



**STATE OF HAWAII  
OFFICE OF ELECTIONS**

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SCOTT T. NAGO  
CHIEF ELECTION OFFICER

November 6, 2019

The Honorable Ronald D. Kouchi  
Senate President  
State Capitol, Room 409  
Honolulu, Hawaii 96813

The Honorable Scott K. Saiki  
Speaker of the House  
State Capitol, Room 431  
Honolulu, Hawaii 96813

Dear President Kouchi, Speaker Saiki,  
and Members of the Legislature:

For your information and consideration, the Office of Elections is transmitting our report, *Implementing Elections by Mail*, pursuant the Act 136, Session Laws of Hawaii 2019. The report may be viewed electronically on our website at [elections.hawaii.gov](http://elections.hawaii.gov).

Very truly yours,

SCOTT T. NAGO  
Chief Election Officer

STN:AT:jk  
OE-19-096

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# Implementing Elections by Mail

November 6, 2019

This report has been prepared by the Office of Elections pursuant to Act 136 Session Laws of Hawaii (SLH) 2019 which enacts voting by mail uniformly across all counties for all elections commencing in 2020.

For additional information or questions, please contact the Office of Elections by emailing [elections@hawaii.gov](mailto:elections@hawaii.gov) or by calling (808) 453-VOTE (8683) or toll-free 1-800-442-VOTE (8683).

# 2020 ELECTION CALENDAR

Wednesday, June 24	Mail Primary Election ballots to overseas voters (52 USC §20302 & HRS §15D-9)
Thursday, July 9	Final day to register to vote for the Primary Election online or by mail with the Clerk's Office (HRS §11-24). Voters are eligible for same day voter registration for the Primary Election at voter service centers (HRS §11-15.2)
Tuesday, July 21	Mail ballot packets delivered to voters (Act 136 SLH 2019)
Monday, July 27	Open voter service centers and same day voter registration for the Primary Election (Act 136 SLH 2019 & HRS §11-15.2)
Saturday, August 1	Deadline to request an absentee mail ballot for the Primary Election from the Clerk's Office (HRS §15-4)
Monday, August 3	Open places of deposit for the Primary Election (Act 136 SLH 2019)
Saturday, August 8	PRIMARY ELECTION (HRS §12-2). Voter service centers and places of deposit for the Primary Election close at 7:00 p.m. Mailed ballots must be received by the Clerk's Office by 7:00 p.m. (Act 136 SLH 2019)
Friday, September 18	Mail General Election ballots to overseas voters (52 USC §20302 & HRS §15D-9)
Monday, October 5	Final day to register to vote for the General Election online or by mail with the Clerk's Office (HRS §11-24). Voters are eligible for same day voter registration for the General Election at voter service centers (HRS §11-15.2)
Friday, October 16	Mail ballot packet delivered to voters (Act 136 SLH 2019)

Tuesday, October 20	Open voter service centers and same day voter registration for the General Election (Act 136 SLH 2019 & HRS §11-15.2)
Tuesday, October 27	Open places of deposit for the General Election (Act 136 SLH 2019)  Deadline to request an absentee mail ballot for the General Election from the Clerk's Office (HRS §15-4)
Tuesday, November 3	GENERAL ELECTION (State Constitution, Article II, Section 8). Voter service centers and places of deposit for the General Election close at 7:00 p.m. Mailed ballots must be received by the Clerk's Office by 7:00 p.m. (Act 136 SLH 2019)

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## OVERVIEW

The mission of the Office of Elections is to provide secure, accessible, and convenient election services to all citizens statewide. Our goals and objectives are to 1) conduct honest and efficient elections; 2) encourage participation in the electoral process; 3) protect voter rights; and 4) promote elections. We conduct candidate filing; print, count, and tabulate ballots; and provide voter education. For this election, our voter education emphasizes the change to voting by mail including a statewide media campaign, presentations, and attending community events. We also continue to provide information about registering, voting, and elections generally. Additionally, the Office of Elections houses and supports the statewide voter registration system which includes the online voter registration system.

Act 136 SLH 2019 enacts elections by mail uniformly statewide beginning with the 2020 Primary Election. All registered voters will receive their ballot at the mailing address associated with their voter registration. This Act establishes voter service centers that will open ten business days prior to the election through the close of voting at 7:00 p.m. on election day. Voter service centers provide, among other things, accessible in-person voting and same day voter registration. The Act also allows for places of deposit for personal delivery of voted ballots beginning five business days prior to the election through election day.

Voters who have requested to vote by mail in previous elections will have a similar experience in an elections by mail model. Act 136 SLH 2019 requires ballots be delivered to households approximately 18-days prior to the election. The mail ballot packet will continue to include a ballot, secret ballot sleeve, and pre-addressed, pre-paid return envelope that the voter must sign and return to their County Elections Division. All mailed ballots must be received by the County Elections Division by 7:00 p.m. on election day. Additionally, this Act allows voters to correct an issue with their return envelope, such as missing or non-matching signature, within five business days of the election.

For voters who would prefer to cast their ballot in-person, they may do so at a voter service center. Voter service centers operate similarly to an absentee walk-in voting location which provided accessible in-person voting and was open for a ten-day period prior to the election. In the 2018 Elections, there were 9 absentee walk-in voting locations established statewide. While an absentee walk-in voting location would have closed prior to election day, voter service centers are open through election day.

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The Office of Elections and County Elections Divisions are working cooperatively to prepare and implement elections by mail for the 2020 Elections and ensure the same voter experience, statewide. This report provides a brief history of voting in the State of Hawaii; an implementation plan including voter education, ballot mailing, security, and expenditures; and proposed legislation to address the following pursuant to Section 59 of Act 136 SLH 2019:

- (1) The office's progress in implementing this Act;
- (2) A summary of the office's discussions with the county clerks to determine areas of joint implementation of this Act;
- (3) A summary of the expenditures required to implement this Act and a comparison of those expenditures with the expenditures required to conduct elections or election-related activities before the enactment of this Act;
- (4) Any additional resources the county clerks or the office may require to implement this Act;
- (5) Any developments in assistive technology that may be implemented by the State, the counties, or nonprofit associations to ensure that persons with disabilities are not, on the whole, disadvantaged by implementation of this Act, including the costs associated with such technology;
- (6) Any difficulties encountered in the implementation of this Act;
- (7) Specific steps taken and recommendations necessary to prevent fraud and ensure the integrity of the election process; and
- (8) Any other findings and recommendations, including any proposed legislation necessary to clarify and make consistent chapters 11, 12, 15, 15D, 16, and 19, Hawaii Revised Statutes, in light of the transition to statewide elections by mail.

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## HISTORY OF VOTING

The Hawaii State Legislature continuously evolves our election laws to reduce barriers to registering to vote and casting a ballot.

In 1990, voter registration applicants were no longer required to appear in front of a registrar and could register to vote by self-subscribing affidavit. Three years later, in 1993, the Legislature passed no-excuse absentee voting which has allowed any registered voter to cast their ballot by mail or at an absentee walk-in voting location. Additionally, pre-registration for sixteen-year-olds was enacted preparing a new generation to vote upon turning 18 years of age.

In 2002, a special election for United States Representative, District II, was conducted by polling place resulting in a total turnout of 13%. The following year, in 2003, the Legislature authorized special elections to be conducted by mail. A subsequent special election was conducted by mail in 2010 for United States Representative, District I, resulting in a 54% turnout. While these are two separate elections and there are additional variables to consider, the convenience of being mailed a ballot may have contributed to the improved turnout for this special election.

Starting in 2008, voters could request a permanent absentee ballot be sent to their mailing address associated with their voter registration meaning that voters would no longer have to request an absentee ballot in each election year. Then, in 2012, the Legislature allowed the Office of Elections to designate precincts with a unique combination of contests with less than 500 registered voters to be mailed a ballot rather than establish a polling place. These “pocket precincts” were following an elections by mail model such that voters were automatically sent a ballot to the mailing address associated with their voter registration or allowed to vote in-person at an absentee walk-in voting location. Also in 2012, the Legislature authorized the ability to register to vote. The online voter registration system launched in 2015 and since then, there have been over 125,000 transactions of voters registering to vote or updating their registration.

In 2013, the Legislature took steps to ensure the security and integrity of elections by mail by prohibiting a candidate on the ballot from assisting voters.

Late registration was enacted in 2014 allowing an applicant to register and vote at an absentee walk-in voting location beginning in 2016 and subsequently polling places beginning in 2018. This ensures that voters



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who did not register by mail or online by the 30-day voter registration deadline are able to cast a ballot.

In 2016, the Legislature allowed absentee voters to request a ballot be electronically transmitted to them within five days of the election if they had not received their ballot or it had been spoiled. This has ensured that voters have time to receive, vote, and return their ballot to their County Elections Division by the close of polls. It has also ensured that elections by mail are accessible to all voters as election officials were able to distribute an alternate format ballot that is compatible with screen-readers and personal adaptive devices.

Most recently, in 2019, Act 136 enacts elections by mail statewide beginning with the 2020 Elections. Voting trends have shifted towards casting a ballot prior to election day rather than at an assigned polling place. In the 2018 Elections, 63% of voters in the Primary Election and 56% of voters in the General Election cast their ballot prior to Election Day. Of the voters who cast their ballot prior to election day, 89% in the Primary Election and 87% in the General Election voted by mail.

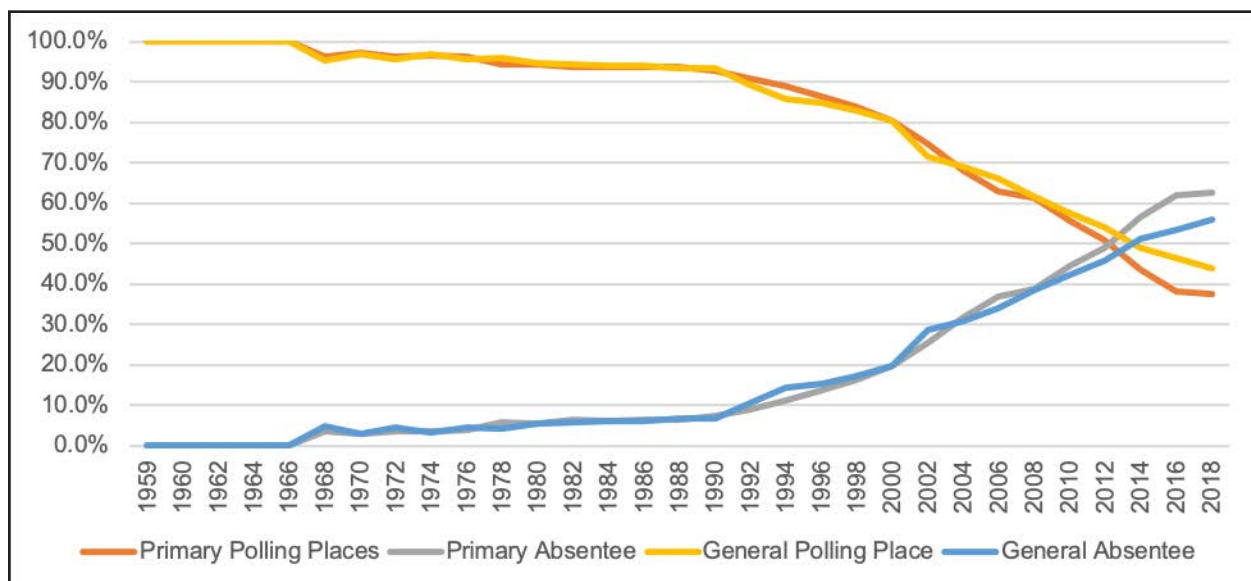


Figure 1: Comparison of Polling Place and Absentee Turnout, 1959 to 2018.

With each new measure, election officials have been able to provide more accessible and convenient elections service to the voters of the State of Hawaii and improve the administration of elections.

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## IMPLEMENTATION PLAN

Prior to the implementation of Act 136 SLH 2019, the Office of Elections and County Elections Divisions operated three voting models – polling places, mail, and early walk-in voting. The Office of Elections had operated election day polling places and printed and counted the ballots. The County Elections Divisions operated absentee voting – mail and early walk-in voting, as well as voter registration. The neighbor island County Elections Divisions also operated the election day polling places in their County on behalf of the Office of Elections.

The transition to elections by mail builds off this past practice and coordination between the Office of Elections and County Elections Divisions. Pursuant to Act 136 SLH 2019, the Office of Elections will print and count the ballots and the County Elections Divisions will send mail ballot packets; receive return envelopes containing voted ballots – including establishing and maintaining places of deposit; and operate voter service centers, as well as voter registration. All expenses, except those related to voter registration, are shared between the State and Counties (50% State and 50% County).

The Office of Elections and County Elections Divisions work cooperatively to conduct our elections. Many components and tasks, completed by either the Office of Elections or County Elections Divisions, are dependent on the actions and programs executed by the other. In preparation for elections by mail, the Office of Elections and County Elections Divisions are working to 1) implement a voter education campaign and conduct list maintenance; 2) coordinate ballot mailing services; 3) identify and mitigate vulnerabilities to election infrastructure; and 4) procure capital equipment and supplies.

### **VOTER EDUCATION**

As we implement elections by mail, our voter education focuses on the shift in the method of voting and providing information to improve the voters' experience. The components include election mailings, media campaign, and outreach with the message that polling places, as we have come to know, do not exist and voting is no longer confined to a time and place.

#### **Election Mailings**

Election officials have developed a series of election mailings to be sent to all registered voters. In July 2019, a notification card announcing the transition to elections by mail was sent to registered voters. In

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January 2020, another card will be sent providing the important dates and deadlines for the upcoming 2020 Elections. In April 2020, we will send a signature capture card asking voters to provide a current sample of their signature which will be used to validate their return envelope containing their voted ballot. These election mailings serve a dual purpose of providing information about the 2020 Elections and allowing county election officials to maintain the voter registration rolls.

### **Media Campaign**

The media campaign will launch in April 2020 to promote elections by mail, important dates and deadlines, and convey to voters their responsibility in ensuring the integrity of the elections. The media campaign consists of television, radio, and digital ads. We will work with a digital team to post ads on websites as well as Facebook and Instagram. The campaign will be supplemented with press releases and news interviews. The table below describes the campaigns, all of which will reinforce the message of the convenience of voting wherever and whenever the voter chooses.

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Signature Capture	Television, digital, and radio ads will run beginning in April 2020 to coincide with the election mailing asking voters to submit a current signature.
Voter Registration	Television, digital, and radio ads will run in June ahead of the Primary Election and September prior to the General Election to inform voters about registering to vote and updating their voter registration.
Mail Ballot Signature	Television ads will run in July prior to the Primary Election and in October for the General Election to provide instruction on voting and returning the ballot with an emphasis on the importance of signing the return envelope.
Primary Election Ballot Instructions	Television ads will run in July to instruct voters on how to properly mark a ballot in a Single Party Primary Election.
Election by Mail Reminders	Digital and radio ads will run in July for the Primary Election and October for the General Election to inform voters that their ballot must be received by 7:00 p.m. on Election Day and directs voters to our website for voter service center locations and hours.

**Outreach**

Outreach is built around voter engagement including tabling events, presentations, and voter registration drives. Our on-going efforts focus on raising awareness about voter registration and services available. The target audience includes high school seniors, college students, the disability community, senior citizens, and first-time voters. In 2020, each component of our outreach program will highlight the message about elections and voting by mail. We are developing printed materials and social media posts to highlight the change from voting at an assigned polling place to voting wherever a voter chooses.

Election officials regularly attend community events, which includes tabling and voter information booths at college events, senior fairs, and annual fairs and festivals, to provide voter registration services and information about voting. At these events, we engage with voters; disseminate packets with voter registration forms and a brochure about elections by mail; collect completed voter registration forms; and answer voters' questions. As the 2020 Elections approach, we will target opportunities for tabling events and voter information booths in communities that had a higher than average polling place turnout during the 2018 Elections.

To supplement our tabling events, we conduct voter education presentations. Currently, our presentations are targeted to senior citizens, high school students, and the disability community. In 2020, we will schedule additional presentation opportunities in public spaces, such as libraries, for the general public to share the processes of receiving and returning a ballot.

We are contacting community-based organizations to schedule voter education presentations and serve as a network to disseminate information about elections. In early 2020, we will email organizations, including non-profit organizations, the business community, and the disability community, asking them to share our printed or digital materials with their members. Similarly, we will conduct targeted outreach to senior citizens using the Executive Office of Aging directory to send out letters that will provide information about the transition to elections by mail and schedule voter education presentations at senior and nursing homes.

We also continue to provide voter registration services. Currently, we are in the middle of our annual Young Voter Registration Program (YVRP) encouraging high school students at least 16 years of age to pre-register

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to vote. We work with the Department of Education and high schools across the State to coordinate the dissemination and collection of voter registration forms. This year, the packet distributed to students also includes a brochure about elections and voting by mail. Additionally, we already work with the Department of Health, Department of Human Services, Department of Public Safety, and the Judiciary to provide voter registration services and we are reaching out to these agencies to disseminate additional informational materials at their locations.

### **BALLOT MAILING**

The Office of Elections and County Elections Divisions are coordinating mailing house services to have ballots delivered to voters 18-days prior to the elections pursuant to Section 16 of Act 136 SLH 2019.

Ballot printing is included in our voting and vote counting system contract. Any consolidation of ballot printing and mailing services must include State election officials who coordinate the contests and candidate names to appear on the ballot, the voting and vote counting system vendor who produces and prints the ballots, County election officials who provide the voter registration data, and the mailing house vendor who would address, insert, and sort the mail ballot packets.

The Office of Elections and County Elections Divisions have had extensive discussions about mailing house services to address various issues that must be considered. These discussions began soon after the Legislature passed House Bill No. 1248, CD1 in May 2019, to consider 1) combining printing and mailing services in-state; 2) combining printing and mailing services out-of-state; or 3) separating printing services in-state and mailing services out-of-state. These considerations were evaluated through June after determining that there are mailing houses in-state that would be capable of meeting the specifications of the job. In September, election officials attended a walkthrough and demonstration of how mailing house services would be handled. We collectively decided that the benefits of keeping the printing and mailing house services, such as inventory and quality control and use of funds, exceeded the costs of relocating printing and mailing services out-of-state, such as travel, and competition with mainland jurisdictions in a presidential election.

We have continued to discuss a tentative timeline that includes 1) the delivery of envelope supplies to the mailing house vendor; 2) delivery of

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the various ballot types to the mailing house vendor; 3) initial provision of voter registration data and subsequent data to reflect new voters and updates to existing voters; 4) mailing house vendor addressing of envelopes and insertion process; 5) sorting by zip code; and 6) delivery to the U.S. Postal Service in conformance with its requirements.

As an overview, the Office of Elections coordinates candidate filing statewide for regularly scheduled elections. State election officials provide the district/precincts, contests, and candidates to the voting and vote counting system vendor to produce the ballots for the election. There is one ballot type for each district/precinct for a total of 250. Election officials proof each of the 250 ballot types for format and spelling as well as the eligible contests and candidate names that appear on the ballot. Once the layout and format are approved, the voting and vote counting system vendor prints the ballots based on the quantities provided by election officials. In an elections by mail model, a ballot will be printed and mailed to all active voters. Currently, there are over 741,000 active voters in the statewide voter registration system.

As ballots are printed, the County Elections Divisions prepare the addressing file from the statewide voter registration system. Simultaneously, they are receiving voter registrations for new registrants and voters updating their record. The addressing file assigns each mail ballot packet a unique identifier, a security mechanism, that represents a combination of the voters' information – name, residence address, mailing address, and district/precinct, which allows election officials to cancel a mail ballot packet as voters update their registration.

The addressing file and printed ballots will be provided to the mailing house to address the return envelope, insert the contents of the mail ballot packet – addressed return envelope, secret ballot sleeve, corresponding district/precinct ballot, and instructions. Before mail ballot packets are sorted and mailed, the County Elections Divisions will identify and cull mail ballot packets for any voters who have updated their voter registration since the addressing file was created. The mailing house then sorts the completed mail ballot packets to reduce the cost of postage and provides them to the U.S. Postal Service.

To ensure the security and integrity of the election, State and County election officials reconcile the inventory of ballots and the number of mail ballot packets mailed compared to the voters eligible to receive a ballot as tracked by the statewide voter registration system.

### **ADA Accessible Ballots**

In addition to paper ballots, the Office of Elections prepares ADA accessible ballots for in-person voting using direct recording electronic (DRE) voting equipment and for electronic transmission for use with a personal device. The DRE voting equipment will be available at all voter service centers for use by any voter. For voting by mail, election officials distribute an alternate format ballot (AFB) that can be electronically transmitted to voters who can then vote the ballot using any compatible device and meets various assistive technology standards. Section 2 of Act 136 SLH 2019, §11-G, allows a voter with special needs to request an AFB which will be provided when mail ballot packets are made available 18-days prior to the election.

The AFB can be emailed to a voter and then voted without the need for an active internet connection. All the ballot functions are self-contained in the JavaScript in the ballot which means there is no “refresh delay”, chance of a dropped connection, or the device freezing interrupting the voting process.

The AFB is created to perform all the functions required to meet accessibility standards outlined in a report by the National Institute of Standards and Technology (NIST), “Principles and Guidelines for Remote Ballot Marking Systems” such as the following:

- Support assistive software including JAWS, Microsoft’s Narrator, NVDA, and Apple’s VoiceOver, as well as other screen readers that follow accessibility standards;
- Navigate and mark ballots using just the tab and space bar (binary inputs) so they support sip and puff, jelly buttons, and other bi-modal input devices; as well as voice activated software such as Nuance Dragon;
- Navigation indicators are placed near the left margins so as not to be lost when the screen is enlarged by screen magnifier software or the zoom functions of the browser;
- The screen and font size are easily scaled for ease of reading;
- All navigation indicators (buttons) are plainly identified and give visual cues when activated;



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- Contests and measures give indications of overvoting or undervoting; and
- The entire ballot can be checked for overvoting or undervoting.

The AFB ensures that elections by mail are accessible and convenient for all voters. Once voters have completed voting, they print a ballot summary of their votes which includes a secure barcode that may be used to produce a tabulation-ready ballot. When returning the AFB, the voter may choose to mail or electronically transmit their voted ballot with an accompanying waiver of secrecy and affirmation signature.

Election officials introduced the AFB in 2018 for voters under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), which must be sent 45-days prior to the election, and for absentee mail voters within five days of the election pursuant to HRS §15-5.

### **ELECTION SECURITY**

Detecting fraud and ensuring the integrity of the election process involves layers of security and the cooperation and coordination across various federal, state, and county agencies. As election officials, each component of our operations works together to ensure the security of our elections. As previously mentioned, election officials reconcile the number of ballots and mail ballot packets with the number of eligible voters tracked in the statewide voter registration system. Election officials also conduct list maintenance to ensure that only eligible voters receive a ballot as well as additional security features such as ballot tracking, signature validation, and providing notice of election offenses.

#### **List Maintenance**

Election mailings are sent by non-forwardable mail and allows the County Elections Divisions to maintain the voter registration rolls pursuant to the federal National Voter Registration Act of 1993 (NVRA). Voters who receive the election mailings, indicating that there is currently no change to their registration, are considered active and will continue to be sent future election mailings – including the ballot.

The National Voter Registration Act of 1993 allows election officials to use the non-delivery of an election mailing or a National Change of Address (NCOA) filed with the U.S. Postal Service as a trigger for sending a confirmation mailing by forwardable mail in which the voter is

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notified that their record is out-of-date. The confirmation mailing, which we refer to as a “white card”, provides a pre-addressed pre-paid return card which allows the voter to update or cancel their voter registration. Voters who are sent a confirmation mailing are designated inactive and eventually removed from the voter registration rolls if they fail to update their registration within the next two general elections. The voters designated inactive will not receive a ballot until they update their registration. However, voters may update their registration at any time to cast a ballot for the election ensuring their right to vote.

If a period of two general elections passes from the mailing of the confirmation card, without any voting or contact from the voter, the voter can be removed on the basis of the understanding that the voter no longer lives in the county.

The accuracy and integrity of the voter registration rolls is important for the security of the election. By identifying voters who may have an outdated voter registration, we reduce the possibility of voter fraud as only eligible voters are mailed the ballot. Pursuant to Section 2 of Act 136 SLH 2019, §11-B, no ballot will be mailed to a questionable address. Additionally, it is important to eventually remove these voters after two general elections if they do not indicate in any manner that they reside in the jurisdiction. The integrity of the voter registration rolls is compromised if we have voters on it that we reasonably understand are not residents.

### **Tracking Return Envelopes**

Each return envelope is pre-addressed to the voter and printed with a barcode that is a unique identifier. As previously mentioned, the unique identifier represents the voter’s registration record at the time it was created including name, residence address, mailing address, and corresponding district/precinct. This allows election officials to use the statewide voter registration system to electronically track the issuance of ballots and ensure that the mailing house properly matches the correct ballot type to the voter when creating their mail ballot packet. The unique identifier is also used by the statewide voter registration system to track the return of the ballot and to prevent a voter from possibly voting twice either through requesting another ballot or attempting to vote again at a voter service center.

### **Signature Validation**

As part of the receipt of ballots, the County Elections Divisions scans the

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barcode to view each voters record and signature to validate with the signature on the return envelope. We will be sending a signature capture card in April 2020, as previously noted, asking voters to provide their current signature to the County Elections Divisions for this purpose.

The County Elections Divisions have the option to use electronic signature devices to facilitate the capturing of signature images on return envelopes and analyzing the image in comparison to what is on file. These processes are being drafted as part of new administrative rules to standardize the review of signatures by election officials.

As a safeguard, Section 2 of Act 136 SLH 2019, §11-F, allows voters to correct any deficiency with their signature. The County Elections Divisions will be following up with each voter whose signature does not match or did not sign the return envelope. Voters must correct their return envelope within five business days after the election.

Verifying the signature on the return envelope is used to confirm the identity of the voter. A mismatched signature may indicate voter fraud which would be escalated to the proper law enforcement agency for investigation.

### **Notice of Election Offenses**

The mail ballot packet includes notices of various election offenses and the voter must affirm that they did not receive assistance from the voter's "employer or agent of the employer, agent of the voter's labor union, or any candidate listed on the ballot" by signing. As provided by Section 2 of Act 136 SLH 2019, §11-D, the instructions will include election fraud and voter fraud information based on HRS §19-3(5) ("[e]very person who, at any election, votes or attempts to vote in the name of any other person, living or dead, or in some fictitious name, or who, having once voted, votes or attempts to vote again, or knowingly gives or attempts to give more than one ballot for the same office at one time of voting") and HRS §19-3.5 ("[a]ny person who knowingly votes when the person is not entitled to vote"). It will include notice that a violation of these laws may subject the voter to imprisonment, a fine, or both. We will continue to provide this information on the secret ballot sleeve.

### **Securing Election Infrastructure**

The Office of Elections has been working with the Hawaii State Fusion Center and Office of Enterprise Technology Services (OETS) to assess risks and implement cybersecurity solutions. We have also expanded

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discussions to include resources from additional agencies who are identifying vulnerabilities to our voting and vote counting system and physical locations used for voting and processing ballots. Other election infrastructure includes the statewide voter registration that is housed on the Hawaii State Government Private Cloud, which is managed and secured by OETS.

Additionally, the Office of Elections also works with OETS to monitor and secure our website, [www.elections.hawaii.gov](http://www.elections.hawaii.gov). Since 2016, election officials nationwide have experienced misinformation shared on social media causing voter confusion. Our office is working to minimize the impact of misinformation by ensuring our website is the official and accurate resource for Hawaii voters. Our website will appear on all our informational materials.

Election officials believe transparency in the process helps to ensure the security and integrity of the election. Qualified political parties may appoint poll watchers to monitor operations at the voter service centers to ensure conformance with all laws, rules, and procedures. Similarly, counting center operations including the processing, counting, and tabulation of ballots must be conducted in the presence of official observers. Official observers serve as the “eyes and ears” of the public to ensure the security and integrity of the election. Following the elections, the Office of Elections conducts audits of the voting and vote counting system and the County Elections Divisions reconcile the number of ballots counted with the number of validated return envelopes received with the statewide voter registration system pursuant to Hawaii Revised Statutes.

### **EXPENDITURES AND RESOURCES**

The Office of Elections and County Elections Divisions have shared responsibilities for joint elections (i.e., regularly scheduled primary and general elections) pursuant to HRS §11-184. The Office of Elections had been responsible for all operations and expenses related to election day polling places – including recruiting, training, and paying election day officials; as well as the printing and counting of ballots. Expenses related to the printing and counting of ballots were shared with the County Elections Divisions.

The County Elections Divisions had been responsible for voter registration and absentee voting – including absentee walk-in voting and

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mail. All expenses related to the responsibilities of the County Elections Divisions have been borne by the County, excluding postage which has been shared with the Office of Elections through a proration following the election, HRS §11-184(3).

We would like to note that the contract for a voting and vote counting system, which includes ballot printing, is shared between the Office of Elections and County Elections Divisions. Additionally, federal funds provided through the Help America Vote Act of 2002 (HAVA) have been used to implement the statewide voter education campaigns, procure a new statewide voter registration system, and support election security. We would also like to note that while the County Elections Divisions are responsible for voter registration, the Office of Elections is responsible for the statewide voter registration system, procured in 2014, pursuant to federal law.

As we transition to elections by mail, Act 136 SLH 2019, §11-J, provides that for joint elections, the Office of Elections will continue to be responsible for the printing and counting of ballots, and the County Elections Divisions are responsible for mailing and receipt of ballots and operation of voter service centers; as well as voter registration. All expenses, excluding those associated with voter registration are shared between the Office of Elections and County Elections Divisions. The Office of Elections and County Elections Divisions are working together to project expenses and coordinate and identify shared costs; for example – procuring envelopes for mail ballot packets, statewide.

The following table provides an aggregate comparison of expenses from the 2018 Elections, conducted as a polling place election to the projected expenses for the 2020 Elections to conduct elections by mail. This table provides expenses related to the conduct of an election and does not reflect the cost-sharing or budget of the Office of Elections and County Elections Divisions since the cost-sharing mechanism provide by Hawaii Revised Statutes has been amended. Similarly, this table does not reflect the expenses related to the appropriations provided by Act 136 SLH 2019 to the Office of Elections or County Elections Divisions for capital equipment. Lastly, the Office of Elections is in the process of procuring a new voting and vote counting system contract as the current contract expires upon the conclusion of the 2020 General Election. As such, we have not provided cost estimates, such as ballot mailing for

## IMPLEMENTING ELECTIONS BY MAIL

the 2020 Elections, that may inadvertently affect the outcome of the procurement. The procurement process should be completed by the end of 2019 and we will submit a subsequent cost comparison at that time.

	2018 Expense	2020 Projected
Early Voting	219,072	212,898
Election Day Officials	572,510	95,680
Facilities	59,640	45,300
Mailing Services & Envelopes	143,349	TBA
Places of Deposit	0	4,200
Postage	415,662	1,247,080
Proclamations	70,200	60,000
Shipping & Delivery	225,657	78,000
Staffing	2,328,772	1,525,036
Supplies & Equipment	192,549	44,800
Voting & Vote Counting System	3,209,000	3,290,000
<b>Total</b>	<b>\$7,391,411</b>	<b>\$6,521,994</b>

Act 136 SLH 2019 appropriated funds to the Office of Elections for preparing, implementing, and administering elections by mail, including a voter education and voter awareness campaign and funds to the County Elections Divisions for start-up and transition costs.

### Appropriations to Office of Elections

The Office of Elections has been appropriated \$200,000 in both Fiscal Year (FY) 2019-20 and FY 2020-21. We have designated these funds for voter education and voter awareness to be used in conjunction with federal HAVA funding that is currently used to provide voter education.

In FY 2019-20, the \$200,000 will be used to cover the costs of production of the previously mentioned election mailings in January and April 2020. The balance will be paid using federal HAVA funds.

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		Estimated Cost
Jan.	Printing & Mailing Services	40,000
	Postage	74,200
Apr.	Printing & Mailing Services	96,500
	Postage	89,000
<b>Total</b>		<b>\$299,700</b>

In FY 2020-21, \$108,000 will be used for television, radio, and digital ads associated with our media campaign. The remaining balance of \$92,000 will be used to supplement any messaging that may be required between the Primary Election and the General Election as well as producing future digital educational materials based on our experience in the 2020 Elections.

**Appropriations to County Elections Divisions**

Act 136 SLH 2019 appropriated \$830,731 in both FY 2019-20 and FY 2020-21 to the Counties in the form of a grant, administered by the Department of Budget and Finance, based on the proportion of voter registration. The County Elections Divisions have been working with the Department of Budget and Finance to provide the cost of the capital equipment they expect to expend and enter an agreement to receive the funding. The following table notes the funds each County is expected to receive and expend based on their proportion of voter registration in the 2018 General Election.

	Requested FY 2019-20	Appropriated FY 2019-20	Appropriated FY 2020-21	Total Alloted	Over/Under
Hawaii	328,812	126,688	126,688	253,376	(75,436)
Maui	205,695	106,176	106,176	212,352	6,657
Kauai	0	48,808	48,808	97,616	97,616
Honolulu	377,620	549,059	549,059	1,098,118	720,498
<b>Total</b>	<b>\$912,127</b>	<b>\$830,731</b>	<b>\$830,731</b>	<b>\$1,662,462</b>	<b>\$750,335</b>

**IMPLEMENTING ELECTIONS BY MAIL**

The requested amounts for FY 2019-20 in the table above are based on estimates provided by the Counties in 2018 and amended, for the County of Hawaii, in 2019. The tables below provide a breakdown the start-up and transition costs for the County of Hawaii, County of Maui, and City and County of Honolulu.

**County of Hawai'i  
Elections by Mail Start-up Cost**

Item	Amount	Est. Cost	Description
Scanner/Sorter	1	\$250,00.00	Signature verification & receiving ballot envelopes
Electronic Letter Opener	1	\$5256.00	Opening returned ballot envelopes
Barcode Scanners	6	\$774.00	Signature verification and processing received ballots
Dymo Label Printers	6	\$1,500.00	Processing early voting applications
Secure Drop boxes	8	\$7432.00	Outdoor collection boxes placed at various locations islandwide.
Graphic Design for boxes	8	\$2400.00	
Mobile Mesh Security Truck	6	\$8045.00	Store valid return ballot envelopes before counting
Voter Education		\$25,000.00	Radio, print, TV campaign
Signature Card Update Mailing	115,000	\$28,405.00	115,000 voters x 0.20 per card = \$23,000. 10% returned/reply 11,500 x 0.47 = \$5,405.
Total		\$328,812.00	

**Figure 2: County of Hawaii Elections by Mail Start-up Cost.**

<b>County of Maui Elections by Mail - Approximate Start-up Cost</b>			
Item	Quantity	Cost Est.	Description
Envelope scanner/sorter	2	\$100,000.00	Signature verification and Mark Voter file
Voter Education		\$10,000.00	Radio PSA's
	4	\$8,600.00	4 - 1/2 page Newspaper Ads
	95000	\$6,175.00	Mailer to Voters
	95000	\$52,250.00	Postage
Mail Trays	200	\$1,750.00	Colored mail trays for voted ballot envelopes
Mobile Mesh Security Trucks	8	\$9,560.00	Store voted ballots for counting
Stainless Steel Drop boxes	4	\$9,860.00	Ballot drop boxes to be placed at various locations (Large)
	5	\$7,500.00	Ballot drop boxes to be placed at various locations (medium)
Total		\$205,695.00	

**Figure 3: County of Maui Elections by Mail Start-up Cost.**



**Vote by Mail Startup Program Items**

<u>Drop Boxes</u>	\$6,000 each X 15	= \$90,000
<p>Boxes would be a combination of indoor and outdoor boxes depending on location. Budgeting assumes outdoor boxes. Known manufacturers are located in Washington and Minnesota and certain drop boxes may utilize a modified 4'x6' enclosed storage trailer with security wheel boot.</p> <p>Places of deposit would be located for general convenience across Oahu:                  Leeward Coast to Ewa Beach (3)                  Aiea to Central Oahu (3)                  Windward Coast (3)                  Hawaii Kai to Urban Honolulu (3)                  (3 replacements boxes for damage/vandalism)</p>		
<u>Drop box miscellaneous items: carts, security devices, etc.</u>		= \$5,000
<u>Miscellaneous: signage/traffic management supplies.</u> (directional, electioneering, informational banners, etc.)		= \$10,000
<u>Graphic wraps for boxes</u>	\$600 X 15	= \$9,000
<u>Design/Installation of boxes (indoor/outdoor)</u> Outdoor installations may require plan/design/permitting		= \$15,000
<u>Security surveillance for outdoor boxes</u>		= \$20,000
<u>Online locator for nearest dropbox/service center</u>		= \$10,000
<u>GPS Vehicle/Asset tracking software for ballot retrieval teams</u>		= \$5,000
<u>Public information/branding of county vote by mail process/materials</u> (boxes, envelopes, signage, online, etc..)		= \$75,000
<u>Radio information campaign</u> (Flight messages would include: Update your signature card, Request a replacement ballot, Sign your own ballot envelope, Return/drop off by 6pm Election day)		= \$25,000
<u>Signature card update mailing/response cards</u> 460,000 registered voters x \$0.20 card (includes production/postage) = \$92,000 10% returned/reply – 46,000 x \$0.47 (business reply postage paid) = \$21,620		= \$113,620
<b><u>TOTAL</u></b>		<b><u>\$377,620</u></b>

Figure 4: City and County of Honolulu Elections by Mail Start-up Cost.

Since the funding is a proportion of voter registration while the costs of capital equipment are fixed, we have concerns with the amounts to be provided to each County. The start-up costs for each County are relatively similar for the necessary capital equipment, such as a high-speed scanner sorter or drop boxes, rather than a per unit cost suggested by prorating the funds.

We would note that the County of Kauai was appropriated funds pursuant to Act 182 SLH 2018 which implemented an elections by mail pilot program for the County of Kauai only. Through that Act, the County of Kauai was appropriated \$75,450 in Fiscal Year 2018-19, of which \$67,573 was expended for a scanner/sorter for the receipt of return envelopes, steel ballot boxes, and security cameras. As the County has already procured the necessary capital equipment, they have not requested additional funding through Act 136 SLH 2019. We would respectfully propose reallocating these funds to cover any shortfalls to the other Counties.

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## CHALLENGES AND RECOMMENDATIONS

Although, elections by mail can be implemented pursuant to Act 136 SLH 2019, there are a variety of matters the Legislature may wish to consider amending for consistency and administration. The following is a proposed bill that:

- (1) Re-establishes “precinct”;
- (2) Addressed County logistic challenges regarding voter service centers and places of deposit;
- (3) Clarifies method for voters to return ballots and that voters in line at 7:00 p.m. will be allowed to vote; and
- (4) Non-substantive changes for consistency and style.

Most importantly, we believe the term “precinct” should be reinstated. Act 136, SLH 2019 removes the term “precinct” and replaces it with the word “district” as “precinct” has been used incorrectly to be synonymous with “polling place”. However, in the administration of elections, the precinct represents the “smallest political subdivision established by law”, HRS §11-1 (prior to Act 136 SLH 2019), which addresses intersecting

## OFFICE OF ELECTIONS

boundaries associated with different offices or jurisdictions to establish the precincts that would be used for administrative and reporting purposes.

Additionally, we would respectfully propose amending requirements to the dates and hours of the voter service centers. In identifying potential locations for a voter service center on the island of Lanai, the County of Maui has found that there are limited suitable locations and cannot guarantee use of the facility for the dates required by Act 136 SLH 2019, §11-I(b). Amending the dates and hours would allow any County facing such issues to establish a voter service center benefiting voters.

THIRTIETH LEGISLATURE, 2020  
STATE OF HAWAII

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## A BILL FOR AN ACT

RELATING TO ELECTIONS.

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

1           SECTION 1. The legislature finds that Act 136, Session  
2 Laws of Hawaii 2019, established that all elections statewide  
3 were to be conducted by mail beginning with the 2020 primary  
4 election. This housekeeping bill addresses various  
5 inconsistencies to clarify and improve the administration of  
6 elections by mail.

7           SECTION 2. Section 11-1, Hawaii Revised Statutes, is  
8 amended as follows:

9           1. By adding three new definitions to be appropriately  
10 inserted and to read:

11           "Ballot marking device" means a device that may be used to  
12 mark a ballot or to generate a marked ballot or ballot summary  
13 reflecting the ballot selections of the voter.

14           "Ballot summary" means a complete record of ballot  
15 selections that is verified by the voter.

16           "Precinct", the smallest political subdivision established  
17 by law."

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1           2. By amending the definition of "ballot" to read:  
2            "Ballot" means a ballot, including an absentee ballot,  
3 that is a written or printed, or partly written and partly  
4 printed paper or papers containing the names of persons to be  
5 voted for, the office to be filled, and the questions or issues  
6 to be voted on. A "ballot" includes a ballot summary reflecting  
7 a complete record of the ballot selections made by a voter  
8 utilizing an HTML ballot or similar accessible ballot that  
9 produces a ballot summary. A "ballot" also includes a voter  
10 verifiable paper audit trail in the event there is a discrepancy  
11 between a voting machine's electronic record of the voted ballot  
12 and the voter verifiable paper audit trail. "Ballot" includes a  
13 ballot used in an election by mail pursuant to part     ,  
14 including a ballot approved for electronic transmission. A  
15 ballot may consist of one or more cards or pieces of paper, or  
16 one face of a card or piece of paper, or a portion of the face  
17 of a card or piece of paper, depending on the number of offices,  
18 candidates to be elected thereto, questions or issues to be  
19 voted on, and the voting system in use."  
20           3. By amending the definition of "district" to read:

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1            "District" means, unless otherwise specified, the district  
2 of political representation [~~with the fewest eligible voters in~~  
3 ~~a particular election~~] associated with a state representative."

4            SECTION 3. Section 11-15, Hawaii Revised Statutes, is  
5 amended by amending subsection (a) to read as follows:

6            "(a) Any person qualified to and desiring to register as a  
7 voter in any county shall make and subscribe to an application  
8 in the form of an affidavit.

9            The affidavit shall contain the following information:

10           (1) Name;

11           (2) The applicant's Hawaii driver's license number or  
12 Hawaii state identification card number; provided  
13 that:

14           (A) If no driver's license or identification card has  
15 been issued to the applicant, the last four  
16 digits of the applicant's social security number;  
17 and

18           (B) If no social security number has been issued to  
19 the applicant, an election official or county  
20 clerk shall assign the applicant a unique  
21 identification number for voter registration

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- 1                   purposes and enroll the applicant in the State's  
2                   computerized voter registration list, if any;  
3                   (3) Date of birth;  
4                   (4) Residence, including mailing address;  
5                   (5) That the residence stated in the affidavit is not  
6                   simply because of the person's presence in the  
7                   State, but that the residence was acquired with  
8                   the intent to make Hawaii the person's legal  
9                   residence with all the accompanying obligations  
10                  therein; and  
11                  (6) That the person is a citizen.

12                  ~~[An application to register to vote shall include a space~~  
13 ~~to request a permanent absentee ballot.]~~

14                  SECTION 4. Section 11-15.2, Hawaii Revised Statutes, is  
15 amended by amending subsection (g) to read as follows:

16                  "(g) The clerk of each county shall add persons who  
17 properly register under this section to the respective general  
18 county register. Within thirty days of registration, the clerk  
19 shall mail to the person a notice including the person's name,  
20 current street address, district and precinct, and date of  
21 registration. A notice mailed pursuant to this subsection shall

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1 serve as prima facie evidence that the person is a registered  
 2 voter as of the date of registration."

3 SECTION 5. Section 11-17, Hawaii Revised Statutes, is  
 4 amended by amending subsection (b) to read as follows:

5 "(b) The clerk shall also identify or remove the name of  
 6 any registered voter if the clerk, after mailing a notice or  
 7 other correspondence, properly addressed, with postage prepaid,  
 8 receives the notice or other correspondence as return mail with  
 9 a postal notation that the notice or other correspondence was  
 10 not deliverable. On election day, any person identified or  
 11 removed shall have the person's name corrected or restored in  
 12 the register and shall be allowed to vote if the person  
 13 completes an affidavit or other form prescribed by the chief  
 14 election officer affirming that the person:

- 15 (1) Claims the person's legal residence at the address
- 16 listed on the register;
- 17 (2) Changed the person's legal residence after the closing
- 18 of the register for that election; or
- 19 (3) Moved to a new residence within the
- 20 same [~~district~~] precinct as the person's residence as
- 21 listed on the register."



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1 SECTION 6. Section 11-21, Hawaii Revised Statutes, is  
2 amended by amending subsections (c) and (d) to read as follows:

3 "(c) Any person whose name appears on the registered  
4 voters list whose residence has changed since the last election,  
5 and whom the clerk has not transferred under section 11-20, may  
6 apply on a form prescribed by the chief election officer on the  
7 day of the election for transfer of registration to  
8 the [~~district~~] precinct of the new residence. Any person so  
9 transferring voter registration shall be immediately added to  
10 the register of the new [~~district~~] precinct.

11 (d) Where a person was incorrectly placed on a list of  
12 voters of a [~~district~~] precinct in which the person does not  
13 actually reside, the person may correct the registration."

14 SECTION 7. Section 11-22, Hawaii Revised Statutes, is  
15 amended by amending subsection (a) to read as follows:

16 "(a) The clerk shall correct the register if at any time  
17 it shall be manifest to the clerk that the name of a person  
18 registered has been accidentally misspelled, or that the person  
19 has been misnamed therein, or that the person has been  
20 accidentally registered under the wrong [~~district~~] precinct, or  
21 that the person was accidentally removed pursuant to section 11-

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1 17(a), or that the name of the person should be corrected or  
 2 restored pursuant to section 11-17(b)."

3 SECTION 8. Section 11-25, Hawaii Revised Statutes, is  
 4 amended by amending subsection (a) to read as follows:

5 "(a) Any registered voter may challenge the right of a  
 6 person to be or to remain registered as a voter in any precinct  
 7 for any cause not previously decided by the board of  
 8 registration or the supreme court in respect to the same  
 9 person. The challenge shall be in writing, setting forth the  
 10 grounds upon which it is based, and be signed by the person  
 11 making the challenge. The challenge shall be delivered to the  
 12 clerk who shall immediately serve notice thereof on the person  
 13 challenged. The clerk shall, as soon as possible, investigate  
 14 and rule on the challenge."

15 SECTION 9. Section 11-26, Hawaii Revised Statutes, is  
 16 amended by amending subsection (a) to read as follows:

17 "(a) In cases where the clerk, or [~~precinct~~] voter service  
 18 center officials, rules on a challenge on election day, the  
 19 person ruled against may appeal from the ruling to the board of  
 20 registration of the person's county for review under part  
 21 III. The appeal shall be brought before the challenger and  
 22 challenged party leave the [~~polling place~~] voter service

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1 center. If an appeal is brought, both the challenger and the  
2 challenged voter may be parties to the appeal."

3 SECTION 10. Section 11-26, Hawaii Revised Statutes, is  
4 amended by amending subsection (c) to read as follows:

5 "(c) If the appeal is sustained, the board shall  
6 immediately certify that finding to the clerk, who shall  
7 thereupon alter the register to correspond to the findings of  
8 the board, and when necessary, the clerk shall notify the  
9 [~~precinct~~] voter service center officials of the change in the  
10 register."

11 SECTION 11. Section 11-77, Hawaii Revised Statutes, is  
12 amended by amending subsection (a) to read as follows:

13 "(a) Each qualified political party shall be entitled to  
14 appoint no more than one watcher who may be present at any  
15 time at a voter service center. Each party shall submit its  
16 list of watchers no later than 4:30 p.m. on the twentieth day  
17 before any election to the clerk. All watchers shall serve  
18 without expense to the county. All watchers so appointed shall  
19 be registered voters."

20 SECTION 12. Section 11-92.1, Hawaii Revised Statutes, is  
21 amended to read as follows:

\_\_\_\_.B. NO.

1           "§11-92.1 Election proclamation; establishment of a new  
2 precinct; voter service centers and places of deposit; changes  
3 to [district] precinct boundaries. (a) The chief election  
4 officer shall issue a proclamation listing all voter service  
5 centers and places of deposit as may have been determined by the  
6 clerk as of the proclamation date and whenever a new precinct is  
7 established in any representative district. The clerk shall  
8 make arrangements for the rental or erection of suitable shelter  
9 for the establishment of a voter service center whenever public  
10 buildings are not available and shall cause these voter service  
11 centers to be equipped with the necessary facilities for  
12 lighting, ventilation, and equipment needed for elections on any  
13 island. This proclamation may be issued jointly with the  
14 proclamation required in section 11-91.

15           (b) No change shall be made in the boundaries of any  
16 [district] precinct later than 4:30 p.m. on the tenth day  
17 before the close of filing for an election.

18           (c) Notwithstanding subsection (a), and pursuant to  
19 section 15-2.5, the clerk is not required to establish voter  
20 service centers for [districts] precincts affected by natural  
21 disasters, as provided in section 15-2.5."

\_\_\_**.B. NO.**

1 SECTION 13. Section 11-92.3, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "**§11-92.3 Natural disasters; postponement; consolidation of**  
4 **[~~districts~~ precincts; special elections.** (a) In the event of  
5 a flood, tsunami, earthquake, volcanic eruption, high wind, or  
6 other natural disaster, occurring before an election where the  
7 extent of damage caused is such that the ability of voters, in  
8 any precinct, district, or county, to exercise their right to  
9 vote is substantially impaired, the chief election officer or  
10 clerk in the case of county elections may postpone the  
11 conducting of an election in the affected [~~area~~] precinct for no  
12 more than twenty-one days; provided that any postponement shall  
13 not affect the conduct of the election, tabulation, or  
14 distribution of results for those precincts, districts, or  
15 counties not designated for postponement. The chief election  
16 officer or clerk in the case of county elections shall give  
17 notice of the postponement by whatever possible news or  
18 broadcast media are available.

19 (b) In the event the chief election officer or the clerk  
20 in a county election determines that the number of candidates or  
21 issues on the ballot in a special, special primary, or special  
22 general election does not require the full number of established

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1 precincts, districts, the [~~districts~~] precincts may be  
 2 consolidated for the purposes of the special, special primary,  
 3 or special general election into a small number of special,  
 4 special primary, or special general election [~~districts~~]  
 5 precincts.

6 A special, special primary, or special general election  
 7 [~~district~~] precinct shall be considered the same as an  
 8 established [~~district~~] precinct for all purposes. No later than  
 9 4:30 p.m. on the tenth day before the special, special primary,  
 10 or special general election, the chief election officer or the  
 11 clerk shall give public notice, in the area in which the  
 12 special, special primary, or special general election is to be  
 13 held, of the special, special primary, or special general  
 14 election [~~districts~~] precincts."

15 SECTION 14. Section 11-117, Hawaii Revised Statutes, is  
 16 amended by amending subsection (b) to read as follows:

17 "(b) On receipt of the notice of death, withdrawal, or  
 18 upon determination of disqualification, the chief election  
 19 officer or the clerk shall inform the chairperson of the  
 20 political party of which the person deceased, withdrawing, or  
 21 disqualified was a candidate. When a candidate dies, withdraws,  
 22 or is disqualified after the close of filing and the ballots

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1 have been printed, the chief election officer or the clerk may  
2 order the candidate's name stricken from the ballot or order  
3 that a notice of the death, withdrawal, or disqualification be  
4 prominently posted at the appropriate [~~polling places~~] voter  
5 service centers on election day."

6 SECTION 15. Section 11-138, Hawaii Revised Statutes, is  
7 amended to read as follows:

8 "**§11-138 Time allowed voters.** A voter shall be allowed to  
9 remain in the voting booth for five minutes, and having voted  
10 the voter shall at once emerge and leave the voting booth. If  
11 the voter refuses to leave when so requested by a majority of  
12 [~~precinct~~] voter service center officials after the lapse of  
13 five minutes, the voter shall be removed by the [~~precinct~~] voter  
14 service center officials."

15 SECTION 16. Section 11-153, Hawaii Revised Statutes, is  
16 amended by amending subsection (c) to read as follows:

17 "(c) The chief election officer or the clerk shall make a  
18 list of all [~~districts~~] precincts in which an overage or  
19 underage occurred and the amount of the overage or  
20 underage. This list shall be filed and kept as a public record  
21 in the office of the chief election officer or the clerk in  
22 county elections.

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1           An election contest may be brought under part XI, if the  
2 overage or underage in any district could affect the outcome of  
3 an election."

4           SECTION 17. Section 11-155, Hawaii Revised Statutes, is  
5 amended to read as follows:

6           **§11-155 Certification of results of election.** On receipt  
7 of certified tabulations from the election officials concerned,  
8 the chief election officer or county clerk in a county election,  
9 shall compile, certify, and release the election results after  
10 the expiration of the time for bringing an election  
11 contest. The certification shall be based on a comparison and  
12 reconciliation of the following:

- 13           (1) The results of the canvass of ballots conducted  
14                 pursuant to chapter 16;
- 15           (2) The audit of [~~pollbooks (and related record books)~~]  
16                 records and resultant overage and underage report;
- 17           (3) The audit results of the manual audit team;
- 18           (4) The results of the absentee ballot reconciliation  
19                 report compiled by the clerks;
- 20           (5) The results of any mandatory recount of votes  
21                 conducted pursuant to section 11-\_\_; and



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1           (6) All logs, tally sheets, and other documents generated  
2                   during the election and in the canvass of the election  
3                   results.

4 A certificate of election or a certificate of results declaring  
5 the results of the election as of election day shall be issued  
6 pursuant to section 11-156; provided that in the event of an  
7 overage or underage, a list of all precincts in which an overage  
8 or underage occurred shall be attached to the certificate. The  
9 number of candidates to be elected receiving the highest number  
10 of votes in any election district shall be declared to be  
11 elected. Unless otherwise provided, the term of office shall  
12 begin or end as of the close of [~~polls~~] voter service centers on  
13 election day. The position on the question receiving the  
14 appropriate majority of the votes cast shall be reflected in a  
15 certificate of results issued pursuant to section 11-156.

16           SECTION 18. Section 11-172, Hawaii Revised Statutes, is  
17 amended to read as follows:

18           "**§11-172 Contests for cause; generally.** With respect to  
19 any election, any candidate, or qualified political party  
20 directly interested, or any thirty voters of any election  
21 district, may file a complaint in the supreme court. The  
22 complaint shall set forth any cause or causes, such as but not

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1 limited to, provable fraud, overages, or underages, that could  
 2 cause a difference in the election results. The complaint shall  
 3 also set forth any reasons for reversing, correcting, or  
 4 changing the decisions of the [~~precinct~~] voter service center  
 5 officials or the officials at a counting center in an election  
 6 using the electronic voting system. A copy of the complaint  
 7 shall be delivered to the chief election officer or the clerk in  
 8 the case of county elections."

9 SECTION 19. Section 11-173.5, Hawaii Revised Statutes, is  
 10 amended by amending subsection (a) to read as follows:

11 "(a) In a primary and special primary election contest, or  
 12 a county election contest held concurrently with a regularly  
 13 scheduled primary or special primary election, the complaint  
 14 shall be filed in the office of the clerk of the supreme court  
 15 no later than 4:30 p.m. on the thirteenth day after a primary or  
 16 special primary election or a county election contest held  
 17 concurrently with a regularly scheduled primary or special  
 18 primary election, and shall be accompanied by a deposit for  
 19 costs of court as established by the rules of the supreme court  
 20 [~~; provided that a complaint for a contest for cause that arises~~  
 21 ~~from a mandatory recount pursuant to section 11~~ shall be  
 22 ~~filed no later than 4:30 p.m. on the third calendar day~~

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1 ~~following the public announcement of the results of the~~  
2 ~~mandatory recount pursuant to section 11 (c)].~~ The clerk  
3 shall issue to the defendants named in the complaint a summons  
4 to appear before the supreme court no later than 4:30 p.m. on  
5 the fifth day after service of the summons."

6 SECTION 20. Section 11-174.5, Hawaii Revised Statutes, is  
7 amended by amending subsection (b) to read as follows:

8 "(b) In cases involving general, special general, special,  
9 or runoff elections the complaint shall be heard by the supreme  
10 court in which the complaint was filed as soon as it reasonably  
11 may be heard. On the return day, the court, upon its motion or  
12 otherwise, may direct summons to be issued to any person who may  
13 be interested in the result of the proceedings.

14 At the hearing, the court shall cause the evidence to be  
15 reduced to writing and shall give judgment, stating all findings  
16 of fact and of law. The judgment may invalidate the general,  
17 special general, special, or runoff election on the grounds that  
18 a correct result cannot be ascertained because of a mistake or  
19 fraud on the part of the [~~precinct~~] voter service center  
20 officials; or decide that a certain candidate, or certain  
21 candidates, received a majority or plurality of votes cast and  
22 were elected. If the judgment should be that the general,

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1 special general, special, or runoff election was invalid, a  
 2 certified copy thereof shall be filed with the governor, and the  
 3 governor shall duly call a new election to be held not later  
 4 than one hundred twenty days after the judgment is filed. If  
 5 the court shall decide which candidate or candidates have been  
 6 elected, a copy of that judgment shall be served on the chief  
 7 election officer or county clerk, who shall sign and deliver to  
 8 the candidate or candidates certificates of election, and the  
 9 same shall be conclusive of the right of the candidate or  
 10 candidates to the offices."

11 SECTION 21. Section 11-A, Hawaii Revised Statutes, is  
 12 amended to read as follows:

13 **"§11-A Elections eligible to be conducted by**  
 14 **mail.** Beginning with the 2020 primary election, all elections  
 15 shall be conducted by mail in accordance with this title. A  
 16 voter in an election conducted by mail shall not be precluded  
 17 from voting by absentee ballot under chapters 15 or 15D, if the  
 18 voter complies with the applicable requirements."

19 SECTION 22. Section 11-B, Hawaii Revised Statutes, is  
 20 amended by amending subsection (b) to read as follows:

21 "(b) To the extent practicable, the clerk shall mail a  
 22 ballot package by non-forwardable mail to each registered voter

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1 in the county so as to enable voters to receive the ballot  
2 package approximately eighteen days before the election. The  
3 clerk shall continue mailing ballot packages to voters who  
4 update their voter registration address no later than [~~fourteen~~]  
5 seven days before the date of the election. However, the clerk  
6 may continue to mail ballots to those who have updated their  
7 voter registration address after the seventh day, if the clerk  
8 believes there is sufficient time for the voter to return the  
9 ballot by the applicable deadline or if another statute provides  
10 for the transmittal of the ballot during that time frame. In  
11 determining the initial mailing date of the ballot packages, the  
12 clerk shall consider the mailing place of origin and the most  
13 recent postal service delivery standards. The clerk shall not  
14 mail a ballot package to any voter in the county register who is  
15 identified as having an outdated or non-deliverable mailing  
16 address. Nothing in this part shall be construed to change the  
17 responsibilities of the clerk or chief election officer under  
18 chapter 15 with respect to voters requesting to vote by absentee  
19 ballot or chapter 15D with respect to uniform military and  
20 overseas voters.

21 SECTION 23. Section 11-D, Hawaii Revised Statutes, is  
22 amended by amending subsection (a) to read as follows:

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1           "(a) After a voter receives a ballot package, the voter  
2 shall comply with the instructions included in the ballot  
3 package in order to cast a valid vote. The instructions shall  
4 include directions for:

5           (1) Marking the ballot;

6           (2) Inserting the marked ballot in the secrecy envelope or  
7           secrecy sleeve;

8           (3) Inserting the secrecy envelope or secrecy sleeve with  
9           the marked ballot in the return identification  
10           envelope; and

11          (4) Signing the affirmation on the return identification  
12           envelope before mailing or delivering the return  
13           identification envelope containing the secrecy  
14           envelope or secrecy sleeve with the marked ballot.

15          The affirmation shall consist of a statement to be  
16          subscribed to by the voter that affirms the fact that  
17          the voter is the person voting and that the voter's  
18          employer or agent of the employer, agent of the  
19          voter's labor union, or any candidate listed on the  
20          ballot did not assist the voter, as described in  
21          section 11-139, along with the instruction that the

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1            voter's ballot will be valid only if the affirmation  
2            statement is signed."

3            SECTION 24. Section 11-D, Hawaii Revised Statutes, is  
4 amended by amending subsection (c) to read as follows:

5            "(c) To cast a valid ballot, the voter shall return the  
6 return identification envelope containing the secrecy envelope  
7 or secrecy sleeve with the marked ballot:

8            (1) [~~By mail so~~] In any manner so that the return  
9            identification envelope is received [~~at the office of~~]  
10           by the clerk or the clerk's designee no later than the  
11           closing [~~time~~] hour on election day [~~provided~~] in  
12           accordance with section 11-131 [~~on the date of the~~  
13           ~~election~~] provided that anyone who is standing in line  
14           at 7:00 p.m. on the date of the election with the  
15           intent of returning a ballot shall be permitted to do  
16           so;

17           (2) [~~By personal delivery at~~] In any manner to any place of  
18           deposit no later than 7:00 p.m. on the date of the  
19           election; provided that [~~any voter~~] anyone who is  
20           standing in line at a place of deposit at 7:00 p.m. on  
21           the date of the election with the intent of returning

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1 a ballot [~~and casting a vote~~] shall be [~~allowed to~~  
 2 ~~vote~~] permitted to do so; or  
 3 (3) [~~By personal delivery~~] In any manner to any voter  
 4 service center no later than the closing time provided  
 5 in section 11-131 on the date of the election;  
 6 provided that [~~any voter~~] anyone who is standing in  
 7 line at a voter service center at the closing time  
 8 provided in section 11-131 on the date of the election  
 9 with the intent of returning a ballot [~~and casting a~~  
 10 ~~vote~~] shall be [~~allowed to vote~~] permitted to do so.

11 SECTION 25. Section 11-E, Hawaii Revised Statutes, is  
 12 amended by amending subsection (b) to read as follows:

13 "(b) [~~Upon receipt of a completed replacement ballot~~  
 14 ~~application form, the~~] The clerk shall:

- 15 (1) Verify the registration of the voter and ensure that
- 16 another ballot has not been returned by the voter;
- 17 (2) Record that the voter has requested a replacement
- 18 ballot;
- 19 (3) Mark the return identification envelope as containing
- 20 a replacement ballot; and



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1           (4) Issue the replacement ballot package by mail or make  
2           the ballot package available for pick-up by the  
3           voter."

4           SECTION 26. Section 11-E, Hawaii Revised Statutes, is  
5 amended by amending subsection (c) to read as follows:

6           "(c) Voters who obtain a replacement ballot shall return  
7 the return identification envelope containing the secrecy  
8 envelope or secrecy sleeve with the marked replacement ballot:

9           (1) [~~By mail so~~] In any manner so that the return  
10           identification envelope is received [~~at the office of~~]  
11           by the clerk or the clerk's designee no later than the  
12           closing [~~time~~] hour on election day [~~provided~~] in  
13           accordance with section 11-131 [~~on the date of the~~  
14           ~~election~~] provided that anyone who is standing in line  
15           at 7:00 p.m. on the date of the election with the  
16           intent of returning a ballot shall be permitted to do  
17           so;

18           (2) [~~By personal delivery at~~] In any manner to any place of  
19           deposit no later than 7:00 p.m. on the date of the  
20           election; provided that [~~any voter~~] anyone who is  
21           standing in line at a place of deposit at 7:00 p.m. on  
22           the date of the election with the intent of returning

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1 a ballot [~~and casting a vote~~] shall be [~~allowed to~~  
2 ~~vote~~] permitted to do so; or  
3 (3) [~~By personal delivery~~] In any manner to any voter  
4 service center no later than the closing time provided  
5 in section 11-131 on the date of the election;  
6 provided that [~~any voter~~] anyone who is standing in  
7 line at a voter service center at the closing time  
8 provided in section 11-131 on the date of the election  
9 with the intent of returning a ballot [~~and casting a~~  
10 ~~vote~~] shall be [~~allowed to vote~~] permitted to do so."

11 SECTION 27. Section 11-F, Hawaii Revised Statutes, is  
12 amended to read as follows:

13 **"§11-F Deficient return identification envelopes. If:**

14 (1) A return identification envelope is returned with an  
15 unsigned affirmation;

16 (2) The affirmation signature does not match a reference  
17 signature image; or

18 (3) A return identification envelope contains another  
19 condition that would not allow the counting of the  
20 ballot,

21 the clerk shall make an attempt to notify the voter by first  
22 class mail, telephone, or electronic mail to inform the voter of

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1 the procedure to correct the deficiency. The voter shall have  
2 five business days after the date of the election to cure the  
3 deficiency. The chief election officer may adopt rules  
4 regarding requirements and procedures for correcting deficient  
5 return identification envelopes. The counting of ballots and  
6 disclosure of subsequent election results may continue during  
7 the time period permitted to cure a deficiency under this  
8 section. The clerk's inability to contact voters under this  
9 section shall not be grounds for a contest for cause under  
10 section 11-172. This section shall apply to all return  
11 identification envelopes, including ballots utilizing the  
12 provisions of section 11-G, chapter 15, or chapter 15D."

13 SECTION 28. Section 11-G, Hawaii Revised Statutes, is  
14 amended by amending subsections (a) and (b) to read as follows:

15 "(a) If a ballot package is not received by a voter by the  
16 fifth day before the date of the election or a voter otherwise  
17 requires a replacement ballot within five days of an election,  
18 the voter may request that a ballot be forwarded by electronic  
19 transmission; provided that a voter with special needs may  
20 request that a ballot be forwarded by electronic transmission at  
21 any time, but no earlier than the date that the voter's initial  
22 ballot package was or would have been transmitted. Upon receipt

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1 of such a request and confirmation that [~~proper application was~~  
 2 ~~made~~] the voter has not already voted, the clerk may transmit  
 3 the appropriate ballot, together with a form containing the  
 4 affirmations, information, and a waiver of the right to secrecy  
 5 under section 11-137.

6 (b) The voter may return the completed replacement ballot  
 7 and executed forms:

8 (1) By electronic transmission so that the completed  
 9 replacement ballot and executed forms are received [~~at~~  
 10 ~~the office of~~] by the clerk or the clerk's designee no  
 11 later than the closing [~~time~~] hour provided in section  
 12 11-131 on the date of the election;

13 (2) [~~By mail~~] In any manner so that the completed  
 14 replacement ballot and executed forms are received [~~at~~  
 15 ~~the office of~~] by the clerk or the clerk's designee no  
 16 later than the closing time provided in section 11-131  
 17 on the date of the election;

18 (3) [~~By personal delivery~~] In any manner to any place of  
 19 deposit no later than 7:00 p.m. on the date of the  
 20 election; provided that [~~any voter~~] anyone who is  
 21 standing in line at a place of deposit at 7:00 p.m. on  
 22 the date of the election with the intent of returning

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1 a ballot [~~and casting a vote~~] shall be [~~allowed to~~  
2 ~~vote~~] permitted to do so; or  
3 (4) [~~By personal delivery~~] In any manner to a voter  
4 service center no later than the closing time provided  
5 in section 11-131 on the date of the election;  
6 provided that [~~any voter~~] anyone who is standing in  
7 line at a voter service center at the closing time  
8 provided in section 11-131 on the date of the election  
9 with the intent of returning a ballot [~~and casting a~~  
10 ~~vote~~] shall be [~~allowed to vote~~] permitted to do so."

11 SECTION 29. Section 11-H, Hawaii Revised Statutes, is  
12 amended by amending subsection (c) to read as follows:

13 "(c) Any ballot the validity of which cannot be  
14 established upon receipt shall be retained by the clerk and  
15 shall not be commingled with ballots for which validity has been  
16 established until the validity of the ballot in question can be  
17 verified by the clerk. No ballot shall be included in an  
18 initial tabulation until the clerk has determined its  
19 validity. The clerk shall make reasonable efforts to determine  
20 the validity of ballots within seven days following an election  
21 day. No ballots will be validated beyond the seventh day  
22 following an election."

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1 SECTION 30. Section 11-I, Hawaii Revised Statutes, is  
 2 amended by amending subsections (a) and (b) to read as follows:

3 "(a) Voter service centers shall be established [~~at the~~  
 4 ~~office of the clerk, and may be established at additional~~  
 5 ~~locations within a county as may be designated by a clerk]~~ by  
 6 the clerks to service the particular needs of [a] each county's  
 7 voters.

8 (b) In each county, a [Voter] voter service [centers]  
 9 center shall be open from the tenth business day preceding the  
 10 day of the election during regular business hours until the time  
 11 provided in section 11-131 on the date of the election and at  
 12 the same times statewide. The clerks may operate additional  
 13 voter services centers with varying days or hours of operations  
 14 to service the voters of particular areas that otherwise could  
 15 not support the operation of a voter service center for ten  
 16 business days or the same times statewide. Any voter standing  
 17 in line at a voter service center at the closing time provided  
 18 in section 11-131 on the date of the election with the intent of  
 19 voting shall be allowed to vote. A person eligible to vote but  
 20 who is not registered to vote standing in line at a voter  
 21 service center at the closing time provided in section 11-131 on  
 22 the date of the election shall be permitted to apply under

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1 section 11-15.2 to register to vote and subsequently vote that  
2 election day. To the extent the registration clerk determines  
3 the applicant to be registered at that time, the applicant will  
4 be permitted to vote a regular ballot. If additional time is  
5 required to process the application, the applicant will be  
6 provided a provisional ballot."

7 SECTION 31. Section 11-I, Hawaii Revised Statutes, is  
8 amended by amending subsection (d) to read as follows:

9 "(d) The clerks may designate and provide for places of  
10 deposit to be open five business days before the election until  
11 7:00 p.m. on the day of the election; provided that the  
12 locations and apparatus for receiving voted ballots can be  
13 securely maintained during the period of use for each election,  
14 and as may be permitted by the operational hours. As such, the  
15 clerks may provide for places of deposit with varying or shorter  
16 days or hours of operations."

17 SECTION 32. Section 15-2, Hawaii Revised Statutes, is  
18 amended to read as follows:

19 "**§15-2 Who may voted by absentee ballot.** Any person  
20 registered to vote may cast an absentee ballot in any election,  
21 including an election conducted by mail, in the manner provided

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1 in this chapter and rules adopted by the chief election  
 2 officer."

3 SECTION 33. Section 15-2.5, Hawaii Revised Statutes, is  
 4 amended to read as follows:

5 "**§15-2.5 Voting by mail in [~~district~~] precinct affected by**  
 6 **natural disasters.** (a) If the chief election officer and clerk  
 7 of a county affected as a result of a natural disaster determine  
 8 that the opening of a designated voter service center will  
 9 adversely affect the health and safety of voters or precinct  
 10 officials, the chief election officer and county clerk, by  
 11 written order, may require the registered voters of any  
 12 [~~district~~] precinct to vote by mail as provided in part of  
 13 chapter 11.

14 (b) Within thirty days after the issuance of such an  
 15 order, the chief election officer and county clerk shall notify  
 16 all registered voters in the affected [~~district~~] precinct of the  
 17 issuance of the order.

18 (c) The chief election officer shall adopt rules pursuant  
 19 to chapter 91 to implement this section."

20 SECTION 34. Section 15-9, Hawaii Revised Statutes, is  
 21 amended to read as follows:



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1           "§15-9 Return [and], receipt, processing, and treatment of  
2 absentee ballots. [~~(a) The return envelope shall be:~~  
3           ~~(1) Mailed and must be received by the clerk issuing the~~  
4           ~~absentee ballot no later than the closing hour~~  
5           ~~on election day in accordance with section 11-131; or~~  
6           ~~(2) Delivered other than by mail to the clerk issuing the~~  
7           ~~absentee ballot, or to a voter service center no later~~  
8           ~~than the closing hour on election day in accordance~~  
9           ~~with section 11-131.~~  
10          ~~(b) Upon receipt of the return envelope from any person~~  
11 ~~voting under this chapter, the clerk may prepare the ballots for~~  
12 ~~counting pursuant to this section and section 15-10.~~  
13          ~~(c) Before opening the return and ballot envelopes and~~  
14 ~~counting the ballots, the return envelopes shall be checked for~~  
15 ~~the following:~~  
16          ~~(1) Signature on the affirmation statement;~~  
17          ~~(2) Whether the signature corresponds with the absentee~~  
18          ~~request or register as prescribed in the rules adopted~~  
19          ~~by the chief election officer; and~~  
20          ~~(3) Whether the person is a registered voter and has~~  
21          ~~complied with the requirements of sections 11-15 and~~  
22          ~~11-16.~~

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1       ~~(d) If any requirement listed in subsection (c) is not met~~  
 2 ~~or if the return or ballot envelope appears to be tampered with,~~  
 3 ~~the clerk or the absentee ballot team official shall mark across~~  
 4 ~~the face of the envelope "invalid" and it shall be kept in the~~  
 5 ~~custody of the clerk and disposed of as prescribed for ballots~~  
 6 ~~in section 11-154.]~~

7       An absentee ballot shall be returned, received, processed,  
 8 and treated in the same manner as a return identification  
 9 envelope in an election by mail under chapter 11, part \_\_,  
 10 Hawaii Revised Statutes."

11       SECTION 35. Section 15-11, Hawaii Revised Statutes, is  
 12 amended to read as follows:

13       "**§15-11 Voting by absentee voter at [polls] voter services**  
 14 **centers prohibited.** Any person having voted an absentee ballot  
 15 pursuant to this chapter shall not be entitled to cast a ballot  
 16 at [~~the polls~~] a voter service center on election day. An  
 17 absentee voter who does cast a ballot at [~~the polls~~] a voter  
 18 service center shall be guilty of an election offense under  
 19 section 19-3(5).

20       SECTION 36. Section 15D-10, Hawaii Revised Statutes, is  
 21 amended to read as follows:

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1           "**[§15D-10] Receipt of voted ballot.** A valid military-  
2 overseas ballot shall be counted if it is received by the close  
3 of the [~~pølls~~] voter service centers on the day of the election  
4 and meets the requirements prescribed under section 15-9."

5           SECTION 37. Section 16-23, Hawaii Revised Statutes, is  
6 amended to read as follows:

7           "**§16-23 Paper ballot; voting.** Upon receiving the ballot  
8 the voter shall proceed into one of the voting booths provided  
9 for the purpose, and shall mark the voter's ballot in the manner  
10 prescribed by section 16-22.

11           The voter shall then leave the booth and deliver the ballot  
12 to the [~~preecinet~~] voter service center official in charge of the  
13 ballot boxes. The [~~preecinet~~] voter service center official  
14 shall be sufficiently satisfied that there is but one ballot  
15 enclosed, whereupon the ballot shall be immediately dropped into  
16 the proper box by the [~~preecinet~~] voter service center official."

17           SECTION 38. Section 16-26, Hawaii Revised Statutes, is  
18 amended to read as follows:

19           "**§16-26 Questionable ballots.** A ballot shall be  
20 questionable if:

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1           (1) A ballot contains any mark or symbol whereby it can be  
 2 identified, or any mark or symbol contrary to the provisions of  
 3 law; or

4           (2) Two or more ballots are found in the ballot box so  
 5 folded together as to make it clearly evident that more than one  
 6 ballot was put in by one person, the ballots shall be set aside  
 7 as provided below.

8           Each ballot which is held to be questionable shall be  
 9 endorsed on the back by [~~the chairperson of precinct officials~~  
 10 ~~with the chairperson's~~] a voter service center official with  
 11 their name or initials, and the word "questionable". All  
 12 questionable ballots shall be set aside uncounted and disposed  
 13 of as provided for ballots in section 11-154."

14           SECTION 39. Section 16-27, Hawaii Revised Statutes, is  
 15 amended to read as follows:

16           "**§16-27 Number of blank and questionable ballots; record**  
 17 **of.** In addition to the count of the valid ballots, the  
 18 [~~precinct~~] voter service center officials shall, as to each  
 19 separate official ballot, also determine and record the number  
 20 of totally blank ballots and the number of questionable ballots.

21           SECTION 40. Section 16-28, Hawaii Revised Statutes, is  
 22 amended to read as follows:

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1           "**§16-28 Declaration of results.** When the [~~precinct~~] voter  
2 service center officials have ascertained the number of votes  
3 given for each candidate they shall make public declaration of  
4 the whole number of votes cast, the names of the persons voted  
5 for, and the number of votes for each person."

6           SECTION 41. Section 11-181, Hawaii Revised Statutes, is  
7 repealed.

8           [ "~~§11-181 Capital equipment.~~ The State shall pay for all  
9 ~~voting system capital equipment.~~ This shall include, but not be  
10 ~~limited to voting machines, voting devices, and initial computer~~  
11 ~~programs.~~" ]

12           SECTION 42. Statutory material to be repealed is bracketed  
13 and stricken. New statutory material is underscored.

14           SECTION 43. This Act shall take effect upon approval.

15

16   INTRODUCED BY: \_\_\_\_\_

## HAWAII ADMINISTRATIVE RULES

Underlying the implementation of the Act is the promulgation of new set of administrative rules to address the transition to election by mail, such as the operation of voter service centers, return envelope processing, along with other aspects of our election laws. Election officials have had discussions since July 2019 to ensure a consistent voting experience statewide, especially as it relates to receiving return envelopes at the close of voting at 7:00 p.m. and allowing voters to correct a deficient return envelope. As it stands, we have submitted a draft of the rules to the Department of the Attorney General for its consideration. Afterwards, it will be submitted to the Governor for approval to have the rules go to public hearing. Conformance with these procedures will help to deter and detect fraud and ensure the integrity of the election process.

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## CONCLUSION

We believe that elections by mail improves the voter experience by making it more convenient and accessible. All voters will automatically receive a ballot rather than having to locate and travel to their assigned polling place. As the method of voting shifts from three separate models to one main model, election officials are better able to communicate a more concise message. For example, we are able to inform all voters to expect their mail ballot packet in their mailbox approximately 18-days prior to the election rather than targeting this message to voters who have requested a ballot by mail.

We are working to convey that voting has changed. Voting is not a location that you must go to, but rather it is an action that voters participate in. The primary mechanism is for voters to receive their ballot in their mailbox and mail it back. To supplement voting by mail, the County Elections Divisions will establish voter service centers to provide additional assistance such as accessible in-person voting and same day registration. Additionally, the County Elections Divisions may establish places of deposit to ensure that ballots can be received by the 7:00 p.m. deadline on Election Day if it is too late to mail through the U.S. Postal Service.

While transitioning to elections by mail is a significant undertaking, the Office of Elections and County Elections Divisions have benefited from previous experience with early voting and discussions related to transitioning to elections by mail that has occurred over the last several years. To date, the County Elections Divisions have indicated that they are planning to establish a total of 8 voter service centers statewide – 2

## OFFICE OF ELECTIONS

in the County of Hawaii, 3 in the County of Maui, 1 in the County of Kauai, and 2 in the City and County of Honolulu. To the extent possible, the Counties are using the same facilities that have served as absentee walk-in voting locations in previous elections to maintain consistency. The County Elections Divisions are also working to identify and establish locations for places of deposit. Considerations and decisions are being made based on the hours required by Act 136 SLH 2019 and the ability to maintain the security of the location. The Counties have indicated difficulties in establishing secure place of deposits that can remain open through 7:00 p.m. on election day as most county and state facilities are not open. The locations and hours of the voter service centers and places of deposit will be published in May 2020.

The next report, due on November 20, 2020 will focus on the implementation of elections by mail for the 2020 Primary Election including any proposed adaptations employed in the 2020 General Election.