

ACT 4

S.B. NO. 156

A Bill for an Act Relating to Voting.

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

SECTION 1. 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.

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.

(c) When a registered voter requests an absentee ballot, the voter also may include an additional request to receive absentee ballots permanently. After receiving a request for permanent absentee voter status, the clerk shall mail to the voter who requested permanent absentee voter status an absentee ballot for all subsequent elections conducted in that precinct.

(d) The chief election officer shall inform voters of the option of applying for permanent absentee voter status and shall provide any necessary form to request the permanent absentee ballot option to any registered voter requesting an absentee ballot.

(e) A permanent absentee voter shall be responsible for informing the clerk of any changes to personal information, including changes to the voter’s forwarding address.

(f) A voter’s permanent absentee voter status shall be terminated if any of the following conditions apply:

- (1) The voter requests in writing that such status be terminated;
- (2) The voter dies, loses voting rights, registers to vote in another jurisdiction, or is otherwise disqualified from voting;
- (3) The voter’s absentee ballot, voter notification postcard, or any other election mail is returned to the clerk as undeliverable for any reason;
or
- (4) The voter does not return a voter ballot by 6:00 p.m. election day in both the primary and general election of an election year.

(g) If a voter's permanent absentee voter status has been terminated due to one or more of the conditions specified in subsection (f), the voter shall be responsible for again requesting permanent absentee status as specified in subsection (c)."

SECTION 2. Section 15-11, Hawaii Revised Statutes, is amended to read as follows:

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

SECTION 3. There is appropriated from federal funds, received pursuant to the federal Help America Vote Act of 2002, the sum of \$575,000 or so much thereof as may be necessary for fiscal year 2008-2009 for the purpose of implementing and administering the permanent absentee voter program.

The sum appropriated shall be expended by the office of elections for the purposes of this Act.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$35,000 or so much thereof as may be necessary for fiscal year 2008-2009 to provide the five per cent state matching fund requirement needed to qualify for \$575,000 in federal funds to be used by the office of elections to fulfill the requirements of the federal Help America Vote Act of 2002.

The sum appropriated shall be expended by the office of elections for the purposes of this Act.

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect on July 1, 2008.

(Vetoed by Governor and veto overridden by Legislature on July 8, 2008.)