
A BILL FOR AN ACT

RELATING TO ELECTIONS.

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

1 SECTION 1. The legislature finds that an increasing number
2 of Hawaii voters are submitting their votes by mail. The 2014
3 Hawaii primary election was the first election in which more
4 ballots were submitted before primary election day than on that
5 day. Fifty-six per cent of Hawaii voters chose to vote early
6 during the 2014 primary, and approximately eighty-three per cent
7 of those voters did so through a mail-in absentee ballot. In
8 2016, the number of votes cast before election day exceeded the
9 number of votes cast at polling places on election day, except
10 in one county.

11 The legislature further finds that Hawaii's conversion to
12 elections by mail would significantly reduce the logistical
13 issues related to conducting elections at polling places.

14 Accordingly, the purpose of this Act is to:

15 (1) Require all elections statewide to be conducted by
16 mail beginning with the 2020 primary election;



H.B. NO. 1401

1 (2) Provide for places of deposit for personal delivery of
2 mail-in ballots during the postal "service gap" period
3 in the final week before an election;

4 (3) Establish a limited number of voter service centers
5 that would remain open on the day of an election to
6 receive personal delivery of mail-in ballots,
7 accommodate voters with special needs, offer same day
8 registration and voting, and provide other election
9 services; and

10 (4) Appropriate funds for the implementation and
11 administration of the election by mail program.

12 SECTION 2. Chapter 11, Hawaii Revised Statutes, is amended
13 by adding a new part to be appropriately designated and to read
14 as follows:

15 **"PART . ELECTIONS BY MAIL**

16 **§11-A Elections eligible to be conducted by mail.**

17 Beginning with the 2020 primary election, all elections shall be
18 conducted by mail in accordance with this title.

19 **§11-B Procedures for conducting elections by mail. (a)**

20 Ballot packages for elections by mail shall include:

21 (1) An official ballot;



H.B. NO. 1401

1 (2) A pre-paid postage return identification envelope;

2 (3) A secrecy envelope; and

3 (4) Instructions.

4 (b) To the extent practicable, the county clerk shall mail
5 a ballot package by non-forwardable mail to each registered
6 voter in the county and shall continue mailing to voters that
7 update a voter registration address until fourteen days before
8 the date of the election. In determining the initial mailing
9 date of vote by mail ballot packages, the clerk shall consider
10 the mailing place of origin and the most recent postal service
11 delivery standards to enable voters to receive the mail ballot
12 package approximately eighteen days before the election. The
13 county clerk shall not mail a ballot package to any voter in the
14 county register that was identified as having an outdated or
15 non-deliverable address. Nothing in this part shall be
16 construed to change the responsibilities of the chief election
17 officer under chapter 15D with respect to uniform military and
18 overseas voters.

19 (c) The chief election officer and clerks shall determine
20 and provide for voter service centers and places of deposit
21 pursuant to this part and section 11-92.1.



1 **§11-C Public notice of mailing.** Public notice of the date
2 or dates that the initial ballot packages are to be mailed shall
3 be given by the chief election officer before the packages are
4 made available to voters.

5 **§11-D Ballot instructions; ballot return.** (a) After a
6 voter receives the ballot package, the voter shall comply with
7 the instructions included in order to cast a valid vote. The
8 instructions shall include directions for:

- 9 (1) Marking the ballot;
- 10 (2) Inserting the marked ballot in the secrecy envelope;
- 11 (3) Inserting the secrecy envelope with the marked ballot
12 in the return identification envelope; and
- 13 (4) Signing the return identification envelope before
14 mailing or delivering the return identification
15 envelope containing the secrecy envelope with the
16 marked ballot.

17 (b) The instructions shall include information on election
18 fraud and voter fraud, as provided in sections 19-3(5) and 19-
19 3.5, and notice that violation of either section may subject the
20 voter, upon conviction, to imprisonment, a fine, or both.



1 (c) To cast a valid ballot, the voter shall return the
2 marked ballot in the return identification envelope by mail so
3 that the return identification envelope is received at the
4 office of the clerk no later than the closing hour of voting
5 provided in section 11-131 on the date of the election.

6 (d) Once a voter has returned a return identification
7 envelope, that person's ballot is deemed cast and may not be
8 recast in the election.

9 **§11-E Replacement ballots.** (a) A voter may obtain a
10 replacement ballot if the ballot was destroyed, spoiled, or
11 lost. The chief election officer may prescribe a replacement
12 ballot application form that shall include information that
13 allows the clerk to verify the registration of the voter and
14 ensure that another ballot has not been returned by the voter.

15 (b) Upon receipt of the replacement ballot request, the
16 clerk shall:

17 (1) Verify the registration of the voter and ensure that
18 another ballot has not been returned by the voter;

19 (2) Record that the voter has requested a replacement
20 ballot;



1 (3) Mark the return identification envelope as containing
2 a replacement ballot; and

3 (4) Issue the replacement ballot package by mail or make
4 the ballot package available for pick-up by the voter.

5 **§11-F Deficient return identification envelopes.** If:

6 (1) A return identification envelope is returned with an
7 unsigned affirmation;

8 (2) The affirmation signature does not match a reference
9 signature image; or

10 (3) A return identification envelope contains another
11 condition that would not allow the counting of the
12 ballot,

13 the clerk shall make an attempt to notify the voter by first
14 class mail, telephone, or electronic mail to inform the voter of
15 the procedure to correct the deficiency. The voter shall have
16 until the close of business ten days after the election to cure
17 the deficiency. The chief election officer shall promulgate
18 administrative rules adopting requirements and procedures for
19 correcting the deficiencies described above. The counting of
20 ballots and disclosure of subsequent election results may
21 continue during the time period described above. The clerk's



1 inability to contact voters under this section shall not be
2 grounds for a contest for cause under section 11-172. The clerk
3 may make the names of these voters available upon written
4 request.

5 **§11-G Electronic transmission under certain circumstances.**

6 If a ballot package is not received by a voter within five days
7 of an election or a voter otherwise requires a replacement
8 ballot within five days of an election, the voter may request
9 that a ballot be forwarded by electronic transmission. Upon
10 receipt of such a request and confirmation that proper
11 application was made, the clerk may transmit the appropriate
12 ballot, together with a form containing the affirmations,
13 information, and a waiver of the right to secrecy under section
14 11-137. The voter may return the voted replacement ballot and
15 executed forms by electronic transmission, mail, or deliver to a
16 place of deposit or voter service center; provided that the
17 ballot and forms are received by the issuing clerk no later the
18 closing hour of voting provided in section 11-131. Upon
19 receipt, the clerk shall verify compliance with the requirements
20 of this part; provided that if the voter returns multiple voted



1 ballots for the same election, the clerk shall prepare only the
2 replacement ballot for counting.

3 **§11-H Counting of mail-in ballots.** Ballot processing for
4 tabulation may begin no sooner than the tenth day before the
5 election. In the presence of official observers, counting
6 center employees may open the return identification envelopes
7 and count the ballots; provided that any tabulation of the
8 number of votes cast for a candidate or question appearing on
9 the ballot, including a counting center printout or other
10 disclosure, shall be kept confidential and shall not be
11 disclosed to the public until the closing hour of voting
12 provided in section 11-131 on the date of the election. All
13 handling and counting of election by mail ballots shall be
14 according to procedures established by the chief election
15 officer.

16 **§11-I Voter service centers; places of deposit.** (a)
17 Voter service centers shall be established at the office of the
18 clerk, and may be established at other locations as may be
19 designated by the clerk to service the particular needs of the
20 county's voters.



1 (b) Voter service centers shall be open from the tenth
2 working day preceding the day of the election during regular
3 business hours until the time provided in section 11-131 on the
4 date of the election and at the same times statewide.

5 Notwithstanding the foregoing, the clerk may establish varying
6 times and dates of operation for additional service centers as
7 may be necessary.

8 (c) Each voter service center shall provide the services
9 specified in section 11-1 under the definition of "voter service
10 center".

11 (d) The county clerks may designate and provide for places
12 of deposit to be open five working days before the election
13 until 4:30 p.m. the day preceding the election if the locations
14 and apparatus for receiving voted mail ballots can be securely
15 maintained during the period of use for each election, and as
16 may be permitted by the operational hours.

17 **§11-J Election expenses and responsibilities for elections**
18 **by mail.** (a) Election expenses in an election by mail shall be
19 as follows:

20 (1) All expenses related to elections by mail involving
21 both state and county offices, or involving both



1 federal and county offices, unrelated to voter
2 registration, shall be divided in half between the
3 State and the counties. To the extent that a
4 particular expense is shared statewide, each county
5 shall pay a proration of expenses as a proportion of
6 the registered voters at the time of the general
7 election. The counties shall separately be
8 responsible for expenses associated with voter
9 registration;

10 (2) All expenses for county elections by mail, which do
11 not involve state or federal offices, shall be borne
12 by the county and paid out of appropriations as may be
13 made by the county council; and

14 (3) All expenses for state or federal elections by mail,
15 which do not involve county offices, shall be borne by
16 the State and paid out of appropriations as may be
17 made by the legislature. Expenses attributable to
18 registration of voters by the clerk for state or
19 federal elections that do not involve county offices
20 shall be borne by the State and paid out of
21 appropriations as may be made by the legislature.



1 (b) Election responsibilities for elections by mail shall
2 be as follows:

3 (1) For elections by mail involving both state and county
4 offices, or involving both federal and county offices:

5 (A) The counties shall be responsible for voter
6 registration, absentee voting, and the mailing
7 and receipt of ballots;

8 (B) The State shall be responsible for the printing
9 and counting of ballots;

10 (C) The State and counties may otherwise agree to the
11 delegation of these responsibilities to each
12 other; and

13 (D) Any responsibilities not specified in this
14 paragraph may be assigned to the counties or the
15 State by the chief election officer;

16 (2) For elections by mail involving only county offices,
17 the respective county shall be solely responsible; and

18 (3) For elections by mail involving only state or federal
19 offices:

20 (A) The counties shall be responsible for voter
21 registration and absentee voting;



1 (B) The State shall be responsible for the printing,
2 mailing, receipt, and counting of ballots; and

3 (C) Any responsibilities not specified in this
4 paragraph may be assigned to the counties or the
5 State by the chief election officer."

6 SECTION 3. Chapter 11, Hawaii Revised Statutes, is amended
7 by amending the title of part VI to read as follows:

8 "PART VI. [~~PRECINCT OFFICIALS AND~~] VOTER SERVICE
9 CENTER WATCHERS"

10 SECTION 4. Section 11-1, Hawaii Revised Statutes, is
11 amended as follows:

12 1. By adding three new definitions to be appropriately
13 inserted and to read as follows:

14 "Electronic transmission" means the transmission of a
15 blank or voted ballot by facsimile or electronic mail delivery,
16 or the use of an online absentee ballot delivery and return
17 system, which may include the ability to mark the ballot.

18 "Place of deposit" means a site within the county of the
19 voter's registration address designated pursuant to section 11-1
20 for the purpose of receiving return identification envelopes in
21 an election conducted by mail pursuant to part _____.



H.B. NO. 1401

1 "Voter service center" means a location within the county
 2 of the voter's registration address established pursuant to
 3 section 11-I to serve all of the following purposes:

4 (1) Receive return envelopes for absentee ballots pursuant
 5 to chapter 15;

6 (2) Receive return identification envelopes in an election
 7 by mail pursuant to part ;

8 (3) Provide voting machine services for persons with
 9 disabilities pursuant to the Help America Vote Act of
 10 2002, P.L. 107-252, as amended, and any other federal
 11 or state law relating to persons with disabilities;

12 (4) Provide any other voting services as provided by law;
 13 and

14 (5) Any other purposes the chief election officer or clerk
 15 may deem necessary in the event of a natural disaster
 16 or other exigent circumstances occurring before an
 17 election."

18 2. By amending the definition of "ballot" to read as
 19 follows:

20 "Ballot" [7] means a ballot, including an absentee ballot,
 21 that is a written or printed, or partly written and partly



1 printed paper or papers, containing the names of persons to be
2 voted for, the office to be filled, and the questions or issues
3 to be voted on. "Ballot" includes a ballot used in an election
4 by mail pursuant to part _____. A ballot may consist of one or
5 more cards or pieces of paper, or one face of a card or piece of
6 paper, or a portion of the face of a card or piece of paper,
7 depending on the number of offices, candidates to be elected
8 thereto, questions or issues to be voted on, and the voting
9 system in use. [~~It shall also include the face of the~~
10 ~~mechanical voting machine when arranged with cardboard or other~~
11 ~~material within the ballot frames, containing the names of the~~
12 ~~candidates and questions to be voted on.~~]"

13 3. By amending the definition of "voting system" to read
14 as follows:

15 "Voting system" [~~7~~] means the use of paper ballots,
16 electronic [~~ballot cards,~~] transmission, voting machines,
17 elections by mail pursuant to part _____, absentee voting pursuant
18 to chapter 15, or any system by which votes are cast and
19 counted."

20 SECTION 5. Section 11-4, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "**§11-4 Rules [~~and regulations~~]**. The chief election
2 officer may make, amend, and repeal [~~such~~] rules [~~and~~
3 ~~regulations~~] governing elections held under this title, election
4 procedures, and the selection, establishment, use, and operation
5 of all voting systems now in use or to be adopted in the State,
6 and all other similar matters relating thereto as in the chief
7 election officer's judgment shall be necessary to carry out this
8 title.

9 In making, amending, and repealing rules [~~and regulations~~]
10 for voters who cannot vote [~~at the polls~~] in person or receive
11 or return ballots by mail, and all other voters, the chief
12 election officer shall provide for voting by [~~such~~] these
13 persons in [~~such~~] a manner as to [~~insure~~] ensure secrecy of the
14 ballot and to preclude tampering with the ballots of these
15 voters and other election frauds. [~~Such~~] The rules [~~and~~
16 ~~regulations~~], when adopted in conformity with chapter 91 and
17 upon approval by the governor, shall have the force and effect
18 of law."

19 SECTION 6. Section 11-15.2, Hawaii Revised Statutes, is
20 amended as follows:

21 1. By amending subsections (a), (b), and (c) to read:



1 "(a) Notwithstanding the closing of the general county
2 register pursuant to section 11-24, a person who is eligible to
3 vote but is not registered to vote may register by appearing in
4 person[+]

5 ~~(1) Prior to the day of the election, at any absentee
6 polling place established pursuant to section 15-7 in
7 the county associated with the person's residence; or
8 (2) On the day of the election, at the polling place in
9 the precinct associated with the person's residence.]~~

10 at any voter service center before and on election day.

11 (b) The county clerk shall designate a registration clerk,
12 who may be an election official, at each [~~of the absentee
13 polling places in the county established pursuant to section 15-
14 7, prior to the day of the election and at each of the polling
15 places in the county on the day of the election.] voter service
16 center.~~

17 (c) The registration clerk shall process applications for
18 any person not registered to vote who submits a signed affidavit
19 in accordance with section 11-15, which shall include a sworn
20 affirmation:

21 (1) Of the person's qualification to vote;



1 (2) Acknowledging that the person has not voted and will
2 not vote [~~at any other polling place for~~] in that
3 election and has not cast and will not cast any
4 absentee ballot pursuant to chapter 15 [~~for~~] in that
5 election; and

6 (3) Acknowledging that providing false information may
7 result in a class C felony, punishable by a fine not
8 exceeding \$1,000 or imprisonment not exceeding five
9 years, or both."

10 2. By amending subsections (f) and (g) to read:

11 "(f) Notwithstanding subsection (a), registration pursuant
12 to this section may also be used by a person who is registered
13 to vote but whose name cannot be found on the [~~precinct list for~~
14 ~~the polling place associated with the person's residence.~~]
15 county register.

16 (g) The clerk of each county shall add persons who
17 properly register under this section to the respective general
18 county register. [~~Within thirty days of registration at the~~
19 ~~polling place,~~] Following the election, the county clerk shall
20 mail to the person a notice including the person's name, current
21 street address, district and precinct, and date of registration.



1 A notice mailed pursuant to this subsection shall serve as prima
2 facie evidence that the person is a registered voter as of the
3 date of registration."

4 SECTION 7. Section 11-17, Hawaii Revised Statutes, is
5 amended by amending subsection (a) to read as follows:

6 "(a) The clerk, not later than 4:30 p.m. on the sixtieth
7 day after every general election, shall remove the name of any
8 registered voter who did not vote in that general election, and
9 also did not vote in the primary election preceding that general
10 election, and also did not vote in the previous general
11 election, and also did not vote in the primary election
12 preceding that general election, and also did not vote in the
13 regularly scheduled special elections held in conjunction with
14 those primary and general elections, if any, with the exception
15 of:

16 (1) Those who submitted written requests for absentee
17 ballots as provided in section 15-4; or

18 (2) Anyone who preregistered pursuant to section 11-12(b).
19 If a person voted, at least once, in any of the above-mentioned
20 elections, the person's name shall remain on the list of
21 registered voters. For this purpose, "vote" means the



1 depositing of the ballot in the ballot box regardless of whether
2 the ballot is blank or later rejected for any reason. In the
3 case of voting machines, "vote" means the voter has activated
4 the proper mechanism and fed the vote into the machine. In the
5 case of an election by mail pursuant to part , "vote" means
6 the voter has returned the ballot to the chief election officer
7 or clerk by the United States Postal Service or by delivering
8 the ballot to a place of deposit or voter service center."

9 SECTION 8. Section 11-21, Hawaii Revised Statutes, is
10 amended to read as follows:

11 **"§11-21 Change of name, transfer on election day. (a)**

12 The county clerk may designate a registration clerk, who may be
13 an election official, at [~~any of the polling places~~] the voter
14 service center in the county on the day of the election.

15 (b) These registration clerks shall take applications for
16 change of name from voters who have been married or who have had
17 their names changed since the last election.

18 (c) Any person whose name appears on the registered voters
19 list whose residence has changed since the last election, and
20 whom the county clerk has not transferred under section 11-20,
21 may apply on a form prescribed by the chief elections officer



1 [at the person's new polling place] on the day of the election
2 for transfer of registration to the precinct of the new
3 residence. Any person so transferring voter registration shall
4 be immediately added to the register of the new precinct and may
5 vote only at the new precinct.

6 (d) Where a person was incorrectly placed on a list of
7 voters of a precinct in which the person does not actually
8 reside, the person may correct the registration.

9 (e) No person shall be prevented from voting at the
10 election in the precinct in which the person's name appears on
11 the voters list due to a change of name, or other correction
12 made under this section. However, any voter registered in the
13 wrong precinct who shall refuse to make the correction of
14 registration may be challenged in accordance with section 11-25.

15 [~~(f) Any person changing name or transferring shall~~
16 ~~receive a copy of the change or transfer form.] "~~

17 SECTION 9. Section 11-22, Hawaii Revised Statutes, is
18 amended by amending subsection (b) to read as follows:

19 "(b) In any case where the clerk refuses to correct the
20 register the person may appeal to the board of registration and
21 the register shall be changed upon a written order of the board



1 of registration, setting forth the reasons for the change. The
2 order shall be directed to the clerk [~~or to the precinct~~
3 ~~officials of the election precinct where the voter is entitled~~
4 ~~to vote if the register has been closed. The precinct officials~~
5 ~~shall thereupon correct the list of voters furnished them~~
6 ~~according to the terms of the order, noting on the list the~~
7 ~~reasons for the correction, and shall send the original order to~~
8 ~~the clerk as soon as may be possible after the close of the~~
9 ~~polls]. The clerk, upon receipt of any order from the board of~~
10 ~~registration [or from the precinct officials, as the case may~~
11 ~~be,]~~ shall correct the register according to the terms of the
12 order, making on the register a reference to the order."

13 SECTION 10. Section 11-25, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "**§11-25 Challenge by voters; grounds; procedure.** (a) Any
16 registered voter may challenge the right of a person to be or to
17 remain registered as a voter [~~in any precinct]~~ for any cause not
18 previously decided by the board of registration or the supreme
19 court in respect to the same person[~~; provided that in an~~
20 ~~election of members of the board of trustees of the office of~~
21 ~~Hawaiian affairs the voter making the challenge must be~~



1 ~~registered to vote in that election~~]. The challenge shall be in
2 writing, setting forth the grounds upon which it is based, and
3 be signed by the person making the challenge. The challenge
4 shall be delivered to the clerk who shall forthwith serve notice
5 thereof on the person challenged. The clerk shall, as soon as
6 possible, investigate and rule on the challenge.

7 (b) Any voter rightfully in [~~the polling place, including~~
8 ~~absentee polling places established pursuant to section 15-7,~~] a
9 voter service center may challenge the right to vote of any
10 person who comes to the [~~precinct officials~~] voter service
11 center for voting purposes. The challenge shall be on the
12 grounds that the voter is not the person the voter alleges to
13 be, or that the voter is not entitled to vote [~~in that precinct,~~
14 ~~provided that only in an election of members of the board of~~
15 ~~trustees of the office of Hawaiian affairs, a person registered~~
16 ~~to vote in that election may also challenge on the grounds that~~
17 ~~the voter is not Hawaiian~~]. No other or further challenge shall
18 be allowed. Any person thus challenged shall first be given the
19 opportunity to make the relevant correction pursuant to section
20 11-21. The challenge shall be considered and decided



1 immediately by the [~~precinct officials~~] clerk and the ruling
2 shall be announced.

3 (c) If neither the challenger nor the challenged voter
4 shall appeal the ruling of the clerk [~~or the precinct~~
5 ~~officials~~], then the voter shall either be allowed to vote or be
6 prevented from voting in accordance with the ruling. If an
7 appeal is taken to the board of registration, the challenged
8 voter shall be allowed to vote; provided that ballot is placed
9 in a sealed envelope to be later counted or rejected in
10 accordance with the ruling on appeal. The chief election
11 officer shall adopt rules in accordance with chapter 91 to
12 safeguard the secrecy of the challenged voter's ballot."

13 SECTION 11. Section 11-77, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "**§11-77 Appointment of watchers; service.** (a) Each
16 qualified political party shall be entitled to appoint no more
17 than one watcher who may be present at any time [~~in each~~
18 ~~precinct and absentee polling place in which the candidates of~~
19 ~~that political party are on the ballot.~~] at a voter service
20 center. Each party shall submit its list of watchers not later
21 than 4:30 p.m. on the [~~tenth~~] twentieth day [~~prior to~~] before



1 any election to the chief election officer or to the clerk in
2 county elections. All watchers shall serve without expense to
3 the State or county. All watchers so appointed shall be
4 registered voters. ~~[No person shall serve as a watcher who
5 could not qualify to serve as a precinct official under section
6 {11-72(b)(3)}.]~~

7 (b) Each watcher shall be provided with identification
8 from the chief election officer, or by the clerk in the case of
9 county elections, stating the watcher's name and the name of the
10 party the watcher represents. ~~[On election day the watcher
11 shall present identification to the chairperson of precinct
12 officials of the precinct or precincts where the watcher is to
13 serve.]~~

14
15 ~~[(c) All watchers for precincts shall be permitted to
16 observe the conduct of the election in the precinct. The
17 watchers may remain in the precinct as long as the precinct is
18 in operation subject to section 19-6. Watchers may review the
19 polling book pursuant to section 11-97.]~~

20 ~~(d)]~~ (c) The watcher shall call the attention of the
21 chairperson to any violations of the election laws that the



1 watcher observes. After the chairperson's attention is called
2 to the violation the chairperson shall make an attempt to
3 correct such violation. If the chairperson fails to correct the
4 violation, the watcher may appeal to the clerk of the county.

5 ~~[(e) The watchers shall be permitted to observe the
6 operations of the absentee polling place. Any violation of the
7 election laws shall be reported to the clerk.]"~~

8 SECTION 12. Section 11-92.1, Hawaii Revised Statutes, is
9 amended as follows:

10 1. By amending its title to read as follows:

11 "~~§11-92.1 Election proclamation; [establishment of a new
12 precinct.]~~ places of deposit; voter service centers."

13 2. By amending subsection (a) to read as follows:

14 "(a) The chief election officer shall issue a proclamation
15 ~~[whenever a new precinct is established in any representative
16 district. The chief election officer shall provide a suitable
17 polling place for each precinct. Schools, recreational halls,
18 park facilities, and other publicly owned or controlled
19 buildings, whenever possible and convenient, shall be used as
20 polling places.]~~ listing all voter service centers and places of
21 deposit as may have been determined as of the publication date.



1 The chief election officer shall make arrangements for the
2 rental or erection of suitable shelter for this purpose whenever
3 public buildings are not available and shall cause these
4 ~~[polling places]~~ voter service centers to be equipped with the
5 necessary facilities for lighting, ventilation, and equipment
6 needed for elections on any island. This proclamation may be
7 issued jointly with the proclamation required in section 11-91."

8 SECTION 13. Section 11-92.3, Hawaii Revised Statutes, is
9 amended to read as follows:

10 **"§11-92.3 Consolidated precincts; natural disasters;
11 postponement; ~~[absentee voting required;]~~ special elections.**

12 (a) In the event of a flood, tsunami, earthquake, volcanic
13 eruption, high wind, or other natural disaster, occurring ~~[prior~~
14 ~~to]~~ before an election~~[, that makes a precinct inaccessible, the~~
15 ~~chief election officer or county clerk in the case of county~~
16 ~~elections may consolidate precincts within a representative~~
17 ~~district. If]~~ where the extent of damage caused ~~[by any natural~~
18 ~~disaster]~~ is such that the ability of voters, in any precinct,
19 district, or county, to exercise their right to vote is
20 substantially impaired, the chief election officer or county
21 clerk in the case of county elections may ~~[require the~~



1 ~~registered voters of the affected precinct to vote by absentee~~
2 ~~ballot pursuant to section 15-2.5 and may]~~ postpone the
3 conducting of an election in the affected precinct for no more
4 than twenty-one days; provided that any such postponement shall
5 not affect the conduct of the election, tabulation, or
6 distribution of results for those precincts, districts, or
7 counties not designated for postponement. The chief election
8 officer or county clerk in the case of county elections shall
9 give notice of the [~~consolidation,~~] postponement[~~, or~~
10 ~~requirement to vote by absentee ballot, in the affected county~~
11 ~~or precinct prior to the opening of the precinct polling place]~~
12 by whatever possible news or broadcast media are available.
13 [~~Precinct officials and workers affected by any consolidation~~
14 ~~shall not forfeit their pay.~~]

15 (b) In the event the chief election officer or the county
16 clerk in a county election determines that the number of
17 candidates or issues on the ballot in a special, special
18 primary, or special general election does not require the full
19 number of established precincts, the precincts may be
20 consolidated for the purposes of the special, special primary,



1 or special general election into a small number of special,
2 special primary, or special general election precincts.

3 A special, special primary, or special general election
4 precinct shall be considered the same as an established precinct
5 for all purposes [~~, including precinct official requirements~~
6 ~~provided in section 11-71~~]. Not later than 4:30 p.m. on the
7 tenth day [~~prior to~~] before the special, special primary, or
8 special general election, the chief election officer or the
9 county clerk shall give public notice, in the area in which the
10 special, special primary, or special general election is to be
11 held, of the special, special primary, or special general
12 election precincts [~~and their polling places. Notices of the~~
13 ~~consolidation also shall be posted on election day at the~~
14 ~~established precinct polling places, giving the location of the~~
15 ~~special, special primary, or special general election precinct~~
16 ~~polling place~~]."

17 SECTION 14. Section 11-111, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "**§11-111 Official and facsimile ballots.** Ballots issued
20 by the chief election officer in state elections and by the
21 clerk in county elections are official ballots. In elections



1 using the paper ballot and electronic voting systems, the chief
2 election officer or clerk in the case of county elections shall
3 have printed informational posters containing facsimile ballots
4 which depict the official ballots to be used in the election.

5 ~~[The precinct officials shall post the informational posters~~
6 ~~containing the facsimiles of the official ballots near the~~
7 ~~entrance to the polling place where they may be easily seen by~~
8 ~~the voters prior to voting.]"~~

9 SECTION 15. Section 11-119, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§11-119 Printing; quantity.** (a) The ballots shall be
12 printed by order of the chief election officer or the clerk in
13 the case of county elections. In any state or county election
14 the chief election officer ~~[on agreement with the]~~ and clerk
15 ~~[may]~~ shall endeavor to consolidate the printing and ballot
16 package mailing contracts ~~[for similar types of ballots]~~ where
17 such consolidation will result in lower costs.

18 (b) Whenever the chief election officer is responsible for
19 the printing of ballots, unless provided otherwise, the exact
20 wording to appear thereon, including questions and issues shall
21 be submitted to the chief election officer not later than 4:30



1 p.m. on the seventy-fifth calendar day [~~prior to~~] before the
2 applicable election.

3 (c) Based upon clarity and available space, the chief
4 election officer or the clerk in the case of county elections
5 shall determine the style and size of type to be used in
6 printing the ballots. The color, size, weight, shape, and
7 thickness of the ballot shall be determined by the chief
8 election officer.

9 [~~(d) Each precinct shall receive a sufficient number of~~
10 ~~ballots based on the number of registered voters and the~~
11 ~~expected spoilage in the election concerned. A sufficient~~
12 ~~number of absentee ballots shall be delivered to each clerk not~~
13 ~~later than 4:30 p.m. on the fifteenth day prior to the date of~~
14 ~~any election.]"~~

15 SECTION 16. Section 11-131, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "**§11-131 Hours of voting.** The [~~polls shall be opened by~~
18 ~~the precinct officials at~~] hours of voting shall be from 7:00
19 a.m. of the election day and shall be kept open continuously
20 until 6:00 p.m. of that day. If, at the closing hour of voting,
21 any voter desiring to vote is standing in line [~~outside the~~



1 ~~entrance of the polls]~~ with the desire of entering and voting,
 2 but due to the [~~polling place~~] voter service center being
 3 overcrowded has been unable to do so, the voter shall be allowed
 4 to vote irrespective of the closing hour of voting. No voter
 5 shall be permitted to enter or join the line after the
 6 prescribed [~~hour for closing the polls. If all of the~~
 7 ~~registered voters of the precinct have cast their votes prior to~~
 8 ~~the closing time, the polls may be closed earlier but the votes~~
 9 ~~shall not be counted until after closing time unless allowed by~~
 10 ~~the chief election officer.] hours of voting."~~

11 SECTION 17. Section 11-132, Hawaii Revised Statutes, is
 12 amended to read as follows:

13 **"§11-132 Two hundred foot radius[~~, admission within~~**
 14 **~~polling place~~].** (a) [~~The precinct~~] Election officials shall
 15 post in a conspicuous place, [~~prior to~~] before the opening of
 16 the [~~polls,~~] operation, a map designating an area of two hundred
 17 feet from the perimeter of the [~~polling place~~] voter service
 18 center, places of deposit, and its appurtenances. Any person
 19 who remains or loiters within an area [~~of two hundred feet from~~
 20 ~~the perimeter of the polling place and its appurtenances]~~ for
 21 the purpose of campaigning shall be guilty of a misdemeanor.



1 For the purposes of this section, a [~~polling place~~] voter
2 service center, places of deposit, and its appurtenances shall
3 include:

- 4 (1) The building in which [~~the polling place~~] it is
5 located;
- 6 (2) Any parking lot adjacent to the building and routinely
7 used for parking at that building;
- 8 (3) The routes of access between the building and any
9 parking lot; and
- 10 (4) Any route of access between any public thoroughfare
11 (right of way) [~~and the polling place~~] to ensure an
12 open and accessible ingress and egress to and from
13 [~~the polling place~~] for voters.

14 (b) The chief election officer may regulate other
15 activities within the area specified in subsection (a) pursuant
16 to rules adopted by the chief election officer under chapter 91
17 in order to ensure the safe and orderly conduct of elections.

18 (c) Admission within the [~~polling place~~] area shall be
19 limited to the following:

- 20 (1) Election officials;
- 21 (2) Watchers, if any, pursuant to section 11-77;



H.B. NO. 1401

- 1 (3) Candidates;
- 2 (4) Any voters actually engaged in voting, going to vote
- 3 or returning from voting;
- 4 (5) Any person, designated by a voter who is physically
- 5 disabled, while the person is assisting the voter;
- 6 (6) Any person or nonvoter group authorized by the chief
- 7 election officer or the clerk in county elections to
- 8 observe the election [~~at designated precincts~~] for
- 9 educational purposes provided that they conduct
- 10 themselves so that they do not interfere with the
- 11 election process; and
- 12 (7) A child for the purpose of observing the voting
- 13 process when accompanied by an adult who is voting
- 14 provided that this activity does not disrupt or
- 15 interfere with normal voting procedures.
- 16 (d) Within the appropriate boundary as established in
- 17 subsection (a), [~~and the building in which the polling place is~~
- 18 ~~located,~~] the display or distribution of campaign posters,
- 19 signs, or other campaign materials for the purpose of soliciting
- 20 votes for or against any person or political party or position
- 21 on a question is prohibited. Any voter who displays campaign



1 material in the polling place shall remove or cover that
2 material before entering [~~the polling place~~]. The chief
3 election officer may adopt rules pursuant to chapter 91 to
4 address special circumstances regarding the display of campaign
5 materials."

6 SECTION 18. Section 11-137, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "**§11-137 Secrecy; removal or exhibition of ballot.** No
9 person shall look at or ask to see the contents of the ballot or
10 the choice of party or nonpartisan ballot of any voter, except
11 as provided in [~~section~~] sections 11-139 and 11-132, nor shall
12 any person [~~within the polling place~~] attempt to influence a
13 voter in regard to whom the voter shall vote for. When a voter
14 is in the voting booth for the purpose of voting, no other
15 person, except as provided in [~~section~~] sections 11-139 and 11-
16 132, shall be allowed to enter the booth or to be in a position
17 from which the person can observe how the voter votes.

18 No person shall take a ballot out of the [~~polling place~~
19 ~~except as provided in sections 11-135 and 11-139.~~ After voting
20 ~~the voter shall leave the voting booth and deliver the voter's~~
21 ~~ballot to the precinct official in charge of the ballot boxes.~~



1 ~~The preeinct official shall make certain that the preeinct~~
2 ~~official has received the correct ballot and no other and then~~
3 ~~shall deposit the ballot into the ballot box. No person shall~~
4 ~~look at or ask to see the contents of the unvoted ballots. If~~
5 ~~any person having received a ballot leaves the polling place~~
6 ~~without first delivering the ballot to the preeinct official as~~
7 ~~provided above, or wilfully exhibits the person's ballot or the~~
8 ~~person's unvoted ballots in a special primary or primary~~
9 ~~election, except as provided in section 11-139 and 11-132, after~~
10 ~~the ballot has been marked, the person shall forfeit the~~
11 ~~person's right to vote, and the chairperson of the preeinct~~
12 ~~officials shall cause a record to be made of the proceeding.]~~
13 voter service center unless authorized."

14 SECTION 19. Section 11-139, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "**§11-139 Voting assistance.** (a) Except as otherwise
17 provided, any voter who requires assistance [~~to vote at a~~
18 ~~polling place or by absentee ballot~~] may be given assistance by
19 a person of the voter's choice. [~~If the voter requires~~
20 ~~assistance at a polling place, the voter may choose to receive~~
21 ~~the assistance of two preeinct officials who are not of the same~~



1 ~~political party. Additionally, a voter needing assistance at a~~
2 ~~polling place may choose to be handed a ballot outside the~~
3 ~~polling place but within one hundred feet thereof or within the~~
4 ~~polling place parking lot by the precinct officials and in their~~
5 ~~presence but in a secret manner, mark and return the same to the~~
6 ~~precinct officials.] The voter's employer or agent of that~~
7 ~~employer, agent of the voter's labor union, or a candidate for~~
8 ~~any office that is listed on the ballot shall not provide~~
9 ~~assistance. Written or oral instructions delivered via~~
10 ~~telephone, electronic means, or mail shall not be deemed~~
11 ~~assistance prohibited by this section provided the voter's~~
12 ~~employer or agent of that employer, agent of the voter's labor~~
13 ~~union, or a candidate for any office listed on the ballot is not~~
14 ~~physically present with the voter when the instructions are~~
15 ~~delivered.~~

16 ~~[(b) If assistance is provided pursuant to subsection (a),~~
17 ~~the precinct officials providing assistance shall enter in~~
18 ~~writing in the record book the following:~~

- 19 ~~(1) The voter's name;~~
20 ~~(2) The fact that the voter cannot read the names on the~~
21 ~~ballot, if that is the reason for requiring~~



1 ~~assistance, and otherwise, the specific physical~~
2 ~~disability which requires the voter to receive~~
3 ~~assistance; and~~

4 ~~(3) The name or names of the person or persons furnishing~~
5 ~~the assistance.~~

6 ~~(e)]~~ (b) Violation of this section by an employer or agent
7 of that employer, agent of the voter's labor union, or a
8 candidate shall constitute election fraud as provided under
9 section 19-3."

10 SECTION 20. Section 11-152, Hawaii Revised Statutes, is
11 amended by amending subsection (b) to read as follows:

12 "(b) In those [~~precincts~~] elections using the electronic
13 voting system, the ballots shall be taken in the sealed ballot
14 [~~boxes~~] containers to the counting center according to the
15 procedure and schedule promulgated by the chief election officer
16 to promote the security of the ballots. In the presence of
17 official observers, counting center employees may start to count
18 the ballots [~~prior to the closing of the polls~~] before election
19 day, provided there shall be no printout by the computer or
20 other disclosure of the number of votes cast for a candidate or
21 on a question [~~prior to~~] before the [~~closing of the polls.~~ For



1 ~~the purposes of this section, the closing of the polls is that]~~
2 time identified in section 11-131 as the closing hour of
3 voting."

4 SECTION 21. Section 11-153, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "§11-153 **More or less ballots than recorded.** (a) If
7 there are more ballots than [~~the poll book~~] documented usage
8 indicates, this shall be an overage and if less ballots, it
9 shall be an underage. The election officials or counting center
10 employees responsible for the tabulation of ballots shall make a
11 note of this fact on a form to be provided by the chief election
12 officer. The form recording the overage or underage shall be
13 sent directly to the chief election officer or the clerk in
14 county elections separate and apart from the other election
15 records.

16 (b) If the electronic voting system is being used in an
17 election, the overage or underage shall be recorded after the
18 tabulation of the ballots. In an election using the paper
19 ballot voting system, the precinct officials shall proceed to
20 count the votes cast for each candidate or on a question after
21 recording the overage or underage.



1 (c) The chief election officer or the clerk shall make a
2 list of all precincts in which an overage or underage occurred
3 and the amount of the overage or underage. This list shall be
4 filed and kept as a public record in the office of the chief
5 election officer or the clerk in county elections [~~and the~~
6 ~~clerk's office in counties other than the city and county of~~
7 ~~Honolulu in elections involving state candidates~~].

8 An election contest may be brought under part XI, if the
9 overage or underage in any district could affect the outcome of
10 an election."

11 SECTION 22. Section 11-154, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "**§11-154 Records, etc.; disposition.** [~~The final duty of~~
14 ~~the precinct officials in the operation of the precinct shall be~~
15 ~~to gather all records and supplies delivered to them and return~~
16 ~~them to the sending official, either the chief election officer~~
17 ~~or the county clerk.]~~

18 The voted ballots shall be kept secure and handled only in
19 the presence of representatives not of the same political party
20 or official observers in accordance with regulations promulgated
21 for the various voting systems. After all the ballots have been



1 tabulated they shall be sealed in containers. Thereafter these
2 containers shall be unsealed and resealed only as prescribed by
3 rules and regulations governing the elections.

4 The ballots and other election records may be destroyed by
5 the chief election officer or county clerk when all elected
6 candidates have been certified by the chief election officer, or
7 in the case of candidates for county offices, by the county
8 clerk[-] and after compliance with retention schedules of
9 applicable federal law."

10 SECTION 23. Section 11-157, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "**§11-157 In case of tie.** In case of the failure of an
13 election by reason of the equality of vote between two or more
14 candidates, the tie shall be decided by the chief election
15 officer or county clerk in the case of county elections [~~in~~
16 ~~accordance with the following procedure:~~

17 ~~(1) In the case of an election involving a seat for the~~
18 ~~senate, house of representatives, or county council~~
19 ~~where only voters within a specified district are~~
20 ~~allowed to cast a vote, the winner shall be declared~~
21 ~~as follows:~~



H.B. NO. 1401

1 ~~(A) For each precinct in the affected district, an~~
2 ~~election rate point shall be calculated by~~
3 ~~dividing the total voter turnout in that precinct~~
4 ~~by the total voter turnout in the district. For~~
5 ~~the purpose of this subparagraph, the absentee~~
6 ~~votes cast for the affected district shall be~~
7 ~~treated as a precinct. The election rate point~~
8 ~~shall be calculated by dividing the total~~
9 ~~absentee votes cast for the affected district by~~
10 ~~the total voter turnout in that district. All~~
11 ~~election rate points shall be expressed as~~
12 ~~decimal fractions rounded to the nearest hundred~~
13 ~~thousandth;~~
14 ~~(B) The candidate with the highest number of votes in~~
15 ~~a precinct shall be allocated the election rate~~
16 ~~point calculated under subparagraph (A) for that~~
17 ~~precinct. In the event that two or more persons~~
18 ~~are tied in receiving the highest number of votes~~
19 ~~for that precinct, the election rate point shall~~
20 ~~be equally apportioned among those candidates~~
21 ~~involved in that precinct tie;~~



1 ~~(C) After the election rate points calculated under~~
2 ~~subparagraph (A) for all the precincts have been~~
3 ~~allocated as provided under subparagraph (B), the~~
4 ~~election rate points allocated to each candidate~~
5 ~~shall be tallied and the candidate with the~~
6 ~~highest election rate point total shall be~~
7 ~~declared the winner; and~~

8 ~~(D) If there is a tie between two or more candidates~~
9 ~~in the election rate point total, the candidate~~
10 ~~who is allocated the highest election rate points~~
11 ~~from the precinct with the largest voter turnout~~
12 ~~shall be declared the winner;~~

13 ~~(2) In the case of an election involving a federal office~~
14 ~~or an elective office where the voters in the entire~~
15 ~~State or in an entire county are allowed to cast a~~
16 ~~vote, the winner shall be declared as follows:~~

17 ~~(A) For each representative district in the State or~~
18 ~~county, as the case may be, an election rate~~
19 ~~point shall be calculated by dividing the total~~
20 ~~voter turnout in that representative district by~~
21 ~~the total voter turnout in the state, county, or~~



H.B. NO. 1401

1 ~~federal office district, as the case may be;~~
2 ~~provided that for purposes of this subparagraph:~~

3 ~~(i) The absentee votes cast for a statewide,~~
4 ~~countywide, or federal office shall be~~
5 ~~treated as a separate representative~~
6 ~~district and the election rate point shall~~
7 ~~be calculated by dividing the total absentee~~
8 ~~votes cast for the statewide, countywide, or~~
9 ~~federal office by the total voter turnout in~~
10 ~~the state, county, or federal office~~
11 ~~district, as the case may be; and~~

12 ~~(ii) The overseas votes cast for any election in~~
13 ~~the State for a federal office shall be~~
14 ~~treated as a separate representative~~
15 ~~district and the election rate point shall~~
16 ~~be calculated by dividing the total number~~
17 ~~of overseas votes cast for the affected~~
18 ~~federal office by the total voter turnout in~~
19 ~~the affected federal office district. The~~
20 ~~term "overseas votes" means those votes cast~~



H.B. NO. 1401

1 ~~by absentee ballots for a presidential~~
2 ~~election as provided in section 15-3.~~

3 ~~All election rate points shall be expressed as~~
4 ~~decimal fractions rounded to the nearest hundred~~
5 ~~thousandth;~~

6 ~~(B) The candidate with the highest number of votes in~~
7 ~~a representative district shall be allocated the~~
8 ~~election rate point calculated under subparagraph~~
9 ~~(A) for that district. In the event that two or~~
10 ~~more persons are tied in receiving the highest~~
11 ~~number of votes for that district, the election~~
12 ~~rate point shall be equally apportioned among~~
13 ~~those candidates involved in that district tie;~~

14 ~~(C) After the election rate points calculated under~~
15 ~~subparagraph (A) for all the precincts have been~~
16 ~~allocated as prescribed under subparagraph (B),~~
17 ~~the election rate points allocated to each~~
18 ~~candidate shall be tallied and the candidate with~~
19 ~~the highest election rate point total shall be~~
20 ~~declared the winner; and~~



1 ~~(D) If there is a tie between two or more candidates~~
2 ~~in the election rate point total, the candidate~~
3 ~~who is allocated the highest election rate points~~
4 ~~from the representative district with the largest~~
5 ~~voter turnout shall be declared the winner.] by~~
6 lot."

7 SECTION 24. Section 11-173.5, Hawaii Revised Statutes, is
8 amended by amending subsection (a) to read as follows:

9 "(a) In primary and special primary election contests, and
10 county election contests held concurrently with a regularly
11 scheduled primary or special primary election, the complaint
12 shall be filed in the office of the clerk of the supreme court
13 not later than 4:30 p.m. on the [~~sixth~~] sixteenth day after a
14 primary or special primary election, or county election contests
15 held concurrently with a regularly scheduled primary or special
16 primary election, and shall be accompanied by a deposit for
17 costs of court as established by rules of the supreme court.
18 The clerk shall issue to the defendants named in the complaint a
19 summons to appear before the supreme court not later than 4:30
20 p.m. on the fifth day after service thereof."



1 SECTION 25. Section 15-4, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§15-4 Request for absentee ballot. [~~a~~] Any person
4 registered to vote who is unable to receive a ballot at the
5 person's voter registration address of record may request an
6 absentee ballot [~~or permanent absentee ballot in person or~~] in
7 writing from the clerk at any time but not later than 4:30 p.m.
8 on the seventh day [~~prior to~~] before the election. Any mailed
9 requests for an absentee ballot [~~or permanent absentee ballot~~]
10 shall be mailed by the person directly to the clerk. The clerk
11 may waive any or all of the foregoing requirements in special
12 cases as provided in the rules adopted by the chief election
13 officer.

14 The request shall include information such as the last four
15 digits of the person's social security number[~~7~~] or the person's
16 driver's license number; date of birth[~~7~~]; and the address under
17 which the person is registered to vote. The request shall also
18 include the temporary address to which the person wishes the
19 requested ballot to be forwarded. The request, when made for
20 any primary or special primary election, may include an
21 additional request for an absentee ballot to be voted at any



1 election immediately following the primary or special primary;
2 provided the person so indicates in the person's request.

3 ~~[Subsequent to the closing of registration for each~~
4 ~~election, the clerk may mail a request form for an absentee~~
5 ~~ballot and permanent absentee ballot to each voter in a remote~~
6 ~~area who has not already made such a request. The request form~~
7 ~~shall be accompanied by:~~

- 8 (1) ~~A stamped, self-addressed envelope; and~~
- 9 (2) ~~Instructions regarding the manner of completing and~~
10 ~~returning the request form.~~

11 ~~(b) Notwithstanding subsection (a), the respective clerk~~
12 ~~shall be allowed to conduct an absentee ballot only election and~~
13 ~~may mail an absentee ballot for each primary, special primary,~~
14 ~~special, general, and special general election to each~~
15 ~~registered voter who resides in the county of Kalawao or on any~~
16 ~~island of a county with a population of less than one hundred~~
17 ~~eighty thousand, except for the island where the county seat of~~
18 ~~government is located. The chief election officer may adopt~~
19 ~~rules to carry out this subsection.~~

20 ~~(c) Notwithstanding any law to the contrary, in the event~~
21 ~~there are fewer than five hundred registered voters as of the~~



1 ~~preceding general election in an area covered by a unique ballot~~
2 ~~type, the clerk shall mail an absentee ballot to each registered~~
3 ~~voter who resides in such an area, if the chief election~~
4 ~~officer, or the clerk in a county only election, determines that~~
5 ~~an election day polling place will not be established for such~~
6 ~~voters.~~

7 ~~(d) For the purposes of this section, "ballot type" means~~
8 ~~the unique ballot containing the contests, questions, or issues~~
9 ~~that will be used by the voters of a specific area.~~

10 ~~(e) When a registered voter requests an absentee ballot,~~
11 ~~the voter also may include an additional request to receive~~
12 ~~absentee ballots permanently. After receiving a request for~~
13 ~~permanent absentee voter status, the clerk shall mail to the~~
14 ~~voter who requested permanent absentee voter status an absentee~~
15 ~~ballot for all subsequent elections conducted in that precinct.~~
16 ~~The forwarding address for absentee ballots to be permanently~~
17 ~~mailed shall be the in state mailing address contained in the~~
18 ~~voter's registration record. Subject to the conditions of~~
19 ~~subsection (a), a permanent absentee voter may also request from~~
20 ~~the clerk that the voter's ballot be forwarded temporarily to an~~
21 ~~address other than the permanent absentee mailing address~~



1 ~~originally requested, either in or outside of the State, for a~~
2 ~~single election or for a primary or special primary election and~~
3 ~~the election immediately following the primary or special~~
4 ~~primary election. A permanent absentee voter's request for a~~
5 ~~ballot to be forwarded temporarily shall not serve as a~~
6 ~~cancellation of the voter's permanent absentee status or as a~~
7 ~~change to the voter's permanent absentee mailing address. Upon~~
8 ~~the completion of the election or elections covered by the~~
9 ~~permanent absentee voter's temporary request under this~~
10 ~~subsection, the clerk shall resume mailing the voter's ballots~~
11 ~~to the permanent absentee mailing address originally requested~~
12 ~~under subsection (a).~~

13 ~~(f) The chief election officer shall inform voters of the~~
14 ~~option of applying for permanent absentee voter status and shall~~
15 ~~provide any necessary form to request the permanent absentee~~
16 ~~ballot option to any registered voter requesting an absentee~~
17 ~~ballot and any person applying to register to vote.~~

18 ~~(g) A permanent absentee voter shall be responsible for~~
19 ~~informing the clerk of any changes to personal information,~~
20 ~~including changes to the voter's forwarding address.~~



1 ~~(h) Except as provided in subsection (c), a voter's~~
2 ~~permanent absentee voter status shall be terminated if any of~~
3 ~~the following conditions apply:~~

4 ~~(1) The voter requests in writing that such status be~~
5 ~~terminated;~~

6 ~~(2) The voter dies, loses voting rights, registers to vote~~
7 ~~in another jurisdiction, or is otherwise disqualified~~
8 ~~from voting;~~

9 ~~(3) The voter's absentee ballot, voter notification~~
10 ~~postcard, or any other election mail is returned to~~
11 ~~the clerk as undeliverable for any reason; or~~

12 ~~(4) The voter does not return a voter ballot by 6:00 p.m.~~
13 ~~on election day in both the primary and general~~
14 ~~election of an election year.~~

15 ~~(i) If a voter's permanent absentee voter status has been~~
16 ~~terminated due to one or more of the conditions specified in~~
17 ~~subsection (h), the voter shall be responsible for again~~
18 ~~requesting permanent absentee status as specified in subsection~~
19 ~~(e).] Upon the completion of the election or elections covered~~
20 ~~by the voter's temporary request under this subsection, the~~



1 clerk shall resume mailing the voter's ballot package to the
2 mailing address noted within the voter's registration record."

3 SECTION 26. Section 15-6.5, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "~~+~~**§15-6.5**~~+~~ **Absentee postage.** The mailed distribution
6 and return of absentee ballots shall be at no cost to the voter.
7 The State and counties shall share in the cost of all postage
8 associated with the distribution and return of absentee ballots
9 pursuant to sections 11-182~~[7]~~ and 11-183, [~~and 11-184,~~] if the
10 costs are not covered by the federal government."

11 SECTION 27. Section 15-9, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "**§15-9 Return and receipt of absentee ballots.** (a) The
14 return envelope shall be:

15 (1) Mailed and must be received by the clerk issuing the
16 absentee ballot not later than the closing of the
17 polls on any election day; or

18 (2) Delivered other than by mail to the clerk issuing the
19 absentee ballot, or another election official
20 designated by the clerk to act on the clerk's behalf,



1 not later than the closing of polls on any election
2 day[~~or~~

3 ~~(3) Delivered other than by mail to any polling place~~
4 ~~within the county in which the voter is registered and~~
5 ~~deposited by a precinct official in the ballot box~~
6 ~~before the closing of the polls on any election day].~~

7 (b) Upon receipt of the return envelope from any person
8 voting under this chapter, the clerk may prepare the ballots for
9 counting pursuant to this section and section 15-10.

10 (c) [~~Prior to~~] Before opening the return and ballot
11 envelopes and counting the ballots, the return envelopes shall
12 be checked for the following:

- 13 (1) Signature on the affirmation statement;
- 14 (2) Whether the signature corresponds with the absentee
15 request or register as prescribed in the rules adopted
16 by the chief election officer; and
- 17 (3) Whether the person is a registered voter and has
18 complied with the requirements of sections 11-15 and
19 11-16.

20 (d) If any of the above requirements is not met or if the
21 return or ballot envelope appears to be tampered with, the clerk



1 or the absentee ballot team official shall mark across the face
2 of the envelope "invalid" and it shall be kept in the custody of
3 the clerk and disposed of as prescribed for ballots in section
4 11-154.

5 ~~[(e) If an absentee polling place is established at the
6 clerk's office prior to election day, the officials of the
7 absentee polling place shall check the return or ballot
8 envelopes for the above requirements prior to depositing them in
9 the correct absentee ballot box.]"~~

10 SECTION 28. Section 15-10, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "**§15-10 Counting of absentee ballots.** If the requirements
13 in section 15-9 are met, the return and ballot envelopes may be
14 opened and the ballot counted as prescribed by law for the
15 voting system in use.

16 ~~[In those absentee polling places using paper ballots,
17 counting of the absentee ballots may begin after noon of
18 election day.~~

19 ~~In those absentee polling places using the electronic
20 voting system, the absentee ballots shall be transported to the
21 counting center in a manner and by a schedule as provided in the~~



1 ~~rules promulgated by the chief election officer. In no case,~~
2 ~~however, shall the results of the absentee count become publicly~~
3 ~~known before the polls have officially closed.~~

4 ~~Any person violating this section shall be guilty of an~~
5 ~~election offense under section 19-6-6.]"~~

6 SECTION 29. Section 15D-3, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "[~~§~~15D-3~~]~~ **Elections covered.** The voting procedures in
9 this chapter apply to:

- 10 (1) A general, special, or primary election for federal
11 office;
- 12 (2) A general, special, or primary election for statewide
13 or state legislative office or state ballot measure;
14 and
- 15 (3) A general, special, recall, primary, or runoff
16 election for local government office or local ballot
17 measure conducted under [~~section 11-91.5~~] part of
18 chapter 11 for which absentee voting or voting by mail
19 is available for other voters."

20 SECTION 30. Section 16-25, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "**§16-25 Order and method of counting.** Each ballot shall
2 be counted and finished as to all the candidates thereon before
3 counting a second and subsequent ballots. [~~Except as provided~~
4 ~~in section 11-71, the~~] The ballots shall be counted by teams in
5 the following manner only: by one precinct official announcing
6 the vote in a loud clear voice, one precinct official tallying
7 the vote, one precinct official watching the precinct official
8 announcing the vote and one precinct official watching the
9 precinct official tallying the vote. The precinct official
10 doing the announcing or tallying and the precinct official
11 watching that official shall not be of the same political
12 party."

13 SECTION 31. Section 16-43, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "**§16-43 Ballot handling.** In every case where the ballots
16 are handled by election officials or election employees[~~, from~~
17 ~~the time the ballots are delivered to the several precincts to~~
18 ~~the time they are returned to the chief election officer or~~
19 ~~clerk in county elections]~~ for disposition upon completion of
20 the tabulation, they shall be handled in the presence of not



1 less than two officials assigned in accordance with [~~sections~~
2 ~~11-71 and 11-72 or~~] section 16-45."

3 SECTION 32. Section 16-46, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§16-46 Counting defective ballots.** Counting center
6 employees [~~in the presence of at least two official observers~~]
7 shall prepare a new ballot to replace each defective ballot~~[,]~~,
8 provided that the replacement ballot may not be counted until
9 reviewed by at least two official observers. The defective
10 ballots shall be segregated and the replacement ballots counted
11 pursuant to rules promulgated by the chief election officer."

12 SECTION 33. Section 19-6, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§19-6 Misdemeanors.** The following persons shall be
15 guilty of a misdemeanor:

16 (1) Any person who offers any bribe or makes any promise
17 of gain, or with knowledge of the same permits any
18 person to offer any bribe or make any promise of gain
19 for the person's benefit to any voter to induce the
20 voter to sign a nomination paper, and any person who
21 accepts any bribe or promise of gain of any kind as



1 consideration for signing the same, whether the bribe
2 or promise of gain be offered or accepted before or
3 after the signing;

4 (2) Any person who wilfully tears down ~~[or]~~, destroys, or
5 defaces any election proclamation ~~[or any]~~, poster
6 ~~[or]~~, notice ~~[or]~~, list of voters ~~[or]~~, visual aids,
7 or facsimile ballot, issued or posted by authority of
8 law;

9 (3) Any person printing or duplicating or causing to be
10 printed or duplicated any ballot, conforming as to the
11 size, weight, shape, thickness, or color to the
12 official ballot so that it could be cast or counted as
13 an official ballot in an election;

14 (4) Every person who is disorderly or creates a
15 disturbance whereby any meeting of the ~~[precinct~~
16 ~~officials or the]~~ board of registration of voters
17 during an election is disturbed or interfered with; or
18 whereby any person who intends to be lawfully present
19 at any meeting or election is prevented from
20 attending; or who causes any disturbance at any



- 1 election; and every person assisting or aiding or
2 abetting any disturbance;
- 3 (5) Every person who, either in person or through another,
4 in any manner breaks up or prevents, or endeavors to
5 break up or prevent, the holding of any meeting of the
6 board of registration of voters, or in any manner
7 breaks up or prevents, or endeavors to break up or
8 prevent, the holding of any election;
- 9 (6) Any person, other than those designated by section 11-
10 132, who remains or loiters within the area set aside
11 for voting as set forth in section 11-132 during the
12 time appointed for voting;
- 13 (7) Any person, including candidates carrying on any
14 campaign activities within the area described in
15 section 11-132 during the period of time starting one
16 hour before [~~the polling place~~] voting opens and
17 ending when [~~the polling place~~] voting closes for the
18 purpose of influencing votes. Campaign activities
19 shall include the following:



H.B. NO. 1401

- 1 (A) Any distribution, circulation, carrying, holding,
2 posting, or staking of campaign cards, pamphlets,
3 posters and other literature;
- 4 (B) The use of public address systems and other
5 public communication media;
- 6 (C) The use of motor caravans or parades; and
7 (D) The use of entertainment troupes or the free
8 distribution of goods and services;
- 9 (8) Any person who opens a return envelope containing
10 ~~an~~ an:
- 11 (A) An absentee ballot voted under chapter 15 other
12 than those persons authorized to do so under
13 chapter 15; or
- 14 (B) A ballot voted by mail under part of chapter
15 11 other than those persons authorized to do so
16 under part of chapter 11;
- 17 (9) Any unauthorized person found in possession of any
18 voting machine or keys thereof; and
- 19 (10) Every person who wilfully violates or fails to obey
20 any of the provisions of law, punishment for which is



1 not otherwise specified in this chapter [~~specially~~
2 ~~provided for~~]."

3 SECTION 34. Section 11-71, Hawaii Revised Statutes, is
4 repealed.

5 [~~"§11-71 Precinct officials, precinct requirements. There~~
6 ~~shall be not less than three precinct officials for each~~
7 ~~precinct one of whom shall be the chairperson; provided that in~~
8 ~~precincts where more than one voting unit has been established,~~
9 ~~there shall be three precinct officials for each unit. The~~
10 ~~chairperson of precinct officials shall have authority in all~~
11 ~~units of the precinct.~~

12 ~~In all precincts, the chief election officer may assign~~
13 ~~additional precinct officials, at least one of whom may be~~
14 ~~designated a voter assistance official.~~

15 ~~So far as reasonably practicable, excepting the~~
16 ~~chairperson, not more than fifty per cent of the precinct~~
17 ~~officials in any precinct shall be of the same political~~
18 ~~party."]~~

19 SECTION 35. Section 11-72, Hawaii Revised Statutes, is
20 repealed.



1 ~~["§11-72 Precinct officials; submission of names and~~
2 ~~assignment; vacancies. (a) All qualified political parties~~
3 ~~shall submit names for precinct officials to the chief election~~
4 ~~officer not later than 4:30 p.m. on the sixtieth day prior to~~
5 ~~the close of filing for any primary, special primary, or special~~
6 ~~election. All precinct officials shall be able to read and~~
7 ~~write the English language. If any party fails to submit the~~
8 ~~required names by the above deadline, or names sufficient to~~
9 ~~fill the positions to which it would be entitled, assignment of~~
10 ~~positions to which the party would otherwise be entitled~~
11 ~~pursuant to subsection (b), may be made without regard to party~~
12 ~~affiliation.~~

13 ~~(b) In assigning the precinct officials, the following~~
14 ~~criteria shall be followed:~~

15 ~~(1) The precinct officials shall be registered voters of~~
16 ~~the precinct in which they serve; but if qualified~~
17 ~~persons in the precinct or representative district are~~
18 ~~not readily available to serve, they may be chosen~~
19 ~~from without the precinct or representative district,~~
20 ~~or if qualified persons either in or without the~~
21 ~~precinct or representative district are not available~~



1 ~~to serve, the chief election officer may designate~~
2 ~~precinct officials who are not registered voters if~~
3 ~~the persons so designated are otherwise qualified and~~
4 ~~shall have attained the age of sixteen years on or~~
5 ~~before June 30, of the year of the election in which~~
6 ~~they are appointed to work;~~

7 ~~(2) The chief election officer may designate more precinct~~
8 ~~officials than are needed in order to create a pool of~~
9 ~~qualified precinct officials who may be assigned to~~
10 ~~fill vacancies or to perform their duties as needed in~~
11 ~~any precinct;~~

12 ~~(3) No parent, spouse, reciprocal beneficiary, child, or~~
13 ~~sibling of a candidate shall be eligible to serve as a~~
14 ~~precinct official in any precinct in which votes may~~
15 ~~be cast for the candidate; nor shall any candidate for~~
16 ~~any elective office be eligible to serve as a precinct~~
17 ~~official in the same election in which the person is a~~
18 ~~candidate. No candidate who failed to be nominated in~~
19 ~~the primary or special primary election shall be~~
20 ~~eligible to serve as a precinct official in the~~
21 ~~general election next following; and~~



1 ~~(4) The chairperson of the precinct officials shall be the~~
2 ~~first named precinct official on the list prepared by~~
3 ~~the chief election officer. The remainder of the~~
4 ~~precinct officials shall be apportioned as follows:~~
5 ~~(A) The total votes cast, except those cast for~~
6 ~~nonpartisan candidates, for all of the following~~
7 ~~offices that were on the ballot in the next~~
8 ~~preceding general election shall be divided into~~
9 ~~the total votes cast for all the candidates of~~
10 ~~each party for these offices: president and~~
11 ~~vice president, United States senator, United~~
12 ~~States representative, governor and lieutenant~~
13 ~~governor, state senator, and state~~
14 ~~representative;~~
15 ~~(B) If a party's proportion of votes cast exceeds~~
16 ~~fifty per cent, its share shall be one half of~~
17 ~~the precinct officials. The remaining one half~~
18 ~~shall be divided among the remaining parties in~~
19 ~~proportion to their respective total of votes~~
20 ~~cast for the offices set forth in subparagraph~~
21 ~~(A);~~



1 ~~(C) In the case of the above division resulting in~~
2 ~~parties having fractional positions, a whole~~
3 ~~position shall go to the party with the larger~~
4 ~~number of votes cast, and~~

5 ~~(D) Newly qualified parties may be assigned up to ten~~
6 ~~per cent of the total positions available at the~~
7 ~~discretion of the chief election officer.~~

8 ~~(c) In the recruitment and placement of precinct~~
9 ~~officials, any or all of the requirements of subsection (b) may~~
10 ~~be waived by the chief election officer if it is determined that~~
11 ~~minority language assistance or other special needs warrant such~~
12 ~~waiver, except as provided in subsection (b) (3).~~

13 ~~(d) In case of inability, failure, or refusal of any~~
14 ~~person so assigned to serve as a precinct official, the chief~~
15 ~~election officer shall appoint a person to fill the vacancy."]~~

16 SECTION 36. Section 11-73, Hawaii Revised Statutes, is
17 repealed.

18 ~~["§11-73 Instruction of precinct officials. Prior to any~~
19 ~~election, the chief election officer or clerk in county~~
20 ~~elections shall conduct a school of instruction, if deemed~~
21 ~~necessary, for persons designated as prospective precinct~~



1 ~~officials of precincts. They shall notify the precinct~~
2 ~~officials of the time and the place of the school of~~
3 ~~instruction.~~

4 ~~All prospective precinct officials shall attend a school of~~
5 ~~instruction. The chairperson of the precinct officials shall be~~
6 ~~required to also attend a refresher course before each election.~~
7 ~~It shall be at the discretion of the chief election officer or~~
8 ~~the county clerk in county elections to require those precinct~~
9 ~~officials with previous training to attend a school of~~
10 ~~instruction prior to each election.~~

11 ~~No precinct official shall serve unless the official has~~
12 ~~received instruction and has been certified by the authorized~~
13 ~~instructor to that effect. This section shall not prevent the~~
14 ~~assignment of a person who has not received such instruction or~~
15 ~~such certificate but who is otherwise qualified, to fill a~~
16 ~~vacancy among precinct officials when a qualified certified~~
17 ~~person is not available. Periodic recertification shall be~~
18 ~~required."]~~

19 SECTION 37. Section 11-74, Hawaii Revised Statutes, is
20 repealed.



1 ~~["§11-74 Meetings of precinct officials; procedure; oaths.~~

2 ~~The chairperson of the precinct officials shall preside at all~~
3 ~~meetings of the precinct officials. Any decision of the~~
4 ~~precinct officials shall require a majority vote of the precinct~~
5 ~~officials in the unit or precinct.~~

6 ~~In all cases under this title, where duties are to be~~
7 ~~performed by the chairperson of the precinct officials, the~~
8 ~~duties may be performed by one of the other precinct officials,~~
9 ~~whenever the chairperson is temporarily absent or is otherwise~~
10 ~~for the time being unable to perform the duties.~~

11 ~~Each precinct official may administer any oath in this~~
12 ~~title provided to be administered by the precinct officials."]~~

13 SECTION 38. Section 11-75, Hawaii Revised Statutes, is
14 repealed.

15 ~~["§11-75 Duties of precinct officials. The duties of the~~
16 ~~precinct officials shall vary with the voting system in use in~~
17 ~~the precinct. The duties for the particular system shall be~~
18 ~~assigned by the chief election officer by regulations adopted~~
19 ~~for such purpose."]~~

20 SECTION 39. Section 11-76, Hawaii Revised Statutes, is
21 repealed.



1 ~~["§11-76 Compensation. (a) Electronic ballot and voting~~
2 ~~machine elections. Precinct officials and related election day~~
3 ~~nonprofit groups or employees shall be compensated pursuant to a~~
4 ~~schedule established by the chief election officer. The~~
5 ~~schedule shall be contained in rules adopted pursuant to chapter~~
6 ~~91.~~

7 ~~(b) Paper ballot elections. The chairperson of the~~
8 ~~precinct officials and the precinct officials shall receive the~~
9 ~~same base amounts as in subsection (a). In addition, all~~
10 ~~precinct officials shall be paid \$5 for each three hundred~~
11 ~~ballots or portion thereof cast at that precinct."]~~

12 SECTION 40. Section 11-91.5, Hawaii Revised Statutes, is
13 repealed.

14 ~~["§11-91.5 Federal, state, and county elections by mail.~~

15 ~~(a) Any federal, state, or county election held other than on~~
16 ~~the date of a regularly scheduled primary or general election~~
17 ~~may be conducted by mail.~~

18 ~~(b) The chief election officer shall determine whether a~~
19 ~~federal or state election, other than a regularly scheduled~~
20 ~~primary or general election, may be conducted by mail or at~~
21 ~~polling places.~~



1 ~~(c) The county clerk shall determine whether a county~~
2 ~~election, held other than on the date of a regularly scheduled~~
3 ~~primary or general election, may be conducted by mail or at~~
4 ~~polling places. An election by mail in the county shall be~~
5 ~~under the supervision of the county clerk.~~

6 ~~(d) Any ballot cast by mail under this section shall be~~
7 ~~subject to the provisions applicable to absentee ballots under~~
8 ~~sections 11-139 and 15-6.~~

9 ~~(e) The chief election officer shall adopt rules pursuant~~
10 ~~to chapter 91 to provide for uniformity in the conduct of~~
11 ~~federal, state, and county elections by mail."]~~

12 SECTION 41. Section 11-92.2, Hawaii Revised Statutes, is
13 repealed.

14 ~~["§11-92.2 Multiple polling place sites. (a) The chief~~
15 ~~election officer may establish multiple polling place sites for~~
16 ~~contiguous precincts, notwithstanding district boundaries, when~~
17 ~~it is convenient and readily accessible for the voters of the~~
18 ~~precincts involved.~~

19 ~~(b) No multiple polling place site shall be established~~
20 ~~later than 4:30 p.m. on the tenth day prior to the close of~~
21 ~~filing for an election."]~~



1 SECTION 42. Section 11-93, Hawaii Revised Statutes, is
2 repealed.

3 ~~["§11-93 Voting units. Immediately after the close of~~
4 ~~registration of voters preceding any election, the chief~~
5 ~~election officer shall establish one or more voting units in~~
6 ~~each precinct polling place. All voting units shall be in the~~
7 ~~same precinct polling place. In a precinct having more than one~~
8 ~~voting unit the chief election officer or the officer's~~
9 ~~authorized representative shall designate each unit by a uniform~~
10 ~~identification system. The clerk in preparing the list of~~
11 ~~registered voters shall divide the list, on an alphabetical~~
12 ~~basis, as equal as possible between or among the voting units."]~~

13 SECTION 43. Section 11-94, Hawaii Revised Statutes, is
14 repealed.

15 ~~["§11-94 Exemptions of voters on election day. Every~~
16 ~~voter shall be privileged from arrest on election day while at~~
17 ~~the voter's polling place and in going to and returning~~
18 ~~therefrom, except in case of breach of the peace then committed,~~
19 ~~or in case of treason or felony."]~~

20 SECTION 44. Section 11-95, Hawaii Revised Statutes, is
21 repealed.



1 ~~["§11-95 Employees entitled to leave on election day for~~
2 ~~voting. (a) Any voter shall on the day of the election be~~
3 ~~entitled to be absent from any service or employment in which~~
4 ~~such voter is then engaged or employed for a period of not more~~
5 ~~than two hours (excluding any lunch or rest periods) between the~~
6 ~~time of opening and closing the polls to allow two consecutive~~
7 ~~hours in which to vote. Such voter shall not because of such~~
8 ~~absence be liable to any penalty, nor shall there be any~~
9 ~~rescheduling of normal hours or any deduction made, on account~~
10 ~~of the absence from any usual salary or wages; provided that the~~
11 ~~foregoing shall not be applicable to any employee whose hours of~~
12 ~~employment are such that the employee has a period of two~~
13 ~~consecutive hours (excluding any lunch or rest periods) between~~
14 ~~the time of opening and closing the polls when the employee is~~
15 ~~not working for the employer. If, however, any employee fails~~
16 ~~to vote after taking time off for that purpose the employer,~~
17 ~~upon verification of that fact, may make appropriate deductions~~
18 ~~from the salary or wages of the employee for the period during~~
19 ~~which the employee is hereunder entitled to be absent from~~
20 ~~employment. Presentation of a voter's receipt by an employee to~~
21 ~~the employer shall constitute proof of voting by the employee.~~



H.B. NO. 1401

1 ~~(b) Any person, business, or corporation who refuses an~~
2 ~~employee the privileges conferred by this section, or subjects~~
3 ~~an employee to a penalty or deduction of wages because of the~~
4 ~~exercise of the privileges, or who directly or indirectly~~
5 ~~violates this section, shall be subject to a fine of not less~~
6 ~~than \$50 nor more than \$300.~~

7 ~~(c) Any action taken to impose or collect the fines~~
8 ~~established in this section shall be a civil action."]~~

9 SECTION 45. Section 11-120, Hawaii Revised Statutes, is
10 repealed.

11 ~~["§11-120 Distribution of ballots, record. The chief~~
12 ~~election officer or the county clerk in county elections shall~~
13 ~~forward the official ballots, specimen ballots, and other~~
14 ~~materials to the precinct officials of the various precincts.~~
15 ~~They shall be delivered and kept in a secure fashion in~~
16 ~~accordance with rules and regulations promulgated by the chief~~
17 ~~election officer. In no case shall they arrive later than the~~
18 ~~opening of the polls on election day.~~

19 ~~A record of the number of ballots sent to each precinct~~
20 ~~shall be kept by the chief election officer or the clerk."]~~



1 SECTION 46. Section 11-133, Hawaii Revised Statutes, is
2 repealed.

3 ~~["§11-133 Voting booths, placement of visual aids. The~~
4 ~~precinct officials shall provide sufficient voting booths within~~
5 ~~the polling place at or in which the voters may conveniently~~
6 ~~east their ballots. The booths shall be so arranged that in~~
7 ~~eastng the ballots the voters are screened from the observation~~
8 ~~of others.~~

9 ~~Visual aids shall be posted at or in each voting booth and~~
10 ~~in conspicuous places outside the polling place before the~~
11 ~~opening of the polls."]~~

12 SECTION 47. Section 11-134, Hawaii Revised Statutes, is
13 repealed.

14 ~~["§11-134 Ballot transport containers, ballot boxes. (a)~~
15 ~~The seals of the ballot transport containers shall be broken and~~
16 ~~opened on election day only in the presence of at least two~~
17 ~~precinct officials not of the same political party.~~

18 ~~(b) The chief election officer shall provide suitable~~
19 ~~ballot boxes for each polling place needed. They shall have a~~
20 ~~hinged lid fastened securely by a nonreusable seal. In the~~
21 ~~center of the lid there shall be an aperture of the appropriate~~



1 ~~size for the voting system used. The ballot boxes shall be~~
2 ~~placed at a point convenient for the deposit of ballots and~~
3 ~~where they can be observed by the precinct officials.~~

4 ~~(c) At the opening of the polls for election, the~~
5 ~~chairperson of the precinct officials shall publicly open the~~
6 ~~ballot boxes and expose them to all persons present to show that~~
7 ~~they are empty. The ballot boxes shall be closed and sealed,~~
8 ~~they shall remain sealed until transported to the counting~~
9 ~~center; provided that, in precincts where the electronic voting~~
10 ~~system is used, the ballot boxes shall not be opened at the~~
11 ~~polling places except as provided by rules adopted pursuant to~~
12 ~~chapter 91-."]~~

13 SECTION 48. Section 11-135, Hawaii Revised Statutes, is
14 repealed.

15 ~~["§11-135 Early collection of ballots. In an electronic~~
16 ~~ballot system election the chief election officer may authorize~~
17 ~~collection of voted ballots before the closing of the polls in~~
18 ~~order to facilitate the counting of ballots; provided that the~~
19 ~~voted ballots shall be returned to the counting center in sealed~~
20 ~~ballot boxes-."]~~



1 SECTION 49. Section 11-136, Hawaii Revised Statutes, is
2 repealed.

3 ~~["§11-136 Poll book, identification, voting. Every person~~
4 ~~upon applying to vote shall sign the person's name in the poll~~
5 ~~book prepared for that purpose. This requirement may be waived~~
6 ~~by the chairperson of the precinct officials if for reasons of~~
7 ~~illiteracy or blindness or other physical disability the voter~~
8 ~~is unable to write. Every person shall provide identification~~
9 ~~if so requested by a precinct official. A poll book shall not~~
10 ~~contain the social security number of any person.~~

11 ~~After signing the poll book and receiving the voter's~~
12 ~~ballot, the voter shall proceed to the voting booth to vote~~
13 ~~according to the voting system in use in the voter's precinct.~~
14 ~~The precinct official may, and upon request shall, explain to~~
15 ~~the voter the mode of voting."]~~

16 SECTION 50. Section 11-184, Hawaii Revised Statutes, is
17 repealed.

18 ~~["§11-184 Election expenses and responsibilities in~~
19 ~~combined state and county elections. Election expenses in~~
20 ~~elections involving both state and county offices shall be~~
21 ~~shared as set forth below:~~



- 1 ~~(1) The State shall pay and be responsible for:~~
- 2 ~~(A) Precinct officials;~~
- 3 ~~(B) Instruction of precinct officials when initiated~~
- 4 ~~or approved by the chief election officer;~~
- 5 ~~(C) Boards of registration;~~
- 6 ~~(D) Polling place costs other than supplies:~~
- 7 ~~installation rentals, ballot boxes, voting~~
- 8 ~~booths, custodians, telephones, and maintenance;~~
- 9 ~~(E) Other equipment such as ballot transport~~
- 10 ~~containers;~~
- 11 ~~(F) Temporary election employees hired to do strictly~~
- 12 ~~state work; and~~
- 13 ~~(G) Extraordinary voter registration and voter~~
- 14 ~~education costs when approved by the chief~~
- 15 ~~election officer.~~
- 16 ~~(2) The county shall pay and be responsible for:~~
- 17 ~~(A) Normal voter registration, voters list~~
- 18 ~~maintenance, and all printing connected with~~
- 19 ~~voter registration, including printing of the~~
- 20 ~~voters list;~~



- 1 ~~(B) Temporary election employees hired to do strictly~~
- 2 ~~county work;~~
- 3 ~~(C) Maintenance of existing voting machines,~~
- 4 ~~including parts, freight, storage, programming,~~
- 5 ~~and personnel;~~
- 6 ~~(D) Maintenance and storage of voting devices and~~
- 7 ~~other equipment; and~~
- 8 ~~(E) Employees assigned to conduct absentee polling~~
- 9 ~~place functions.~~
- 10 ~~(3) The remaining election expenses shall be divided in~~
- 11 ~~half between the State and the counties. Each county~~
- 12 ~~will pay a proration of expenses as a proportion of~~
- 13 ~~the registered voters at the time of the general~~
- 14 ~~election. These expenses shall include but not be~~
- 15 ~~limited to:~~
- 16 ~~(A) Polling place supplies;~~
- 17 ~~(B) All printing, including ballots, but excluding~~
- 18 ~~printing connected with voter registration;~~
- 19 ~~(C) Temporary election employees not including voting~~
- 20 ~~machine programmers doing work for both the State~~
- 21 ~~and county;~~



H.B. NO. 1401

- 1 ~~(D) Ballot preparation and packing, and~~
- 2 ~~(E) All other costs for which the State or county are~~
- 3 ~~not specifically responsible relating to the~~
- 4 ~~operation of voting machines, electronic voting~~
- 5 ~~systems, and other voting systems except paper~~
- 6 ~~ballots to include but not be limited to real~~
- 7 ~~property rentals, equipment rentals, personnel,~~
- 8 ~~mileage, telephones, supplies, publicity,~~
- 9 ~~computer programming, and freight.~~

10 ~~The responsibility for the above functions shall~~
11 ~~be determined by the chief election officer where the~~
12 ~~responsibility for such functions has not been~~
13 ~~assigned by the legislature.~~

14 ~~Any future expenses not presently incurred under any voting~~
15 ~~system now in use or to be used shall be assigned to paragraphs~~
16 ~~(1), (2), or (3) above by the chief election officer upon~~
17 ~~agreement with the clerks or by the legislature."]~~

18 SECTION 51. Section 15-4, Hawaii Revised Statutes, is
19 repealed.

20 ~~["§15-4 Request for absentee ballot. (a) Any person~~
21 ~~registered to vote may request an absentee ballot or permanent~~



1 ~~absentee ballot in person or in writing from the clerk at any~~
2 ~~time but not later than 4:30 p.m. on the seventh day prior to~~
3 ~~the election. Any mailed requests for an absentee ballot or~~
4 ~~permanent absentee ballot shall be mailed by the person directly~~
5 ~~to the clerk. The clerk may waive any or all of the foregoing~~
6 ~~requirements in special cases as provided in the rules adopted~~
7 ~~by the chief election officer.~~

8 ~~The request shall include information such as the person's~~
9 ~~social security number, date of birth, and the address under~~
10 ~~which the person is registered to vote. The request shall also~~
11 ~~include the address to which the person wishes the requested~~
12 ~~ballot to be forwarded. The request, when made for any primary~~
13 ~~or special primary election, may include an additional request~~
14 ~~for an absentee ballot to be voted at any election immediately~~
15 ~~following the primary or special primary; provided the person so~~
16 ~~indicates in the person's request.~~

17 ~~Subsequent to the closing of registration for each~~
18 ~~election, the clerk may mail a request form for an absentee~~
19 ~~ballot and permanent absentee ballot to each voter in a remote~~
20 ~~area who has not already made such a request. The request form~~
21 ~~shall be accompanied by:~~



1 ~~(1) A stamped, self-addressed envelope; and~~

2 ~~(2) Instructions regarding the manner of completing and~~
3 ~~returning the request form.~~

4 ~~(b) Notwithstanding subsection (a), the respective clerk~~
5 ~~shall be allowed to conduct an absentee ballot only election and~~
6 ~~may mail an absentee ballot for each primary, special primary,~~
7 ~~special, general, and special general election to each~~
8 ~~registered voter who resides in the county of Kalawao or on any~~
9 ~~island of a county with a population of less than one hundred~~
10 ~~eighty thousand, except for the island where the county seat of~~
11 ~~government is located. The chief election officer may adopt~~
12 ~~rules to carry out this subsection.~~

13 ~~(c) Notwithstanding any law to the contrary, in the event~~
14 ~~there are fewer than five hundred registered voters as of the~~
15 ~~preceding general election in an area covered by a unique ballot~~
16 ~~type, the clerk shall mail an absentee ballot to each registered~~
17 ~~voter who resides in such an area, if the chief election~~
18 ~~officer, or the clerk in a county only election, determines that~~
19 ~~an election day polling place will not be established for such~~
20 ~~voters.~~



1 ~~(d) For the purposes of this section, "ballot type" means~~
2 ~~the unique ballot containing the contests, questions, or issues~~
3 ~~that will be used by the voters of a specific area.~~

4 ~~(e) When a registered voter requests an absentee ballot,~~
5 ~~the voter also may include an additional request to receive~~
6 ~~absentee ballots permanently. After receiving a request for~~
7 ~~permanent absentee voter status, the clerk shall mail to the~~
8 ~~voter who requested permanent absentee voter status an absentee~~
9 ~~ballot for all subsequent elections conducted in that precinct.~~
10 ~~The forwarding address for absentee ballots to be permanently~~
11 ~~mailed shall be the in state mailing address contained in the~~
12 ~~voter's registration record. Subject to the conditions of~~
13 ~~subsection (a), a permanent absentee voter may also request from~~
14 ~~the clerk that the voter's ballot be forwarded temporarily to an~~
15 ~~address other than the permanent absentee mailing address~~
16 ~~originally requested, either in or outside of the State, for a~~
17 ~~single election or for a primary or special primary election and~~
18 ~~the election immediately following the primary or special~~
19 ~~primary election. A permanent absentee voter's request for a~~
20 ~~ballot to be forwarded temporarily shall not serve as a~~
21 ~~cancellation of the voter's permanent absentee status or as a~~



1 ~~change to the voter's permanent absentee mailing address. Upon~~
2 ~~the completion of the election or elections covered by the~~
3 ~~permanent absentee voter's temporary request under this~~
4 ~~subsection, the clerk shall resume mailing the voter's ballots~~
5 ~~to the permanent absentee mailing address originally requested~~
6 ~~under subsection (a).~~

7 ~~(f) The chief election officer shall inform voters of the~~
8 ~~option of applying for permanent absentee voter status and shall~~
9 ~~provide any necessary form to request the permanent absentee~~
10 ~~ballot option to any registered voter requesting an absentee~~
11 ~~ballot and any person applying to register to vote.~~

12 ~~(g) A permanent absentee voter shall be responsible for~~
13 ~~informing the clerk of any changes to personal information,~~
14 ~~including changes to the voter's forwarding address.~~

15 ~~(h) Except as provided in subsection (c), a voter's~~
16 ~~permanent absentee voter status shall be terminated if any of~~
17 ~~the following conditions apply:~~

18 ~~(1) The voter requests in writing that such status be~~
19 ~~terminated;~~



1 ~~(2) The voter dies, loses voting rights, registers to vote~~
2 ~~in another jurisdiction, or is otherwise disqualified~~
3 ~~from voting;~~

4 ~~(3) The voter's absentee ballot, voter notification~~
5 ~~postcard, or any other election mail is returned to~~
6 ~~the clerk as undeliverable for any reason; or~~

7 ~~(4) The voter does not return a voter ballot by 6:00 p.m.~~
8 ~~on election day in both the primary and general~~
9 ~~election of an election year.~~

10 ~~(i) If a voter's permanent absentee voter status has been~~
11 ~~terminated due to one or more of the conditions specified in~~
12 ~~subsection (h), the voter shall be responsible for again~~
13 ~~requesting permanent absentee status as specified in subsection~~
14 ~~(e)."]~~

15 SECTION 52. Section 15-7, Hawaii Revised Statutes, is
16 repealed.

17 ~~["§15-7 Absentee polling place; registration at absentee~~
18 ~~polling place. (a) Absentee polling places shall be~~
19 ~~established at the office of the respective clerks, and may be~~
20 ~~established at other sites as may be designated by the clerk~~
21 ~~under the provisions prescribed in the rules adopted by the~~



1 ~~chief election officer. Section 11 21 relating to changes and~~
2 ~~transfers of registration shall apply to the absentee polling~~
3 ~~place as though it were the precinct at which a person's name~~
4 ~~properly appears on the list of registered voters.~~

5 ~~(b) The absentee polling places shall be open no later~~
6 ~~than ten working days before election day, and all Saturdays~~
7 ~~falling within that time period, or as soon thereafter as~~
8 ~~ballots are available, provided that all absentee polling places~~
9 ~~shall be open on the same date statewide, as determined by the~~
10 ~~chief election officer.~~

11 ~~(c) A person who is eligible to vote but is not registered~~
12 ~~to vote may register by appearing in person at the absentee~~
13 ~~polling place for the county in which the person maintains~~
14 ~~residence.~~

15 ~~(d) The county clerk shall designate a registration clerk,~~
16 ~~who may be an election official, at each of the absentee polling~~
17 ~~places established in the county.~~

18 ~~(e) The registration clerk shall process applications for~~
19 ~~any person not registered to vote who submits a signed affidavit~~
20 ~~in accordance with section 11 15, which shall include a sworn~~
21 ~~affirmation.~~



- 1 ~~(1) Of the person's qualification to vote;~~
- 2 ~~(2) Acknowledging that the person has not voted and will~~
- 3 ~~not vote at any other polling place for that election~~
- 4 ~~and has not cast and will not cast any absentee ballot~~
- 5 ~~pursuant to chapter 15 for that election; and~~
- 6 ~~(3) Acknowledging that providing false information may~~
- 7 ~~result in a class C felony, punishable by a fine not~~
- 8 ~~exceeding \$1,000 or imprisonment not exceeding five~~
- 9 ~~years, or both.~~
- 10 ~~(f) The registration clerk may accept, as prima facie~~
- 11 ~~evidence, the allegation of the person in the application~~
- 12 ~~regarding the person's residence in accordance with section 11-~~
- 13 ~~15(b), unless the allegation is contested by a qualified voter.~~
- 14 ~~The registration clerk may demand that the person furnish~~
- 15 ~~substantiating evidence to the other allegations of the person's~~
- 16 ~~application in accordance with section 11-15(b).~~
- 17 ~~(g) Registration may be challenged in accordance with~~
- 18 ~~section 11-25.~~
- 19 ~~(h) Notwithstanding subsection (c), registration pursuant~~
- 20 ~~to this section may be used by a person who is registered to~~



1 ~~vote but whose name cannot be found on the precinct list for the~~
2 ~~polling place associated with the person's residence.~~

3 ~~(i) The clerk of each county shall add persons who~~
4 ~~properly register at an absentee polling place to the respective~~
5 ~~general county register. Within thirty days of registration at~~
6 ~~an absentee polling place, the county clerk shall mail to the~~
7 ~~person a notice including the person's name, current street~~
8 ~~address, district and precinct, and date of registration. A~~
9 ~~notice mailed pursuant to this subsection shall serve as prima~~
10 ~~facie evidence that the person is a registered voter as of the~~
11 ~~date of registration."]~~

12 SECTION 53. There is appropriated out of the general
13 revenues of the State of Hawaii the sum of \$ or so much
14 thereof as may be necessary for fiscal year 2018-2019 for the
15 purpose of preparing for, implementing, and administering
16 elections by mail, including voter education and public
17 awareness programs; provided that fifty per cent of the amount
18 shall be available to the counties in the form of grants to
19 cover the startup and transition costs for the voting by mail
20 implementation; provided further that the amount available to



1 each county shall be in proportion to its respective percentage
2 of registered voters.

3 The sum appropriated shall be expended or distributed to
4 the counties by the office of elections for the purposes of this
5 Act.

6 SECTION 54. No later than twenty days before the convening
7 of each of the regular sessions of 2019, 2020, 2021, 2022, and
8 2023, the office of elections shall submit a report to the
9 legislature that includes:

- 10 (1) The office's progress in implementing this Act;
- 11 (2) A summary of the office's discussions with the county
12 clerks to determine areas of joint implementation of
13 this Act;
- 14 (3) Any additional resources the office may require to
15 implement this Act;
- 16 (4) Any difficulties encountered;
- 17 (5) Specific steps taken and recommendations necessary to
18 prevent fraud and ensure the integrity of the election
19 process; and
- 20 (6) Any other findings and recommendations, including any
21 proposed legislation necessary to clarify and make



1 consistent chapters 11, 12, 15, 15D, and 19, Hawaii
2 Revised Statutes, in light of the transition to
3 statewide elections by mail.

4 SECTION 55. In codifying the new sections added by section
5 2 of this Act, the revisor of statutes shall substitute
6 appropriate section numbers for the letters used in designating
7 the new sections in this Act.

8 SECTION 56. If any provision of this Act, or the
9 application thereof to any person or circumstance, is held
10 invalid, the invalidity does not affect other provisions or
11 applications of the Act that can be given effect without the
12 invalid provision or application, and to this end the provisions
13 of this Act are severable.

14 SECTION 57. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 58. This Act shall take effect on December 31,
17 2018; provided that section 24 shall take effect upon approval.

18

INTRODUCED BY:  _____

JAN 25 2017



H.B. NO. 1401

Report Title:

Voting by Mail; Voter Service Centers

Description:

Enacts voting by mail uniformly across all counties for all elections commencing in 2020. Repeals and amends provisions relating to polling places, including absentee polling places. Establishes voter service centers to accommodate personal delivery of ballots. Appropriates funds.

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

