

JAN 23 2015

# A BILL FOR AN ACT

RELATING TO ELECTIONS.

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

1       SECTION 1. The purpose of this Act is to ensure that the  
2 chief election officer or the county clerk, as applicable,  
3 exercises their existing powers to postpone an election in  
4 affected precincts when the right to vote is substantially  
5 impaired due to an emergency or natural disaster, and may do so  
6 for emergencies or natural disasters occurring prior to or  
7 during an election. This Act also prohibits the distribution of  
8 results from any precinct, whether or not designated for  
9 postponement, until after the final closing of the polls for an  
10 election postponed due to an emergency or disaster.

11       SECTION 2. Section 11-92.3, Hawaii Revised Statutes, is  
12 amended by amending subsection (a) to read as follows:

13       "(a) ~~[In the event of]~~ If a flood, tsunami, earthquake,  
14 volcanic eruption, high wind, act of terrorism, or other  
15 emergency or natural disaster~~[, occurring]~~ occurs prior to or  
16 during an election, ~~[that makes]~~ making a precinct  
17 inaccessible~~[,]~~ or substantially impairing the ability of



1 voters, in any precinct, district, or county, to exercise their  
2 right to vote, the chief election officer or county clerk in the  
3 case of county elections shall make reasonable accommodations to  
4 ensure that voters who are eligible to vote on the day of the  
5 election and intend to cast a ballot may do so. The chief  
6 election officer or county clerk in the case of county elections  
7 may [consolidate]:

8       (1) Consolidate precincts within a representative  
9       district[~~. If the extent of damage caused by any~~  
10       ~~natural disaster is such that the ability of voters,~~  
11       ~~in any precinct, district, or county, to exercise~~  
12       ~~their right to vote is substantially impaired, the~~  
13       ~~chief election officer or county clerk in the case of~~  
14       ~~county elections may require];~~

15       (2) Require the registered voters of the affected precinct  
16       to vote by absentee ballot pursuant to section 15-2.5  
17       ~~[and may postpone];~~

18       (3) Postpone the ~~[conducting]~~ conduct of an election in  
19       the affected precinct for a reasonable time as  
20       necessary to mitigate the impairment of the ability of  
21       voters to exercise their right to vote; provided that



1        all voting shall be completed no more than twenty-one  
2        days[~~; provided that any such~~] after the day of the  
3        election scheduled prior to the emergency or natural  
4        disaster; or

5        (4) Take other measures that will allow voters who were  
6        eligible to cast ballots on the day of the election  
7        the ability to vote while preserving the integrity of  
8        the election process.

9        Any postponement of an election pursuant to this section or  
10       by the governor during a state of emergency pursuant to section  
11       127A-13(a)(9) shall not affect the conduct of the election[~~7~~] or  
12       tabulation[~~7~~, or distribution] of results for those precincts,  
13       districts, or counties not designated for postponement[~~7~~];  
14       provided that the distribution of results from any precinct,  
15       whether or not designated for postponement, shall not occur  
16       until after 6:00 p.m. on the day of the final closing of the  
17       polls for the postponed election. The chief election officer or  
18       county clerk in the case of county elections shall give notice  
19       of the consolidation, postponement, or requirement to vote by  
20       absentee ballot, in the affected county or precinct prior to the  
21       opening of the precinct polling place by whatever possible news



1 or broadcast media are available. Precinct officials and  
2 workers affected by any consolidation shall not forfeit their  
3 pay."

4 SECTION 3. Section 11-152, Hawaii Revised Statutes, is  
5 amended by amending subsection (b) to read as follows:

6 "(b) In those precincts using the electronic voting  
7 system, the ballots shall be taken in the sealed ballot boxes to  
8 the counting center according to the procedure and schedule  
9 promulgated by the chief election officer to promote the  
10 security of the ballots. In the presence of official observers,  
11 counting center employees may start to count the ballots prior  
12 to the closing of the polls; provided there shall be no printout  
13 by the computer or other disclosure of the number of votes cast  
14 for a candidate or on a question prior to the closing of the  
15 polls[-]; provided further that if an event described in section  
16 11-92.3(a) occurs and an election is postponed, the disclosure  
17 of results shall only occur after the closing of polls at the  
18 postponed election or, if conducted by absentee ballot, upon the  
19 expiration of the time period established by the chief election  
20 officer to submit absentee ballots for the postponed election.  
21 For the purposes of this section, the closing of the polls is



1 that time identified in section 11-131 as the closing hour of  
2 voting."

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

5 SECTION 5. This Act shall take effect upon its approval.

6

INTRODUCED BY:

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# S.B. NO. 597

**Report Title:**

Emergencies and Disasters; Postponed Elections; Distribution of Voting Results

**Description:**

Requires the chief election officer or county clerk to exercise existing powers to postpone an election in affected precincts when the right to vote is substantially impaired due to an emergency or natural disaster. Prohibits the distribution of results from any precinct, whether or not designated for postponement, until after the final closing of the polls for an election postponed due to an emergency or disaster.

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