
A BILL FOR AN ACT

VETO OVERRIDE

ACT No. 4

Approved: [Signature]

Dated: July 8, 2008

RELATING TO VOTING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 15-4, Hawaii Revised Statutes, is
2 amended to read as follows:
3 "§15-4 Request for absentee ballot. (a) Any person
4 registered to vote may request an absentee ballot in person or
5 in writing from the clerk not earlier than on the sixtieth day
6 and not later than 4:30 p.m. on the seventh day prior to the
7 election. Any mailed requests for an absentee ballot shall be
8 mailed by the person directly to the clerk. The clerk may waive
9 any or all of the foregoing requirements in special cases as
10 provided in the rules adopted by the chief election officer.

11 The request shall include information such as the person's
12 social security number, date of birth, and the address under
13 which the person is registered to vote. The request shall also
14 include the address to which the person wishes the requested
15 ballot forwarded. The request, when made for any primary or
16 special primary election, may include an additional request for
17 an absentee ballot to be voted at any election immediately



1 following the primary or special primary; provided the person so
2 indicates in the person's request.

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

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

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

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

21 (d) The chief election officer shall inform voters of the
22 option of applying for permanent absentee voter status and shall



1 provide any necessary form to request the permanent absentee
2 ballot option to any registered voter requesting an absentee
3 ballot.

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

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

9 (1) The voter requests in writing that such status be
10 terminated;

11 (2) The voter dies, loses voting rights, registers to vote
12 in another jurisdiction, or is otherwise disqualified
13 from voting;

14 (3) The voter's absentee ballot, voter notification
15 postcard, or any other election mail is returned to
16 the clerk as undeliverable for any reason; or

17 (4) The voter does not return a voter ballot by 6:00 p.m.
18 election day in both the primary and general election
19 of an election year.

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



1 requesting permanent absentee status as specified in subsection
2 (c)."

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

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

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

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

18 SECTION 4. There is appropriated out of the general
19 revenues of the State of Hawaii the sum of \$35,000 or so much
20 thereof as may be necessary for fiscal year 2008-2009 to provide
21 the five per cent state matching fund requirement needed to
22 qualify for \$575,000 in federal funds to be used by the office



1 of elections to fulfill the requirements of the federal Help
2 America Vote Act of 2002.

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

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

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

