

STAND. COM. REP. NO. 3088

Honolulu, Hawaii

MAR 24 2016

RE: H.B. No. 1653  
H.D. 1  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Eighth State Legislature  
Regular Session of 2016  
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred  
H.B. No. 1653, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ELECTIONS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require counties with a population of less than 100,000 to implement elections by mail beginning with the 2018 primary election, counties with a population of less than 500,000 to implement elections by mail beginning with the 2020 primary election, and all federal, state, and county primary, special primary, general, special general, and special elections to be conducted by mail beginning with the 2022 primary election;
- (2) Allow any federal, state, or county election occurring prior to the 2022 primary election and not already required to be conducted by mail, to be conducted by mail in whole or in part;
- (3) Require all voters in an election by mail precinct or county to be considered permanent absentee voters;
- (4) Require all active voters in an election by mail precinct or county to be mailed a ballot and allow



inactive voters to update their voter registration to become active voters;

- (5) Allow all active registered voters to vote at an absentee polling place in lieu of voting by mail subject to certain conditions;
- (6) Establish that procedures and requirements regarding absentee voting be equally applicable to election by mail;
- (7) Allocate and designate the expenses and responsibilities for elections by mail;
- (8) Establish procedures for the electronic transmission, marking, and return of ballots;
- (9) Make certain election days state holidays for only those individuals who vote in an election by mail at an absentee polling place on the day of election due to necessity or requirement;
- (10) Make conforming amendments to existing laws relating to elections to reflect and implement an elections by mail program;
- (11) Allow permanent absentee voters to request that their ballots be temporarily forwarded to another address in or outside of the State for an election;
- (12) Amend the timeframe for the delivery of absentee ballots and allow for the electronic transmission of an absentee ballot in certain circumstances;
- (13) Establish procedures for the operation of absentee polling places and allow additional absentee polling places to be established by the county clerk at other locations and times and dates of operation;
- (14) Specify procedures for the return, receipt, and counting of absentee ballots;
- (15) Clarify that providing false information on a voter registration affidavit submitted during late registration is a class C felony; and



- (16) Appropriate funds to the Office of Elections to implement an election by mail program.

Your Committee received testimony in support of this measure from the Office of Elections, Planned Parenthood Votes Northwest and Hawaii, League of Women Voters of Hawaii, and one individual. Your Committee received testimony in opposition to this measure from The Libertarian Party of Hawaii. Your Committee received comments on this measure from the Office of the City Clerk of the City and County of Honolulu.

Your Committee finds that the trend in Hawaii has been toward increased mail-in voting and that shifting to elections by mail would significantly reduce the logistical issues related to conducting elections. This measure implements an election by mail voting system in increments to allow the State to transition to elections by mail through a phased-in approach.

Your Committee notes that amending section 8-1, Hawaii Revised Statutes, relating to state holidays to limit all election days as a state holiday to individuals who vote in an election by mail at an absentee polling place on an election day due to necessity or requirement merits further discussion as this measure moves through the legislative process. Specifically, consideration should be given to whether the state holiday designation for election days should be repealed, in whole or in part, to reflect the implementation of an election by mail system.

Your Committee has amended this measure by:

- (1) Deleting its contents and replacing it with language from S.B. No. 2496, S.D. 2 (Regular Session of 2016), a similar measure, which:
  - (A) Establishes a two-phase election by mail system with the Office of Elections implementing elections by mail in a county with a population of less than 100,000, beginning with the 2018 primary election, and implementing elections by mail in each of the other counties for all elections, beginning with the 2020 primary election;
  - (B) Clarifies that a registered voter may request an absentee ballot or permanent absentee ballot in



lieu of receiving an election by mail ballot if the registered voter is in a county that has not yet implemented elections by mail and establishing that an absentee ballot-only election may continue to be conducted;

- (C) Establishes an elections by mail system, including requirements for ballots, replacement ballots, deficient return of ballots, ballot counting, voter service centers, places of deposit, and election expenses and responsibilities;
  - (D) Establishes procedures for postponed elections;
  - (E) Makes conforming amendments to existing laws relating to elections to reflect and implement an elections by mail system;
  - (F) Allows for the electronic transmission of mail-in ballots under certain circumstances;
  - (G) Allows permanent absentee voters to request that their ballots be temporarily forwarded to another address in or outside of the State for a single election or a primary or special primary election and the election immediately following it;
  - (H) Appropriates funds for the implementation and administration of the elections by mail system;
  - (I) Requires the Office of Elections to submit a report to the Legislature prior to the convening of each Regular Session from 2017 until 2023, regarding the implementation and administration of the election by mail program; and
  - (J) Takes effect on July 1, 2076;
- (2) Adopting the language suggested by the Office of the City Clerk to amend Act 166, Session Laws of Hawaii 2014, to:
- (A) Clarify that on the day of the election, an election official shall be designated to serve as a

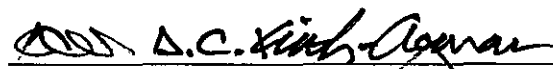


registration clerk at each of the polling places in the county; and

- (B) Clarify that the registration clerk is required to accept, rather than process, voter registration applications for any person not registered to vote;
- (3) Inserting an effective date of January 1, 2018, for the amendments made to Act 166, Session Laws of Hawaii 2014; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1653, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1653, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Labor,

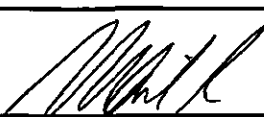


GILBERT S.C. KEITH-AGARAN, Chair



The Senate  
Twenty-Eighth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">HB 1653 HD1</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">JDL, WAM</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">3/21/16</div>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312         </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311         </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310         </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313         </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)	/			
SHIMABUKURO, Maile S.L. (VC)	/			
GABBARD, Mike				/
KAHELE, Kaiali'i	/			
KIM, Donna Mercado				/
THIELEN, Laura H.	/			
SLOM, Sam			/	
<b>TOTAL</b>	4	0	1	2
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted         <input type="checkbox"/> Not Adopted         </div>				
Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; margin-left: 50px;">  </div>				
Distribution: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <div style="text-align: center;">Original File with Committee Report</div> <div style="text-align: center;">Yellow Clerk's Office</div> <div style="text-align: center;">Pink Drafting Agency</div> <div style="text-align: center;">Goldenrod Committee File Copy</div> </div>				

\*Only one measure per Record of Votes