

JAN 23 2009

A BILL FOR AN ACT

RELATING TO ELECTION BY MAIL.

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

1 SECTION 1. In 2004, Hawaii had the lowest voter turnout
2 rate for general elections in the nation, and its turnout rate
3 remains in the bottom half of national voter turnout rates. In
4 contrast, Oregon has one of the ten highest voter turnout rates
5 in the nation, with over fifty per cent of eligible voters
6 voting in the 2006 general election. Oregon's vote-by-mail
7 system, approved by almost seventy per cent of Oregonians in a
8 1998 initiative, is credited with improving voter participation
9 in Oregon. Oregon's vote-by-mail system is used for all
10 elections and is popular with voters because it empowers the
11 voter and eliminates many of the problems and costs of other
12 voting systems. Ballots are mailed to voters, and the voter is
13 required to return the ballot by mail or by dropping it off at
14 designated sites within a two-week period.

15 As of 2005, although Oregon was the only state to use a
16 vote-by-mail system for all elections, all states now allow some
17 version of mail-in voting. At least twenty-eight states,



1 including Oregon, allow no-excuse absentee voting. The
2 legislature finds that a vote-by-mail system has a number of
3 advantages over traditional polling.

4 The purpose of this Act is to require the office of
5 elections to develop and implement a vote-by-mail pilot program
6 similar to Oregon's vote-by-mail system. The pilot program
7 shall be implemented for elections in 2010 in three
8 representative districts meeting particular criteria.

9 SECTION 2. (a) The office of elections shall develop and
10 implement a vote-by-mail pilot program to replace traditional
11 polling places in certain representative districts for elections
12 in 2010. The vote-by-mail pilot program shall include a
13 requirement that vote-by-mail ballots be received by the close
14 of the polls on election day to ensure that they are counted.
15 The vote-by-mail pilot program shall also include voter
16 education materials relating to the pilot program for eligible
17 voters who reside in pilot program districts.

18 (b) The office of elections shall implement the pilot
19 program in three representative districts selected by the office
20 of elections according to the following criteria:

21 (1) One representative district shall be the district that
22 the office of elections determines to be a rural



1 district with the combination of lowest absentee
2 turnout rate and lowest voter turnout rate out of all
3 state rural districts for the two most recent general
4 elections; provided that if more than one
5 representative district qualifies under this
6 paragraph, the office of elections may select the
7 representative district it deems to be the most
8 suitable for the purposes of this Act. In determining
9 whether a representative district is a rural district,
10 the office of elections shall select a representative
11 district with more than half of its land classified as
12 rural land by the state land use commission under
13 section 205-2, Hawaii Revised Statutes;

- 14 (2) One representative district shall be the district that
15 the office of elections determines to be an urban
16 district with the combination of lowest absentee
17 turnout rate and lowest voter turnout rate out of all
18 state urban districts for the two most recent general
19 elections; provided that if more than one
20 representative district qualifies under this
21 paragraph, the office of elections may select the
22 representative district it deems to be the most



1 suitable for the purposes of this Act. In determining
2 whether a representative district is an urban
3 district, the office of elections shall select a
4 representative district with more than half of its
5 land classified as urban land by the state land use
6 commission under section 205-2, Hawaii Revised
7 Statutes;

8 (3) One representative district shall be that district
9 that the office of elections determines to have a
10 voter turnout rate closest to that of the overall
11 state voter turnout rate during the two most recent
12 general elections; provided that if more than one
13 representative district qualifies under this
14 paragraph, the office of elections may select the
15 representative district it deems to be the most
16 suitable for the purposes of this Act; and

17 (4) If the same district meets the criteria set forth in
18 paragraph (3) and either paragraph (1) or (2), the
19 office of elections shall select the next best
20 qualifying district from a different county to
21 participate in the pilot program to fulfill the
22 criteria set forth in paragraph (3).



(c) Upon the selection of the representative districts to participate in the pilot program, but not later than January 2010, the office of elections shall submit a preliminary report to the legislature that includes:

(1) Identification of the three representative districts selected by the office of elections to participate in the pilot program, including a description of the method used to select the districts;

(2) The current status of implementation of the pilot program; and

(3) A brief description of operational problems or legal impediments that have affected or are anticipated to affect implementation of the pilot program.

(d) Upon the conclusion of the 2010 general election, but not later than the convening of the legislative regular session of 2011, the office of elections shall submit a report to the legislature that includes:

(1) Voter demographics, turnout, and other statistical information, as deemed necessary by the chief election officer, to accurately assess the efficacy of the pilot program for each selected representative district;



(2) Efforts made by the office of elections to advertise, educate, and promote the pilot program to enhance the pilot program's chance of success and the cost of those efforts;

(3) Whether the pilot program had any effect on increasing or decreasing voter turnout and absentee turnout and, if so, by how much;

(4) Any operational problems or legal impediments that arose and affected the implementation or operation of the pilot program;

(5) The actual cost of implementing the pilot program, including postage costs;

(6) A recommendation as to whether the pilot program should be made permanent on a limited or statewide basis and, if recommended to be made permanent, a recommendation on what statutory revisions need to be made to fully effectuate the mail-in voting program; and

(7) An estimate on the cost, including postage costs, to continue the pilot program permanently on a limited or statewide basis.



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4. Keleni Eglsh

Report Title:

Voting; Elections by Mail; Appropriation

Description:

Requires the office of elections to establish a vote-by-mail pilot program for the 2010 elections in three representative districts based on certain criteria. Appropriates funds for the pilot program.

