:

15       "Ballot" [7] means a ballot, including an absentee ballot,  
16 that is a written or printed, or partly written and partly  
17 printed paper or papers, containing the names of persons to be  
18 voted for, the office to be filled, and the questions or issues  
19 to be voted on. "Ballot" includes a ballot used in an election  
20 by mail pursuant to part \_\_\_\_\_. A ballot may consist of one or  
21 more cards or pieces of paper, or one face of a card or piece of



1 paper, or a portion of the face of a card or piece of paper,  
2 depending on the number of offices, candidates to be elected  
3 thereto, questions or issues to be voted on, and the voting  
4 system in use. It shall also include the face of the mechanical  
5 voting machine when arranged with cardboard or other material  
6 within the ballot frames, containing the names of the candidates  
7 and questions to be voted on.

8 "Voting system" [7] means the use of paper ballots,  
9 electronic ballot cards, voting machines, elections by mail  
10 pursuant to part , absentee voting pursuant to chapter 15, or  
11 any system by which votes are cast and counted."

12 SECTION 5. Section 11-4, Hawaii Revised Statutes, is  
13 amended to read as follows:

14 "§11-4 Rules [~~and regulations~~]. The chief election  
15 officer may make, amend, and repeal [~~such~~] rules [~~and~~  
16 ~~regulations~~] governing elections held under this title, election  
17 procedures, and the selection, establishment, use, and operation  
18 of all voting systems now in use or to be adopted in the State,  
19 and all other similar matters relating thereto as in the chief  
20 election officer's judgment shall be necessary to carry out this  
21 title.



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

11           SECTION 6. Section 11-17, Hawaii Revised Statutes, is  
12 amended by amending subsection (a) to read as follows:

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



1 those primary and general elections, if any, with the exception  
2 of:

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

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

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

18 SECTION 7. Section 11-91.5, Hawaii Revised Statutes, is  
19 amended to read as follows:

20 "§11-91.5 Federal, state, and county elections by mail.

21 (a) Any federal, state, or county election [~~held other than on~~



1 ~~the date of a regularly scheduled primary or general election]~~  
2 may be conducted by mail[-] in whole or in part, including  
3 designating specific precincts or counties for election by mail  
4 in whole or in part, in accordance with this section and part  
5 \_\_\_\_\_.

6 (b) The chief election officer shall determine whether [a  
7 ~~federal or state election, other than a regularly scheduled~~  
8 ~~primary or general]~~ an election, [may] other than an election  
9 involving solely county offices, shall be conducted by mail [or  
10 at polling places-] in whole or in part.

11 (c) The county clerk shall determine whether a solely  
12 county election, held other than on the date of a regularly  
13 scheduled primary or general election, [may] shall be conducted  
14 by mail [~~or at polling places-] in whole or in part.~~ An  
15 election by mail in the county shall be under the supervision of  
16 the county clerk[-] subject to subsection (g).

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

20 (e) Voters may vote by absentee ballot at an absentee  
21 walk-in polling place. For purposes of an election conducted by





1 mail, at least one absentee walk-in polling place shall be  
2 designated by the county clerk to be open on the day of the  
3 election. In the event of an election that does not involve  
4 county offices, the chief election officer shall designate at  
5 least one absentee walk-in polling place to be open on the day  
6 of the election.

7 (f) Election expenses for conducting an election by mail  
8 shall be shared as follows:

9 (1) For elections involving federal and county, state and  
10 county, or federal, state, and county offices,  
11 expenses, other than expenses related to voter  
12 registration and absentee voting, shall be divided in  
13 half between the State and the counties, and each  
14 county shall pay a proration of expenses as a  
15 proportion of the registered voters at the time of the  
16 general election. Expenses related to voter  
17 registration and absentee voting shall be paid by the  
18 counties;

19 (2) For elections involving solely county offices, all  
20 expenses shall be paid by the county and paid out of



1           such appropriations as may be made by the county  
2           council for election purposes; and

3           (3) For elections conducted in any county which do not  
4           involve elections for county offices, all expenses  
5           shall be paid by the State and paid out of such  
6           appropriations as may be made by the legislature for  
7           election purposes.

8           (g) Election responsibilities for conducting an election  
9 by mail shall be as follows:

10           (1) The counties shall be responsible for voter  
11           registration and absentee voting, including voter  
12           service centers, even in elections where there are no  
13           county offices on the ballot; and

14           (2) The State shall be responsible for preparing, mailing,  
15           receiving, processing, and tabulating mail ballots,  
16           even in elections where there are no federal or state  
17           offices on the ballot.

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



1 SECTION 8. Section 11-92.1, Hawaii Revised Statutes, is  
2 amended by amending its title and subsection (a) to read as  
3 follows:

4 "§11-92.1 Election proclamation; ~~[establishment of a new~~  
5 ~~precinct.]~~ places of deposit; voter service centers. (a) The  
6 chief election officer shall issue a proclamation ~~[whenever a~~  
7 ~~new precinct is established in any representative district.]~~  
8 listing all polling places and places of deposit. Places of  
9 deposit may be open as soon as election by mail ballot packets  
10 are made available to voters. The chief election officer shall  
11 provide ~~[a suitable polling place for each precinct.]~~ one or  
12 more places of deposit within a representative district as the  
13 chief election officer deems necessary for voters who are unable  
14 to participate in elections by mail pursuant to part .  
15 Beginning on January 1, 2018, voter service centers shall be  
16 made available pursuant to section 11-D in a county where  
17 elections by mail have been implemented. Schools, recreational  
18 halls, park facilities, and other publicly owned or controlled  
19 buildings, whenever possible and convenient, shall be used as  
20 polling places. The chief election officer shall make  
21 arrangements for the rental or erection of suitable shelter for



1 this purpose whenever public buildings are not available and  
2 shall cause these polling places to be equipped with the  
3 necessary facilities for lighting, ventilation, and equipment  
4 needed for elections on any island. This proclamation may be  
5 issued jointly with the proclamation required in section 11-91."

6 SECTION 9. Section 11-92.3, Hawaii Revised Statutes, is  
7 amended by amending its title and subsection (a) to read as  
8 follows:

9 "§11-92.3 [~~Consolidated precincts; natural~~] Natural  
10 disasters; postponement; absentee voting [required]; vote by  
11 mail; special elections. (a) In the event of a flood, tsunami,  
12 earthquake, volcanic eruption, high wind, or other natural  
13 disaster, occurring prior to an election, that makes a precinct,  
14 place of deposit, or voter service center inaccessible, the  
15 chief election officer or county clerk in the case of county  
16 elections may consolidate precincts or provide an alternate  
17 precinct within a representative district. If the extent of  
18 damage caused by any natural disaster is such that the ability  
19 of voters, in any precinct, district, or county, to exercise  
20 their right to vote is substantially impaired, the chief



1 election officer or county clerk in the case of county elections  
2 may [~~require the~~]:

3       (1) Require the registered voters of the affected  
4           precinct, district, or county to vote by absentee  
5           ballot pursuant to section 15-2.5 [~~and may postpone~~]  
6           or elections by mail pursuant to part ; and

7       (2) Postpone the conducting of an election in the affected  
8           precinct, district, or county for no more than twenty-  
9           one days; provided that any such postponement shall  
10          not affect the conduct of the election, tabulation, or  
11          distribution of results for those precincts,  
12          districts, or counties not designated for  
13          postponement.

14 The chief election officer or county clerk in the case of county  
15 elections shall give notice of the consolidation, postponement,  
16 or requirement to vote by absentee ballot[7] or by mail, in the  
17 affected [~~county or~~] precinct, county, or district prior to the  
18 opening of [~~the~~] each precinct polling place by whatever  
19 possible news or broadcast media are available. Precinct  
20 officials and workers affected by any consolidation shall not  
21 forfeit their pay."



1 SECTION 10. Section 11-184, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§11-184 Election expenses and responsibilities in  
4 combined state and county elections. Election expenses in  
5 elections involving both state and county offices, except for  
6 elections conducted by mail in whole or in part, shall be shared  
7 as set forth below:

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



- 1 (G) Extraordinary voter registration and voter
- 2 education costs when approved by the chief
- 3 election officer.
  
- 4 (2) The county shall pay and be responsible for:

  - 5 (A) Normal voter registration, voters list
  - 6 maintenance, and all printing connected with
  - 7 voter registration, including printing of the
  - 8 voters list;
  - 9 (B) Temporary election employees hired to do strictly
  - 10 county work;
  - 11 (C) Maintenance of existing voting machines,
  - 12 including parts, freight, storage, programming,
  - 13 and personnel;
  - 14 (D) Maintenance and storage of voting devices and
  - 15 other equipment; and
  - 16 (E) Employees assigned to conduct absentee polling
  - 17 place functions.

- 18 (3) The remaining election expenses shall be divided in
- 19 half between the State and the counties. Each county
- 20 will pay a proration of expenses as a proportion of
- 21 the registered voters at the time of the general



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

18 The responsibility for the above functions shall  
19 be determined by the chief election officer where the  
20 responsibility for such functions has not been  
21 assigned by the legislature.





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

6 SECTION 11. Section 15D-3, Hawaii Revised Statutes, is  
 7 amended to read as follows:

8 "[~~+~~§15D-3~~+~~] Elections covered. The voting procedures in  
 9 this chapter apply to:

- 10 (1) A general, special, or primary election for federal  
 11 office;
- 12 (2) A general, special, or primary election for statewide  
 13 or state legislative office or state ballot measure;  
 14 and
- 15 (3) A general, special, recall, primary, or runoff  
 16 election for local government office or local ballot  
 17 measure conducted under ~~[section 11-91.5]~~ part      of  
 18 chapter 11 for which absentee voting or voting by mail  
 19 is available for other voters."

20 SECTION 12. Section 19-6, Hawaii Revised Statutes, is  
 21 amended to read as follows:



1           "§19-6 Misdemeanors. The following persons shall be  
2 guilty of a misdemeanor:

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

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

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



- 1           (4) Every person who is disorderly or creates a  
2           disturbance whereby any meeting of the precinct  
3           officials or the board of registration of voters  
4           during an election is disturbed or interfered with; or  
5           whereby any person who intends to be lawfully present  
6           at any meeting or election is prevented from  
7           attending; or who causes any disturbance at any  
8           election; and every person assisting or aiding or  
9           abetting any disturbance;
- 10          (5) Every person who, either in person or through another,  
11          in any manner breaks up or prevents, or endeavors to  
12          break up or prevent, the holding of any meeting of the  
13          board of registration of voters, or in any manner  
14          breaks up or prevents, or endeavors to break up or  
15          prevent, the holding of any election;
- 16          (6) Any person, other than those designated by section  
17          11-132, who remains or loiters within the area set  
18          aside for voting as set forth in section 11-132 during  
19          the time appointed for voting;
- 20          (7) Any person, including candidates carrying on any  
21          campaign activities within the area described in



1 section 11-132 during the period of time starting one  
2 hour before the polling place opens and ending when  
3 the polling place closes for the purpose of  
4 influencing votes. Campaign activities shall include  
5 the following:

6 (A) Any distribution, circulation, carrying, holding,  
7 posting, or staking of campaign cards, pamphlets,  
8 posters and other literature;

9 (B) The use of public address systems and other  
10 public communication media;

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

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

14 (8) Any person who opens a return envelope containing [~~an~~  
15 absentee];

16 (A) An absentee ballot voted under chapter 15 other  
17 than those persons authorized to do so under  
18 chapter 15; or

19 (B) A ballot voted by mail under part of chapter  
20 11 other than those persons authorized to do so  
21 under part of chapter 11;



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

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

6           SECTION 13. There is appropriated out of the general  
7 revenues of the State of Hawaii the sum of \$           or so  
8 much thereof as may be necessary for fiscal year 2016-2017 for  
9 the purpose of implementing and administering the election by  
10 mail program.

11           The sum appropriated shall be expended by the office of  
12 elections for the purposes of this Act.

13           SECTION 14. No later than twenty days prior to the  
14 convening of each regular session of the legislature, from 2017  
15 until 2023, the office of elections shall submit a report to the  
16 legislature that includes:

- 17           (1) The office's progress in implementing this Act;  
18           (2) Any additional resources the office may require to  
19           implement this Act;  
20           (3) Any difficulties encountered;



1 (4) Specific steps taken and recommendations necessary to  
2 prevent fraud and ensure the integrity of the election  
3 process; and

4 (5) Any other findings and recommendations, including any  
5 proposed legislation.

6 SECTION 15. In codifying the new sections added by section  
7 2 of this Act, the revisor of statutes shall substitute  
8 appropriate section numbers for the letters used in designating  
9 the new sections in this Act.

10 SECTION 16. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12 SECTION 17. This Act shall take effect on July 1, 2016.

13

INTRODUCED BY: Jose Mercedo R.

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# S.B. NO. 2496

**Report Title:**

Elections; Voting; Elections by Mail; Absentee Voting; Postponed Elections and Election Results; Election Expenses; Appropriation

**Description:**

Beginning with the primary election in 2018, requires the office of elections to implement election by mail in a county with a population of fewer than 100,000. Beginning with the 2022 primary election, implement election by mail in each county with a population of fewer than 500,000 and also require election by mail for all elections beginning in 2022 election. Provides places of deposit for personal delivery of mail-in ballots and ensures a limited number of voter service centers in each county to remain open on the day of election to allow voters with special needs to vote and receive personal delivery of absentee, permanent absentee, and mail-in ballots. Beginning on January 1, 2018, the voter service center shall enable the eligible voter to register to vote on the day of the election. Makes conforming amendments for procedures to postpone elections and the disclosure of the election result in the event of a natural disaster; and the allocation of election expenses between the State and counties. Appropriates funds for the implementation and administration of the election by mail program.

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

