

JAN 20 2023

A BILL FOR AN ACT

RELATING TO VOTING.

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

1 SECTION 1. Section 26-1, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:
3 "(a) Except as otherwise provided by law, the lieutenant
4 governor is designated the secretary of state for
5 intergovernmental relations and shall perform the duties and
6 functions heretofore exercised by the secretary of Hawaii. The
7 duties and functions shall include but not be limited to
8 recordation of all legislative and gubernatorial acts,
9 certification of state documents, [~~and~~] maintenance of an
10 official file of rules adopted by state departments as provided
11 in chapter 91[-], and the establishment of a ballot-tracking
12 system that allows all voters to receive alerts regarding the
13 mailing, receipt, and counting of their ballots returned by
14 mail; provided that voters who opt-in to receive these alerts
15 receive them on at least a weekly basis. The lieutenant
16 governor may employ staff as necessary without regard to
17 chapter 76."



1 SECTION 2. Section 15-5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§15-5 Delivery of ballots. (a) Immediately upon receipt
4 of a request for absentee ballot within the time limit specified
5 in section 15-4, the clerk shall examine the records to
6 ascertain whether the voter is lawfully entitled to vote as
7 requested. If the clerk ascertains that the voter is lawfully
8 entitled to vote as requested, no earlier than thirty days
9 before the election, the clerk shall mail in a forwarding
10 envelope, or deliver in person if the voter appears at the
11 office of the clerk, an official ballot and other materials
12 prescribed in section 15-6, except that an incapacitated voter
13 may send a representative to obtain the voter's ballots pursuant
14 to the rules adopted by the chief election officer; provided
15 that official ballots and other materials prescribed in section
16 15-6 shall be mailed or delivered:

- 17 (1) To uniform military and overseas voters pursuant to
18 section 15D-9; and
19 (2) No later than twenty-four hours after receipt of the
20 request for absentee ballot for requests received on
21 the last day specified in section 15-4.



1 (b) If absentee ballots requested under section 15-4 are
2 not received by a voter within five days of an election, if a
3 voter requires a replacement ballot within five days of an
4 election, or if a voter would otherwise not be able to return a
5 properly issued ballot by the close of polls, then a voter may
6 request that absentee ballots be forwarded by electronic
7 transmission; provided that a voter with special needs,
8 including a disability, may request that a ballot be forwarded
9 by electronic transmission at any time, but no earlier than the
10 date that the voter's initial ballot package was or would have
11 been transmitted. Upon receipt of such a request and
12 confirmation that the voter has not already voted, the clerk may
13 transmit appropriate ballots, voting information required by
14 section 15-6, and a form containing a waiver of the right to
15 secrecy, as provided by section 11-137. The waiver of the right
16 to secrecy shall not be required if the voted ballot is returned
17 in a signed ballot return identification envelope issued to the
18 voter. The voter may return the voted ballots and executed
19 forms by electronic transmission or mail; provided that they are
20 received by the issuing clerk no later than the closing hour on
21 election day in accordance with section 11-131. Upon receipt,



1 the clerk shall verify compliance with the requirements of
2 section 15-9 and prepare the ballots for counting pursuant to
3 section 15-10; provided that if the voter returns multiple voted
4 absentee ballots for the same election, the clerk shall, for
5 purposes of counting ballots, prepare only the first absentee
6 ballot returned that is not spoiled.

7 (c) Immediately upon mailing an absentee ballot to a
8 voter, the clerk shall notify the office of the lieutenant
9 governor of that fact."

10 SECTION 3. Section 15-9, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "§15-9 Return, receipt, processing, and treatment of
13 absentee ballots. (a) An absentee ballot shall be returned,
14 received, processed, and treated in the same manner as a return
15 identification envelope in an election by mail as provided by
16 part VIIA of chapter 11.

17 (b) Upon receipt of a returned absentee ballot by mail,
18 the clerk shall immediately notify the office of the lieutenant
19 governor of that fact."

20 SECTION 4. There is appropriated out of the general
21 revenues of the State of Hawaii the sum of \$ or so



S.B. NO. 1077

1 much thereof as may be necessary for fiscal year 2023-2024 and
2 the same sum or so much thereof as may be necessary for fiscal
3 year 2024-2025 as a grant-in-aid to the counties to establish a
4 system for the county clerk of each county to notify the office
5 of the lieutenant governor of the mailing and receipt of ballots
6 returned by mail.

7 The sums appropriated shall be expended by the counties for
8 the purposes of this Act.

9 SECTION 5. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 6. This Act shall take effect on July 1, 2023.

12

INTRODUCED BY:





S.B. NO. 1077

Report Title:

Office of the Lieutenant Governor; County Clerks; Duties;
Absentee Ballots; Appropriation

Description:

Requires the Office of the Lieutenant Governor to establish a ballot-tracking system that allows all voters to receive alerts regarding the mailing, receipt, and counting of their ballots returned by mail. Requires the counties to immediately notify the Office of the Lieutenant Governor upon mailing and receipt of absentee ballots by mail. Appropriates funds to the counties.

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

