

A Bill for an Act Relating to Absentee Ballots.

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

SECTION 1. Section 15-1, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

““Electronic transmission” means the transmission of a blank or voted ballot by facsimile, electronic mail delivery, or the utilization of an online absentee ballot delivery and return system that may include the ability to mark the ballot.”

SECTION 2. Section 15-4, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) 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. The forwarding address for absentee ballots to be permanently mailed shall be the in-state mailing address contained in the voter’s registration record. ~~[Voters who seek to have ballots forwarded to another address shall apply for an absentee ballot under subsection (a).]~~ Subject to the conditions of subsection (a), a permanent absentee voter may also request from the clerk that the voter’s ballot be forwarded temporarily to an address other than the permanent absentee mailing address originally requested, either in or outside of the State, for a single election or for a primary or special primary election and the election immediately following the primary or special primary election. A permanent absentee voter’s request for a ballot to be forwarded temporarily shall not serve as a cancellation of the voter’s permanent absentee status or as a change to the voter’s permanent absentee mailing address. Upon the completion of the election or elections covered by the permanent absentee voter’s temporary request under this subsection, the clerk shall resume mailing the voter’s ballots to the permanent absentee mailing address originally requested under subsection (a).”

SECTION 3. Section 15-4, Hawaii Revised Statutes, is amended by amending subsection (h) to read as follows:

“(h) [A] Except as provided in subsection (c), 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. on election day in both the primary and general election of an election year.”

SECTION 4. Section 15-5, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) If ~~mailed~~ absentee ballots requested under section 15-4 are not received by ~~the~~ a voter within five days of an election, if a voter requires a replacement ballot within five days of an election, or if a voter would otherwise not be able to return a properly issued ballot by the close of polls, then a ~~sev-~~

~~ered] voter [under chapter 15D]~~ may request that absentee ballots be forwarded by ~~[facsimile.]~~ electronic transmission. Upon receipt of such a request and confirmation that proper application was made, the clerk may transmit appropriate ballots ~~[by facsimile]~~, together with a form requiring the affirmations and information required by section 15-6, and a form containing a waiver of the right to secrecy, as provided by section 11-137. The voter may return the voted ballots and executed forms by ~~[facsimile]~~ electronic transmission or mail; provided that they are received by the issuing clerk no later than the close of polls on election day. Upon receipt, the clerk shall verify compliance with the requirements of section 15-9(c)~~;~~ and prepare the ballots for counting pursuant to section 15-10~~;~~; provided that if the voter returns multiple voted absentee ballots for the same election, the clerk shall, for purposes of counting ballots, prepare only the first absentee ballot returned that is not spoiled.”

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

SECTION 6. This Act shall take effect upon its approval.

(Approved June 29, 2016.)