

JAN 20 2022

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 non-English speaking
2 voters should be adequately apprised of language translation
3 services including when voting by mail. The legislature further
4 finds that during the 2020 elections, voters on O'ahu were
5 provided notice on the outside of the back of the mailed ballot
6 package that language translation services were available at the
7 city clerk's office. This notice was provided in two languages,
8 Ilocano and Chinese. Non-English speaking voters who spoke
9 another language or who lived in one of the other counties were
10 not provided with this information, nor was the notice provided
11 in the other official state language, Hawaiian.

12 The legislature additionally finds that Hawai'i is the most
13 diverse state in the country with a diversity index of seventy-
14 six per cent. The April 2016 department of business, economic
15 development, and tourism research and economic analysis division
16 report on the non-English speaking population in Hawai'i
17 indicated that the number of non-English speakers at home



1 increase by forty-four per cent from 1980 to 2014, and that
2 Ilocano, Tagalog, and Japanese were the top three most common
3 non-English languages spoken at home, comprising approximately
4 half of the non-English speakers.

5 Further, the State's language access laws require state
6 entities to provide written translations of vital documents to
7 limited English proficient persons where the limited English
8 proficient group constitutes five per cent of the population of
9 persons or one thousand persons, whichever is less, eligible to
10 be served or likely to be affected or encountered. Since
11 language translation services are already required and used by
12 the State and counties for in-person voting, requiring a brief
13 notice on the outside mailing envelope that includes the ballot
14 package should not be difficult to accomplish.

15 Accordingly, the purpose of this Act is to require the
16 exterior of the envelope containing the ballot package to
17 include instructions on how to obtain language translation
18 services in Hawaiian and certain foreign languages.

19 SECTION 2. Section 11-102, Hawaii Revised Statutes, is
20 amended to read as follows:



1 "§11-102 Procedures for conducting elections by mail. (a)

2 Ballot packages for elections by mail shall include:

3 (1) An official ballot;

4 (2) A return identification envelope with postage prepaid;

5 (3) A secrecy envelope or secrecy sleeve; and

6 (4) Instructions.

7 (b) To the extent practicable, the clerk shall mail a
8 ballot package by non-forwardable mail to each registered voter

9 in the county so as to enable voters to receive the ballot

10 package at least eighteen days before the election; provided

11 that the State and counties shall not be liable if the ballot

12 package is received fewer than eighteen days before the

13 election. The clerk shall continue mailing ballot packages to

14 voters who register to vote no later than ten days before the

15 date of the election and to voters who update their voter

16 registration address no later than seven days before the date of

17 the election and who have not yet voted; provided that the clerk

18 may continue mailing ballot packages beyond the deadlines

19 established by this subsection if the clerk determines that

20 there is reasonable time for a voter to receive and submit the

21 ballot package before the election. In determining the initial



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

10 (c) The exterior of the envelope containing the ballot
11 package shall include instructions on how to obtain language
12 translation services in Hawaiian and, at a minimum, the five
13 most utilized foreign languages by limited English proficient
14 persons in the State.

15 [~~(e)~~] (d) The clerks shall determine and provide for voter
16 service centers and places of deposit pursuant to this part and
17 section 11-92.1."

18 SECTION 3. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.



S.B. NO. 2161

1 SECTION 4. This Act shall take effect upon its approval;
2 provided that it shall apply beginning with the 2022 primary
3 election.

4

INTRODUCED BY: _____

Karl Rhoad



S.B. NO. 2161

Report Title:

Ballot Package; Translation Services; Instructions; Elections

Description:

Requires the exterior of the envelope containing the ballot package to include instructions on how to obtain language translation services in Hawaiian and certain foreign languages.

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

