

JAN 18 2019

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 In 2018, the legislature passed Act 182, Session Laws of
12 Hawaii 2018, which created a pilot program requiring that the
13 2020 primary election and 2020 general election in any county
14 with a population of less than one hundred thousand residents be
15 conducted by mail. Rather than requiring election by mail on a
16 county-by-county basis, the legislature further finds that
17 making a statewide conversion to elections by mail would



1 significantly reduce the logistical issues related to conducting
2 elections at polling places.

3 Accordingly, the purpose of this Act is to:

- 4 (1) Repeal Act 182 and require all elections statewide to
5 be conducted by mail beginning with the 2020 primary
6 election, but allow any election to be conducted by
7 mail prior to the 2020 primary election, in whole or
8 in part, as determined by the chief election officer
9 or county clerk, as appropriate;
- 10 (2) Establish a limited number of voter service centers
11 that would remain open from the tenth business day
12 preceding an election through the day of the election
13 to receive personal delivery of mail-in ballots,
14 accommodate voters with special needs, and provide
15 other election services;
- 16 (3) Allow for additional places of deposit for personal
17 delivery of mail-in ballots;
- 18 (4) Appropriate funds for the implementation and
19 administration of the election by mail program; and
- 20 (5) Require the office of elections to submit a report to
21 the legislature prior to the convening of each regular



1 session from 2020 through 2025 regarding the
2 implementation of a vote by mail system.

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

6 "PART . ELECTIONS BY MAIL

7 §11-A Elections eligible to be conducted by mail.

8 Beginning with the 2020 primary election, all elections shall be
9 conducted by mail in accordance with this title. Any election
10 prior to the 2020 primary election may be conducted by mail, in
11 whole or in part, as determined by the chief election officer
12 for state or federal elections or the clerk for county
13 elections. Prior to the 2020 primary election, if an election
14 is conducted only in part by mail, any proclamation issued
15 pursuant to section 11-92.1 shall clearly specify which
16 precincts will continue to have polling places and which
17 precincts will be conducted by mail.

18 §11-B Procedures for conducting elections by mail. (a)

19 Ballot packages for elections by mail shall include:

- 20 (1) An official ballot;
21 (2) A pre-paid postage return identification envelope;



1 (3) A secrecy envelope; and

2 (4) Instructions.

3 (b) To the extent practicable, the clerk shall mail a
4 ballot package by non-forwardable mail to each registered voter
5 in the county so as to enable voters to receive the ballot
6 package approximately eighteen days before the election. The
7 clerk shall continue mailing ballot packages to voters who
8 update their voter registration address no later than fourteen
9 days before the date of the election. In determining the
10 initial mailing date of the ballot packages, the clerk shall
11 consider the mailing place of origin and the most recent postal
12 service delivery standards. The clerk shall not mail a ballot
13 package to any voter in the county register who is identified as
14 having an outdated or non-deliverable mail address. Nothing in
15 this part shall be construed to change the responsibilities of
16 the clerk or chief election officer under chapter 15D with
17 respect to uniform military and overseas voters.

18 (c) The clerks shall determine and provide for voter
19 service centers and places of deposit pursuant to this part and
20 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 clerks before the ballot packages are made
4 available to voters.

5 **§11-D Ballot instructions; ballot return.** (a) After a
6 voter receives a ballot package, the voter shall comply with the
7 instructions included in the ballot package in order to cast a
8 valid vote. The 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 and 19-3.5,
19 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 return identification envelope containing the secrecy envelope
3 with the marked ballot:

4 (1) By mail so that the return identification envelope is
5 received at the office of the clerk no later than the
6 closing hour provided in section 11-131 on the date of
7 the election;

8 (2) By personal delivery at any place of deposit no later
9 than 6:00 p.m. on the day preceding the date of the
10 election; or

11 (3) By personal delivery to any voter service center no
12 later than the closing hour provided in section 11-131
13 on the date of the election.

14 (d) Once a voter has returned a return identification
15 envelope containing the secrecy envelope with marked ballot,
16 that voter's ballot is deemed cast and may not be recast in the
17 election.

18 **§11-E Replacement ballots.** (a) If a voter's ballot was
19 destroyed, spoiled, or lost, the voter may obtain a replacement
20 ballot by contacting the clerk. The chief election officer may
21 prescribe a replacement ballot application form that shall



1 include information that allows the clerk to verify the
2 registration of the voter and ensure that another ballot has not
3 been returned by the voter.

4 (b) Upon receipt of the replacement ballot application
5 form, the clerk shall:

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

8 (2) Record that the voter has requested a replacement
9 ballot;

10 (3) Mark the return identification envelope as containing
11 a replacement ballot; and

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

14 (c) Voters who obtain a replacement ballot shall return
15 the return identification envelope containing the secrecy
16 envelope with the marked replacement ballot:

17 (1) By mail so that the return identification envelope is
18 received at the office of the clerk no later than the
19 closing hour provided in section 11-131 on the date of
20 the election;



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

4 (3) By personal delivery to any voter service center no
5 later than the closing hour provided in section 11-131
6 on the date of the election.

7 **§11-F Deficient return identification envelopes. If:**

8 (1) A return identification envelope is returned with an
9 unsigned affirmation;

10 (2) The affirmation signature does not match a reference
11 signature image; or

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

15 the clerk shall make an attempt to notify the voter by first
16 class mail, telephone, or electronic mail to inform the voter of
17 the procedure to correct the deficiency. The voter shall have
18 five business days after the date of the election to cure the
19 deficiency. The chief election officer may adopt rules
20 regarding requirements and procedures for correcting deficient
21 return identification envelopes. The counting of ballots and



1 disclosure of subsequent election results may continue during
2 the time period permitted to cure a deficiency under this
3 section. The clerk's inability to contact voters under this
4 section shall not be grounds for a contest for cause under
5 section 11-172.

6 **§11-G Electronic transmission under certain circumstances.**

7 (a) If a ballot package is not received by a voter within five
8 days of an election or a voter otherwise requires a replacement
9 ballot within five days of an election, the voter may request
10 that a ballot be forwarded by electronic transmission; provided
11 that a voter with special needs may request that a ballot be
12 forwarded by electronic transmission. Upon receipt of such a
13 request and confirmation that proper application was made, the
14 clerk may transmit the appropriate ballot, together with a form
15 containing the affirmations, information, and a waiver of the
16 right to secrecy under section 11-137.

17 (b) The voter may return the voted replacement ballot and
18 executed forms:

19 (1) By electronic transmission so that the voted
20 replacement ballot and executed forms are received at
21 the office of the clerk no later than the closing hour



1 provided in section 11-131 on the date of the
2 election;

3 (2) By mail so that the voted replacement ballot and
4 executed forms are received at the office of the clerk
5 no later than the closing hour provided in section 11-
6 131 on the date of the election;

7 (3) By personal delivery to any place of deposit no later
8 than 6:00 p.m. on the day preceding the date of the
9 election; or

10 (4) By personal delivery to a voter service center no
11 later than the closing hour provided in section 11-131
12 on the date of the election.

13 (c) Upon receipt, the clerk shall verify compliance with
14 the requirements of this part; provided that if the voter
15 returns multiple voted ballots for the same election, the clerk
16 shall prepare only the first ballot returned that is not
17 spoiled.

18 **§11-H Counting of mail-in ballots.** Ballot processing for
19 tabulation may begin no sooner than the tenth day before the
20 election. In the presence of official observers, counting
21 center employees may open the return identification envelopes



1 and count the ballots; provided that any tabulation of the
2 number of votes cast for a candidate or question appearing on
3 the ballot, including a counting center printout or other
4 disclosure, shall be kept confidential and shall not be
5 disclosed to the public until the closing hour of voting
6 provided in section 11-131 on the date of the election. All
7 handling and counting of ballots shall be according to
8 procedures established by the chief election officer.

9 **§11-I Voter service centers; places of deposit. (a)**

10 Voter service centers shall be established at the office of the
11 clerk, and may be established at additional locations within a
12 county as may be designated by a clerk to service the particular
13 needs of a county's voters; provided that a minimum of one voter
14 service center shall be established on each island.

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

19 Notwithstanding the foregoing, the clerk may establish by
20 proclamation pursuant to section 11-92.1 varying times and dates
21 of operation for additional service centers as may be necessary.



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

4 (d) The clerks may designate and provide for places of
5 deposit to be open five business days before the election until
6 6:00 p.m. the day preceding the election; provided that the
7 locations and apparatus for receiving voted ballots can be
8 securely maintained during the period of use for each election,
9 and as may be permitted by the operational hours.

10 **§11-J Election expenses and responsibilities for elections**
11 **by mail.** (a) Election expenses in an election by mail shall be
12 as follows:

13 (1) All expenses related to elections by mail involving
14 state and county offices, or involving federal and
15 county offices, unrelated to voter registration, shall
16 be divided in half between the State and the counties.
17 To the extent that a particular expense is shared
18 statewide, each county shall pay a proration of
19 expenses as a proportion of the registered voters at
20 the time of the general election. The counties shall



1 separately be responsible for expenses associated with
2 voter registration;

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

7 (3) All expenses for state or federal elections by mail,
8 which do not involve county offices, shall be borne by
9 the State and paid out of appropriations as may be
10 made by the legislature. Expenses attributable to
11 registration of voters by the clerk for state or
12 federal elections that do not involve county offices
13 shall be borne by the State and paid out of
14 appropriations as may be made by the legislature.

15 (b) Election responsibilities for elections by mail shall
16 be as follows:

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

19 (A) The counties shall be responsible for voter
20 registration, absentee voting, voter service



- 1 centers, places of deposit, and the mailing and
2 receipt of ballots;
- 3 (B) The State shall be responsible for the printing
4 and counting of ballots;
- 5 (C) The State and counties may otherwise agree to the
6 delegation of these responsibilities to each
7 other; and
- 8 (D) Any responsibilities not specified in this
9 paragraph may be assigned to the counties or the
10 State by the chief election officer;
- 11 (2) For elections by mail involving only county offices,
12 the respective county shall be solely responsible; and
- 13 (3) For elections by mail involving only state or federal
14 offices:
- 15 (A) The counties shall be responsible for voter
16 registration, absentee voting, voter service
17 centers, and places of deposit;
- 18 (B) The State shall be responsible for the printing,
19 mailing, receipt, and counting of ballots; and



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

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

6 "PART VI. [~~PRECINCT OFFICIALS AND~~] VOTER SERVICE
7 CENTER WATCHERS"

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

10 1. By adding five new definitions to be appropriately
11 inserted and to read:

12 ""Business day" means any day excluding Saturdays, Sundays,
13 and state or federal holidays.

14 ""District" means, unless otherwise specified, the district
15 of political representation with the fewest eligible voters in a
16 particular election.

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



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

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

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



1 2. By amending the definition of "ballot" to read:

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

17 3. By amending the definition of "election officials" to
18 read:

19 "Election officials" [~~precinct officials and other~~] means
20 persons designated as officials by the chief election officer."

21 4. By amending the definition of "voter turnout" to read:



1 ""Voter turnout" [7] means the total number of voters at an
2 election as determined by the number of ballot cards tabulated
3 by the computer or of paper ballots counted by the [~~precinct~~]
4 election officials. When there is more than one ballot card
5 issued to each voter, "voter turnout" means the total count of
6 the alpha ballot card with the highest number of cards tabulated
7 by the computer. Ballots that are blank or ballots that are
8 rejected for any reason shall be included in the count of the
9 total number of voters."

10 5. By amending the definition of "voting system" to read:

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

16 6. By deleting the definition of "precinct".

17 [~~"Precinct", the smallest political subdivision~~
18 ~~established by law."~~]

19 SECTION 5. Section 11-4, Hawaii Revised Statutes, is
20 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~~] that ensures secrecy
14 of the ballot and [~~to preclude~~] precludes tampering with the
15 ballots of these voters and other election frauds. [~~Such~~] The
16 rules [~~and regulations~~], when adopted in conformity with chapter
17 91 and upon approval by the governor, shall have the force and
18 effect of law."

19 SECTION 6. Section 11-5, Hawaii Revised Statutes, is
20 amended by amending subsections (a) and (b) to read as follows:



1 "(a) Pursuant to section 11-1.55, the chief election
2 officer may employ a staff with or without regard to chapter 76
3 at the discretion of the chief election officer, and without
4 regard to chapter 89 and section 28-8.3. The office of
5 elections staff may:

6 (1) Supervise state elections;

7 (2) Maximize registration of eligible voters throughout
8 the State;

9 (3) Maintain data concerning registered voters, elections,
10 apportionment, and districting; and

11 (4) Perform other duties as prescribed by law.

12 The chief election officer or county clerk may employ [~~precinct~~]
13 election officials and other election employees as the chief
14 election officer or county clerk may find necessary, none of
15 whom shall be subject to chapters 76 and 89.

16 (b) Notwithstanding chapters 103 and 103D, the chief
17 election officer may contract with community organizations,
18 school booster clubs, and nonprofit organizations for the
19 provision and compensation of [~~precinct~~] election officials and
20 other election related personnel, services, and activities;
21 provided that to be eligible to enter into a contract, the



1 organization or club shall have received a tax clearance
2 certificate from the department of taxation and shall not be a
3 political action committee or organized for a political
4 purpose."

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

7 "§11-11 **Registration.** A person who registers as required
8 by law shall be entitled to vote at any election provided that
9 the person shall have attained the age of eighteen at the time
10 of that election. The county clerk shall be responsible for
11 voter registration in the respective counties and the keeping of
12 the general register and [~~precinct~~] district lists within the
13 county."

14 SECTION 8. Section 11-12, Hawaii Revised Statutes, is
15 amended by amending subsection (a) to read as follows:

16 "(a) Every person who has reached the age of eighteen
17 years or who is seventeen years of age and will be eighteen
18 years of age by the date of the next election, and is otherwise
19 qualified to register may do so for that election. The person
20 shall then be listed upon the appropriate county general
21 register and [~~precinct~~] district list. No person shall register



1 or vote in any other [~~precinct~~] district than that in which the
2 person resides except as provided in section 11-21."

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

5 "§11-13 Rules for determining residency. For the purpose
6 of this title, there can be only one residence for an
7 individual, but in determining residency, a person may treat
8 oneself separate from the person's spouse. The following rules
9 shall determine residency for election purposes only:

10 (1) The residence of a person is that place in which the
11 person's habitation is fixed, and to which, whenever
12 the person is absent, the person has the intention to
13 return;

14 (2) A person does not gain residence in any [~~precinct~~]
15 district into which the person comes without the
16 present intention of establishing the person's
17 permanent dwelling place within such [~~precinct~~];
18 district;

19 (3) If a person resides with the person's family in one
20 place, and does business in another, the former is the
21 person's place of residence; but any person having a



1 family, who establishes the person's dwelling place
2 other than with the person's family, with the
3 intention of remaining there shall be considered a
4 resident where the person has established such
5 dwelling place;

6 (4) The mere intention to acquire a new residence without
7 physical presence at such place, does not establish
8 residency, neither does mere physical presence without
9 the concurrent present intention to establish such
10 place as the person's residence;

11 (5) A person does not gain or lose a residence solely by
12 reason of the person's presence or absence while
13 employed in the service of the United States or of
14 this State, or while a student of an institution of
15 learning, or while kept in an institution or asylum,
16 or while confined in a prison;

17 (6) No member of the armed forces of the United States,
18 the member's spouse, or the member's dependent is a
19 resident of this State solely by reason of being
20 stationed in the State; and



1 (7) A person loses the person's residence in this State if
2 the person votes in an election held in another state
3 by absentee ballot or in person.

4 In case of question, final determination of residence shall be
5 made by the clerk, subject to appeal to the board of
6 registration under part III of this chapter."

7 SECTION 10. Section 11-15.2, Hawaii Revised Statutes, is
8 amended as follows:

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

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

14 ~~(1) Prior to the day of the election, at any absentee
15 polling place established pursuant to section 15-7 in
16 the county associated with the person's residence; or~~

17 ~~(2) On the day of the election, at the polling place in
18 the precinct associated with the person's residence.]~~

19 at any voter service center before election day; provided that
20 no person shall be permitted to register and vote on the same
21 day.



1 (b) The county clerk shall designate a registration clerk,
2 who may be an election official, at each [~~of the absentee~~
3 ~~polling places in the county established pursuant to section 15-~~
4 ~~7, prior to the day of the election and at each of the polling~~
5 ~~places in the county on the day of the election.] voter service
6 center.~~

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

- 11 (1) Of the person's qualification to vote;
- 12 (2) Acknowledging that the person has not voted and will
13 not attempt to vote [~~at any other polling place for~~
14 again in that election and has not cast and will not
15 cast any absentee ballot pursuant to chapter 15 [~~for~~
16 in that election; and
- 17 (3) Acknowledging that providing false information may
18 result in a class C felony, punishable by a fine not
19 exceeding \$1,000 or imprisonment not exceeding five
20 years, or both."

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



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

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

15 SECTION 11. Section 11-17, Hawaii Revised Statutes, is
16 amended by amending subsections (a) and (b) to read as follows:

17 "(a) The clerk, [~~not~~] no later than 4:30 p.m. on the
18 sixtieth day after every general election, shall remove the name
19 of any registered voter who did not vote in that 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 previous general election, and also did not vote in the primary
2 election preceding that general election, and also did not vote
3 in the regularly scheduled special elections held in conjunction
4 with those primary and general elections, if any, with the
5 exception of:

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

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

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



1 (b) The clerk shall also identify or remove the name of
2 any registered voter[7] if the clerk, after mailing a notice or
3 other correspondence, properly addressed, with postage prepaid,
4 receives the notice or other correspondence as return mail with
5 a postal notation that the notice or other correspondence was
6 not deliverable. On election day, any person identified or
7 removed shall have the person's name corrected or restored in
8 the register and shall be allowed to vote if the person
9 completes an affidavit or other form prescribed by the chief
10 election officer affirming that the person: claims the person's
11 legal residence at the address listed on the register; changed
12 the person's legal residence after the closing of the register
13 for that election; or[7] moved to a new residence within the
14 same [~~precinct~~] district as the person's residence as listed on
15 the register."

16 SECTION 12. Section 11-18, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "§11-18 Transfer of registration on removal from one
19 [~~precinct~~] district to another in same county. A registered
20 voter who changes residence from one [~~precinct~~] district to
21 another prior to any election shall notify the clerk and change



1 the registration to the proper [~~precinct~~] district by the
2 appropriate registration deadline; provided that no change of
3 registration shall be allowed if the change of residence occurs
4 after the close of registration for an election except pursuant
5 to section 11-21(c). The change of registration due to a change
6 of residence may be challenged as provided in section 11-25."

7 SECTION 13. Section 11-20, Hawaii Revised Statutes, is
8 amended by amending subsection (b) to read as follows:

9 "(b) If the clerk has evidence indicating that a voter's
10 registration should be transferred, the clerk shall notify the
11 person by first-class mail of the intent to transfer
12 registration. The notification shall include:

- 13 (1) Any evidence that the clerk may have indicating why a
14 transfer or change should be made;
- 15 (2) The residence [~~precinct~~] and district of the voter
16 according to current registration lists;
- 17 (3) Any alleged new address [~~precinct~~] and district;
- 18 (4) A reply form which shall contain a space for the
19 voter's agreement or objection to the transfer, the
20 reasons for the objection, and space for the voter's
21 signature; and



1 (5) Notice that unless the completed form is returned not
2 later than 4:30 p.m. on the fifteenth day after
3 mailing, the transfer shall be processed."

4 SECTION 14. Section 11-21, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "§11-21 Change of name, transfer on election day. (a)
7 The [~~county~~] clerk may designate a registration clerk, who may
8 be an election official, at [~~any of the polling places~~] a voter
9 service center in the county on the day of the election.

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

13 (c) Any person whose name appears on the registered voters
14 list whose residence has changed since the last election, and
15 whom the [~~county~~] clerk has not transferred under section 11-20,
16 may apply on a form prescribed by the chief [~~elections~~] election
17 officer [~~at the person's new polling place~~] on the day of the
18 election for transfer of registration to the [~~precinct~~] district
19 of the new residence. Any person so transferring voter
20 registration shall be immediately added to the register of the



1 new [~~precinct~~] district and may vote only at the new [~~precinct~~]
2 district.

3 (d) Where a person was incorrectly placed on a list of
4 voters of a [~~precinct~~] district in which the person does not
5 actually reside, the person may correct the registration.

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

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

14 SECTION 15. Section 11-22, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "**§11-22 Changing register; correction of errors.** (a) The
17 clerk shall correct the register if at any time it shall be
18 manifest to the clerk that the name of a person registered has
19 been accidentally misspelled, or that the person has been
20 misnamed therein, or that the person has been accidentally
21 registered under the wrong [~~precinct~~,] district, or that the



1 person was accidentally removed pursuant to section 11-17(a), or
2 that the name of the person should be corrected or restored
3 pursuant to section 11-17(b).

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

19 SECTION 16. Section 11-25, Hawaii Revised Statutes, is
20 amended to read as follows:



1 "§11-25 Challenge by voters; grounds; procedure. (a) Any
2 registered voter may challenge the right of a person to be or to
3 remain registered as a voter in any precinct for any cause not
4 previously decided by the board of registration or the supreme
5 court in respect to the same person[~~; provided that in an~~
6 ~~election of members of the board of trustees of the office of~~
7 ~~Hawaiian affairs the voter making the challenge must be~~
8 ~~registered to vote in that election]~~. The challenge shall be in
9 writing, setting forth the grounds upon which it is based, and
10 be signed by the person making the challenge. The challenge
11 shall be delivered to the clerk who shall [~~forthwith~~
12 immediately serve notice thereof on the person challenged. The
13 clerk shall, as soon as possible, investigate and rule on the
14 challenge.

15 (b) Any voter rightfully in [~~the polling place, including~~
16 ~~absentee polling places established pursuant to section 15-7,~~] a
17 voter service center may challenge the right to vote of any
18 person who comes to the [~~precinct officials]~~ voter service
19 center for voting purposes. The challenge shall be on the
20 grounds that the voter is not the person the voter alleges to
21 be, or that the voter is not entitled to vote [~~in that precinct,~~



1 ~~provided that only in an election of members of the board of~~
2 ~~trustees of the office of Hawaiian affairs, a person registered~~
3 ~~to vote in that election may also challenge on the grounds that~~
4 ~~the voter is not Hawaiian].~~ No other or further challenge shall
5 be allowed. Any person [~~thus~~] challenged pursuant to this
6 subsection shall first be given the opportunity to make the
7 relevant correction pursuant to section 11-21. The challenge
8 shall be considered and decided immediately by the [~~precinct~~
9 ~~officials~~] clerk, and the ruling shall be announced.

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

20 SECTION 17. Section 11-26, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "§11-26 Appeal from ruling on challenge; or failure of
2 clerk to act. (a) In cases where the clerk, or [~~precinct~~
3 election officials, rules on a challenge on election day, the
4 person ruled against may appeal from the ruling to the board of
5 registration of the person's county for review under part III.
6 The appeal shall be brought before the challenger and challenged
7 party leave the polling place. If an appeal is brought, both
8 the challenger and the challenged voter may be parties to the
9 appeal.

10 (b) In cases where the clerk rules on a challenge, prior
11 to election day, or refuses to register an applicant, or refuses
12 to change the register under section 11-22, the person ruled
13 against may appeal from the ruling to the board of registration
14 of the person's county. The appeal shall be brought within ten
15 days of service of the adverse decision. Service of the
16 decision shall be made personally or by registered mail, which
17 shall be deemed complete upon deposit in the mails, postage
18 prepaid, and addressed to the aggrieved person's last known
19 address. If an appeal from a decision on a challenge prior to
20 election day is brought, both the challenger and the challenged
21 voter may be parties to the appeal.



1 (c) If the appeal is sustained, the board shall
2 immediately certify that finding to the clerk, who shall
3 thereupon alter the register to correspond to the findings of
4 the board, and when necessary, the clerk shall notify the
5 [~~precinct~~] election officials of the change in the register."

6 SECTION 18. Section 11-76, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "§11-76 Compensation. [~~(a) Electronic ballot and voting~~
9 ~~machine elections. Precinct officials and related election day~~
10 ~~nonprofit groups or employees]~~ Election day officials under the
11 supervision and control of the office of elections shall be
12 compensated pursuant to a schedule established by the chief
13 election officer. The schedule shall be contained in rules
14 adopted pursuant to chapter 91.

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

20 SECTION 19. Section 11-77, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "§11-77 Appointment of watchers; service. (a) Each
2 qualified political party shall be entitled to appoint no more
3 than one watcher who may be present at any time [~~in each~~
4 ~~precinct and absentee polling place in which the candidates of~~
5 ~~that political party are on the ballot.~~] at a voter service
6 center. Each party shall submit its list of watchers not later
7 than 4:30 p.m. on the [~~tenth~~] twentieth day [~~prior to~~] before
8 any election [~~to the chief election officer or~~] to the clerk [~~in~~
9 ~~county elections~~]. All watchers shall serve without expense to
10 the [~~State or~~] county. All watchers so appointed shall be
11 registered voters. [~~No person shall serve as a watcher who~~
12 ~~could not qualify to serve as a precinct official under section~~
13 ~~{11-72(b)(3)}.~~]

14 (b) Each watcher shall be provided with identification
15 from [~~the chief election officer, or by~~] the clerk [~~in the case~~
16 ~~of county elections,~~] stating the watcher's name and the name of
17 the party the watcher represents. [~~On election day the watcher~~
18 ~~shall present identification to the chairperson of precinct~~
19 ~~officials of the precinct or precincts where the watcher is to~~
20 ~~serve.~~



1 ~~(c) All watchers for precincts shall be permitted to~~
2 ~~observe the conduct of the election in the precinct. The~~
3 ~~watchers may remain in the precinct as long as the precinct is~~
4 ~~in operation subject to section 19-6. Watchers may review the~~
5 ~~polling book pursuant to section 11-97.~~

6 ~~(d)]~~ (c) The watcher shall call the attention of the
7 [chairperson] clerk to any violations of the election laws that
8 the watcher observes. After the [chairperson's] clerk's
9 attention is called to the violation, the [chairperson] clerk
10 shall make an attempt to correct [such] the violation. If the
11 [chairperson] clerk fails to correct the violation, the watcher
12 may appeal to the [clerk of the county.] chief election officer.

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

16 SECTION 20. Section 11-92.1, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "§11-92.1 Election proclamation; ~~[establishment of a new~~
19 ~~precinct.]~~ voter service centers and places of deposit. (a)

20 The chief election officer shall issue a proclamation ~~[whenever~~
21 ~~a new precinct is established in any representative district.~~



1 ~~The chief election officer shall provide a suitable polling~~
2 ~~place for each precinct. Schools, recreational halls, park~~
3 ~~facilities, and other publicly owned or controlled buildings,~~
4 ~~whenever possible and convenient, shall be used as polling~~
5 ~~places.] listing all voter service centers and places of deposit~~
6 ~~as may have been determined by the clerk as of the proclamation~~
7 ~~date. The [chief election officer] clerk shall make~~
8 ~~arrangements for the rental or erection of suitable shelter for~~
9 ~~[this purpose] the establishment of a voter service center~~
10 ~~whenever public buildings are not available and shall cause~~
11 ~~these [polling places] voter service centers to be equipped with~~
12 ~~the necessary facilities for lighting, ventilation, and~~
13 ~~equipment needed for elections on any island. This proclamation~~
14 ~~may be issued jointly with the proclamation required in section~~
15 ~~11-91.~~

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

19 (c) Notwithstanding subsection (a), and pursuant to
20 section 15-2.5, the [~~chief election officer~~] clerk is not
21 required to establish [~~polling places~~] voter service centers for



1 ~~[precincts]~~ districts affected by natural disasters, as provided
2 in section 15-2.5."

3 SECTION 21. Section 11-92.3, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§11-92.3 ~~[Consolidated precincts; natural]~~ Natural
6 disasters; postponement; [absentee voting required;]
7 consolidation of districts; special elections. (a) In the
8 event of a flood, tsunami, earthquake, volcanic eruption, high
9 wind, or other natural disaster, occurring ~~[prior to]~~ before an
10 election~~[, that makes a precinct inaccessible, the chief~~
11 ~~election officer or county clerk in the case of county elections~~
12 ~~may consolidate precincts within a representative district. If]~~
13 where the extent of damage caused ~~[by any natural disaster]~~ is
14 such that the ability of voters, in any ~~[precinct,]~~ district~~[,]~~
15 or county, to exercise their right to vote is substantially
16 impaired, the chief election officer or ~~[county]~~ clerk in the
17 case of county elections may ~~[require the registered voters of~~
18 ~~the affected precinct to vote by absentee ballot pursuant to~~
19 ~~section 15-2.5 and may]~~ postpone the conducting of an election
20 in the affected ~~[precinct]~~ area for no more than twenty-one
21 days; provided that any ~~[such]~~ postponement shall not affect the



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

11 (b) In the event the chief election officer or the
12 [~~county~~] clerk in a county election determines that the number
13 of candidates or issues on the ballot in a special, special
14 primary, or special general election does not require the full
15 number of established [~~precincts,~~] districts, the [~~precincts~~]
16 districts may be consolidated for the purposes of the special,
17 special primary, or special general election into a small number
18 of special, special primary, or special general election
19 [~~precincts-~~] districts.

20 A special, special primary, or special general election
21 [~~precinct~~] district shall be considered the same as an



1 established [~~precinct~~] district for all purposes [~~, including~~
 2 ~~precinct official requirements provided in section 11-71~~].
 3 [~~Not~~] No later than 4:30 p.m. on the tenth day [~~prior to~~] before
 4 the special, special primary, or special general election, the
 5 chief election officer or the [~~county~~] clerk shall give public
 6 notice, in the area in which the special, special primary, or
 7 special general election is to be held, of the special, special
 8 primary, or special general election [~~precincts and their~~
 9 ~~polling places. Notices of the consolidation also shall be~~
 10 ~~posted on election day at the established precinct polling~~
 11 ~~places, giving the location of the special, special primary, or~~
 12 ~~special general election precinct polling place.] districts."~~

13 SECTION 22. Section 11-96, Hawaii Revised Statutes, is
 14 amended to read as follows:

15 "§11-96 **Records prima facie evidence.** Every record made
 16 pursuant to law by a board of registration of voters, or the
 17 [~~precinct~~] election officials, shall be a prima facie evidence
 18 of the facts therein set forth, and shall be received as such in
 19 any court or tribunal in which the same is offered in evidence."

20 SECTION 23. Section 11-111, Hawaii Revised Statutes, is
 21 amended to read as follows:



1 "§11-111 Official and facsimile ballots. Ballots issued
2 by the chief election officer in state elections and by the
3 clerk in county elections are official ballots. In elections
4 using the paper ballot and electronic voting systems, the chief
5 election officer or clerk in the case of county elections shall
6 have printed informational posters containing facsimile ballots
7 [~~whieh~~] that depict the official ballots to be used in the
8 election. [~~The precinct officials shall post the informational
9 posters containing the facsimiles of the official ballots near
10 the entrance to the polling place where they may be easily seen
11 by the voters prior to voting.~~]"

12 SECTION 24. Section 11-119, Hawaii Revised Statutes, is
13 amended to read as follows:

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



1 (b) Whenever the chief election officer is responsible for
2 the printing of ballots, unless provided otherwise, the exact
3 wording to appear thereon, including questions and issues, shall
4 be submitted to the chief election officer ~~[not]~~ no later than
5 4:30 p.m. on the seventy-fifth calendar day ~~[prior to]~~ before
6 the applicable election.

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

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

19 SECTION 25. Section 11-131, Hawaii Revised Statutes, is
20 amended to read as follows:



1 "~~§11-131 [Hours of voting.]~~ Voter service center hours.

2 The ~~[polls shall be opened by the precinct officials at]~~ hours
3 of voting at voter service centers shall be:

4 (1) Regular business hours as prescribed in section 11-I
5 and by the clerk; and

6 (2) On an election day, from 7:00 a.m. ~~[of the election~~
7 ~~day and shall be kept open continuously]~~ until
8 6:00 p.m. of that day. If, at the closing hour of
9 voting, any voter desiring to vote is standing in line
10 ~~[outside the entrance of the polls]~~ with the desire of
11 entering and voting, but due to the ~~[polling place]~~
12 voter service center being overcrowded has been unable
13 to do so, the voter shall be allowed to vote
14 irrespective of the closing hour of voting. No voter
15 shall be permitted to enter or join the line after the
16 prescribed ~~[hour for closing the polls. If all of the~~
17 ~~registered voters of the precinct have cast their~~
18 ~~votes prior to the closing time, the polls may be~~
19 ~~closed earlier but the votes shall not be counted~~
20 ~~until after closing time unless allowed by the chief~~
21 ~~election officer.]~~ hours of voting."



1 SECTION 26. Section 11-132, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§11-132 Two hundred foot radius [~~;~~ ~~admission within~~
4 ~~polling place~~]. (a) [~~The precinct~~] Election officials shall
5 post in a conspicuous place, [~~prior to the opening of the~~
6 ~~polls,~~] before operation, a map designating an area of two
7 hundred feet from the perimeter of [~~the polling place~~] any voter
8 service center, place of deposit, and its appurtenances. Any
9 person who remains or loiters within [~~an~~] this specified area
10 [~~of two hundred feet from the perimeter of the polling place and~~
11 ~~its appurtenances~~] for the purpose of campaigning shall be
12 guilty of a misdemeanor. For the purposes of this section, a
13 [~~polling place~~] voter service center, place of deposit, and its
14 appurtenances shall include:

- 15 (1) The building in which [~~the polling place is~~] a voter
16 service center, place of deposit, or its appurtenances
17 are located;
- 18 (2) Any parking lot adjacent to the building and routinely
19 used for parking at that building;
- 20 (3) The routes of access between the building and any
21 parking lot; and



1 (4) Any route of access between any public thoroughfare
2 (right of way) and the [~~polling place~~] voter service
3 center, place of deposit, or its appurtenances, to
4 ensure an open and accessible ingress and egress to
5 and from the [~~polling place~~] voter service center,
6 place of deposit, or its appurtenances, for voters.

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

11 (c) Admission within the [~~polling place~~] voter service
12 center, place of deposit, or its appurtenances, shall be limited
13 to the following:

- 14 (1) Election officials;
- 15 (2) Watchers, if any, pursuant to section 11-77;
- 16 (3) Candidates;
- 17 (4) Any voters actually engaged in voting, going to vote,
18 or returning from voting;
- 19 (5) Any person, designated by a voter who is physically
20 disabled, while the person is assisting the voter;



1 (6) Any person or nonvoter group authorized by the [chief
2 election officer or the] clerk [in county elections]
3 to observe the election [at designated precincts] for
4 educational purposes; provided that they conduct
5 themselves so that [they] these persons do not
6 interfere with the election process; and

7 (7) A child for the purpose of observing the voting
8 process when accompanied by an adult who is voting;
9 provided that this activity does not disrupt or
10 interfere with normal voting procedures.

11 (d) Within the appropriate boundary as established in
12 subsection (a), [~~and the building in which the polling place is~~
13 ~~located,~~] the display or distribution of campaign posters,
14 signs, or other campaign materials for the purpose of soliciting
15 votes for or against any person or political party or position
16 on a ballot question is prohibited. Any voter who displays
17 campaign material in the [~~polling place~~] voter service center,
18 place of deposit, or its appurtenances shall remove or cover
19 that material before entering [~~the polling place~~]. The chief
20 election officer may adopt rules pursuant to chapter 91 to



1 address special circumstances regarding the display of campaign
2 materials."

3 SECTION 27. Section 11-137, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§11-137 Secrecy; removal or exhibition of ballot. No
6 person shall look at or ask to see the contents of the ballot or
7 the choice of party or nonpartisan ballot of any voter, except
8 as provided in [~~section~~] sections 11-139 and 11-132, nor shall
9 any person [~~within the polling place~~] attempt to influence a
10 voter in regard to whom the voter shall vote for. When a voter
11 is in the voting booth for the purpose of voting, no other
12 person, except as provided in [~~section~~] sections 11-139 and
13 11-132, shall be allowed to enter the booth or to be in a
14 position from which the person can observe how the voter votes.

15 No person shall take a ballot out of the [~~polling place~~
16 ~~except as provided in sections 11-135 and 11-139. After voting~~
17 ~~the voter shall leave the voting booth and deliver the voter's~~
18 ~~ballot to the precinct official in charge of the ballot boxes.~~
19 ~~The precinct official shall make certain that the precinct~~
20 ~~official has received the correct ballot and no other and then~~
21 ~~shall deposit the ballot into the ballot box. No person shall~~



1 ~~look at or ask to see the contents of the unvoted ballots. If~~
2 ~~any person having received a ballot leaves the polling place~~
3 ~~without first delivering the ballot to the precinct official as~~
4 ~~provided above, or wilfully exhibits the person's ballot or the~~
5 ~~person's unvoted ballots in a special primary or primary~~
6 ~~election, except as provided in section 11-139 and 11-132, after~~
7 ~~the ballot has been marked, the person shall forfeit the~~
8 ~~person's right to vote, and the chairperson of the precinct~~
9 ~~officials shall cause a record to be made of the proceeding.]~~
10 voter service center unless authorized by the chief election
11 officer or a designee of the chief election officer."

12 SECTION 28. Section 11-138, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "§11-138 Time allowed voters. A voter shall be allowed to
15 remain in the voting booth for five minutes, and having voted
16 the voter shall at once emerge and leave the voting booth. If
17 the voter refuses to leave when so requested by a majority of
18 [~~precinct~~] election officials after the lapse of five minutes,
19 the voter shall be removed by the [~~precinct~~] election
20 officials."



1 SECTION 29. Section 11-139, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§11-139 Voting assistance. (a) Except as otherwise
4 provided, any voter who requires assistance [~~to vote at a~~
5 ~~polling place or by absentee ballot~~] may be given assistance by
6 a person of the voter's choice. [~~If the voter requires~~
7 ~~assistance at a polling place, the voter may choose to receive~~
8 ~~the assistance of two precinct officials who are not of the same~~
9 ~~political party. Additionally, a voter needing assistance at a~~
10 ~~polling place may choose to be handed a ballot outside the~~
11 ~~polling place but within one hundred feet thereof or within the~~
12 ~~polling place parking lot by the precinct officials and in their~~
13 ~~presence but in a secret manner, mark and return the same to the~~
14 ~~precinct officials.] A person with disabilities may be provided
15 assistance at a voter service center pursuant to any state or
16 federal law relating to persons with disabilities. The voter's
17 employer or agent of that employer, agent of the voter's labor
18 union, or a candidate for any office that is listed on the
19 ballot shall not provide assistance. Written or oral
20 instructions delivered via telephone, electronic means, or mail
21 shall not be deemed assistance prohibited by this section;~~



1 provided that the voter's employer or agent of that employer,
2 agent of the voter's labor union, or a candidate for any office
3 listed on the ballot is not physically present with the voter
4 when the instructions are delivered.

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

- 8 ~~(1) The voter's name;~~
9 ~~(2) The fact that the voter cannot read the names on the~~
10 ~~ballet, if that is the reason for requiring~~
11 ~~assistance, and otherwise, the specific physical~~
12 ~~disability which requires the voter to receive~~
13 ~~assistance; and~~
14 ~~(3) The name or names of the person or persons furnishing~~
15 ~~the assistance.~~

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

20 SECTION 30. Section 11-152, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "~~§11-152~~ Method of counting. [~~(a)~~ In an election using
2 the paper ballot voting system, immediately after the close of
3 the polls, the chairperson of the precinct officials shall open
4 the ballot box. The precinct officials at the precinct shall
5 proceed to count the votes as follows:

- 6 ~~(1)~~ The whole number of ballots shall first be counted to
7 see if their number corresponds with the number of
8 ballots cast as recorded by the precinct officials;
9 ~~(2)~~ If the number of ballots corresponds with the number
10 of persons recorded by the precinct officials as
11 having voted, the precinct officials shall then
12 proceed to count the vote cast for each candidate;
13 ~~(3)~~ If there are more ballots or less ballots than the
14 record calls for the precinct officials shall proceed
15 as directed in section 11-153.

16 ~~(b)~~] In those [~~precincts~~] elections using the electronic
17 voting system, the ballots shall be taken in the sealed ballot
18 [~~boxes~~] containers to the counting center according to the
19 procedure and schedule [~~promulgated~~] adopted by the chief
20 election officer to promote the security of the ballots. In the
21 presence of official observers, counting center employees may



1 start to count the ballots [~~prior to the closing of the polls~~]
2 before election day; provided that there shall be no printout by
3 the computer or other disclosure of the number of votes cast for
4 a candidate or on a ballot question [~~prior to~~] before the
5 closing [~~of the polls. For the purposes of this section, the~~
6 ~~closing of the polls is that time identified~~] hour provided in
7 section 11-131 [~~as the closing hour of voting~~]."

8 SECTION 31. Section 11-153, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "§11-153 More or [~~less~~] fewer ballots than recorded. (a)

11 If there are more ballots than the [~~the poll book~~] documented
12 usage indicates, this shall be an overage and if [~~less~~] fewer
13 ballots, it shall be an underage. The election officials or
14 counting center employees responsible for the tabulation of
15 ballots shall make a note of this fact on a form to be provided
16 by the chief election officer. The form recording the overage
17 or underage shall be sent directly to the chief election officer
18 or the clerk in county elections separate and apart from the
19 other election records.

20 (b) If the electronic voting system is being used in an
21 election, the overage or underage shall be recorded after the



1 tabulation of the ballots. In an election using the paper
2 ballot voting system, the [~~precinct officials~~] chief election
3 officer or the chief election officer's designees shall proceed
4 to count the votes cast for each candidate or on a question
5 after recording the overage or underage.

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

14 An election contest may be brought under part XI [7] if the
15 overage or underage in any district could affect the outcome of
16 an election."

17 SECTION 32. Section 11-154, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "§11-154 Records, etc.; disposition. [~~The final duty of~~
20 ~~the precinct officials in the operation of the precinct shall be~~
21 ~~to gather all records and supplies delivered to them and return~~



1 ~~them to the sending official, either the chief election officer~~
2 ~~or the county clerk.]~~

3 The voted ballots shall be kept secure and handled only in
4 the presence of representatives not of the same political party
5 or official observers in accordance with [~~regulations~~
6 ~~promulgated~~] rules adopted for the various voting systems.
7 After all the ballots have been tabulated they shall be sealed
8 in containers. Thereafter these containers shall be unsealed
9 and resealed only as prescribed by rules [~~and regulations~~]
10 governing [~~the~~] elections.

11 The ballots and other election records may be destroyed by
12 the chief election officer or [~~county~~] clerk when all elected
13 candidates have been certified by the chief election officer, or
14 in the case of candidates for county offices, by the [~~county~~]
15 clerk[-] and after compliance with retention schedules of
16 applicable federal law."

17 SECTION 33. Section 11-157, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "**§11-157 In case of tie.** In case of the failure of an
20 election by reason of the equality of vote between two or more
21 candidates, the tie shall be decided by the chief election



1 officer or [county] clerk in the case of county elections [in
2 accordance with the following procedure:

3 ~~(1) In the case of an election involving a seat for the
4 senate, house of representatives, or county council
5 where only voters within a specified district are
6 allowed to cast a vote, the winner shall be declared
7 as follows:~~

8 ~~(A) For each precinct in the affected district, an
9 election rate point shall be calculated by
10 dividing the total voter turnout in that precinct
11 by the total voter turnout in the district. For
12 the purpose of this subparagraph, the absentee
13 votes cast for the affected district shall be
14 treated as a precinct. The election rate point
15 shall be calculated by dividing the total
16 absentee votes cast for the affected district by
17 the total voter turnout in that district. All
18 election rate points shall be expressed as
19 decimal fractions rounded to the nearest hundred
20 thousandth;~~



1 ~~(B) The candidate with the highest number of votes in~~
2 ~~a precinct shall be allocated the election rate~~
3 ~~point calculated under subparagraph (A) for that~~
4 ~~precinct. In the event that two or more persons~~
5 ~~are tied in receiving the highest number of votes~~
6 ~~for that precinct, the election rate point shall~~
7 ~~be equally apportioned among those candidates~~
8 ~~involved in that precinct tie;~~

9 ~~(C) After the election rate points calculated under~~
10 ~~subparagraph (A) for all the precincts have been~~
11 ~~allocated as provided under subparagraph (B), the~~
12 ~~election rate points allocated to each candidate~~
13 ~~shall be tallied and the candidate with the~~
14 ~~highest election rate point total shall be~~
15 ~~declared the winner; and~~

16 ~~(D) If there is a tie between two or more candidates~~
17 ~~in the election rate point total, the candidate~~
18 ~~who is allocated the highest election rate points~~
19 ~~from the precinct with the largest voter turnout~~
20 ~~shall be declared the winner;~~



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

5 ~~(A) For each representative district in the State or~~
6 ~~county, as the case may be, an election rate~~
7 ~~point shall be calculated by dividing the total~~
8 ~~voter turnout in that representative district by~~
9 ~~the total voter turnout in the state, county, or~~
10 ~~federal office district, as the case may be,~~
11 ~~provided that for purposes of this subparagraph:~~

12 ~~(i) The absentee votes cast for a statewide,~~
13 ~~countywide, or 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 absentee~~
17 ~~votes cast for the statewide, countywide, or~~
18 ~~federal office by the total voter turnout in~~
19 ~~the state, county, or federal office~~
20 ~~district, as the case may be; and~~



1 ~~(ii) The overseas votes cast for any election in~~
2 ~~the State for a federal office shall be~~
3 ~~treated as a separate representative~~
4 ~~district and the election rate point shall~~
5 ~~be calculated by dividing the total number~~
6 ~~of overseas votes cast for the affected~~
7 ~~federal office by the total voter turnout in~~
8 ~~the affected federal office district. The~~
9 ~~term "overseas votes" means those votes cast~~
10 ~~by absentee ballots for a presidential~~
11 ~~election as provided in section 15-3.~~

12 ~~All election rate points shall be expressed as~~
13 ~~decimal fractions rounded to the nearest hundred~~
14 ~~thousandth;~~

15 ~~(B) The candidate with the highest number of votes in~~
16 ~~a representative district shall be allocated the~~
17 ~~election rate point calculated under subparagraph~~
18 ~~(A) for that district. In the event that two or~~
19 ~~more persons are tied in receiving the highest~~
20 ~~number of votes for that district, the election~~



1 ~~rate point shall be equally apportioned among~~
2 ~~those candidates involved in that district tie,~~
3 ~~(C) After the election rate points calculated under~~
4 ~~subparagraph (A) for all the precincts have been~~
5 ~~allocated as prescribed under subparagraph (B),~~
6 ~~the election rate points allocated to each~~
7 ~~candidate shall be tallied and the candidate with~~
8 ~~the highest election rate point total shall be~~
9 ~~declared the winner; and~~
10 ~~(D) If there is a tie between two or more candidates~~
11 ~~in the election rate point total, the candidate~~
12 ~~who is allocated the highest election rate points~~
13 ~~from the representative district with the largest~~
14 ~~voter turnout shall be declared the winner.] by~~
15 ~~lot."~~

16 SECTION 34. Section 11-172, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "**§11-172 Contests for cause; generally.** With respect to
19 any election, any candidate, or qualified political party
20 directly interested, or any thirty voters of any election
21 district, may file a complaint in the supreme court. The



1 complaint shall set forth any cause or causes, such as but not
2 limited to, provable fraud, overages, or underages, that could
3 cause a difference in the election results. The complaint shall
4 also set forth any reasons for reversing, correcting, or
5 changing the decisions of the [~~precinct~~] election officials or
6 the officials at a counting center in an election using the
7 electronic voting system. A copy of the complaint shall be
8 delivered to the chief election officer or the clerk in the case
9 of county elections."

10 SECTION 35. Section 11-173.5, Hawaii Revised Statutes, is
11 amended by amending subsection (a) to read as follows:

12 "(a) In primary and special primary election contests, and
13 county election contests held concurrently with a regularly
14 scheduled primary or special primary election, the complaint
15 shall be filed in the office of the clerk of the supreme court
16 [~~not~~] no later than 4:30 p.m. on the [~~sixth~~] thirteenth day
17 after a primary or special primary election, or county election
18 contests held concurrently with a regularly scheduled primary or
19 special primary election, and shall be accompanied by a deposit
20 for costs of court as established by rules of the supreme court.
21 The clerk shall issue to the defendants named in the complaint a



1 summons to appear before the supreme court [~~not~~] no later than
2 4:30 p.m. on the fifth day after service thereof."

3 SECTION 36. Section 11-174.5, Hawaii Revised Statutes, is
4 amended by amending subsection (b) to read as follows:

5 "(b) In cases involving general, special general, special,
6 or runoff elections, the complaint shall be heard by the supreme
7 court in which the complaint was filed as soon as it reasonably
8 may be heard. On the return day, the court, upon its motion or
9 otherwise, may direct summons to be issued to any person who may
10 be interested in the result of the proceedings.

11 At the hearing, the court shall cause the evidence to be
12 reduced to writing and shall give judgment, stating all findings
13 of fact and of law. The judgment may invalidate the general,
14 special general, special, or runoff election on the grounds that
15 a correct result cannot be ascertained because of a mistake or
16 fraud on the part of the [~~precinct~~] election officials; or
17 decide that a certain candidate, or certain candidates, received
18 a majority or plurality of votes cast and were elected. If the
19 judgment should be that the general, special general, special,
20 or runoff election was invalid, a certified copy thereof shall
21 be filed with the governor, and the governor shall duly call a



1 new election to be held not later than one hundred twenty days
2 after the judgment is filed. If the court shall decide which
3 candidate or candidates have been elected, a copy of that
4 judgment shall be served on the chief election officer or county
5 clerk, who shall sign and deliver to the candidate or candidates
6 certificates of election, and the same shall be conclusive of
7 the right of the candidate or candidates to the offices."

8 SECTION 37. Section 13D-3, Hawaii Revised Statutes, is
9 amended by amending subsection (d) to read as follows:

10 "(d) The clerk of each county shall register all persons
11 in the county who are eligible to and desiring to register as
12 voters for the election of board members. The register may be
13 maintained in conjunction with the general county register;
14 provided that the clerk shall be able to prepare a separate list
15 of voters for the election of board members, capable of
16 segregation by [~~precinct and representative~~] district. The
17 maintenance, reproduction, and transmittal of records and
18 affidavits to a central file shall be in accordance with section
19 11-14."

20 SECTION 38. Section 15-1, Hawaii Revised Statutes, is
21 amended by deleting the definition of "absentee polling place".



1 ~~["Absentee polling place" means an office or other~~
2 ~~suitable facility designated by the respective clerks for the~~
3 ~~conduct of absentee voting and the processing of absentee~~
4 ~~ballots-"]~~

5 SECTION 39. Section 15-2.5, Hawaii Revised Statutes, is
6 amended by amending its title and subsections (a), (b), and (c)
7 to read as follows:

8 "~~{~~§15-2.5~~}~~ **Absentee voting in precinct affected by**
9 **natural disasters.** (a) If the chief election officer and clerk
10 of a county affected as a result of a natural disaster determine
11 that the opening of a designated ~~[polling place]~~ voter service
12 center will adversely affect the health and safety of voters or
13 ~~[precinct]~~ election officials, the chief election officer and
14 county clerk, by written order, may require the registered
15 voters of any ~~[precinct]~~ district to vote by absentee ballot;
16 provided that if there are not enough absentee ballots for all
17 voters of the ~~[precinct,]~~ district, the chief election officer
18 or the clerk shall use other official ballots to make up the
19 difference.

20 (b) Within thirty days after the issuance of such an
21 order, the chief election officer and county clerk shall notify



1 all registered voters in the affected [~~precinct~~] district of the
2 issuance of the order.

3 (c) Within ten days after the printed official absentee
4 ballots are available for the designated [~~precinct~~] district
5 affected by this section, the clerk shall deliver, or cause to
6 be delivered, by hand or mail, an absentee ballot, a return
7 envelope, and any other appropriate material to each registered
8 voter in the affected [~~precinct~~] district."

9 SECTION 40. Section 15-4, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§15-4 Request for absentee ballot.** [~~(a)~~] Any person
12 registered to vote who is unable to receive a ballot at the
13 person's voter registration address of record may request an
14 absentee ballot [~~or permanent absentee ballot in person or~~] in
15 writing from the clerk at any time but [~~not~~] no later than 4:30
16 p.m. on the seventh day [~~prior to~~] before the election. Any
17 mailed requests for an absentee ballot [~~or permanent absentee~~
18 ~~ballot~~] shall be mailed by the person directly to the clerk.
19 The clerk may waive any or all of the foregoing requirements in
20 special cases as provided in the rules adopted by the chief
21 election officer.



1 The request shall include information such as the last four
2 digits of the person's social security number[7] or the person's
3 driver's license number; date of birth[7]; and the address under
4 which the person is registered to vote. The request shall also
5 include the temporary address to which the person wishes the
6 requested ballot to be forwarded. The request, when made for
7 any primary or special primary election, may include an
8 additional request for an absentee ballot to be voted at any
9 election immediately following the primary or special primary;
10 provided that the person so indicates in the person's request.

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

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

19 ~~(b) Notwithstanding subsection (a), the respective clerk~~
20 ~~shall be allowed to conduct an absentee ballot only election and~~
21 ~~may mail an absentee ballot for each primary, special primary,~~



1 ~~special, general, and special general election to each~~
2 ~~registered voter who resides in the county of Kalawao or on any~~
3 ~~island of a county with a population of less than one hundred~~
4 ~~eighty thousand, except for the island where the county seat of~~
5 ~~government is located. The chief election officer may adopt~~
6 ~~rules to carry out this subsection.~~

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

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

18 ~~(e) When a registered voter requests an absentee ballot,~~
19 ~~the voter also may include an additional request to receive~~
20 ~~absentee ballots permanently. After receiving a request for~~
21 ~~permanent absentee voter status, the clerk shall mail to the~~



1 ~~voter who requested permanent absentee voter status an absentee~~
2 ~~ballot for all subsequent elections conducted in that precinct.~~
3 ~~The forwarding address for absentee ballots to be permanently~~
4 ~~mailed shall be the in state mailing address contained in the~~
5 ~~voter's registration record. Subject to the conditions of~~
6 ~~subsection (a), a permanent absentee voter may also request from~~
7 ~~the clerk that the voter's ballot be forwarded temporarily to an~~
8 ~~address other than the permanent absentee mailing address~~
9 ~~originally requested, either in or outside of the State, for a~~
10 ~~single election or for a primary or special primary election and~~
11 ~~the election immediately following the primary or special~~
12 ~~primary election. A permanent absentee voter's request for a~~
13 ~~ballot to be forwarded temporarily shall not serve as a~~
14 ~~cancellation of the voter's permanent absentee status or as a~~
15 ~~change to the voter's permanent absentee mailing address. Upon~~
16 ~~the completion of the election or elections covered by the~~
17 ~~permanent absentee voter's temporary request under this~~
18 ~~subsection, the clerk shall resume mailing the voter's ballots~~
19 ~~to the permanent absentee mailing address originally requested~~
20 ~~under subsection (a).~~



1 ~~(f) The chief election officer shall inform voters of the~~
2 ~~option of applying for permanent absentee voter status and shall~~
3 ~~provide any necessary form to request the permanent absentee~~
4 ~~ballot option to any registered voter requesting an absentee~~
5 ~~ballot and any person applying to register to vote.~~

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

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

12 ~~(1) The voter requests in writing that such status be~~
13 ~~terminated;~~

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

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



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

4 ~~(i) If a voter's permanent absentee voter status has been~~
 5 ~~terminated due to one or more of the conditions specified in~~
 6 ~~subsection (h), the voter shall be responsible for again~~
 7 ~~requesting permanent absentee status as specified in subsection~~
 8 ~~(e).]~~ Upon the completion of the election or elections covered
 9 by the voter's temporary request under this section, the clerk
 10 shall resume mailing the voter's ballot package to the mailing
 11 address noted within the voter's registration record."

12 SECTION 41. Section 15-6.5, Hawaii Revised Statutes, is
 13 amended to read as follows:

14 "~~{~~§15-6.5~~}~~ **Absentee postage.** The mailed distribution
 15 and return of absentee ballots shall be at no cost to the voter.
 16 The State and counties shall share in the cost of all postage
 17 associated with the distribution and return of absentee ballots
 18 pursuant to sections 11-182~~[7]~~ and 11-183, ~~[and 11-184,]~~ if the
 19 costs are not covered by the federal government."

20 SECTION 42. Section 15-9, Hawaii Revised Statutes, is
 21 amended to read as follows:



1 "§15-9 Return and receipt of absentee ballots. (a) The
2 return envelope shall be:

3 (1) Mailed and [~~must be~~] received by the clerk issuing the
4 absentee ballot [~~not~~] no later than the closing [~~of~~
5 ~~the polls on any~~] hour on election day[+] in
6 accordance with section 11-131; or

7 (2) Delivered other than by mail to the clerk issuing the
8 absentee ballot, or [~~another election official~~
9 ~~designated by the clerk to act on the clerk's behalf,~~
10 ~~not~~] to a voter service center no later than the
11 closing [~~of polls on any~~] hour on election day[+ ~~or~~

12 ~~(3) Delivered other than by mail to any polling place~~
13 ~~within the county in which the voter is registered and~~
14 ~~deposited by a precinct official in the ballot box~~
15 ~~before the closing of the polls on any election day.]~~
16 in accordance with section 11-131.

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



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

4 (1) Signature on the affirmation statement;

5 (2) Whether the signature corresponds with the absentee
6 request or register as prescribed in the rules adopted
7 by the chief election officer; and

8 (3) Whether the person is a registered voter and has
9 complied with the requirements of sections 11-15 and
10 11-16.

11 (d) If any [~~of the above requirements~~] requirement listed
12 in subsection (c) is not met or if the return or ballot envelope
13 appears to be tampered with, the clerk or the absentee ballot
14 team official shall mark across the face of the envelope
15 "invalid" and it shall be kept in the custody of the clerk and
16 disposed of as prescribed for ballots in section 11-154.

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



1 SECTION 43. Section 15-10, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§15-10 Counting of absentee ballots. If the requirements
4 in section 15-9 are met, the return and ballot envelopes may be
5 opened and the ballot counted as prescribed by law for the
6 voting system in use.

7 ~~[In those absentee polling places using paper ballots,
8 counting of the absentee ballots may begin after noon of
9 election day.~~

10 ~~In those absentee polling places using the electronic
11 voting system, the absentee ballots shall be transported to the
12 counting center in a manner and by a schedule as provided in the
13 rules promulgated by the chief election officer. In no case,
14 however, shall the results of the absentee count become publicly
15 known before the polls have officially closed.~~

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

18 SECTION 44. Section 15D-3, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "[+] §15D-3 [+] Elections covered. The voting procedures in
21 this chapter apply to:



- 1 (1) A general, special, or primary election for federal
2 office;
- 3 (2) A general, special, or primary election for statewide
4 or state legislative office or state ballot measure;
5 and
- 6 (3) A general, special, recall, primary, or runoff
7 election for local government office or local ballot
8 measure conducted under ~~[section 11-91.5]~~ part
9 of chapter 11 for which absentee voting or voting by
10 mail is available for other voters."

11 SECTION 45. Section 16-23, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "§16-23 Paper ballot; voting. Upon receiving the ballot
14 the voter shall proceed into one of the voting booths provided
15 for the purpose, and shall mark the voter's ballot in the manner
16 prescribed by section 16-22.

17 The voter shall then leave the booth and deliver the ballot
18 to the ~~[precinct]~~ election official in charge of the ballot
19 boxes. The ~~[precinct]~~ election official shall be sufficiently
20 satisfied that there is but one ballot enclosed, whereupon the



1 ballot shall be immediately dropped into the proper box by the
2 [~~precinct~~] election official."

3 SECTION 46. Section 16-25, Hawaii Revised Statutes, is
4 amended to read as follows:

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

18 SECTION 47. Section 16-26, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "§16-26 Questionable ballots. A ballot shall be
21 questionable if:



1 (1) A ballot contains any mark or symbol whereby it can be
2 identified, or any mark or symbol contrary to the
3 provisions of law; or

4 (2) Two or more ballots are found in the ballot box so
5 folded together as to make it clearly evident that
6 more than one ballot was put in by one person, the
7 ballots shall be set aside as provided below.

8 Each ballot which is held to be questionable shall be
9 endorsed on the back by the chairperson of [~~precinct~~] election
10 officials with the chairperson's name or initials, and the word
11 "questionable". All questionable ballots shall be set aside
12 uncounted and disposed of as provided for ballots in section 11-
13 154."

14 SECTION 48. Section 16-27, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "**§16-27 Number of blank and questionable ballots; record**
17 **of.** In addition to the count of the valid ballots, the
18 [~~precinct~~] election officials shall, as to each separate
19 official ballot, also determine and record the number of totally
20 blank ballots and the number of questionable ballots."



1 SECTION 49. Section 16-28, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§16-28 Declaration of results. When the [precinct]
4 election officials have ascertained the number of votes given
5 for each candidate, they shall make public declaration of the
6 whole number of votes cast, the names of the persons voted for,
7 and the number of votes for each person.

8 SECTION 50. Section 16-43, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "§16-43 Ballot handling. In every case where the ballots
11 are handled by election officials or election employees [~~from~~
12 ~~the time the ballots are delivered to the several precincts to~~
13 ~~the time they are returned to the chief election officer or~~
14 ~~clerk in county elections]~~ for disposition upon completion of
15 the tabulation, they shall be handled in the presence of not
16 less than two officials assigned in accordance with [sections
17 ~~11-71 and 11-72 or]~~ section 16-45."

18 SECTION 51. Section 16-46, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "§16-46 Counting defective ballots. Counting center
21 employees [~~in the presence of at least two official observers]~~



1 shall prepare a new ballot to replace each defective ballot [-];
2 provided that the replacement ballot may not be counted until
3 reviewed by at least two official observers. The defective
4 ballots shall be segregated and the replacement ballots counted
5 pursuant to rules [~~promulgated~~] adopted by the chief election
6 officer."

7 SECTION 52. Section 19-6, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "§19-6 **Misdemeanors.** The following persons shall be
10 guilty of a misdemeanor:

11 (1) Any person who offers any bribe or makes any promise
12 of gain, or with knowledge of the same permits any
13 person to offer any bribe or make any promise of gain
14 for the person's benefit to any voter to induce the
15 voter to sign a nomination paper, and any person who
16 accepts any bribe or promise of gain of any kind as
17 consideration for signing the same, whether the bribe
18 or promise of gain be offered or accepted before or
19 after the signing;

20 (2) Any person who wilfully tears down [~~or~~], destroys, or
21 defaces any election proclamation [~~or any~~], poster



1 ~~[ex]~~, notice ~~[ex]~~, list of voters ~~[ex]~~, visual aids,
2 or facsimile ballot, issued or posted by authority of
3 law;

4 (3) Any person printing or duplicating or causing to be
5 printed or duplicated any ballot, conforming as to the
6 size, weight, shape, thickness, or color to the
7 official ballot so that it could be cast or counted as
8 an official ballot in an election;

9 (4) Every person who is disorderly or creates a
10 disturbance whereby any meeting of the ~~[precinct~~
11 ~~officials or the]~~ board of registration of voters
12 during an election is disturbed or interfered with; or
13 whereby any person who intends to be lawfully present
14 at any meeting or election is prevented from
15 attending; or who causes any disturbance at any
16 election; and every person assisting or aiding or
17 abetting any disturbance;

18 (5) Every person who, either in person or through another,
19 in any manner breaks up or prevents, or endeavors to
20 break up or prevent, the holding of any meeting of the
21 board of registration of voters, or in any manner



1 breaks up or prevents, or endeavors to break up or
2 prevent, the holding of any election;

3 (6) Any person, other than those designated by section
4 11-132, who remains or loiters within the area set
5 aside for voting as set forth in section 11-132 during
6 the time appointed for voting;

7 (7) Any person, including candidates carrying on any
8 campaign activities within the area described in
9 section 11-132 during the period of time starting one
10 hour before the [~~the polling place~~] voting opens and
11 ending when the [~~the polling place~~] voting closes for
12 the purpose of influencing votes. Campaign activities
13 shall include the following:

14 (A) Any distribution, circulation, carrying, holding,
15 posting, or staking of campaign cards, pamphlets,
16 posters, and other literature;

17 (B) The use of public address systems and other
18 public communication media;

19 (C) The use of motor caravans or parades; and

20 (D) The use of entertainment troupes or the free
21 distribution of goods and services;



- 1 (8) Any person who opens a return envelope containing
2 ~~an~~ :
- 3 (A) An absentee ballot voted under chapter 15 other
4 than those persons authorized to do so under
5 chapter 15; or
- 6 (B) A ballot voted by mail under part of
7 chapter 11 other than those persons authorized to
8 do so under part of chapter 11;
- 9 (9) Any unauthorized person found in possession of any
10 voting machine or keys thereof; and
- 11 (10) Every person who wilfully violates or fails to obey
12 any of the provisions of law, punishment for which is
13 not otherwise specified in this chapter [~~specially~~
14 ~~provided for~~]."

15 SECTION 53. Section 88-9, Hawaii Revised Statutes, is
16 amended by amending subsection (d) to read as follows:

17 "(d) A retirant may be employed without reenrollment in
18 the system and suffer no loss or interruption of benefits
19 provided by the system or under chapter 87A if the retirant is
20 employed:



- 1 (1) As an elective officer pursuant to section 88-42.6(c)
2 or as a member of the legislature pursuant to section
3 88-73(d);
- 4 (2) As a juror or [~~precinct~~] election official;
- 5 (3) As a part-time or temporary employee excluded from
6 membership in the system pursuant to section 88-43, as
7 a session employee excluded from membership in the
8 system pursuant to section 88-54.2, as the president
9 and chief executive officer of the Hawaii tourism
10 authority excluded from membership in the system
11 pursuant to section 201B-2, or as any other employee
12 expressly excluded by law from membership in the
13 system; provided that:
- 14 (A) The retirant was not employed by the State or a
15 county during the six calendar months prior to
16 the first day of reemployment; and
- 17 (B) No agreement was entered into between the State
18 or a county and the retirant, prior to the
19 retirement of the retirant, for the return to
20 work by the retirant after retirement;



- 1 (4) In a position identified by the appropriate
- 2 jurisdiction as a labor shortage or difficult-to-fill
- 3 position; provided that:
- 4 (A) The retirant was not employed by the State or a
- 5 county during the twelve calendar months prior to
- 6 the first day of reemployment;
- 7 (B) No agreement was entered into between the State
- 8 or a county and the retirant, prior to the
- 9 retirement of the retirant, for the return to
- 10 work by the retirant after retirement; and
- 11 (C) Each employer shall contribute to the pension
- 12 accumulation fund the required percentage of the
- 13 rehired retirant's compensation to amortize the
- 14 system's unfunded actuarial accrued liability; or
- 15 (5) As a teacher or an administrator in a teacher shortage
- 16 area identified by the department of education or in a
- 17 charter school or as a mentor for new classroom
- 18 teachers; provided that:
- 19 (A) The retirant was not employed by the State or a
- 20 county during the twelve calendar months prior to
- 21 the first day of reemployment;



1 (B) No agreement was entered into between the State
2 or a county and the retirant prior to the
3 retirement of the retirant, for the return to
4 work by the retirant after retirement; and

5 (C) The department of education or charter school
6 shall contribute to the pension accumulation fund
7 the required percentage of the rehired retirant's
8 compensation to amortize the system's unfunded
9 actuarial accrued liability."

10 SECTION 54. Section 801G-1, Hawaii Revised Statutes, is
11 amended by amending the definition of "actual address" to read
12 as follows:

13 "Actual address" means a residential, work, or school
14 address as specified on an applicant's application and includes
15 the applicant's county of residence and voting [~~precinct~~]
16 district."

17 SECTION 55. Section 11-71, Hawaii Revised Statutes, is
18 repealed.

19 [~~"§11-71 Precinct officials; precinct requirements. There~~
20 ~~shall be not less than three precinct officials for each~~
21 ~~precinct one of whom shall be the chairperson; provided that in~~



1 ~~precincts where more than one voting unit has been established,~~
2 ~~there shall be three precinct officials for each unit. The~~
3 ~~chairperson of precinct officials shall have authority in all~~
4 ~~units of the precinct.~~

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

8 ~~So far as reasonably practicable, excepting the~~
9 ~~chairperson, not more than fifty per cent of the precinct~~
10 ~~officials in any precinct shall be of the same political~~
11 ~~party."]~~

12 SECTION 56. Section 11-72, Hawaii Revised Statutes, is
13 repealed.

14 [~~"§11-72 Precinct officials; submission of names and~~
15 ~~assignment; vacancies. (a) All qualified political parties~~
16 ~~shall submit names for precinct officials to the chief election~~
17 ~~officer not later than 4:30 p.m. on the sixtieth day prior to~~
18 ~~the close of filing for any primary, special primary, or special~~
19 ~~election. All precinct officials shall be able to read and~~
20 ~~write the English language. If any party fails to submit the~~
21 ~~required names by the above deadline, or names sufficient to~~



1 ~~fill the positions to which it would be entitled, assignment of~~
2 ~~positions to which the party would otherwise be entitled~~
3 ~~pursuant to subsection (b), may be made without regard to party~~
4 ~~affiliation.~~

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

7 ~~(1) The precinct officials shall be registered voters of~~
8 ~~the precinct in which they serve, but if qualified~~
9 ~~persons in the precinct or representative district are~~
10 ~~not readily available to serve, they may be chosen~~
11 ~~from without the precinct or representative district,~~
12 ~~or if qualified persons either in or without the~~
13 ~~precinct or representative district are not available~~
14 ~~to serve, the chief election officer may designate~~
15 ~~precinct officials who are not registered voters if~~
16 ~~the persons so designated are otherwise qualified and~~
17 ~~shall have attained the age of sixteen years on or~~
18 ~~before June 30, of the year of the election in which~~
19 ~~they are appointed to work,~~

20 ~~(2) The chief election officer may designate more precinct~~
21 ~~officials than are needed in order to create a pool of~~



1 ~~qualified precinct officials who may be assigned to~~
2 ~~fill vacancies or to perform their duties as needed in~~
3 ~~any precinct;~~

4 ~~(3) No parent, spouse, reciprocal beneficiary, child, or~~
5 ~~sibling of a candidate shall be eligible to serve as a~~
6 ~~precinct official in any precinct in which votes may~~
7 ~~be cast for the candidate; nor shall any candidate for~~
8 ~~any elective office be eligible to serve as a precinct~~
9 ~~official in the same election in which the person is a~~
10 ~~candidate. No candidate who failed to be nominated in~~
11 ~~the primary or special primary election shall be~~
12 ~~eligible to serve as a precinct official in the~~
13 ~~general election next following; and~~

14 ~~(4) The chairperson of the precinct officials shall be the~~
15 ~~first named precinct official on the list prepared by~~
16 ~~the chief election officer. The remainder of the~~
17 ~~precinct officials shall be apportioned as follows:~~

18 ~~(A) The total votes cast, except those cast for~~
19 ~~nonpartisan candidates, for all of the following~~
20 ~~offices that were on the ballot in the next~~
21 ~~preceding general election shall be divided into~~



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1 ~~the total votes cast for all the candidates of~~
2 ~~each party for these offices: president and~~
3 ~~vice president, United States senator, United~~
4 ~~States representative, governor and lieutenant~~
5 ~~governor, state senator, and state~~
6 ~~representative;~~

7 ~~(B) If a party's proportion of votes cast exceeds~~
8 ~~fifty per cent, its share shall be one half of~~
9 ~~the precinct officials. The remaining one half~~
10 ~~shall be divided among the remaining parties in~~
11 ~~proportion to their respective total of votes~~
12 ~~cast for the offices set forth in subparagraph~~
13 ~~(A);~~

14 ~~(C) In the case of the above division resulting in~~
15 ~~parties having fractional positions, a whole~~
16 ~~position shall go to the party with the larger~~
17 ~~number of votes cast; and~~

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



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

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

9 SECTION 57. Section 11-73, Hawaii Revised Statutes, is
10 repealed.

11 ~~["§11-73 Instruction of precinct officials. Prior to any~~
12 ~~election, the chief election officer or clerk in county~~
13 ~~elections shall conduct a school of instruction, if deemed~~
14 ~~necessary, for persons designated as prospective precinct~~
15 ~~officials of precincts. They shall notify the precinct~~
16 ~~officials of the time and the place of the school of~~
17 ~~instruction.~~

18 ~~All prospective precinct officials shall attend a school of~~
19 ~~instruction. The chairperson of the precinct officials shall be~~
20 ~~required to also attend a refresher course before each election.~~
21 ~~It shall be at the discretion of the chief election officer or~~



1 ~~the county clerk in county elections to require those precinct~~
2 ~~officials with previous training to attend a school of~~
3 ~~instruction prior to each election.~~

4 ~~No precinct official shall serve unless the official has~~
5 ~~received instruction and has been certified by the authorized~~
6 ~~instructor to that effect. This section shall not prevent the~~
7 ~~assignment of a person who has not received such instruction or~~
8 ~~such certificate but who is otherwise qualified, to fill a~~
9 ~~vacancy among precinct officials when a qualified certified~~
10 ~~person is not available. Periodic recertification shall be~~
11 ~~required."]~~

12 SECTION 58. Section 11-74, Hawaii Revised Statutes, is
13 repealed.

14 [~~"§11-74 Meetings of precinct officials; procedure; oaths.~~
15 ~~The chairperson of the precinct officials shall preside at all~~
16 ~~meetings of the precinct officials. Any decision of the~~
17 ~~precinct officials shall require a majority vote of the precinct~~
18 ~~officials in the unit or precinct.~~

19 ~~In all cases under this title, where duties are to be~~
20 ~~performed by the chairperson of the precinct officials, the~~
21 ~~duties may be performed by one of the other precinct officials,~~



1 ~~whenever the chairperson is temporarily absent or is otherwise~~
2 ~~for the time being unable to perform the duties.~~

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

5 SECTION 59. Section 11-75, Hawaii Revised Statutes, is
6 repealed.

7 ~~["§11-75 Duties of precinct officials. The duties of the~~
8 ~~precinct officials shall vary with the voting system in use in~~
9 ~~the precinct. The duties for the particular system shall be~~
10 ~~assigned by the chief election officer by regulations adopted~~
11 ~~for such purpose."]~~

12 SECTION 60. 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 61. 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 62. 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 63. 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 64. 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.~~



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 65. 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 66. 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 ~~cast their ballots. The booths shall be so arranged that in~~
7 ~~casting 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 67. 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 68. 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 69. 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 70. 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;~~



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 be~~
11 ~~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 71. Section 15-7, Hawaii Revised Statutes, is
19 repealed.

20 ~~["§15-7 Absentee polling place; registration at absentee~~
21 ~~polling place. (a) Absentee polling places shall be~~



1 ~~established at the office of the respective clerks, and may be~~
2 ~~established at other sites as may be designated by the clerk~~
3 ~~under the provisions prescribed in the rules adopted by the~~
4 ~~chief election officer. Section 11-21 relating to changes and~~
5 ~~transfers of registration shall apply to the absentee polling~~
6 ~~place as though it were the precinct at which a person's name~~
7 ~~properly appears on the list of registered voters.~~

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

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

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



1 ~~(e) The registration clerk shall process applications for~~
2 ~~any person not registered to vote who submits a signed affidavit~~
3 ~~in accordance with section 11-15, which shall include a sworn~~
4 ~~affirmation.~~

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

6 ~~(2) Acknowledging that the person has not voted and will~~
7 ~~not vote at any other polling place for that election~~
8 ~~and has not cast and will not cast any absentee ballot~~
9 ~~pursuant to chapter 15 for that election; and~~

10 ~~(3) Acknowledging that providing false information may~~
11 ~~result in a class C felony, punishable by a fine not~~
12 ~~exceeding \$1,000 or imprisonment not exceeding five~~
13 ~~years, or both.~~

14 ~~(f) The registration clerk may accept, as prima facie~~
15 ~~evidence, the allegation of the person in the application~~
16 ~~regarding the person's residence in accordance with section 11-~~
17 ~~15(b), unless the allegation is contested by a qualified voter.~~
18 ~~The registration clerk may demand that the person furnish~~
19 ~~substantiating evidence to the other allegations of the person's~~
20 ~~application in accordance with section 11-15(b).~~



1 ~~(g) Registration may be challenged in accordance with~~
2 ~~section 11-25.~~

3 ~~(h) Notwithstanding subsection (c), registration pursuant~~
4 ~~to this section may be used by a person who is registered to~~
5 ~~vote but whose name cannot be found on the precinct list for the~~
6 ~~polling place associated with the person's residence.~~

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

16 SECTION 72. Section 15-8, Hawaii Revised Statutes, is
17 repealed.

18 ~~["§15-8 Absentee ballot box. An absentee ballot box or~~
19 ~~boxes shall be provided in the absentee polling place for the~~
20 ~~purpose of depositing the return envelopes and the ballot~~
21 ~~envelopes of those who vote in person at the absentee polling~~



1 ~~place. The ballot box shall be secured in accordance with rules~~
2 ~~promulgated by the chief election officer.~~

3 ~~Tampering with the ballot box or opening it before the time~~
4 ~~prescribed in section 15-9 shall be an election offense under~~
5 ~~section 19-6."]~~

6 SECTION 73. There is appropriated out of the general
7 revenues of the State of Hawaii the sum of \$500,000 or so much
8 thereof as may be necessary for fiscal year 2019-2020 for the
9 purpose of preparing for, implementing, and administering
10 elections by mail, including equipment, voter education, and
11 public awareness programs; provided that fifty per cent of the
12 amount shall be available to the counties in the form of grants
13 to cover the startup and transition costs for the voting by mail
14 implementation; provided further that the amount available to
15 each county shall be in proportion to its respective percentage
16 of registered voters.

17 The sum appropriated shall be expended by the office of
18 elections or distributed by the office of elections to the
19 counties for expenditure for the purposes of this Act.

20 SECTION 74. No later than twenty days before the convening
21 of each of the regular sessions of 2020, 2021, 2022, 2023, 2024,



1 and 2025, the office of elections shall submit a report to the
2 legislature that includes:

- 3 (1) The office's progress in implementing this Act;
- 4 (2) A summary of the office's discussions with the county
5 clerks to determine areas of joint implementation of
6 this Act;
- 7 (3) Any additional resources the county clerks or the
8 office may require to implement this Act;
- 9 (4) Any developments in assistive technology that may be
10 implemented by the State, the counties, or nonprofit
11 associations to ensure that persons with disabilities
12 are not, on the whole, disadvantaged by implementation
13 of this Act, including the costs associated with such
14 technology;
- 15 (5) Any difficulties encountered;
- 16 (6) Specific steps taken and recommendations necessary to
17 prevent fraud and ensure the integrity of the election
18 process; and
- 19 (7) Any other findings and recommendations, including any
20 proposed legislation, necessary to clarify and make
21 consistent chapters 11, 12, 15, 15D, 16, and 19,



1 Hawaii Revised Statutes, in light of the transition to
2 statewide elections by mail.

3 SECTION 75. In codifying the new sections added by
4 section 2 of this Act, the revisor of statutes shall substitute
5 appropriate section numbers for the letters used in designating
6 the new sections in this Act.

7 SECTION 76. If any provision of this Act, or the
8 application thereof to any person or circumstance, is held
9 invalid, the invalidity does not affect other provisions or
10 applications of the Act that can be given effect without the
11 invalid provision or application, and to this end the provisions
12 of this Act are severable.

13 SECTION 77. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 78. This Act shall take effect upon its approval;
16 provided that sections 73 and 74 shall take effect on July 1,
17 2019.

18

INTRODUCED BY: ~~AC~~ AC [Signature]

[Signature]

[Signature]

[Signature] [Signature]



Randy de Bak

Michelle Kidani

Mark

Dan

Dan

Kal

John

Mike

Stacy



S.B. NO. 845

Report Title:

Voting by Mail; Voter Service Centers; Places of Deposit;
Appropriation

Description:

Enacts voting by mail uniformly statewide for all elections commencing with the 2020 primary. Establishes a limited number of voter service centers that would remain open from the tenth business day preceding an election through the day of the election to receive personal delivery of mail-in ballots, accommodate voters with special needs, and provide other election services. Allows for additional places of deposit for personal delivery of mail-in ballots. Appropriates funds for the implementation and administration of the election by mail program. Requires the office of elections to submit a report to the legislature prior to the convening of each regular session from 2020 through 2025, regarding the implementation of a vote by mail system.

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

