

JAN 20 2017

A BILL FOR AN ACT

RELATING TO ELECTIONS.

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

1 SECTION 1. Chapter 11, Hawaii Revised Statutes, is amended
2 by adding a new part to be appropriately designated and to read
3 as follows:

4 **"PART . ELECTIONS BY MAIL**

5 **§11-A Elections to be conducted by mail.** Beginning in
6 2020, all federal, state, and county primary, special primary,
7 general, special general, and special elections shall be
8 conducted by mail in accordance with this part; provided that
9 any registered voter may request an absentee ballot or permanent
10 absentee ballot in accordance with section 15-4 in lieu of
11 receiving an election by mail ballot package pursuant to this
12 part; provided further that absentee ballot-only elections may
13 continue to be conducted pursuant to section 15-4(b).

14 **§11-B Procedures for conducting elections by mail.** (a)

15 Ballot packages for elections by mail shall include:

- 16 (1) An official ballot;
- 17 (2) A prepaid postage return identification envelope;



1 (3) A secrecy envelope; and

2 (4) Instructions.

3 (b) To the extent practicable, the county clerk shall mail
4 a ballot package by nonforwardable mail to each registered voter
5 in the county between fourteen and eighteen days before the date
6 of an election.

7 (c) The chief election officer shall determine and provide
8 for places of deposit and voter service centers pursuant to
9 section 11-92.1.

10 **§11-C Public notice of mailing.** Public notice of the date
11 or dates that ballot packages are mailed shall be given by the
12 chief election officer and all county election offices in the
13 manner prescribed in section 1-28.5 when all ballot packages
14 have been mailed to voters.

15 **§11-D Ballot instructions; ballot return.** (a) Upon
16 receipt of the ballot package, to cast a valid vote, a voter
17 shall comply with the instructions included in the ballot
18 package. The instructions shall include directions on marking
19 the ballot, inserting the marked ballot in the secrecy envelope,
20 inserting the secrecy envelope with the marked ballot in the
21 return identification envelope, and signing the return



1 identification envelope before mailing or delivering the return
2 identification envelope containing the secrecy envelope with the
3 marked ballot.

4 (b) The instructions shall include information on election
5 fraud and voter fraud, as provided in sections 19-3(5) and
6 19-3.5, and notice that violation of either section may subject
7 the voter, upon conviction, to imprisonment, a fine, or both.

8 (c) To cast a valid vote, a voter shall return the
9 identification envelope containing the secrecy envelope with the
10 marked ballot:

11 (1) By mail so that the return identification envelope is
12 received at the office of the clerk no later than the
13 close of the polls as provided in section 11-131 on
14 the date of the election;

15 (2) By personal delivery to any place of deposit no later
16 than 6:00 p.m. on the day preceding the date of the
17 election; or

18 (3) By personal delivery to any voter service center no
19 later than the close of the polls as provided in
20 section 11-131 on the date of the election.



1 (d) If a ballot package mailed pursuant to section 11-B is
2 not received by the voter within five days of an election, or a
3 voter otherwise requires a replacement ballot within five days
4 of an election, the voter may request that a ballot be forwarded
5 by electronic transmission. Upon receipt of the request and
6 confirmation that proper application was made, the clerk may
7 transmit the appropriate ballot, together with a form containing
8 the affirmations and information required by section 15-6, and a
9 form containing a waiver of the right to secrecy under section
10 11-137. The voter may return the voted ballot and executed
11 forms by:

- 12 (1) Electronic transmission if the ballot and forms are
13 received by the issuing clerk before voting has
14 concluded; or
15 (2) Mail or by personal delivery to a place of deposit or
16 voter service center by the respective deadline set
17 forth in section 11-E(c).

18 Upon receipt, the clerk shall verify compliance with the
19 requirements of this part; provided that if the voter returns
20 multiple voted ballots for the same election, the clerk shall
21 prepare, for counting, only the first ballot returned that is



1 not spoiled. Prior to an election, the clerk shall determine
2 the permissible form or forms of electronic transmission that
3 may be used for the initial transmission of ballots to voters
4 and the return transmission of ballots by voters. The forms of
5 electronic transmission permitted for the initial transmission
6 of ballots may differ from those permitted for the return of
7 ballots by voters.

8 For purposes of this subsection, "electronic transmission"
9 may include facsimile transmission, electronic mail delivery, or
10 the utilization of an online ballot delivery and return system.

11 **§11-E Replacement ballots.** (a) A voter may obtain a
12 replacement ballot if the ballot is destroyed, spoiled, or lost.
13 Replacement ballots shall be provided to a voter who completes
14 and signs a replacement ballot request form. The replacement
15 ballot request form shall include information that allows the
16 clerk to verify the registration of the voter and ensure that
17 another ballot has not been returned by the voter.

18 (b) Upon receipt of the replacement ballot request form,
19 the clerk shall:

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



1 (2) Note on the list of registered voters that the voter
2 has requested a replacement ballot;

3 (3) Mark the return identification envelope as a
4 replacement ballot; and

5 (4) Issue the replacement ballot package by mail or by
6 making the ballot package available for pick-up by the
7 voter.

8 (c) Voters requesting a replacement ballot shall return
9 the identification envelope containing the secrecy envelope with
10 the marked replacement ballot by mail or by personal delivery to
11 a place of deposit no later than 6:00 p.m. on the day preceding
12 the date of the election or by personal delivery to a voter
13 service center no later than the close of the polls as provided
14 in section 11-131 on the date of the election.

15 **§11-F Counting of mail-in ballots.** (a) Counting may
16 begin no sooner than the seventh day before the election. In
17 the presence of official observers, counting center employees
18 may count the ballots on the day of the election; provided that
19 no results shall be disclosed to the public until the close of
20 the voter service centers. All handling and counting of the



1 mail-in ballots shall be in accordance with procedures
2 established by the chief election officer.

3 (b) A mail-in ballot shall be counted only if:

4 (1) It is returned in the return identification envelope;

5 (2) The return identification envelope is signed by the
6 voter to whom the ballot is mailed or delivered;

7 (3) The signature on the return identification envelope is
8 verified by the clerk with the signature of the voter
9 shown on the registry of voters; and

10 (4) The return identification envelope is received in a
11 timely manner by any of the methods prescribed under
12 section 11-D.

13 (c) Upon receipt of a marked replacement ballot, the
14 county clerk shall verify that a completed and signed
15 replacement ballot request form has been received by the county
16 clerk or is included with the marked replacement ballot. The
17 county clerk shall not process the marked replacement ballot
18 unless the replacement ballot request form has been completed
19 and signed by the voter and received by the county clerk.



1 §11-G State and county election expenses and
2 responsibilities in elections by mail. (a) Expenses for
3 elections by mail shall be shared and set forth as follows:

4 (1) Expenses related to elections by mail involving both
5 state and county offices, or federal and county
6 offices, and unrelated to voter registration and voter
7 service centers shall be divided in half between the
8 State and the counties. Each county shall pay a
9 proration of expenses as a proportion of the
10 registered voters at the time of the general election.
11 The counties shall separately be responsible for
12 expenses associated with voter registration and voter
13 service centers;

14 (2) All expenses for county elections by mail that do not
15 involve state or federal offices shall be borne by the
16 county and paid out of appropriations as may be made
17 by the county council; and

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



1 registration of voters by the county clerk for those
2 state or federal elections that do not involve county
3 offices shall be borne by the State and paid out of
4 appropriations as may be made by the legislature.

5 (b) Election responsibilities in elections by mail shall
6 be shared and set forth as follows:

7 (1) In elections by mail involving both state and county
8 offices, or federal and county offices, the counties
9 shall be responsible for voter registration and voter
10 service centers and the State shall be responsible for
11 the mailing, receipt, processing, and tabulation of
12 ballots. Any responsibilities not enumerated in this
13 paragraph shall be assigned to the counties or the
14 State by the chief election officer;

15 (2) The county shall be responsible for elections by mail
16 involving only county offices; and

17 (3) For elections by mail involving only state or federal
18 offices, the counties shall be responsible for voter
19 registration and voter service centers and the State
20 shall be responsible for the mailing, receipt,
21 processing, and tabulation of ballots. Any



1 responsibilities not enumerated in this paragraph
2 shall be assigned to the counties or the State by the
3 chief election officer.

4 **§11-H Electronic accessibility of voter registration**
5 **applications and signatures associated with the examiner of**
6 **drivers.** (a) The examiner of drivers of each county shall
7 ensure that the contents of the affidavit on application for
8 voter registration provided by applicants in conjunction with a
9 driver license and civil identification card application are
10 electronically stored in the examiner's databases.

11 (b) The examiner of drivers of each county shall provide
12 the respective county clerk with the voter registration
13 information set forth in the affidavit on application for voter
14 registration electronically, including a digital copy of the
15 applicant's signature.

16 (c) The county clerk shall treat the electronic
17 information provided pursuant to subsection (b) as an
18 application to register under section 11-15.

19 (d) Databases maintained by the counties and the
20 department of transportation containing driver license and civil
21 identification card information shall be electronically



1 accessible by the statewide voter registration system in order
2 to:

3 (1) Permit the timely processing of voter registration
4 applications made in conjunction with driver license
5 and civil identification cards;

6 (2) Facilitate verification of information provided by
7 online voter registration applicants under section 11-
8 15.3; and

9 (3) Ensure the integrity of the voter registration rolls
10 and the voting process."

11 SECTION 2. Section 11-1, Hawaii Revised Statutes, is
12 amended as follows:

13 1. By adding two new definitions to be appropriately
14 inserted and to read:

15 "Place of deposit" means a site designated by the chief
16 election officer for the purpose of receiving return
17 identification envelopes in an election conducted by mail
18 pursuant to part _____.

19 "Voter service center" means a site designated by the chief
20 election officer to serve all of the following purposes:



- 1 (1) Receive return envelopes for absentee and permanent
2 absentee ballots pursuant to chapter 15;
- 3 (2) Receive return identification envelopes in an election
4 by mail pursuant to part _____;
- 5 (3) Provide voting machine services for persons with
6 disabilities pursuant to the Help America Vote Act of
7 2002 (P.L. 107-252), as amended, and any other federal
8 or state law relating to persons with disabilities;
- 9 (4) Assist with voter registration services as provided by
10 law; and
- 11 (5) Any other purposes that the chief election officer may
12 deem necessary in the event of a natural disaster or
13 other exigent circumstances occurring prior to an
14 election."

15 2. By amending the definitions of "ballot" and "voting
16 system" to read:

17 ""Ballot" [~~7~~] means a ballot, including an absentee ballot,
18 that is a written or printed, or partly written and partly
19 printed paper or papers, containing the names of persons to be
20 voted for, the office to be filled, and the questions or issues
21 to be voted on. "Ballot" includes a ballot used in an election



1 by mail pursuant to part . A ballot may consist of one or
2 more cards or pieces of paper, or one face of a card or piece of
3 paper, or a portion of the face of a card or piece of paper,
4 depending on the number of offices, candidates to be elected
5 thereto, questions or issues to be voted on, and the voting
6 system in use. It shall also include the face of the mechanical
7 voting machine when arranged with cardboard or other material
8 within the ballot frames, containing the names of the candidates
9 and questions to be voted on.

10 "Voting system" [7] means the use of paper ballots,
11 electronic ballot cards, voting machines, elections by mail
12 pursuant to part , absentee voting pursuant to chapter 15, or
13 any system by which votes are cast and counted."

14 SECTION 3. Section 11-4, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "~~§11-4 Rules [and regulations]~~. The chief election
17 officer may [~~make,~~] adopt, amend, and repeal [~~such~~] rules [~~and~~
18 ~~regulations~~] governing elections held under this title, election
19 procedures, and the selection, establishment, use, and operation
20 of all voting systems now in use or to be adopted in the State,
21 and all other similar matters relating thereto as in the chief



1 election officer's judgment shall be necessary to carry out this
2 title.

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

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

15 "(a) The clerk, not later than 4:30 p.m. on the sixtieth
16 day after every general election, shall remove the name of any
17 registered voter who did not vote in that general election, and
18 also did not vote in the primary election preceding that general
19 election, and also did not vote in the previous general
20 election, and also did not vote in the primary election
21 preceding that general election, and also did not vote in the



1 regularly scheduled special elections held in conjunction with
2 those primary and general elections, if any, with the exception
3 of:

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

6 (2) Anyone who preregistered pursuant to section 11-12(b).

7 If a person voted, at least once, in any of the above-mentioned
8 elections, the person's name shall remain on the list of
9 registered voters. For this purpose, "vote" means the
10 depositing of the ballot in the ballot box whether the ballot is
11 blank or later rejected for any reason. In the case of voting
12 machines, "vote" means the voter has activated the proper
13 mechanism and fed the vote into the machine. In the case of an
14 election by mail pursuant to part , "vote" means the voter
15 has returned the ballot to the chief election officer or county
16 clerk by the United States Postal Service or by delivering the
17 ballot to a place of deposit or voter service center."

18 SECTION 5. Section 11-91.5, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "§11-91.5 Federal, state, and county elections by mail.

21 (a) Any federal, state, or county election [~~held other than on~~



1 ~~the date of a regularly scheduled primary or general election]~~
2 may be conducted by mail[-], in whole or in part. Specific
3 precincts or counties may be designated to conduct elections by
4 mail, in whole or in part.

5 (b) The chief election officer shall determine whether a
6 federal [~~or state election, other than a regularly scheduled~~
7 ~~primary or general election,~~] election, state election, or an
8 election involving state and county offices, may be conducted by
9 mail [~~or~~], at polling places[-], or by a combination of mail and
10 polling places.

11 (c) The county clerk shall determine whether a solely
12 county election, held other than on the date of a regularly
13 scheduled primary or general election, may be conducted by mail
14 [~~or~~], at polling places[-], or by a combination of mail and
15 polling places. An election by mail in the county shall be
16 under the supervision of the county clerk.

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

20 (e) Voters may vote by absentee ballot at an absentee
21 walk-in polling place. For purposes of an election by mail, at



1 least one absentee walk-in polling place shall be designated by
2 the county clerk to be open on the day of the election. In the
3 event of a state- or federal-only election by mail, the chief
4 election officer shall designate at least one absentee walk-in
5 polling place to be open on the day of the election.

6 (f) Election expenses for elections by mail shall be
7 shared and set forth as follows:

8 (1) Expenses related to elections by mail involving both
9 state and county offices, or federal and county
10 offices, unrelated to voter registration and absentee
11 walk-in polling places, shall be divided in half
12 between the State and the counties. Each county shall
13 pay a proration of expenses as a proportion of the
14 registered voters at the time of the general election.

15 The counties shall separately be responsible for
16 expenses associated with voter registration and
17 absentee walk-in polling places;

18 (2) All expenses for county elections by mail that do not
19 involve state or federal offices shall be borne by the
20 county and paid out of appropriations as may be made
21 by the county council; and



1 (3) All expenses for state or federal elections by mail
2 that do not involve county offices shall be borne by
3 the State and paid out of appropriations as may be
4 made by the legislature. Expenses attributable to
5 registration of voters by the county clerk for state
6 or federal elections that do not involve county
7 offices shall be borne by the State and paid out of
8 appropriations as may be made by the legislature.

9 (g) Election responsibilities in elections by mail shall
10 be shared and set forth as follows:

11 (1) In elections by mail involving both state and county
12 offices, or federal and county offices, the counties
13 shall be responsible for voter registration and
14 absentee walk-in polling places and the State shall be
15 responsible for the mailing, receipt, processing, and
16 tabulation of ballots. Any responsibilities not
17 enumerated in this paragraph shall be assigned to the
18 counties or the State by the chief election officer;

19 (2) The respective county shall be responsible for
20 elections by mail involving only county offices; and



1 (3) For elections by mail involving only state or federal
2 offices, the counties shall be responsible for voter
3 registration and absentee walk-in voting and the State
4 shall be responsible for the mailing, receipt,
5 processing, and tabulation of ballots. Any
6 responsibilities not enumerated in this subsection
7 shall be assigned to the counties or the State by the
8 chief election officer.

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

12 SECTION 6. Section 11-92.1, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§11-92.1 Election proclamation; ~~[establishment of a new~~**
15 **~~precinct.] places of deposit; voter service centers.~~** (a) [The]
16 For elections not conducted by mail pursuant to part , the
17 chief election officer shall issue a proclamation whenever a new
18 precinct is established in any representative district. The
19 chief election officer shall provide a suitable polling place
20 for each precinct. Schools, recreational halls, park
21 facilities, and other publicly owned or controlled buildings,



1 whenever possible and convenient, shall be used as polling
2 places. The chief election officer shall make arrangements for
3 the rental or erection of suitable shelter for this purpose
4 whenever public buildings are not available and shall cause
5 these polling places to be equipped with the necessary
6 facilities for lighting, ventilation, and equipment needed for
7 elections on any island. This proclamation may be issued
8 jointly with ~~[the]~~ any other proclamation required [in section
9 11-91.] by this title.

10 (b) For elections by mail under part _____, the county
11 clerk shall issue a proclamation listing all places of deposit
12 and voter service centers that are established by the county
13 clerk. The county clerk may make adjustments to places of
14 deposit and voter service centers, as circumstances may require;
15 provided that the county clerk may also give notice by whatever
16 possible news or broadcast media are available. This
17 proclamation may be issued jointly with any other proclamation
18 required by this title.

19 ~~[(b)]~~ (c) No change shall be made in the boundaries of any
20 precinct later than 4:30 p.m. on the tenth day prior to the
21 close of filing for an election.



1 [~~(e)~~] (d) Notwithstanding subsection (a), and pursuant to
2 section 15-2.5, the chief election officer is not required to
3 establish polling places for precincts affected by natural
4 disasters, as provided in section 15-2.5."

5 SECTION 7. Section 11-92.3, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§11-92.3 Consolidated precincts; natural disasters;**
8 **postponement; absentee voting required; special elections.** (a)
9 [~~In the event of~~] If a flood, tsunami, earthquake, volcanic
10 eruption, high wind, or other natural disaster [~~, occurring~~]
11 occurs prior to an election, that makes a precinct inaccessible,
12 the chief election officer or county clerk in the case of county
13 elections may consolidate precincts within a representative
14 district. If the extent of damage caused by any natural
15 disaster is such that the ability of voters, in any precinct,
16 district, or county, to exercise their right to vote is
17 substantially impaired, the chief election officer or county
18 clerk in the case of county elections may require the registered
19 voters of the affected precinct to vote by absentee ballot
20 pursuant to section 15-2.5 and may postpone the conducting of an
21 election in the affected precinct for no more than twenty-one



1 days; provided that any [~~such~~] postponement shall not affect the
2 conduct of the election, tabulation, or distribution of results
3 for those precincts, districts, or counties not designated for
4 postponement. The chief election officer or county clerk in the
5 case of county elections shall give notice of the consolidation,
6 postponement, or requirement to vote by absentee ballot, in the
7 affected county or precinct prior to the opening of the precinct
8 polling place by whatever possible news or broadcast media are
9 available. Precinct officials and workers affected by any
10 consolidation shall not forfeit their pay.

11 (b) If a natural disaster occurs in a county conducting an
12 election by mail under part , the county clerk shall have
13 the same duties and responsibilities set forth in subsection (a)
14 that the chief election officer would otherwise have to
15 consolidate voter service centers and places of deposit,
16 establish alternate locations, or to otherwise postpone the
17 election and establish alternative means of voting.

18 [~~(b) In the event~~] (c) If the chief election officer or
19 the county clerk in a county election determines that the number
20 of candidates or issues on the ballot in a special, special
21 primary, or special general election does not require the full



1 number of established precincts, the precincts may be
2 consolidated for the purposes of the special, special primary,
3 or special general election into a small number of special,
4 special primary, or special general election precincts.

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

19 SECTION 8. Section 11-184, Hawaii Revised Statutes, is
20 amended to read as follows:



1 "§11-184 Election expenses and responsibilities in
2 combined state and county elections[-] that are not conducted
3 solely by mail. Election expenses in elections involving both
4 state and county offices and that are not conducted by mail
5 under part shall be shared as set forth below:

6 (1) The State shall pay and be responsible for:

7 (A) Precinct officials;

8 (B) Instruction of precinct officials when initiated
9 or approved by the chief election officer;

10 (C) Boards of registration;

11 (D) Polling place costs other than supplies:

12 installation rentals, ballot boxes, voting

13 booths, custodians, telephones, and maintenance;

14 (E) Other equipment such as ballot transport

15 containers;

16 (F) Temporary election employees hired to do strictly
17 state work; and

18 (G) Extraordinary voter registration and voter

19 education costs when approved by the chief

20 election officer[-];

21 (2) The county shall pay and be responsible for:



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



- 1 (B) All printing, including ballots, but excluding
2 printing connected with voter registration;
- 3 (C) Temporary election employees not including voting
4 machine programmers doing work for both the State
5 and county;
- 6 (D) Ballot preparation and packing; and
- 7 (E) All other costs for which the State or county are
8 not specifically responsible relating to the
9 operation of voting machines, electronic voting
10 systems, and other voting systems except paper
11 ballots to include but not be limited to real
12 property rentals, equipment rentals, personnel,
13 mileage, telephones, supplies, publicity,
14 computer programming, and freight.

15 The responsibility for the [above] functions in this
16 paragraph shall be determined by the chief election
17 officer where the responsibility for [such] the
18 functions has not been assigned by the legislature.

19 Any future expenses not presently incurred under any voting
20 system now in use or to be used shall be assigned to paragraphs



1 (1), (2), or (3) [~~above~~] by the chief election officer upon
2 agreement with the clerks or by the legislature."

3 SECTION 9. Section 15-5, Hawaii Revised Statutes, is
4 amended by amending subsection (b) to read as follows:

5 "(b) If absentee ballots requested under section 15-4 are
6 not received by a voter within five days of an election, if a
7 voter requires a replacement ballot within five days of an
8 election, or if a voter would otherwise not be able to return a
9 properly issued ballot by the close of polls, then a voter may
10 request that absentee ballots be forwarded by electronic
11 transmission. Upon receipt of such a request and confirmation
12 that proper application was made, the clerk may transmit
13 appropriate ballots, together with a form requiring the
14 affirmations and information required by section 15-6, and a
15 form containing a waiver of the right to secrecy, as provided by
16 section 11-137. The voter may return the voted ballots and
17 executed forms by electronic transmission or mail; provided that
18 they are received by the issuing clerk no later than the close
19 of polls on election day. Upon receipt, the clerk shall verify
20 compliance with the requirements of section 15-9(c) and prepare
21 the ballots for counting pursuant to section 15-10; provided



1 that if the voter returns multiple voted absentee ballots for
2 the same election, the clerk shall, for purposes of counting
3 ballots, prepare only the first absentee ballot returned that is
4 not spoiled. The clerk shall determine, prior to an election,
5 which form or forms of electronic transmission shall be
6 authorized for the initial transmission of ballots to voters and
7 the return transmission of ballots by voters. The forms of
8 electronic transmission authorized for the initial transmission
9 of ballots may differ from those authorized for the return of
10 ballots by voters."

11 SECTION 10. Section 15D-3, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "[+]§15D-3[+] Elections covered. The voting procedures in
14 this chapter apply to:

- 15 (1) A general, special, or primary election for federal
16 office;
- 17 (2) A general, special, or primary election for statewide
18 or state legislative office or state ballot measure;
19 and
- 20 (3) A general, special, recall, primary, or runoff
21 election for local government office or local ballot



1 measure conducted under [~~section 11-91.5~~] part of
2 chapter 11 for which absentee voting or voting by mail
3 is available for other voters."

4 SECTION 11. Section 19-6, Hawaii Revised Statutes, is
5 amended to read as follows:

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

- 8 (1) Any person who offers any bribe or makes any promise
9 of gain, or with knowledge of the same permits any
10 person to offer any bribe or make any promise of gain
11 for the person's benefit to any voter to induce the
12 voter to sign a nomination paper, and any person who
13 accepts any bribe or promise of gain of any kind as
14 consideration for signing the same, whether the bribe
15 or promise of gain be offered or accepted before or
16 after the signing;
- 17 (2) Any person who wilfully tears down or destroys or
18 defaces any election proclamation or any poster or
19 notice or list of voters or visual aids or facsimile
20 ballot, issued or posted by authority of law;



- 1 (3) Any person printing or duplicating or causing to be
2 printed or duplicated any ballot, conforming as to the
3 size, weight, shape, thickness, or color to the
4 official ballot so that it could be cast or counted as
5 an official ballot in an election;
- 6 (4) Every person who is disorderly or creates a
7 disturbance whereby any meeting of the precinct
8 officials or the board of registration of voters
9 during an election is disturbed or interfered with; or
10 whereby any person who intends to be lawfully present
11 at any meeting or election is prevented from
12 attending; or who causes any disturbance at any
13 election; and every person assisting or aiding or
14 abetting any disturbance;
- 15 (5) Every person who, either in person or through another,
16 in any manner breaks up or prevents, or endeavors to
17 break up or prevent, the holding of any meeting of the
18 board of registration of voters, or in any manner
19 breaks up or prevents, or endeavors to break up or
20 prevent, the holding of any election;



- 1 (6) Any person, other than those designated by section
2 11-132, who remains or loiters within the area set
3 aside for voting as set forth in section 11-132 during
4 the time appointed for voting;
- 5 (7) Any person, including candidates carrying on any
6 campaign activities within the area described in
7 section 11-132 during the period of time starting one
8 hour before the polling place opens and ending when
9 the polling place closes for the purpose of
10 influencing votes. Campaign activities shall include
11 the following:
- 12 (A) Any distribution, circulation, carrying, holding,
13 posting, or staking of campaign cards, pamphlets,
14 posters and other literature;
- 15 (B) The use of public address systems and other
16 public communication media;
- 17 (C) The use of motor caravans or parades; and
18 (D) The use of entertainment troupes or the free
19 distribution of goods and services;
- 20 (8) Any person who opens a return envelope containing [an
21 absentee]:



1 (A) An absentee ballot voted under chapter 15 other
2 than those persons authorized to do so under
3 chapter 15; or

4 (B) A ballot voted by mail under part of chapter
5 11 other than those persons authorized to do so
6 under part of chapter 11;

7 (9) Any unauthorized person found in possession of any
8 voting machine or keys thereof; and

9 (10) Every person who wilfully violates or fails to obey
10 any of the provisions of law, punishment for which is
11 not otherwise in this chapter specially provided for."

12 SECTION 12. There is appropriated out of the general
13 revenues of the State of Hawaii the sum of \$ or so
14 much thereof as may be necessary for fiscal year 2017-2018 for
15 the purpose of implementing and administering the election by
16 mail program.

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

19 SECTION 13. In codifying the new sections added by section
20 1 of this Act, the revisor of statutes shall substitute



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1 appropriate section numbers for the letters used in designating
2 the new sections in this Act.

3 SECTION 14. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 15. This Act shall take effect on July 1, 2017.

6

INTRODUCED BY:

J. L. M.

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Y. M. H.

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S.B. NO. 175

Report Title:

Voting; Elections by Mail; Appropriation

Description:

Requires all elections to be conducted by mail beginning in 2020. Provides places of deposit for personal delivery of mail-in ballots and ensures a limited number of voter service centers in each county to remain open on the day of election to accommodate voters with special needs and to receive personal delivery of absentee, permanent absentee, and mail-in ballots. Appropriates funds for the implementation and administration of the election by mail program.

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

