

JAN 21 2010

S.B. NO. 2320

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# A BILL FOR AN ACT

RELATING TO ABSENTEE VOTING.

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

1           SECTION 1. The legislature finds that the mailing dates  
2 for absentee ballots are determined by a timetable that allows  
3 voters in overseas locations to receive and mail back their  
4 ballots in time for elections. While the federal government  
5 suggests that absentee ballots be mailed to overseas voters at  
6 least forty-five days before an election, this is not possible  
7 because the time between the primary and general elections is  
8 already forty-five days, and ballots have to be printed before  
9 mailing. Thus, absentee ballots have been mailed as early as  
10 thirty days prior to the election.

11           County elections officials who handle the mailing of  
12 absentee ballots have reported that current laws do not allow  
13 separate mailing dates for overseas versus Hawaii ballot mailing  
14 addresses. When an absentee ballot mailing is conducted on a  
15 particular day, all absentee ballot requests received by that  
16 date are mailed regardless of the mailing address. This  
17 situation results in many voters physically located at home in



1 Hawaii having to set aside their ballots until closer to the  
2 election when they receive more information on the candidates.  
3 However, misplaced ballots or forgetful voters have sometimes  
4 not fulfilled their intent to cast a ballot for the election.

5 The purpose of this Act is to enable election officials to  
6 mail absentee ballots for voters receiving ballots at a Hawaii  
7 mailing address at a later date than voters located overseas,  
8 specifically no earlier than fourteen days prior to the  
9 election.

10 SECTION 2. Section 15-4, Hawaii Revised Statutes, is  
11 amended by amending subsection (a) to read as follows:

12 "(a) Any person registered to vote may request an absentee  
13 ballot in person or in writing from the clerk not earlier than  
14 on the sixtieth day and not later than 4:30 p.m. on the seventh  
15 day prior to the election. Any mailed requests for an absentee  
16 ballot shall be mailed by the person directly to the clerk. The  
17 clerk may waive any or all of the foregoing requirements in  
18 special cases as provided in the rules adopted by the chief  
19 election officer.

20 The request for an absentee ballot shall include  
21 information such as the person's social security number, date of  
22 birth, and the address under which the person is registered to



1 vote. The request for an absentee ballot shall also include the  
2 address to which the person wishes the requested ballot  
3 forwarded. The request~~[7]~~ for an absentee ballot, when made for  
4 any primary or special primary election, may include an  
5 additional request for an absentee ballot to be voted at any  
6 election immediately following the primary or special primary;  
7 provided the person so indicates in the person's request~~[-]~~ for  
8 an absentee ballot. The request for an absentee ballot shall  
9 also inquire whether the voter is to be physically located  
10 overseas or physically present in the State at the time of the  
11 election.

12 Subsequent to the closing of registration for each  
13 election, the clerk may mail a request form for an absentee  
14 ballot to each voter in a remote area who has not already made  
15 such a request. The request form for an absentee ballot shall  
16 be accompanied by:

- 17 (1) A stamped, self-addressed envelope; and
- 18 (2) Instructions regarding the manner of completing and  
19 returning the request form~~[-]~~ for an absentee ballot."

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



1           "(a) Immediately upon receipt of a request for an absentee  
2 ballot within the time limit specified in section 15-4, the  
3 clerk shall examine the records to ascertain whether or not the  
4 voter is lawfully entitled to vote as requested. As soon as the  
5 printed official ballots are available, the clerk shall mail in  
6 a forwarding envelope or deliver in person if the voter appears  
7 at the office of the clerk, an official ballot and other  
8 materials prescribed in section 15-6 except that an  
9 incapacitated voter may send a representative to obtain the  
10 voter's ballots pursuant to the rules [~~promulgated~~] adopted by  
11 the chief election officer. All requests for an absentee ballot  
12 received upon the last day specified in section 15-4 for receipt  
13 shall be mailed to the voter requesting the [~~same~~] absentee  
14 ballot as soon as reasonably practicable, but in no event later  
15 than twenty-four hours after receipt [~~thereof.~~] of the request  
16 for an absentee ballot.

17           If the voter is physically located overseas, as indicated  
18 by the request for absentee ballot under section 15-4, the  
19 official ballot shall be mailed to the voter no earlier than  
20 thirty days prior to the election day. If the voter is  
21 physically present in the State, as indicated by the request for  
22 absentee ballot under section 15-4, the official ballot shall be



1 mailed to the voter no earlier than fourteen days prior to the  
2 election day."

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

5 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

*Michael D. Kilani*  
*Will Eyo*  
*Michael D. Kilani*  
*D*



**Report Title:**

Absentee Voting

**Description:**

Requires request for absentee ballot to inquire whether voter is physically overseas or in-state. Requires absentee ballots to be mailed no earlier than 30 days prior to the election day, if the voter is overseas, and 14 days if the voter is in the State.

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

