
A BILL FOR AN ACT

RELATING TO ABSENTEE VOTING.

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

1 SECTION 1. The legislature finds that the use of absentee
2 ballots has increased recently. Absentee voters comprised
3 approximately thirty-four per cent, thirty-eight per cent,
4 forty-two per cent, and forty-six per cent of the total voter
5 turnout during the 2006, 2008, 2010, and 2012 general elections,
6 respectively. At this rate, absentee ballots may soon become
7 the de facto method of voting for the majority of voters.

8 Current practice grants voters great freedom in the methods
9 by which they may submit absentee ballots. Voters may utilize
10 mail and absentee polling places. Further, current practice
11 allows for the submission of absentee ballot return envelopes
12 via in-person delivery to county clerks, election day polling
13 places, and election day counting centers. Moreover, third
14 parties may deliver ballots on other voters' behalf. It remains
15 unknown, however, how often such third parties are utilized for
16 such tasks.

17 The legislature finds that as the use of absentee ballots
18 grows, policymakers and the public should be equipped with



1 empirical data that clearly record the frequency with which
2 third parties deliver absentee ballots. Such data can help
3 lawmakers make informed decisions about potential future laws
4 regarding educational campaigns for absentee voters, the
5 training of third parties who help return ballots, and other
6 laws that facilitate and promote fair elections.

7 The legislature also finds that the current practice of
8 accepting absentee ballots at counting centers, such as the
9 state capitol, accommodates voters but is not specifically
10 provided for in current law.

11 The purpose of this Act, therefore, is to mandate and
12 facilitate the collection of accurate empirical information
13 regarding the use of third parties in the delivery of absentee
14 ballots by:

15 (1) Requiring the collection of statistical information
16 regarding the return of absentee ballot return
17 envelopes upon receipt; and

18 (2) Amending the Hawaii Revised Statutes to reflect the
19 current practice of allowing for the direct, in-person
20 submission of absentee ballots to election day
21 counting centers.



1 SECTION 2. Chapter 15, Hawaii Revised Statutes, is amended
2 by adding a section to be appropriately designated and to read
3 as follows:

4 "§15- Return of return envelopes by third parties. (a)

5 For every election held after December 31, 2013, if any person,
6 other than a postal service or delivery company employee acting
7 in accordance with the employee's normal duties, returns more
8 than one return envelope in a manner described in paragraph (2),
9 (3), or (4) of section 15-9(a), the governmental entity
10 receiving the return envelopes shall maintain a record of:

- 11 (1) The number of return envelopes the person submitted;
- 12 (2) The date and time the return envelopes were received;
- 13 (3) The location at which the return envelopes were
14 received; and
- 15 (4) The method of delivery by which the return envelopes
16 were received.

17 (b) The chief election officer and the county clerks shall
18 make the information required pursuant to subsection (a):

- 19 (1) Readily available to anyone who contests an election
20 pursuant to part XI of chapter 11, or any other
21 applicable law; and
- 22 (2) Available on the chief election officer's website."

1 SECTION 3. Section 15-9, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) The return envelope shall be:

4 (1) Mailed and must be received by the clerk issuing the
5 absentee ballot not later than the closing of the
6 polls on any election day;

7 (2) Delivered other than by mail to the clerk issuing the
8 absentee ballot, or another election official
9 designated by the clerk to act on the clerk's behalf,
10 not later than the closing of polls on any election
11 day; or

12 (3) Delivered other than by mail to any polling place
13 within the county in which the voter is registered and
14 deposited by a precinct official in the ballot box
15 before the closing of the polls on any election
16 day[-]; or

17 (4) Delivered other than by mail to an official counting
18 center."

19 SECTION 4. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

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1 SECTION 5. If any provision of this Act, or the
2 application thereof to any person or circumstance, is held
3 invalid, the invalidity does not affect other provisions or
4 applications of the Act that can be given effect without the
5 invalid provision or application, and to this end the provisions
6 of this Act are severable.

7 SECTION 6. This Act shall take effect upon its approval.
8

INTRODUCED BY:

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by request

JAN 23 2013



H.B. NO. 1233

Report Title:

Absentee Ballots; Third Party Deliveries; Counting Centers

Description:

Requires the recording of the frequency with which third parties deliver voters' absentee ballots. Codifies the current practice of allowing absentee ballots to be submitted to election day counting centers.

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