

JAN 25 2006

A BILL FOR AN ACT

RELATING TO VOTING.

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

1 SECTION 1. In the 2004 general election, Hawaii voters
2 turned out in record numbers. The high turnout reversed, at
3 least temporarily, a steady three-decade decline in voter
4 turnout among eligible Hawaii voters. To build upon the
5 momentum of high participation rates among voters in the 2004
6 general election as well as reverse the alarming trend of voter
7 apathy in Hawaii, it is critical that voter-friendly initiatives
8 be explored and implemented in preparation for the 2006 election
9 season.

10 One voter-friendly initiative that has been enacted in
11 other states is permanent absentee voter status. For example,
12 in California, eligible voters are able to submit a request for
13 permanent absentee voter status with county election officials.
14 These individuals then receive an absentee ballot in the mail
15 each time there is an election in their precinct. This method
16 of voting simplifies the absentee voting process as it
17 eliminates the need for eligible voters to fill out a request to
18 vote absentee each time an election is held.



1 The purpose of this Act is to allow eligible voters to
2 apply for permanent absentee voter status by making a request to
3 the appropriate county clerk.

4 SECTION 2. Chapter 15, Hawaii Revised Statutes, is amended
5 by adding a new section to be appropriately designated and to
6 read as follows:

7 "§15- Permanent absentee voter status. (a) Any person
8 registered to vote may apply for permanent absentee voter status
9 in person or by mail from the appropriate county clerk not
10 earlier than on the one hundred eightieth day and not later than
11 4:30 p.m. on the seventh day prior to the election. Any mailed
12 request for absentee voter status shall be mailed by the person
13 directly to the clerk.

14 (b) The application form for permanent absentee voter
15 status shall be inserted and made available at least twice in a
16 daily or weekly publication of statewide circulation not earlier
17 than one hundred eighty days prior to the primary election and
18 shall be made available on the county's website.

19 (c) Upon the applicant's request, the application form for
20 permanent absentee voter status shall be delivered and collected
21 by the county clerk. The county clerk shall appoint and swear
22 in a deputy voter registrar for the purpose of delivering and



1 collecting permanent absentee voter applications. The deputy
2 voter registrar shall distribute the application to the
3 applicant, shall collect the application from the applicant, and
4 shall deliver the application to the county clerk on behalf of
5 the applicant. The deputy voter registrar shall follow all
6 rules adopted by the chief election officer.

7 (d) The application for permanent absentee voter status
8 shall request the following information:

- 9 (1) The person's social security number;
- 10 (2) The person's date of birth;
- 11 (3) The address where the person is registered to vote;
- 12 (4) The signature of the applicant; and
- 13 (5) Any other pertinent information as determined by the
14 chief election officer in consultation with the county
15 clerks.

16 (e) Upon receipt of an application for permanent absentee
17 voter status, the appropriate county clerk, or a designated
18 representative, shall process the application and examine the
19 records to determine whether or not the applicant is a
20 registered voter. If it is determined that the applicant is a
21 registered voter, the county clerk, or a designated
22 representative, shall:



1 (1) Place the voter's name on a list of voters to whom an
2 absentee ballot shall be delivered in accordance with
3 the requirements of section 15-5 each time an election
4 is held within the voter's precinct; and

5 (2) Provide an absentee ballot to those individuals on
6 this list in accordance with the requirements of
7 section 15-6 and an explanation of absentee voting
8 procedures.

9 (f) Absentee ballots mailed to and received from voters on
10 the permanent absentee voter list shall be processed and counted
11 in accordance with the requirements of sections 15-9 and 15-10.

12 (g) The county clerks shall send a copy of the list of all
13 voters who qualify as a permanent absentee voter to each
14 precinct official. Any person receiving an absentee ballot, if
15 otherwise qualified, may choose not to vote absentee, but may
16 vote at the polls instead.

17 (h) A person whose name appears on the permanent absentee
18 voter list shall remain on the list and shall be mailed an
19 absentee ballot for each election conducted within that
20 precinct. If the voter fails to return an executed absentee
21 voter ballot or vote at the polls for any statewide general



1 election, the voter's name shall be deleted from the permanent
2 absentee voter list.

3 (i) A person who has been granted permanent absentee
4 status shall be responsible for requesting a replacement ballot
5 before election day in the event that a ballot is spoiled or not
6 received.

7 (j) A voter's status as a permanent absentee voter shall
8 be immediately terminated if any of the following conditions
9 apply:

10 (1) The voter requests in writing that the status be
11 terminated;

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

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

18 (4) The voter does not return a voted ballot by 6:00 p.m.
19 on election day in the general election of an election
20 year.

21 (k) If a voter's permanent absentee voter status is
22 terminated, the voter shall be responsible for reapplying for

1 the privilege and shall be responsible for meeting all
2 applicable deadlines for absentee voting as provided in this
3 chapter.

4 (l) Any voted absentee ballot in the custody of the clerk,
5 other than those that have been returned spoiled, shall be
6 considered cast and may not be recast for any reason.

7 (m) The chief election officer, in consultation with the
8 county clerks shall adopt rules pursuant to chapter 91 for the
9 purposes of this section."

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

12 "**§15-11 Voting by absentee voter at polls prohibited.** Any
13 person having voted an absentee ballot pursuant to this
14 [~~section~~] chapter shall not be entitled to cast a ballot at the
15 polls on election day. An absentee voter who does cast a ballot
16 at the polls shall be guilty of an election offense under
17 section 19-3(5)."

18 SECTION 4. There is appropriated out of the general
19 revenues of the State of Hawaii the sum of \$ _____, or so
20 much thereof as may be necessary for fiscal year 2006-2007, for
21 the purposes of implementing and administering the permanent
22 absentee voter program.



1 SECTION 5. The sum appropriated shall be expended by the
2 department of accounting and general services for the purposes
3 of this Act.

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

6 SECTION 7. This Act shall take effect on January 1, 2007;
7 provided that sections 4 and 5 shall take effect on July 1,
8 2006.

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SB. NO. 2628

Report Title:

Elections; Permanent Absentee Voter

Description:

Allows eligible voters to apply for permanent absentee voter status. Permits permanent absentee voters to cast a vote at the polls on election day provided that that person has not voted an absentee ballot previously. Makes appropriations.

