

JAN 23 2014

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# A BILL FOR AN ACT

RELATING TO VOTING.

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

1       SECTION 1. (a) Notwithstanding any law to the contrary,  
2       there is established an online absentee voting pilot project for  
3       a county with a population of .

4       (b) Whenever used in this Act, unless the context otherwise  
5       requires:

6       "Absentee ballot" or "online absentee ballot" means a ballot  
7       that is made electronically available to voters pursuant to this  
8       Act that contains the names of candidates, elective offices to  
9       be filled, and questions or issues to be voted on.

10       "Chief election officer" has the same meaning as in section  
11       11-1, Hawaii Revised Statutes.

12       "County" means a county with a population of .

13       (c) The voting procedures in this Act shall apply to any  
14       general, special, recall, primary, or runoff election for which  
15       absentee voting or voting by mail is available pursuant to  
16       chapter 15, Hawaii Revised Statutes.

17       (d) The county clerk shall establish a process through which  
18       a voter registered to vote in the county may apply for and



1 receive online absentee ballots and other information under this  
2 Act. The application to register to vote pursuant to this Act  
3 may require the applicant to provide substantially similar  
4 information to the information required pursuant to section  
5 15-4(a), Hawaii Revised Statutes.

6 (e) The chief election officer shall develop a standardized  
7 online absentee-voting system, including an online absentee  
8 ballot delivery and return system, an online portal through  
9 which a voter may log in using a personal identification number,  
10 an online absentee ballot marking system, affirmation and  
11 declaration materials, and voting instructions, to be used with  
12 online absentee ballots; provided that the absentee ballot  
13 return system shall contain a statement substantially similar to  
14 the statement required in section 15-6, Hawaii Revised Statutes.

15 (f) A voter who is registered to vote in the county may  
16 apply for an online absentee ballot using the absentee ballot  
17 application process established pursuant to subsection (d) at  
18 any time but not later than 4:30 p.m. on the day prior to  
19 the election.

20 (g) The county clerk shall request an electronic mail  
21 address from each voter who applies for an online absentee  
22 ballot. An electronic mail address provided by a voter shall



1 not be made available to the public or any individual or  
2 organization other than an authorized agent of the county clerk  
3 and is exempt from disclosure under chapter 92F, Hawaii Revised  
4 Statutes. The electronic mail address shall be used only for  
5 official communication with the voter about the voting process,  
6 including transmitting online absentee ballots and election  
7 materials, returning online absentee ballots, and verifying the  
8 voter's mailing address and physical location. The voter shall  
9 be responsible for informing the county clerk of any changes to  
10 personal information, including changes to the voter's  
11 electronic mail address.

12 (h) Online absentee ballots shall be made available  
13 electronically to each voter who successfully applies for an  
14 online absentee ballot no later than days prior to the  
15 election.

16 (i) A voter who has successfully applied for an online  
17 absentee ballot pursuant to this Act shall mark the ballot  
18 electronically with the voter's selections and return the  
19 absentee ballot to the county election office through the online  
20 absentee ballot return system. The absentee ballot shall be  
21 received electronically by the county clerk no later than the  
22 closing of the polls on election day.



1 (j) The voter shall include with the absentee ballot a  
2 declaration or affirmation by the voter that a material  
3 misstatement of fact in completing the ballot may be grounds for  
4 a conviction of perjury or related offenses under the laws of  
5 the United States or this State.

6 (k) Online absentee ballots shall be counted in a manner  
7 determined by the chief election officer.

8 (l) Any person having voted pursuant to this Act shall not  
9 be entitled to cast a ballot at the polls on election day or to  
10 vote by absentee ballot pursuant to chapter 15, Hawaii Revised  
11 Statutes.

12 (m) All online absentee ballots electronically received by  
13 the county clerk after the deadline for receipt as provided in  
14 subsection (i) shall not be counted by the county clerk.

15 (n) Whenever sufficient proof is shown to the county clerk  
16 that a voter who has returned an online absentee ballot pursuant  
17 to this Act has died prior to the opening of the polls on the  
18 date of the election, the voter's online absentee ballot shall  
19 be deemed invalid and disposed up pursuant to section 11-154,  
20 Hawaii Revised Statutes. The casting of any such online  
21 absentee ballot shall not invalidate the election.



1 (o) The chief election officer may adopt rules and  
2 procedures, exempt from the requirements of chapter 91, Hawaii  
3 Revised Statutes, necessary to carry out the purposes of this  
4 Act.

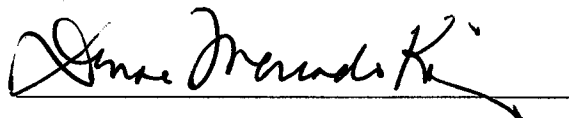
5 (p) The chief election officer may contract with a third  
6 party, in accordance with the requirements of chapter 103D,  
7 Hawaii Revised Statutes, to assist with carrying out the  
8 purposes of this Act.

9 SECTION 2. There is appropriated out of the general revenues  
10 of the State of Hawaii the sum of \$ or so much thereof  
11 as may be necessary for fiscal year 2014-2015 for the planning  
12 and implementation of an online absentee voting pilot project  
13 pursuant to this Act.

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

16 SECTION 3. This Act shall take effect on July 1, 2014;  
17 provided that section 1 shall apply to all primary, special,  
18 nonpartisan, and general elections, beginning with the primary  
19 election of 2016; provided further that this Act shall be  
20 repealed on December 30, 2020.

21  
INTRODUCED BY:



# S.B. NO. 3006

**Report Title:**

Elections; Online Absentee Voting; Pilot Project

**Description:**

Establishes an online absentee voting pilot project beginning with the primary election of 2016. Makes an appropriation. Repeals on December 30, 2020.

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

