

JAN 21 2010

S.B. NO. 2253

A BILL FOR AN ACT

RELATING TO ELECTIONS BY MAIL.

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

1 SECTION 1. In 2004, Hawaii had the lowest voter turnout
2 rate for general elections in the nation, and its turnout rate
3 remains in the bottom half of national voter turnout rates. In
4 contrast, Oregon has one of the ten highest voter turnout rates
5 in the nation, with over fifty per cent of eligible voters
6 voting in the 2006 general election. Oregon's vote-by-mail
7 system, approved by almost seventy per cent of Oregonians in a
8 1998 initiative, is credited with improving voter participation
9 in Oregon. Oregon's vote-by-mail system is used for all
10 elections and is popular with voters because it empowers the
11 voter and eliminates many of the problems and costs of other
12 voting systems. Ballots are mailed to voters, and the voter is
13 required to return the ballot by mail or by dropping it off at
14 designated sites within a two-week period.

15 Although Oregon was the only state to use a vote-by-mail
16 system for all elections, all states now allow some version of
17 mail-in voting. At least twenty-eight states, including Oregon,
18 allow no-excuse absentee voting. The legislature finds that a



1 vote-by-mail system has a number of advantages over traditional
2 polling.

3 The purpose of this Act is to require the office of
4 elections to develop and implement a vote-by-mail pilot program
5 similar to Oregon's vote-by-mail system. The pilot program
6 shall be implemented for elections in 2010 in three
7 representative districts meeting particular criteria.

8 SECTION 2. (a) The office of elections shall develop and
9 implement a vote-by-mail pilot program to replace traditional
10 polling places in certain representative districts for elections
11 in 2010. The vote-by-mail pilot program shall include a
12 requirement that vote-by-mail ballots be received by the close
13 of the polls on election day to ensure that they are counted.
14 The vote-by-mail pilot program shall also include provision of
15 voter education materials relating to the pilot program for
16 eligible voters who reside in pilot program districts.

17 (b) The office of elections shall implement the pilot
18 program in three state representative districts selected by the
19 office of elections according to the following criteria:

20 (1) One representative district shall be the district that
21 the office of elections determines to be a rural
22 district with the combination of lowest absentee



1 turnout rate and lowest voter turnout rate out of all
2 state rural districts for the two most recent general
3 elections; provided that if more than one
4 representative district qualifies under this
5 paragraph, the office of elections may select the
6 representative district it deems to be the most
7 suitable for the purposes of this Act. In determining
8 whether a representative district is a rural district,
9 the office of elections shall select a representative
10 district with more than half of its land classified as
11 rural land by the state land use commission under
12 section 205-2, Hawaii Revised Statutes;

- 13 (2) One representative district shall be the district that
14 the office of elections determines to be an urban
15 district with the combination of lowest absentee
16 turnout rate and lowest voter turnout rate out of all
17 state urban districts for the two most recent general
18 elections; provided that if more than one
19 representative district qualifies under this
20 paragraph, the office of elections may select the
21 representative district it deems to be the most
22 suitable for the purposes of this Act. In determining



1 whether a representative district is an urban
2 district, the office of elections shall select a
3 representative district with more than half of its
4 land classified as urban land by the state land use
5 commission under section 205-2, Hawaii Revised
6 Statutes;

7 (3) One representative district shall be that district
8 that the office of elections determines to have a
9 voter turnout rate closest to that of the overall
10 state voter turnout rate during the two most recent
11 general elections; provided that if more than one
12 representative district qualifies under this
13 paragraph, the office of elections may select the
14 representative district it deems to be the most
15 suitable for the purposes of this Act; and

16 (4) If the same district meets the criteria set forth in
17 paragraph (3) and either paragraph (1) or (2), the
18 office of elections shall select the next best
19 qualifying district from a different county to
20 participate in the pilot program to fulfill the
21 criteria set forth in paragraph (3).



1 (c) Upon the selection of the representative districts to
2 participate in the pilot program, but not later than July 1,
3 2010, the office of elections shall submit a preliminary report
4 to the legislature that includes:

5 (1) Identification of the three representative districts
6 selected by the office of elections to participate in
7 the pilot program, including a description of the
8 method used to select the districts;

9 (2) The current status of implementation of the pilot
10 program; and

11 (3) A brief description of operational problems or legal
12 impediments that have affected or are anticipated to
13 affect implementation of the pilot program.

14 (d) Upon the conclusion of the 2010 general election, but
15 not later than twenty days prior to the convening of the regular
16 legislative session of 2011, the office of elections shall
17 submit a report to the legislature that includes:

18 (1) Voter demographics, turnout, and other statistical
19 information, as deemed necessary by the chief election
20 officer, to accurately assess the efficacy of the
21 pilot program for each selected representative
22 district;



- 1 (2) Efforts made by the office of elections to advertise,
2 educate, and promote the pilot program to enhance the
3 pilot program's chance of success and the cost of
4 those efforts;
- 5 (3) Whether the pilot program had any effect on increasing
6 or decreasing voter turnout and absentee turnout and,
7 if so, by how much;
- 8 (4) Any operational problems or legal impediments that
9 arose and affected the implementation or operation of
10 the pilot program;
- 11 (5) The actual cost of implementing the pilot program,
12 including postage costs;
- 13 (6) A recommendation as to whether the pilot program
14 should be made permanent on a limited or statewide
15 basis and, if recommended to be made permanent, a
16 recommendation on what statutory revisions need to be
17 made to fully effectuate the mail-in voting program;
18 and
- 19 (7) An estimate on the cost, including postage costs, to
20 continue the pilot program permanently on a limited or
21 statewide basis.



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1 The office of elections shall use available federal funds
2 to develop and implement the vote-by-mail pilot program.

3 SECTION 3. This Act shall take effect on July 1, 2010, and
4 shall be repealed on December 31, 2011.

5

INTRODUCED BY:

Norman Salomone



Report Title:

Voting; Elections by Mail

Description:

Requires the office of elections to establish a vote-by-mail pilot program for the 2010 elections in three representative districts based upon certain criteria.

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

