

ACT 230

H.B. NO. 620

A Bill for an Act Relating to Elections.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Findings and purpose. The legislature finds that the number of eligible voters in Hawaii has steadily declined even while the population increases. There is concern that the representative nature of democratic government is seriously threatened when fewer and fewer people exercise their inalienable right to vote. Part of the reason for the lowered voter turnout might be the extent to which candidates engage in negative campaigning which "turns off" voters. Another reason is that many voters, because of travel, work, or illness coming upon them after the absentee ballot application deadline, cannot be physically present at the polls on election day or at the absentee polling place during the few days before election day. In order to encourage more voter participation the purpose of this Act is to eliminate the incentive for negative campaigning which usually occurs during the last days before the election to sway voters one way or another. By permitting voters to vote in person by absentee ballot as early as absentee ballots are available by mail, the incentive for negative campaigning would be lost or at least minimized. In addition, it would re-enfranchise a large number of those who would otherwise not be able to vote.

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

"§15-2 Who may vote by absentee ballot. Any person registered to vote may cast an absentee ballot in the manner provided in this chapter and rules adopted by the chief election officer [if the person is able to affirm generally to any of the following conditions:

- (1) Absence from the island, county, or district in which the voter is registered on election day;
- (2) Confinement in any hospital;
- (3) Confinement in any public institution for the care of aged persons;
- (4) Confinement in any Hansen's disease institution or settlement;
- (5) Confinement in any penal institution for misdemeanor or as a pretrial detainee;

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- (6) Confinement to the voter's home because of illness, infirmity, or physical disability;
- (7) Conflicting religious belief, ruling, doctrine, or standard.

Any other voter unable to appear at the voter's polling place on election day for causes determined by the chief election officer by rule to be good and sufficient shall be entitled to vote as provided by this chapter and the rules adopted thereunder.]”

SECTION 3. Section 15-7, Hawaii Revised Statutes, is amended to read as follows:

“**§15-7 Absentee polling place.** An absentee polling place shall be established at the office of the respective clerks or a place designated by the clerk under the provisions prescribed in the rules promulgated by the chief election officer. The provisions of section 11-21 relating to changes and transfers of registration shall apply to the absentee polling place as though it were the precinct at which a person's name properly appears on the list of registered voters. The absentee polling place shall be open no later than eighteen days before election day, or as soon thereafter as ballots are available, to handle the absentee voters who are voting in person.”

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved June 18, 1993.)