
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 Congress recently
2 passed amendments to the Uniformed and Overseas Citizens
3 Absentee Voting Act as part of an effort to prevent the
4 disenfranchising of overseas military and civilian voters. The
5 Military and Overseas Voter Empowerment (MOVE) Act, which was
6 signed into law as part of the Defense Authorization Act,
7 mandates, in part, that ballots must be mailed to overseas
8 voters at least 45 days before an election. Hawaii's primary
9 election date falls exactly 45 days prior to our general
10 election date, making it logistically impossible to comply with
11 the MOVE Act because of the time needed to count votes,
12 adjudicate disputed results, and verify results.

13 The legislature further finds that the MOVE Act also calls
14 for the expanded use of the Federal Write-in Absentee ballot,
15 electronic transmission of voting materials to absentee
16 uniformed service members and overseas citizens, as well as
17 procedures for late registration of uniformed service members
18 and overseas citizens.



1 Accordingly, the purpose of this Act is to move the primary
2 election date to an earlier date, and to come into compliance
3 with other aspects of the MOVE Act.

4 SECTION 2. Section 12-2, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "**§12-2 Primary held when; candidates only those nominated.**

7 The primary shall be held at the polling place for each precinct
8 on the second to the last Saturday of [~~September~~] August in
9 every even numbered year; provided that in no case shall any
10 primary election precede a general election by less than forty-
11 five days.

12 No person shall be a candidate for any general or special
13 general election unless the person has been nominated in the
14 immediately preceding primary or special primary."

15 SECTION 3. Section 15-1, Hawaii Revised Statutes, is
16 amended by adding the definition of "absent uniformed services
17 voters" and "overseas voter" to read as follows:

18 "**§15-1 Definitions.** As used in this chapter, unless the
19 context otherwise requires:

20 "Absentee ballot" means a ballot as defined in section 11-1
21 used in absentee voting.



1 "Absentee polling place" means an office or other suitable
2 facility designated by the respective clerks for the conduct of
3 absentee voting and the processing of absentee ballots.

4 "Absent uniformed services voter" shall have the same
5 meaning as defined in Title 42 United States Code, chapter 1973-
6 ff.

7 "Invalid ballot" means any absentee ballot which does not
8 meet the requirements for a ballot to be counted as listed in
9 section 15-9.

10 "Overseas voter" shall have the same meaning as defined in
11 Title 42 United States Code, chapter 1973-ff.

12 "Voter in a remote area" means any registered voter who
13 resides ten miles or more from the voter's designated polling
14 place by the most direct route for public travel."

15 SECTION 4. Section 15-3.5, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "[§15-3.5] **Federal write-in absentee ballot.** (a)

18 Notwithstanding the provisions of this chapter and chapters
19 11 and 16, ~~[the federal write-in absentee ballot for overseas~~
20 ~~voters in general elections for federal office which must be~~
21 ~~prescribed under section 1973ff of title 42, United States Code,~~
22 ~~as amended, may be used in general elections for federal~~



1 offices.] absent uniformed services voters and overseas voters
2 shall be permitted to use the Federal Write-In Absentee Ballot,
3 in accordance with the provisions of the Uniformed and Overseas
4 Citizens Absentee Voting Act, 42 U.S.C. Section 19733ff, as may
5 be amended, to vote for all offices in any general, primary,
6 special, or runoff election for Federal, State, or local
7 government office, or ballot measure.

8 (b) The clerk shall permit absent uniformed services
9 voters and overseas voters to use the Federal Write-in Absentee
10 Ballot voter declaration as a request for registration and an
11 application for a military-overseas ballot simultaneous with the
12 submission of the Federal Write-in Absentee Ballot, if the
13 request is received by the later of the 15th day before the
14 election or the last day for other voters in the state to apply
15 for an absentee ballot for that election."

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

19 "§15-A Electronic transmission of elections materials to
20 absent uniformed services voters or overseas voters. Absent
21 uniformed services voters or overseas voters who have requested
22 to receive ballots and balloting materials by electronic



1 transmission may choose either facsimile transmission or
2 electronic mail delivery, or Internet delivery. The clerk, with
3 the assistance of the chief elections officer, shall transmit
4 ballots and balloting materials to the voter using the
5 electronic means that the voter has chosen."

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

9 "§15-B Late registration; recently discharged uniformed
10 service members, overseas citizens, families. Notwithstanding
11 any other provision of state law, an individual who has been
12 discharged or separated from the uniformed services or the
13 Merchant Marines, or is an accompanying family member of such an
14 individual, or is a citizen who is returning from outside the
15 United States, but returns too late to register to vote by the
16 normal state deadline to register, shall be entitled to register
17 and vote in that election if they so notify the clerk for the
18 address at which they claimed as their residence prior to the
19 discharge or return to the United States before the day of the
20 election, and if they would otherwise have been qualified to
21 register to vote."



1 SECTION 7. Chapter 15, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "§15-C Ballot transit time for absent uniformed services
5 voters and overseas voters. For any general, primary, special,
6 or runoff election for Federal, State, or local government
7 office, or ballot measure, the clerk, with the assistance of the
8 chief elections officer, shall transmit ballots and balloting
9 materials to all absent uniformed services voters and overseas
10 voters who have submitted a valid application for an absentee or
11 federal write-in absentee ballot not later than forty-five days
12 before any of the above mentioned elections. When a ballot
13 applications from an absent uniformed services voter or overseas
14 voter arrives after the jurisdiction has begun transmitting
15 ballots and balloting materials to voters, the clerk shall
16 transmit these materials to the voter within two working days."

17 SECTION 8. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 9. This Act shall take effect upon approval.
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INTRODUCED BY:

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JAN 20 2010



Report Title:

Elections

Description:

Moves primary election date to an earlier time. Makes various amendments to absentee ballot laws to comply with federal law.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

