

ACT 100

S.B. NO. 3113

A Bill for an Act Relating to Voting.

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

SECTION 1. The legislature finds that Kalaupapa is a unique, isolated, and closed community. Many of the long-time residents of the settlement are advanced in age and physically unable to operate a precinct poll. To exercise their right to vote, Kalaupapa residents must presently apply for absentee ballots in every election year. In a joint meeting with the chief election officer of the State and the county clerk of Maui, residents expressed their unanimous desire to have absentee ballots mailed to them automatically, without the need to file an application. The legislature finds that there is a compelling state interest to provide this service to the residents of this area, and this Act is consistent with the State's special mandate to care for the residents of Kalaupapa settlement.

SECTION 2. Section 15-4, Hawaii Revised Statutes, is amended to read as follows:

“§15-4 Request for absentee ballot. (a) Any person registered to vote may request an absentee ballot in person or in writing from the clerk not earlier than on the sixtieth day and not later than 4:30 p.m. on the seventh day prior to the election. Any mailed requests for an absentee ballot shall be mailed by the person directly to the clerk. The clerk may waive any or all of the foregoing requirements in special cases as provided in the rules adopted by the chief election officer.

The request shall include information such as the person's social security number, date of birth, and the address under which the person is registered to vote. The request shall also include the address to which the person wishes the requested ballot forwarded. The request, when made for any primary or special primary election, may include an additional request for an absentee ballot to be voted at any election immediately following the primary or special primary; provided the person so indicates in the person's request.

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

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

(b) Notwithstanding subsection (a), the clerk shall mail an absentee ballot for each primary, special primary, special, general, and special general election to each registered voter who resides in the county of Kalawao. The chief election officer may adopt rules to carry out this subsection.”

SECTION 3. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 3, 2004.)