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# A BILL FOR AN ACT

RELATING TO ELECTIONS BY MAIL.

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

1           SECTION 1. The legislature finds that Act 136, Session  
2 Laws of Hawaii 2019, established that all elections statewide  
3 were to be conducted by mail beginning with the 2020 primary  
4 election.

5           The purpose of this Act is to revise various statutory  
6 provisions to clarify and improve the administration of  
7 elections by mail, including:

- 8           (1) Renaming districts as precincts;
- 9           (2) Extending registration deadlines;
- 10          (3) Requiring additional voter service centers on election  
11           day;
- 12          (4) Establishing voters with special needs advisory  
13           committees;
- 14          (5) Requiring the department of public safety to inform  
15           individuals on parole or probation of their right to  
16           vote and provide them with information on how to  
17           register and vote; and



1           (6) Requiring the office of elections and the county  
2           clerks to make a determination of the optimal number  
3           and placement of voter service centers.

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

7           "§11-     Minimum number of precincts.   There shall be a  
8           minimum of four district precincts in each district; provided  
9           that each inhabited island with at least one hundred residents  
10          shall include at least one precinct.

11          §11-     Statewide voters with special needs advisory  
12          committee.   (a) There is established a statewide voters with  
13          special needs advisory committee within the office of elections  
14          for administrative purposes. The purpose of the advisory  
15          committee is to ensure equal and independent access to voter  
16          registration, casting of ballots, and all other office of  
17          elections services.

18          (b) The advisory committee shall consist of five members  
19          appointed by the governor based on recommendations from  
20          organizations within the State that are comprised of a majority  
21          of officers and members who are persons with physical



1 disabilities including visual impairment. Each member shall  
2 identify as a voter with special needs arising from physical  
3 disabilities including visual and hearing impairments that  
4 require an accommodation to vote. The terms of advisory  
5 committee members shall be four years; provided that initial  
6 terms shall be one, two, three, or four years to ensure  
7 staggered rotation of members.

8 (c) The advisory committee shall meet at least annually to  
9 review election procedures, services, and technology and access  
10 to information, and shall make recommendations to the office of  
11 elections on at least an annual basis. The committee may meet  
12 and subsequently make recommendations at additional times as  
13 determined by a majority of the members.

14 §11- County voters with special needs advisory  
15 committees. (a) There is established a county voters with  
16 special needs advisory committee within each county division of  
17 the office of elections. The purpose of the advisory committees  
18 is to ensure equal and independent access to voter registration,  
19 casting of ballots, and all other county elections division  
20 services.



1       (b) Each advisory committee shall consist of five members  
2 appointed by the mayor of each respective county based on  
3 recommendations from organizations within the county that are  
4 comprised of a majority of officers and members who are persons  
5 with physical disabilities including visual impairment. Each  
6 member shall identify as a voter with special needs arising from  
7 physical disabilities including visual and hearing impairments  
8 which require an accommodation to vote. The terms of advisory  
9 committee members shall be four years; provided that initial  
10 terms shall be one, two, three, or four years to ensure  
11 staggered rotation of members.

12       (c) Each advisory committee shall meet at least annually  
13 to review election procedures, services, and technology and  
14 access to information, and shall make recommendations to the  
15 office of elections on at least an annual basis. The committee  
16 may meet and subsequently make recommendations at additional  
17 times as determined by a majority of the members."

18       SECTION 3. Chapter 353C, Hawaii Revised Statutes, is  
19 amended by adding a new section to be appropriately designated  
20 and to read as follows:



1        "§353C- Eligible voter notification. The department  
2 shall notify individuals on parole or probation of their  
3 eligibility to vote and provide them with information on how to  
4 register and vote."

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

7           1. By adding five new definitions to be appropriately  
8 inserted and to read:

9           "Ballot marking device" means a device that may be used to  
10 mark a ballot or to generate a marked ballot or ballot summary  
11 reflecting the ballot selections of the voter.

12           "Ballot summary" means a complete record of ballot  
13 selections that is verified by the voter.

14           "Closing hour of voting" means 7:00 p.m. Hawaii Standard  
15 Time on any election day.

16           "Precinct" means the smallest political subdivision  
17 established by law.

18           "Provisional ballot" means a ballot and any accompanying  
19 materials issued to a voter that is segregated for review and  
20 subsequent determination of validity, in accordance with  
21 eligibility criteria and other requirements of law."



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

2            "Ballot" 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]:

7           (1) A ballot summary reflecting a complete record of the  
8           ballot selections made by a voter utilizing an HTML  
9           ballot or similar accessible ballot that produces a  
10           ballot summary;

11           (2) A voter verifiable paper audit trail in the event  
12           there is a discrepancy between a voting machine's  
13           electronic record of the voted ballot and the voter  
14           verifiable paper audit trail; and

15           (3) A ballot used in an election by mail pursuant to part  
16            VIIA, including a ballot approved for electronic  
17            transmission. A ballot may consist of one or more  
18            cards or pieces of paper, or one face of a card or  
19            piece of paper, or a portion of the face of a card or  
20            piece of paper, depending on the number of offices,



1 candidates to be elected thereto, questions or issues  
2 to be voted on, and the voting system in use."

3 3. By amending the definition of "district" to read:

4 "District" means, unless otherwise specified, the district  
5 of political representation [~~with the fewest eligible voters in~~  
6 ~~a particular election.~~] associated with a state representative."

7 SECTION 5. Section 11-15, Hawaii Revised Statutes, is  
8 amended by amending subsection (a) to read as follows:

9 "(a) Any person qualified to and desiring to register as a  
10 voter in any county shall make and subscribe to an application  
11 in the form of an affidavit.

12 The affidavit shall contain the following information:

13 (1) Name;

14 (2) The applicant's Hawaii driver's license number or  
15 Hawaii state identification card number; provided  
16 that:

17 (A) If no driver's license or identification card has  
18 been issued to the applicant, the last four  
19 digits of the applicant's social security number;  
20 and



1 (B) If no social security number has been issued to  
2 the applicant, an election official or county  
3 clerk shall assign the applicant a unique  
4 identification number for voter registration  
5 purposes and enroll the applicant in the State's  
6 computerized voter registration list, if any;

7 (3) Date of birth;

8 (4) Residence, including mailing address;

9 (5) That the residence stated in the affidavit is not  
10 simply because of the person's presence in the State,  
11 but that the residence was acquired with the intent to  
12 make Hawaii the person's legal residence with all the  
13 accompanying obligations therein; ~~and~~

14 (6) That the person is a citizen~~[-]~~; and

15 (7) A statement, if the applicant is unable to read  
16 standard print due to disability, acknowledging that  
17 fact and requesting an electronic ballot be sent to  
18 the applicant's email address.

19 ~~[An application to register to vote shall include a space~~  
20 ~~to request a permanent absentee ballot.] "~~



1 SECTION 6. Section 11-15.2, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "~~§11-15.2 [Late registration.]~~ Same day in-person  
4 registration. (a) Notwithstanding the closing of the general  
5 county register pursuant to section 11-24, a person who is  
6 ~~[eligible to vote but is]~~ not registered to vote may register by  
7 appearing in person at any voter service center on or before  
8 election day~~[-]~~ or register electronically pursuant to section  
9 11-15.3.

10 (b) The clerk shall designate a registration clerk~~[-who~~  
11 ~~may be an election official,]~~ at each voter service center~~[-~~

12 ~~(c) The registration clerk]~~ who shall process applications  
13 for any person ~~[not registered to vote]~~ who submits a signed  
14 affidavit in accordance with section 11-15, which shall include  
15 a sworn affirmation:

- 16 (1) Of the person's qualification to vote;
- 17 (2) Acknowledging that the person has not voted and will  
18 not attempt to vote again in that election, and has  
19 not cast and will not cast any absentee ballot  
20 pursuant to chapter 15 in that election; and



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

5           ~~[(d)]~~ (c) The registration clerk may accept, as prima  
6           facie evidence, the allegation of the person in the application  
7           regarding the person's residence in accordance with section 11-  
8           15(b), unless the allegation is contested by a qualified voter.  
9           The registration clerk may demand that the person furnish  
10          substantiating evidence to the other allegations of the person's  
11          application in accordance with section 11-15(b). If additional  
12          time or information is required to validate an application, the  
13          applicant shall be provided a provisional ballot.

14          ~~[(e)] Registration may be challenged in accordance with~~  
15          ~~section 11-25.~~

16          ~~(f) Notwithstanding subsection (a), registration pursuant~~  
17          ~~to this section may also be used by a person who is registered~~  
18          ~~to vote but whose name cannot be found on the county register.~~

19          ~~(g) The clerk of each county shall add persons who~~  
20          ~~properly register under this section to the respective general~~  
21          ~~county register. Within thirty days of registration, the clerk~~



1 ~~shall mail to the person a notice including the person's name,~~  
2 ~~current street address, district, and date of registration. A~~  
3 ~~notice mailed pursuant to this subsection shall serve as prima~~  
4 ~~facie evidence that the person is a registered voter as of the~~  
5 ~~date of registration.] "~~

6 SECTION 7. Section 11-17, Hawaii Revised Statutes, is  
7 amended to read as follows:

8 "§11-17 Removal of names from register, when;  
9 reregistration. (a) The clerk, ~~[no later than 4:30 p.m. on the~~  
10 ~~sixtieth day]~~ after every general election, shall remove the  
11 ~~[name] names of [any] registered [voter] voters who were~~  
12 ~~identified as having an outdated or undeliverable address who~~  
13 ~~did not vote in [that general election, and also did not vote in~~  
14 ~~the primary election preceding that general election, and also~~  
15 ~~did not vote in the previous general election, and also did not~~  
16 ~~vote in the primary election preceding that general election,~~  
17 ~~and also did not vote in the regularly scheduled special~~  
18 ~~elections held in conjunction with those primary and general~~  
19 ~~elections, if any,]~~ all elections held during the two previous  
20 federal election cycles with the exception of [+



1       ~~(1) Those who submitted written requests for absentee~~  
2           ~~ballots as provided in section 15-4; or~~  
3       ~~(2) Anyone]~~ anyone who preregistered pursuant to section  
4           11-12 (b) .

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

18       (b)   ~~[The]~~ Prior to removal as noted in subsection (a), the  
19   clerk shall ~~[also]~~ identify ~~[or remove the name of any]~~  
20   registered voter ~~[if the clerk, after]~~ names from a postal  
21   database containing outdated or undeliverable addresses or by



1 mailing a notice or other correspondence, properly addressed,  
2 ~~[with postage prepaid, receives the notice or other~~  
3 ~~correspondence as return mail with]~~ and receiving a postal  
4 notation that the notice or other correspondence was not  
5 deliverable. ~~[On election day, any person identified or removed~~  
6 ~~shall have the person's name corrected or restored in the~~  
7 ~~register and shall be allowed to vote if the person completes an~~  
8 ~~affidavit or other form prescribed by the chief election officer~~  
9 ~~affirming that the person:~~

- 10       ~~(1) Claims the person's legal residence at the address~~  
11           ~~listed on the register;~~
- 12       ~~(2) Changed the person's legal residence after the closing~~  
13           ~~of the register for that election; or~~
- 14       ~~(3) Moved to a new residence within the same district as~~  
15           ~~the person's residence as listed on the register.]~~

16       (c) Upon identification of names of registered voters as  
17 prescribed in section (b) the clerk shall conduct any  
18 notification mailings as required by applicable federal law.

19       ~~[(e)]~~ (d) The clerk may also remove the name of any  
20 registered voter, if the voter so desires and properly notifies



1 the clerk pursuant to the procedures established by the chief  
2 election officer.

3 ~~[(d) Any person whose name has been removed from the  
4 register, at any time prior to the closing of the register, as  
5 provided in section 11-24, may have that person's name restored  
6 in the register by presenting oneself to the clerk and  
7 reregistering pursuant to section 11-15, or by making  
8 application by mail or otherwise pursuant to procedures  
9 established by the clerk. The clerk shall require satisfactory  
10 evidence to establish the identity of the applicant. The names  
11 of all those persons shall be reentered in the register.] "~~

12 SECTION 8. Section 11-21, Hawaii Revised Statutes, is  
13 amended by amending subsection (c) and (d) to read as follows:

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



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

4 SECTION 9. Section 11-22, Hawaii Revised Statutes, is  
5 amended by amending subsection (a) to read as follows:

6 "(a) The clerk shall correct the register if at any time  
7 it shall be manifest to the clerk that the name of a person  
8 registered has been accidentally misspelled, or that the person  
9 has been misnamed therein, or that the person has been  
10 accidentally registered under the wrong [~~district,~~] precinct, or  
11 that the person was accidentally removed pursuant to section 11-  
12 17(a), or that the name of the person should be corrected or  
13 restored pursuant to section 11-17(b)."

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

16 "**§11-23 Changing register; striking names of disqualified**  
17 **voters.** [~~(a)~~] Whenever the clerk receives from the department  
18 of health or any informing agency, information of the death,  
19 loss of voting rights of a person sentenced for a felony as  
20 provided in section 831-2, adjudication as an incapacitated  
21 person under the provisions of chapter 560, loss of citizenship,



1 or any other disqualification to vote, [~~of any person registered~~  
2 ~~to vote in that county, or who the clerk has reason to believe~~  
3 ~~may be registered to vote therein, the clerk shall thereupon~~  
4 ~~make such investigation as may be necessary to prove or disprove~~  
5 ~~the information, giving the person concerned, if available,~~  
6 ~~notice and an opportunity to be heard. If after the~~  
7 ~~investigation the clerk finds that the person is dead, or~~  
8 ~~incapacitated to the extent that the person lacks sufficient~~  
9 ~~understanding or capacity to make or communicate responsible~~  
10 ~~decisions concerning voting, or has lost voting rights pursuant~~  
11 ~~to section 831-2, or has lost citizenship, or is disqualified~~  
12 ~~for any other reason to vote, the clerk shall remove the name of~~  
13 ~~the person from the register.~~

14 (b) ~~The clerk shall make and keep an index of all~~  
15 ~~information furnished to the clerk under any requirements of law~~  
16 ~~concerning any of the matters in this section. Whenever any~~  
17 ~~person applies to register as a voter, the clerk shall, before~~  
18 ~~registering the person, consult the index for the purpose of~~  
19 ~~ascertaining whether or not the person is in any manner~~  
20 ~~disqualified to vote.] the clerk may accept the reported~~  
21 information as prima facie evidence to maintain and update the



1 general register. Any person whose name is removed from the  
2 register of voters under this section may re-register to vote or  
3 appeal in the manner provided by sections 11-26 and 11-51, and  
4 such proceedings shall be had upon the appeal as in other  
5 appeals under these sections."

6 SECTION 11. Section 11-24, Hawaii Revised Statutes, is  
7 amended to read as follows:

8 "§11-24 Closing register. (a) At 4:30 p.m. on the  
9 [~~thirtieth~~] tenth day [~~prior to~~] before each [~~primary, special~~  
10 ~~primary, or special~~] election, but if the day is a Saturday,  
11 Sunday, or holiday then at 4:30 p.m. on the first working day  
12 immediately thereafter, the general county register shall be  
13 closed to registration for persons seeking to vote [~~at the~~  
14 ~~primary, special primary, or special election~~] and remain closed  
15 to registration until after the election, subject to change only  
16 as provided in sections 11-15.2, 11-21(c), 11-22, 11-25, 11-26,  
17 and this section.

18 (b) Notwithstanding the [~~closing of the register for~~  
19 ~~registration to vote at the primary or special primary election,~~  
20 ~~the register shall remain open for the registration of persons~~  
21 ~~seeking to vote at the general or special general election,~~



1 ~~until 4:30 p.m. on the thirtieth day prior to the general or~~  
2 ~~special general election, but if the day is a Saturday, Sunday,~~  
3 ~~or holiday then at 4:30 p.m. on the first working day~~  
4 ~~immediately thereafter, at the end of which period the general~~  
5 ~~county register shall be closed to registration and remain~~  
6 ~~closed until after the general or special general election next~~  
7 ~~following, subject to change only as provided in sections 11-~~  
8 ~~21(e), 11-22, 11-25, and 11-26.] time of closing the general~~  
9 ~~county registrar under subsection (a), the clerk may accept an~~  
10 ~~application submitted on the tenth day if it was received~~  
11 ~~electronically through the online voter registration system in~~  
12 ~~accordance with section 11-15.3 or received as part of a drivers~~  
13 ~~licensing transaction or from another designated voter~~  
14 ~~registration agency under the National Voter Registration Act of~~  
15 ~~1993. The clerk shall also accept an application that is~~  
16 ~~postmarked prior to or on the tenth day before the election."~~

17 SECTION 12. Section 11-25, Hawaii Revised Statutes, is  
18 amended by amending subsection (a) to read as follows:

19 "(a) Any registered voter may challenge the right of a  
20 person to be or to remain registered as a voter in any precinct  
21 for any cause not previously decided by the board of



1 registration or the supreme court in respect to the same person.  
2 The challenge shall be in writing, setting forth the grounds  
3 upon which it is based, and be signed by the person making the  
4 challenge. The challenge shall be delivered to the clerk who  
5 shall immediately serve notice thereof on the person challenged.  
6 The clerk shall, as soon as possible, investigate and rule on  
7 the challenge."

8 SECTION 13. Section 11-26, Hawaii Revised Statutes, is  
9 amended as follows:

10 1. By amending subsection (a) to read:

11 "(a) In cases where the clerk, or [~~precinct~~] voter service  
12 center officials, rules on a challenge on election day, the  
13 person ruled against may appeal from the ruling to the board of  
14 registration of the person's county for review under part III.  
15 The appeal shall be brought before the challenger and challenged  
16 party leave the [~~polling place~~] voter service center. If an  
17 appeal is brought, both the challenger and the challenged voter  
18 may be parties to the appeal."

19 2. By amending subsection (c) to read:

20 "(c) If the appeal is sustained, the board shall  
21 immediately certify that finding to the clerk, who shall



1 thereupon alter the register to correspond to the findings of  
2 the board, and when necessary, the clerk shall notify the  
3 [~~precinct~~] voter service center officials of the change in the  
4 register."

5 SECTION 14. Section 11-92.1, Hawaii Revised Statutes, is  
6 amended to read as follows:

7 "§11-92.1 Election proclamation; establishment of a new  
8 precinct; voter service centers and places of deposit; changes  
9 to [~~district~~] precinct boundaries. (a) The chief election  
10 officer shall issue a proclamation listing all voter service  
11 centers and places of deposit as may have been determined by the  
12 clerk as of the proclamation date[-] and whenever a new precinct  
13 is established in any representative district. The clerk shall  
14 make arrangements for the rental or erection of suitable shelter  
15 for the establishment of a voter service center whenever public  
16 buildings are not available and shall cause these voter service  
17 centers to be equipped with the necessary facilities for  
18 lighting, ventilation, and equipment needed for elections on any  
19 island. This proclamation may be issued jointly with the  
20 proclamation required in section 11-91.



1 (b) No change shall be made in the boundaries of any  
2 [~~district~~] precinct later than 4:30 p.m. on the tenth day before  
3 the close of filing for an election.

4 (c) Notwithstanding subsection (a), and pursuant to  
5 section 15-2.5, the clerk is not required to establish voter  
6 service centers for [~~districts~~] precincts affected by natural  
7 disasters, as provided in section 15-2.5."

8 SECTION 15. Section 11-92.3, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 **"§11-92.3 Natural disasters; postponement; consolidation**  
11 **of [~~districts~~] precincts; special elections.** (a) In the event  
12 of a flood, tsunami, earthquake, volcanic eruption, high wind,  
13 or other natural disaster, occurring before an election where  
14 the extent of damage caused is such that the ability of voters,  
15 in any precinct, district, or county, to exercise their right to  
16 vote is substantially impaired, the chief election officer or  
17 clerk in the case of county elections may postpone the  
18 conducting of an election in the affected [~~area~~] precinct for no  
19 more than twenty-one days; provided that any postponement shall  
20 not affect the conduct of the election, tabulation, or  
21 distribution of results for those precincts, districts, or



1 counties not designated for postponement. The chief election  
2 officer or clerk in the case of county elections shall give  
3 notice of the postponement by whatever possible news or  
4 broadcast media are available.

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

14 A special, special primary, or special general election  
15 [~~district]~~ precinct shall be considered the same as an  
16 established [~~district]~~ precinct for all purposes. No later than  
17 4:30 p.m. on the tenth day before the special, special primary,  
18 or special general election, the chief election officer or the  
19 clerk shall give public notice, in the area in which the  
20 special, special primary, or special general election is to be



1 held, of the special, special primary, or special general  
2 election [~~districts.~~] precincts."

3 SECTION 16. Section 11-101, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "[+]§11-101[+] Elections eligible to be conducted by mail.  
6 Beginning with the 2020 primary election, all elections shall be  
7 conducted by mail in accordance with this title. A voter in an  
8 election conducted by mail shall not be precluded from voting by  
9 absentee ballot under chapters 15 or 15D, if the voter complies  
10 with the applicable requirements."

11 SECTION 17. Section 11-102, Hawaii Revised Statutes, is  
12 amended by amending subsection (b) to read as follows:

13 "(b) To the extent practicable, the clerk shall mail a  
14 ballot package by non-forwardable mail to each registered voter  
15 in the county so as to enable voters to receive the ballot  
16 package [~~approximately~~] at least eighteen days before the  
17 election[-]; provided that the State and counties shall not be  
18 liable if the package ballot package is received fewer than  
19 eighteen days before the election. The clerk shall continue  
20 mailing ballot packages to voters who register to vote no later  
21 than ten days before the date of the election and to voters who



1 update their voter registration address no later than [~~fourteen~~]  
2 seven days before the date of the election[~~-~~] and who have not  
3 yet voted; provided that the clerk may continue mailing ballot  
4 packages beyond the deadlines established by this subsection if  
5 the clerk determines that there is reasonable time for a voter  
6 to receive and submit the ballot package before the election.

7 In determining the initial mailing date of the ballot packages,  
8 the clerk shall consider the mailing place of origin and the  
9 most recent postal service delivery standards. The clerk shall  
10 not mail a ballot package to any voter in the county register  
11 who is identified as having an outdated or non-deliverable  
12 mailing address. Nothing in this part shall be construed to  
13 change the responsibilities of the clerk or chief election  
14 officer under chapter 15 with respect to voters requesting to  
15 vote by absentee ballot or chapter 15D with respect to uniform  
16 military and overseas voters."

17 SECTION 18. Section 11-104, Hawaii Revised Statutes, is  
18 amended as follows:

19 1. By amending subsection (a) to read:

20 "(a) After a voter receives a ballot package, the voter  
21 shall comply with the instructions included in the ballot



1 package in order to cast a valid vote. The instructions shall  
2 include directions for:

- 3 (1) Marking the ballot;
- 4 (2) Inserting the marked ballot in the secrecy envelope or  
5 secrecy sleeve;
- 6 (3) Inserting the secrecy envelope or secrecy sleeve with  
7 the marked ballot in the return identification  
8 envelope; and
- 9 (4) Signing the affirmation on the return identification  
10 envelope before mailing or delivering the return  
11 identification envelope containing the secrecy  
12 envelope or secrecy sleeve with the marked ballot.  
13 The affirmation shall consist of a statement to be  
14 subscribed to by the voter that affirms the fact that  
15 the voter is the person voting and that the voter's  
16 employer or agent of the employer, agent of the  
17 voter's labor union, or any candidate listed on the  
18 ballot did not assist the voter, as described in  
19 section 11-139, along with the instruction that the  
20 voter's ballot will be valid only if the affirmation  
21 statement is signed."



1           2. By amending subsection (c) to read:

2           "(c) To cast a valid ballot, the voter shall return the  
3 return identification envelope containing the optional secrecy  
4 envelope or secrecy sleeve with the marked ballot:

5           (1) [~~By mail so~~] In any manner so that the return  
6           identification envelope is received [~~at the office of~~]  
7           by the clerk or the clerk's designee no later than the  
8           closing [~~time provided in~~] hour of voting as defined  
9           in section [11-131 on the date of the election,] 11-1;  
10          provided that anyone who is standing in line at  
11          7:00 p.m. on the date of the election with the intent  
12          of returning a ballot shall be permitted to do so;

13          (2) [~~By personal delivery at~~] In any manner to any place  
14          of deposit no later than [~~7:00 p.m. on the date of the~~  
15          ~~election,]~~ the closing hour of voting; provided that  
16          [~~any voter~~] anyone who is standing in line at a place  
17          of deposit at 7:00 p.m. on the date of the election  
18          with the intent of returning a ballot [~~and casting a~~  
19          ~~vote]~~ shall be [~~allowed to vote,]~~ permitted to do so;  
20          or



1           (3) ~~[By personal delivery]~~ In any manner to any voter  
2           service center no later than the closing ~~[time~~  
3           ~~provided in section 11-131 on the date of the~~  
4           ~~election,]~~ hour of voting; provided that ~~[any voter]~~  
5           anyone who is standing in line at a voter service  
6           center at the closing time provided in section 11-131  
7           on the date of the election with the intent of  
8           returning a ballot ~~[and casting a vote]~~ shall be  
9           ~~[allowed to vote.]~~ permitted to do so."

10           SECTION 19. Section 11-105, Hawaii Revised Statutes, is  
11           amended by amending subsections (b) and (c) to read as follows:

12           "(b) Upon receipt of a completed replacement ballot  
13           application form~~[,]~~ or request, the clerk shall:

- 14           (1) Verify the registration of the voter and ensure that  
15           another ballot has not been returned by the voter;  
16           (2) Record that the voter has requested a replacement  
17           ballot;  
18           (3) Mark the return identification envelope as containing  
19           a replacement ballot; and  
20           (4) Issue the replacement ballot package by mail or make  
21           the ballot package available for pick-up by the voter.



1 (c) Voters who obtain a replacement ballot shall return  
2 the return identification envelope containing [~~the secrecy~~  
3 ~~envelope or secrecy sleeve with~~] the marked replacement 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 time provided in section 11-131 on the date of~~  
7 ~~the election;~~

8 ~~(2) By personal delivery to any place of deposit no later~~  
9 ~~than 7:00 p.m. on the date of the election; provided~~  
10 ~~that any voter who is standing in line at a place of~~  
11 ~~deposit at 7:00 p.m. on the date of the election with~~  
12 ~~the intent of returning a ballot and casting a vote~~  
13 ~~shall be allowed to vote; or~~

14 ~~(3) By personal delivery to any voter service center no~~  
15 ~~later than the closing time provided in section 11-131~~  
16 ~~on the date of the election; provided that any voter~~  
17 ~~who is standing in line at a voter service center at~~  
18 ~~the closing time provided in section 11-131 on the~~  
19 ~~date of the election with the intent of returning a~~  
20 ~~ballot and casting a vote shall be allowed to vote.]~~  
21 in the same manner as provided in section 11-104(c)."



1 SECTION 20. Section 11-106, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "[+]§11-106[+] Deficient return identification envelopes.

4 If:

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

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

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

12 the clerk shall make an attempt to notify the voter by first  
13 class mail, telephone, or electronic mail to inform the voter of  
14 the procedure to correct the deficiency. The voter shall have  
15 five business days after the date of the election to cure the  
16 deficiency. The chief election officer may adopt rules  
17 regarding requirements and procedures for correcting deficient  
18 return identification envelopes. The counting of ballots and  
19 disclosure of subsequent election results may continue during  
20 the time period permitted to cure a deficiency under this  
21 section. The clerk's inability to contact voters under this



1 section shall not be grounds for a contest for cause under  
2 section 11-172. This section shall apply to all return  
3 identification envelopes, including ballots utilizing the  
4 provisions of section 11-107, chapter 15, or chapter 15D."

5 SECTION 21. Section 11-107, Hawaii Revised Statutes, is  
6 amended to read as follows:

7 "[+]§11-107[+] **Electronic transmission under certain**  
8 **circumstances.** (a) If a ballot package is not received by a  
9 voter by the fifth day before the date of the election or a  
10 voter otherwise requires a replacement ballot within five days  
11 of an election, the voter may request that a ballot be forwarded  
12 by electronic transmission~~[; provided that a voter with special~~  
13 ~~needs may request that a ballot be forwarded by electronic~~  
14 ~~transmission at any time]~~. Upon receipt of such a request and  
15 confirmation that ~~[proper application was made,]~~ the voter has  
16 not already voted, the clerk may transmit the appropriate  
17 ballot, ~~[together with a form containing the affirmations,]~~  
18 voting information, and a waiver of the right to secrecy under  
19 section 11-137. The waiver of the right to secrecy shall not be  
20 required if the voted ballot is returned in a signed ballot



1 return identification envelope issued to the voter pursuant to  
2 section 11-102.

3 (b) The voter may return the completed replacement ballot  
4 and executed forms:

5 (1) By electronic transmission so that the completed  
6 replacement ballot and executed forms are received [at  
7 ~~the office of~~] by the clerk or the clerk's designee no  
8 later than the closing [time] hour of voting provided  
9 in section [~~11-131 on the date of the election;~~] 11-1;

10 or

11 (2) [~~By mail so that the completed replacement ballot and~~  
12 ~~executed forms are received at the office of the clerk~~  
13 ~~no later than the closing time provided in section 11-~~  
14 ~~131 on the date of the election;~~

15 (3) [~~By personal delivery to any place of deposit no later~~  
16 ~~than 7:00 p.m. on the date of the election; provided~~  
17 ~~that any voter who is standing in line at a place of~~  
18 ~~deposit at 7:00 p.m. on the date of the election with~~  
19 ~~the intent of returning a ballot and casting a vote~~  
20 ~~shall be allowed to vote; or~~



1       ~~(4) By personal delivery to a voter service center no~~  
2       ~~later than the closing time provided in section 11-131~~  
3       ~~on the date of the election; provided that any voter~~  
4       ~~who is standing in line at a voter service center at~~  
5       ~~the closing time provided in section 11-131 on the~~  
6       ~~date of the election with the intent of returning a~~  
7       ~~ballot and casting a vote shall be allowed to vote.]~~  
8       In the same manner as provided in section 11-104.

9       (c) A voter with special needs may request that a ballot  
10      be forwarded by electronic transmission at any time, but no  
11      earlier than the date that the voter's initial ballot package  
12      was or would have been transmitted. Upon receipt of such a  
13      request and confirmation that the voter has not already voted,  
14      the clerk may transmit the appropriate ballot, voting  
15      information, and a means of electronic authentication that does  
16      not include the voter's hand written signature or a waiver of  
17      secrecy. The special needs voter may return the completed  
18      ballot and executed forms by any of the methods specified in  
19      subsection (b); provided that the voter's hand written signature  
20      or a waiver of secrecy shall not be required.



1        [~~(e)~~] (d) Upon receipt, the clerk shall verify compliance  
2 with the requirements of this part; provided that if the voter  
3 returns multiple voted ballots for the same election, the clerk  
4 shall prepare only the first ballot returned that is not  
5 spoiled.

6        (e) The clerk may maintain a listing of voters with  
7 special needs that utilize a ballot forwarded by electronic  
8 transmission to facilitate the provision of voting services in  
9 subsequent elections."

10        SECTION 22. Section 11-108, Hawaii Revised Statutes, is  
11 amended as follows:

12        1. By amending subsection (a) to read:

13        "(a) Ballot processing for tabulation may begin no sooner  
14 than the [~~tenth~~] eighteenth day before the election. In the  
15 presence of official observers, counting center employees may  
16 open the return identification envelopes and count the ballots;  
17 provided that any tabulation of the number of votes cast for a  
18 candidate or question appearing on the ballot, including a  
19 counting center printout or other disclosure, shall be kept  
20 confidential and shall not be disclosed to the public until  
21 after 7:00 p.m. on the date of the election or after the last



1 person in line at a voter service center desiring to vote at  
2 7:00 p.m. on the date of the election has voted, as provided in  
3 section 11-131, whichever is later. All handling and counting  
4 of ballots shall be conducted in accordance with procedures  
5 established by the chief election officer."

6 2. By amending subsection (c) to read:

7 "(c) Any ballot the validity of which cannot be  
8 established upon receipt shall be retained by the clerk and  
9 shall not be commingled with ballots for which validity has been  
10 established until the validity of the ballot in question can be  
11 verified by the clerk. No ballot shall be included in an  
12 initial tabulation until the clerk has determined its validity.  
13 The clerk shall make reasonable efforts to determine the  
14 validity of ballots within [~~seven~~] ten days following an  
15 election day. No ballot shall be validated beyond the tenth day  
16 following an election."

17 SECTION 23. Section 11-109, Hawaii Revised Statutes, is  
18 amended as follows:

19 1. By amending subsections (a) and (b) to read:

20 "(a) [~~Voter~~] A voter service [~~centers~~] center shall be  
21 established at the office of the clerk[, ~~and may be established~~



1 ~~at additional locations within a county as may be designated by~~  
2 ~~a clerk to service the particular needs of a county's voters.]~~  
3 in each county that shall be open from the tenth business day  
4 preceding the day of the election during regular business hours  
5 and until the closing hour of voting on the date of the  
6 election.

7 (b) ~~[Voter service centers shall be open from the tenth~~  
8 ~~business day preceding the day of the election during regular~~  
9 ~~business hours until the time provided in section 11-131 on the~~  
10 ~~date of the election and at the same times statewide.]~~ The  
11 clerks may operate additional voter services centers with  
12 varying days or hours of operations to service the voters of  
13 particular areas that otherwise could not support the operation  
14 of a voter service center for ten business days or the same  
15 times statewide; provided that on election day the clerk of any  
16 county with a population less than 500,000 shall operate one  
17 additional voter service center on each island of at least 1,000  
18 inhabitants and the clerk of any county with a population of  
19 500,000 or more shall operate three additional voter service  
20 centers, one of which shall be on the Windward side; provided  
21 further that on election day all additional voter service



1 centers shall be open until 7:00 p.m. Anyone standing in line  
2 at a voter service center at the closing hour of voting on the  
3 date of the election with the intent of voting shall be  
4 permitted to do so. A person eligible to vote but who is not  
5 registered to vote standing in line at a voter service center at  
6 the closing hour of voting on the date of the election shall be  
7 permitted to apply under section 11-15.2 to register to vote and  
8 subsequently vote that election day. To the extent the  
9 registration clerk determines the applicant to be registered at  
10 that time, the applicant will be permitted to vote a regular  
11 ballot. If additional time is required to process the  
12 application, the applicant will be provided a provisional  
13 ballot."

14 2. By amending subsection (d) to read:

15 "(d) The clerks may designate and provide for places of  
16 deposit to be open [~~five business days before the election until~~  
17 ~~7:00 p.m. on the day of the election,~~] as early as the mailing  
18 of ballots by the clerks; provided that the locations and  
19 apparatus for receiving voted ballots can be securely maintained  
20 during the period of use for each election, and as may be  
21 permitted by the operational hours."



1 SECTION 24. Section 11-117, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:

3 "(b) On receipt of the notice of death, withdrawal, or  
4 upon determination of disqualification, the chief election  
5 officer or the clerk shall inform the chairperson of the  
6 political party of which the person deceased, withdrawing, or  
7 disqualified was a candidate. When a candidate dies, withdraws,  
8 or is disqualified after the close of filing and the ballots  
9 have been printed, the chief election officer or the clerk may  
10 order the candidate's name stricken from the ballot or order  
11 that a notice of the death, withdrawal, or disqualification be  
12 prominently posted at the appropriate [~~polling places~~] voter  
13 service centers on election day."

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

16 "**§11-131 Voter service center hours.** The hours of voting  
17 at voter service centers shall be:

18 (1) Regular business hours as prescribed in section 11-109  
19 and by the clerk; and



1           (2) On an election day, from 7:00 a.m. until [~~7:00 p.m. of~~  
2           ~~that day.~~] the closing hour of voting as defined in  
3           section 11-1.

4 If, at [~~7:00 p.m. on an election day,~~] the closing hour of  
5 voting, any voter is standing in line at a voter service center  
6 with the desire of entering and voting, but due to the voter  
7 service center being overcrowded has been unable to do so, the  
8 voter shall be allowed to vote. No voter shall be permitted to  
9 enter or join the line after the prescribed hours of voting  
10 specified in this section."

11           SECTION 26. Section 11-132, Hawaii Revised Statutes, is  
12 amended by amending subsection (a) to read as follows:

13           "(a) Election officials shall post in a conspicuous place,  
14 before operation of voting service centers or places of deposit,  
15 a map designating an area of two hundred feet from the perimeter  
16 of any voter service center, place of deposit, and its  
17 appurtenances. Any person who remains or loiters within this  
18 specified area for the purpose of campaigning shall be guilty of  
19 a misdemeanor. For the purposes of this section, a voter  
20 service center, place of deposit, and its appurtenances shall  
21 include:



- 1 (1) The building in which a voter service center, place of  
2 deposit, or its appurtenances are located;
- 3 (2) Any parking lot adjacent to the building and routinely  
4 used for parking at that building;
- 5 (3) The routes of access between the building and any  
6 parking lot; [~~and~~]
- 7 (4) Any route of access between any public thoroughfare  
8 (right of way) and the voter service center, place of  
9 deposit, or its appurtenances, to ensure an open and  
10 accessible ingress and egress to and from the voter  
11 service center, place of deposit, or appurtenances for  
12 voters[-]; and
- 13 (5) Any area at a voter service center, place of deposit,  
14 or its appurtenances designated for voters waiting to  
15 vote."

16 SECTION 27. Section 11-138, Hawaii Revised Statutes, is  
17 amended to read as follows:

18 "§11-138 Time allowed voters. A voter shall be allowed to  
19 remain in the voting booth for five minutes, and having voted  
20 the voter shall at once emerge and leave the voting booth. If  
21 the voter refuses to leave when so requested by a majority of



1 [~~precinct~~] voter service center officials after the lapse of  
2 five minutes, the voter shall be removed by the [~~precinct~~] voter  
3 service center officials."

4 SECTION 28. Section 11-153, Hawaii Revised Statutes, is  
5 amended by amending subsection (c) to read as follows:

6 "(c) The chief election officer or the clerk shall make a  
7 list of all [~~districts~~] precincts 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.

12 An election contest may be brought under part XI, if the  
13 overage or underage in any [~~district~~] precinct could affect the  
14 outcome of an election."

15 SECTION 29. Section 11-155, Hawaii Revised Statutes, is  
16 amended to read as follows:

17 "**§11-155 Certification of results of election.** On receipt  
18 of certified tabulations from the election officials concerned,  
19 the chief election officer, or county clerk in a county  
20 election, shall compile, certify, and release the election  
21 results after the expiration of the time for bringing an



1 election contest. The certification shall be based on a  
2 comparison and reconciliation of the following:

- 3 (1) The results of the canvass of ballots conducted  
4 pursuant to chapter 16;
- 5 (2) The audit of [~~pollbooks (and related record books)~~]  
6 records and resultant overage and underage report;
- 7 (3) The audit results of the manual audit team;
- 8 [~~(4) The results of the absentee ballot reconciliation~~  
9 ~~report compiled by the clerks;~~
- 10 ~~(5)]~~ (4) The results of any mandatory recount of votes  
11 conducted pursuant to section 11-158; and
- 12 [~~(6)]~~ (5) All logs, tally sheets, and other documents  
13 generated during the election and in the canvass of  
14 the election results.

15 A certificate of election or a certificate of results declaring  
16 the results of the election as of election day shall be issued  
17 pursuant to section 11-156; provided that in the event of an  
18 overage or underage, a list of all precincts in which an overage  
19 or underage occurred shall be attached to the certificate. The  
20 number of candidates to be elected receiving the highest number  
21 of votes in any election district shall be declared to be



1 elected. Unless otherwise provided, the term of office shall  
2 begin or end as of the close of [~~polls~~] voter service centers on  
3 election day. The position on the question receiving the  
4 appropriate majority of the votes cast shall be reflected in a  
5 certificate of results issued pursuant to section 11-156."

6 SECTION 30. Section 11-172, Hawaii Revised Statutes, is  
7 amended to read as follows:

8 "§11-172 **Contests for cause; generally.** With respect to  
9 any election, any candidate, or qualified political party  
10 directly interested, or any thirty voters of any election  
11 district, may file a complaint in the supreme court. The  
12 complaint shall set forth any cause or causes, such as but not  
13 limited to, provable fraud, overages, or underages, that could  
14 cause a difference in the election results. The complaint shall  
15 also set forth any reasons for reversing, correcting, or  
16 changing the decisions of the [~~precinct~~] voter service center  
17 officials or the officials at a counting center in an election  
18 using the electronic voting system. A copy of the complaint  
19 shall be delivered to the chief election officer or the clerk in  
20 the case of county elections."



1 SECTION 31. Section 11-174.5, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:

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

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



1 the court shall decide which candidate or candidates have been  
2 elected, a copy of that judgment shall be served on the chief  
3 election officer or county clerk, who shall sign and deliver to  
4 the candidate or candidates certificates of election, and the  
5 same shall be conclusive of the right of the candidate or  
6 candidates to the offices."

7 SECTION 32. Section 15-2, Hawaii Revised Statutes, is  
8 amended to read as follows:

9 "§15-2 Who may vote by absentee ballot. Any person  
10 registered to vote may cast an absentee ballot in any election,  
11 including an election conducted by mail, in the manner provided  
12 in this chapter and rules adopted by the chief election  
13 officer."

14 SECTION 33. Section 15-2.5, Hawaii Revised Statutes, is  
15 amended by amending its title and subsections (a) and (b) to  
16 read as follows:

17 "§15-2.5 Voting by mail in [~~district~~] precinct affected by  
18 natural disasters. (a) If the chief election officer and clerk  
19 of a county affected as a result of a natural disaster determine  
20 that the opening of a designated voter service center will  
21 adversely affect the health and safety of voters or [~~precinct~~]



1 voter service center officials, the chief election officer and  
2 county clerk, by written order, may require the registered  
3 voters of any [~~district~~] precinct to vote by mail as provided in  
4 part VIIA of chapter 11.

5 (b) Within thirty days after the issuance of such an  
6 order, the chief election officer and county clerk shall notify  
7 all registered voters in the affected [~~district~~] precinct of the  
8 issuance of the order."

9 SECTION 34. Section 15-9, Hawaii Revised Statutes, is  
10 amended to read as follows:

11 "§15-9 Return [~~and~~], receipt, processing, and treatment of  
12 absentee ballots. [~~(a) The return envelope shall be:~~

13 ~~(1) Mailed and must be received by the clerk issuing the~~  
14 ~~absentee ballot no later than the closing hour on~~  
15 ~~election day in accordance with section 11-131; or~~

16 ~~(2) Delivered other than by mail to the clerk issuing the~~  
17 ~~absentee ballot, or to a voter service center no later~~  
18 ~~than the closing hour on election day in accordance~~  
19 ~~with section 11-131.~~



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

4       ~~(c) Before opening the return and ballot envelopes and~~  
5 ~~counting the ballots, the return envelopes shall be checked for~~  
6 ~~the following:~~

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

14       ~~(d) If any requirement listed in subsection (c) is not met~~  
15 ~~or if the return or ballot envelope appears to be tampered with,~~  
16 ~~the clerk or the absentee ballot team official shall mark across~~  
17 ~~the face of the envelope "invalid" and it shall be kept in the~~  
18 ~~eustody of the clerk and disposed of as prescribed for ballots~~  
19 ~~in section 11-154.] An absentee ballot shall be returned,~~  
20 ~~received, processed, and treated in the same manner as a return~~



1 identification envelope in an election by mail as provided by  
2 part VIIA of chapter 11."

3 SECTION 35. Section 15-11, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "§15-11 Voting by absentee voter at [~~polls~~] a voter  
6 service center prohibited. Any person having voted an absentee  
7 ballot pursuant to this chapter shall not be entitled to cast a  
8 ballot at [~~the polls~~] a voter service center on election day.  
9 An absentee voter who does cast a ballot at [~~the polls~~] a voter  
10 service center shall be guilty of an election offense under  
11 section 19-3(5)."

12 SECTION 36. Section 15D-10, Hawaii Revised Statutes, is  
13 amended to read as follows:

14 "[~~§~~]§15D-10[~~§~~] Receipt of voted ballot. A valid military-  
15 overseas ballot shall be counted if it is received by the close  
16 of the [~~polls~~] voter service center on the day of the election  
17 and meets the requirements [~~prescribed under~~] applied to  
18 absentee ballots pursuant to section 15-9."

19 SECTION 37. Section 16-23, Hawaii Revised Statutes, is  
20 amended to read as follows:



1           **"§16-23 Paper ballot; voting.** Upon receiving the ballot  
2 the voter shall proceed into one of the voting booths provided  
3 for the purpose, and shall mark the voter's ballot in the manner  
4 prescribed by section 16-22.

5           The voter shall then leave the booth and deliver the ballot  
6 to the [~~precinct~~] voter service center official in charge of the  
7 ballot boxes. The [~~precinct~~] voter service center official  
8 shall be sufficiently satisfied that there is but one ballot  
9 enclosed, whereupon the ballot shall be immediately dropped into  
10 the proper box by the [~~precinct~~] voter service center official."

11           SECTION 38. Section 16-26, Hawaii Revised Statutes, is  
12 amended to read as follows:

13           **"§16-26 Questionable ballots.** A ballot shall be  
14 questionable if:

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

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



1           Each ballot which is held to be questionable shall be  
 2 endorsed on the back by [~~the chairperson of precinct officials~~  
 3 ~~with the chairperson's]~~ a voter service center official with the  
 4 official's name or initials, and the word "questionable". All  
 5 questionable ballots shall be set aside uncounted and disposed  
 6 of as provided for ballots in section 11-154."

7           SECTION 39. Section 16-27, Hawaii Revised Statutes, is  
 8 amended to read as follows:

9           "**§16-27 Number of blank and questionable ballots; record**  
 10 of. In addition to the count of the valid ballots, the  
 11 [~~precinct]~~ voter service center officials shall, as to each  
 12 separate official ballot, also determine and record the number  
 13 of totally blank ballots and the number of questionable  
 14 ballots."

15           SECTION 40. Section 16-28, Hawaii Revised Statutes, is  
 16 amended to read as follows:

17           "**§16-28 Declaration of results.** When the [~~precinct]~~ voter  
 18 service center officials have ascertained the number of votes  
 19 given for each candidate they shall make public declaration of  
 20 the whole number of votes cast, the names of the persons voted  
 21 for, and the number of votes for each person."



1 SECTION 41. Section 19-6, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§19-6 Misdemeanors. The following persons shall be  
4 guilty of a misdemeanor:

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



1 official ballot so that it could be cast or counted as  
2 an official ballot in an election;

3 (4) Every person who is disorderly or creates a  
4 disturbance whereby any meeting of the board of  
5 registration of voters during an election is disturbed  
6 or interfered with; or whereby any person who intends  
7 to be lawfully present at any meeting or election is  
8 prevented from attending; or who causes any  
9 disturbance at any election; and every person  
10 assisting or aiding or abetting any disturbance;

11 (5) Every person who, either in person or through another,  
12 in any manner breaks up or prevents, or endeavors to  
13 break up or prevent, the holding of any meeting of the  
14 board of registration of voters, or in any manner  
15 breaks up or prevents, or endeavors to break up or  
16 prevent, the holding of any election;

17 (6) Any person, other than those designated by section 11-  
18 132, who remains or loiters within the area set aside  
19 for voting as set forth in section 11-132 during the  
20 time appointed for voting;



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



1 (9) Any unauthorized person found in possession of any  
2 voting machine or keys thereof; [and]

3 (10) Any person other than the postal service or the clerk  
4 as authorized in section 11-109, who sponsors,  
5 establishes, or displays a collection receptacle for  
6 the purpose of receiving voted mail ballots or ballot  
7 return envelopes in an election; and

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

11 SECTION 42. Section 11-181, Hawaii Revised Statutes, is  
12 repealed.

13 [~~"§11-181 Capital equipment. The State shall pay for all~~  
14 ~~voting system capital equipment. This shall include, but not be~~  
15 ~~limited to voting machines, voting devices, and initial computer~~  
16 ~~programs."~~]

17 SECTION 43. As soon as practicable, the office of  
18 elections and the county clerks shall make a determination of  
19 the optimal number and placement of voter service centers and  
20 places of deposit. In making the determination, the office of



1 elections and the county clerks shall consider the following  
2 factors:

- 3 (1) Proximity to public transit;
- 4 (2) Access to free parking;
- 5 (3) Traffic patterns;
- 6 (4) Proximity to communities with low rates of vehicle  
7 ownership;
- 8 (5) Time and distance that a voter must travel to reach a  
9 destination;
- 10 (6) Proximity to population centers;
- 11 (7) Proximity to geographically isolated populations;
- 12 (8) Proximity to language minority communities;
- 13 (9) Proximity to low-income communities;
- 14 (10) Proximity to voters with disabilities;
- 15 (11) The need for alternate voting methods for voters with  
16 disabilities;
- 17 (12) Proximity to communities with historically low vote by  
18 mail usage; and
- 19 (13) Proximity to communities of eligible voters who are  
20 not registered.



1 SECTION 44. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 45. This Act shall take effect upon its approval.



**Report Title:**

Elections; Vote by Mail

**Description:**

Makes amendments to elections laws to clarify the administration of elections by mail. Renames districts as precincts. Extends voter registration deadlines. Requires additional voter service centers on election day. Requires a minimum number of precincts in each representative district and on each inhabited island. Establishes voters with special needs advisory committees at the state and county levels to ensure equal and independent access to vote registration, casting of ballots, and all other office of elections services. Requires the Department of Public Safety to inform individuals on parole or probation of their right to vote and provide them with information on how to register and vote. Requires the Office of Elections and the county clerks to make a determination, as soon as practicable, of the optimal number and placement of voter service centers. (SD1)

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

