
A BILL FOR AN ACT

RELATING TO ELECTRONIC TRANSMISSION OF BALLOTS.

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

1 SECTION 1. Section 11-107, Hawaii Revised Statutes, is
2 amended to read as follows:

3 " ~~[+]§11-107[+]~~ **Electronic transmission under certain**
4 **circumstances.** (a) If a ballot package is not received by a
5 voter by the fifth day before the date of the election or a
6 voter otherwise requires a replacement ballot within five days
7 of an election, the voter may request that a ballot be forwarded
8 by electronic transmission ~~[, provided that a voter with special~~
9 ~~needs may request that a ballot be forwarded by electronic~~
10 ~~transmission at any time]~~. Upon receipt of such a request and
11 confirmation that proper application was made, the clerk may
12 transmit the appropriate ballot, together with a form containing
13 the affirmations, information, and a waiver of the right to
14 secrecy under section 11-137.

15 (b) The voter may return the completed replacement ballot
16 and executed forms:



H.B. NO. 738

- 1 (1) By electronic transmission so that the completed
2 replacement ballot and executed forms are received at
3 the office of the clerk no later than the closing time
4 provided in section 11-131 on the date of the
5 election;
- 6 (2) By mail so that the completed replacement ballot and
7 executed forms are received at the office of the clerk
8 no later than the closing time provided in section 11-
9 131 on the date of the election;
- 10 (3) By personal delivery to any place of deposit no later
11 than 7:00 p.m. on the date of the election; provided
12 that any voter who is standing in line at a place of
13 deposit at 7:00 p.m. on the date of the election with
14 the intent of returning a ballot and casting a vote
15 shall be allowed to vote; or
- 16 (4) By personal delivery to a voter service center no
17 later than the closing time provided in section 11-131
18 on the date of the election; provided that any voter
19 who is standing in line at a voter service center at
20 the closing time provided in section 11-131 on the



H.B. NO. 738

1 date of the election with the intent of returning a
2 ballot and casting a vote shall be allowed to vote.

3 (c) A voter with special needs may request that a ballot
4 be forwarded by electronic transmission at any time. Upon
5 receipt of such a request and confirmation that proper
6 application was made, the clerk may transmit the appropriate
7 ballot, together with a form containing the affirmations,
8 information, and a means of electronic authentication that does
9 not include the voter's handwritten signature or a waiver of
10 secrecy. The voter with special needs may return the completed
11 ballot and executed forms by any of the methods specified in
12 subsection (b); provided that the voter's handwritten signature
13 or a waiver of secrecy shall not be required.

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

19 SECTION 2. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21

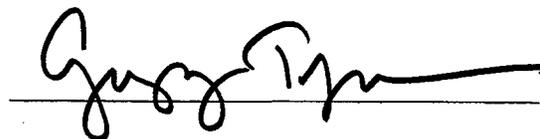


H.B. NO. 738

1 SECTION 3. This Act shall take effect upon its approval.

2

INTRODUCED BY:

A handwritten signature in black ink, appearing to read "Gusky", is written over a horizontal line.

JAN 25 2021



H.B. NO. 738

Report Title:

Deaf and Blind Task Force; Electronic Transmission of Ballots;
Electronic Authentication

Description:

Provides that a voter with special needs shall be provided a means of electronic authentication of an electronic transmission of replacement ballot that does not include the voter's handwritten signature or a waiver of secrecy.

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

