
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. Chapter 15, Hawaii Revised Statutes, is amended
5 by adding three new sections to be appropriately designated and
6 to read as follows:

7 "§15-A Electronic transmission of elections materials to
8 absent uniformed services voters or overseas voters. Absent
9 uniformed services voters or overseas voters who request to
10 receive ballots and balloting materials by electronic
11 transmission may choose either facsimile transmission,
12 electronic mail delivery, or Internet delivery. The clerk, with
13 the assistance of the chief elections officer, shall transmit
14 ballots and balloting materials to the voter using the
15 electronic means that the voter has chosen.

16 §15-B Late registration; discharged absent uniformed
17 service voters; overseas citizens. Notwithstanding any other
18 law to the contrary:

- 19 (1) An absent uniformed services voter; or
20 (2) A person who left the United States and is absent from
21 the place of residence where the person is otherwise
22 qualified to vote;



1 who returns to the state too late to register to vote before the
2 voter registration deadline, may upon notice to the clerk,
3 register to vote in the election.

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

18 SECTION 3. Section 11-16, Hawaii Revised Statutes, is
19 amended by amending subsection (a) to read as follows:

20 "(a) [Any] Except as provided in sections 15-B and 15-3.5,
21 any qualified person unable for any cause to present oneself in
22 person before the clerk for registration may register to vote by



1 mail, not later than thirty days prior to a primary or general
2 election, through the affidavit on application for voter
3 registration or other form prescribed by the chief election
4 officer. The form shall include a self-subscribing oath for the
5 applicant to swear to the truth of the allegations in the
'6 application. An applicant unable to write for reason of
7 illiteracy, blindness, or other physical disability shall have
8 the applicant's mark witnessed by a person who shall sign the
9 affidavit in the space provided. Application forms shall be
10 made available to any qualified person through community groups,
11 political parties, and other groups prescribed by the chief
12 election officer. Application forms shall be made available to
13 any qualified person at the time of that person's driver's
14 license application or renewal through the examiner of drivers."

15 SECTION 4. Section 11-24, Hawaii Revised Statutes, is
16 amended by amending subsections (a) and (b) to read as follows:

17 "(a) At 4:30 p.m. on the thirtieth day prior to each
18 primary, special primary, or special election (but if the day is
19 a Saturday, Sunday, or holiday then at 4:30 p.m. on the first
20 working day immediately thereafter), the general county register
21 shall be closed to registration for persons seeking to vote at
22 the primary, special primary or special election and remain



1 closed to registration until after the election, subject to
2 change only as provided in sections 11-21(c), 11-22, 11-25, 11-
3 26, 15-B, and this section.

4 (b) Notwithstanding the closing of the register for
5 registration to vote at the primary or special primary election,
6 the register shall remain open for the registration of persons
7 seeking to vote at the general or special general election,
8 until 4:30 p.m. on the thirtieth day prior to the general or
9 special general election (but if the day is a Saturday, Sunday,
10 or holiday then at 4:30 p.m. on the first working day
11 immediately thereafter), at the end of which period the general
12 county register shall be closed to registration and remain
13 closed until after the general or special general election next
14 following, subject to change only as provided in sections 11-
15 21(c), 11-22, 11-25, [~~and~~] 11-26[~~-~~], 15-B, and 15-3.5."

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

18 "§12-2 Primary held when; candidates only those nominated.
19 The primary shall be held at the polling place for each precinct
20 on the second to the last Saturday of [~~September~~] August in
21 every even numbered year; provided that in no case shall any



1 primary election precede a general election by less than [~~forty~~
2 ~~five~~] seventy days.

3 No person shall be a candidate for any general or special
4 general election unless the person has been nominated in the
5 immediately preceding primary or special primary."

6 SECTION 6. Section 15-1, Hawaii Revised Statutes, is
7 amended by adding the definitions of "absent uniformed services
8 voters" and "overseas voter" to be appropriately inserted and to
9 read as follows:

10 "Absent uniformed services voter" shall have the same
11 meaning as defined in Title 42 United States Code Section
12 1973ff-6.

13 "Overseas voter" shall have the same meaning as defined in
14 Title 42 United States Code Section 1973ff-6."

15 SECTION 7. 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 may use the federal write-in absentee ballot, in accordance with
3 the provisions of the Uniformed and Overseas Citizens Absentee
4 Voting Act, 42 United States Code Section 19733ff, as may be
5 amended, to vote for all offices in any general, primary,
6 special, or runoff election for federal, state, or local
7 government office, or concerning a 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 fifteenth day before the general,
14 primary, special, or runoff election, or the deadline for
15 receipt for voters in the state to apply for an absentee ballot
16 for the applicable election, whichever is later."

17 SECTION 8. In codifying the new sections added by section
18 2 of this Act, the revisor of statutes shall substitute
19 appropriate section numbers for the letters used in designating
20 the new sections in this Act.



1 SECTION 9. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 10. This Act shall take effect on November 3,
4 2112.



Report Title:

Elections

Description:

Moves primary election date to an earlier time. Makes various amendments to absentee ballot laws to be consistent with federal law. Effective November 3, 2112. (HB2185 HD1)

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

