

JAN 22 2010

S.B. NO. 2335

A BILL FOR AN ACT

RELATING TO MILITARY AND OVERSEAS CIVILIAN ABSENTEE VOTERS.

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

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

4 **"PART . MILITARY AND OVERSEAS CIVILIAN ABSENTEE VOTERS**

5 **§15-A Definitions.** For the purpose of this part:

6 "Absent uniformed services voter" means:

- 7 (1) A member of a uniformed service who, by reason of such
8 service, is absent from the place of residence where
9 the member is otherwise qualified to vote; or
- 10 (2) A spouse or dependent of a member of a uniformed
11 service who, by reason of the service of the member,
12 is absent from the place of residence where the spouse
13 or dependent is otherwise qualified to vote.

14 "Covered election" means any general, special, primary, or
15 election for federal, state, or county government office
16 conducted according to election laws of this State.

17 "Overseas civilian voter" means a United States citizen who
18 is outside the United States and who:



- 1 (1) Is qualified to vote in this State;
- 2 (2) Would be eligible to vote in this State, if this State
- 3 was the last place in which the citizen was eligible
- 4 to vote, or, if the person had been of voting age,
- 5 would have been eligible to vote, before leaving the
- 6 United States; or
- 7 (3) In the case of a citizen who was born outside the
- 8 United States and who is not included in paragraph (1)
- 9 or (2), would be eligible to vote in this State if a
- 10 resident of this State and if this State was the last
- 11 place in the United States in which one of the
- 12 citizen's parents was eligible to vote.

13 "Uniformed services" means the United States Army, Navy,
14 Air Force, Marine Corps, Coast Guard, Merchant Marines, National
15 Guard, the commissioned corps of the Public Health Service, and
16 the commissioned corps of the National Oceanic and Atmospheric
17 Administration.

18 "United States", where used in the territorial sense, means
19 the fifty states, the District of Columbia, the Commonwealth of
20 Puerto Rico, Guam, the Virgin Islands, and American Samoa.

21 **§15-B Transmission of unvoted ballot.** (a) For all covered
22 elections, the official charged with preparing and distributing



1 ballots and election materials in each jurisdiction shall
2 prepare a sufficient number of absentee ballots as soon as
3 possible after receiving information concerning candidates to be
4 voted on at the election, and shall immediately transmit
5 absentee ballots and related balloting materials to all absent
6 uniformed services voters and overseas civilian voters who have
7 applied for an absentee ballot.

8 (b) No later than forty-five days before an election, each
9 clerk, with the assistance of the chief election officer, as
10 appropriate, shall make available by electronic means, including
11 by facsimile transmission, an unvoted absentee ballot and
12 related balloting materials to any absent uniformed services
13 voter or overseas voter who by that date has submitted a valid
14 absentee ballot application requesting electronic transmission
15 of absentee balloting materials.

16 (c) An absent uniformed services voter or overseas
17 civilian voter may request to receive an absentee ballot and
18 related balloting materials by electronic mail, or internet
19 delivery, where available. Each clerk, with the assistance of
20 the chief election officer, shall transmit the absentee ballot
21 and related balloting material to the voter using the electronic
22 transmission method requested by the voter.



1 (d) When an absentee ballot application of an absent
2 uniformed services voter or overseas voter arrives after the
3 jurisdiction has begun transmitting absentee balloting materials
4 to voters, the official charged with distributing ballots and
5 election materials shall transmit the absentee balloting
6 materials to the voter as promptly as possible.

7 (e) A local election jurisdiction that maintains an
8 internet site shall make available on the internet site
9 downloadable versions of absentee ballots and voting
10 instructions for absent uniformed services voters and overseas
11 voters, as well as the most updated state and county balloting
12 materials.

13 (f) Notwithstanding any other law, this section shall take
14 effect on July 1, 2012.

15 **§15-C Acceptance of federal write-in absentee ballot. (a)**

16 In a covered election, an absent uniformed services voter or an
17 overseas voter may use the Federal Write-In Absentee Ballot
18 approved under the Uniformed and Overseas Citizens Absentee
19 Voting Act, 42 U.S.C. section 1973ff, if the voter affirms that:

- 20 (1) The voter submitted a Federal Post Card Application or
21 other application requesting a federal absentee ballot
22 in time to be received by the later of:



- 1 (A) Thirty days prior to the election, or
- 2 (B) The last date for other voters in the State to
- 3 apply for an absentee ballot for the election;
- 4 and

5 (2) The voter has not received the requested absentee
6 ballot.

7 (b) In a covered election, an absent uniformed services
8 voter or an overseas civilian voter may use the Federal Write-In
9 Absentee Ballot transmission envelope's voter declaration as a
10 request for registration and an application for a state absentee
11 ballot simultaneous with the submission of the Federal Write-In
12 Absentee Ballot. The request for registration and application
13 for an absentee ballot shall be accepted if:

14 (1) It is received by the later of the thirty days prior
15 to the election, or the last day for registering to
16 vote; and

17 (2) The voter is otherwise eligible to vote in the
18 jurisdiction to which the request is submitted.

19 **§15-D Registration.** Notwithstanding any law to the
20 contrary, an absentee uniformed services voter, overseas
21 civilian voter, or household family member who returns to the
22 State after the last day of registering to vote for that year



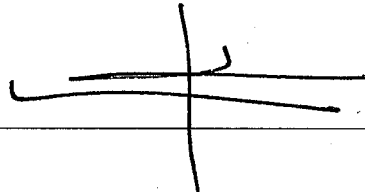
1 shall be entitled to register and vote in the next covered
2 election under procedures to be established by the chief
3 election officer, in consultation with the county clerks."

4 SECTION 2. Sections 15-1 to 15-14, Hawaii Revised
5 Statutes, are designated as part I entitled "General
6 Provisions".

7 SECTION 3. In codifying the new sections added by section
8 1 of this Act, the revisor of statutes shall substitute
9 appropriate section numbers for the letters used in designating
10 the new sections in this Act.

11 SECTION 4. This Act shall take effect upon its approval.
12

INTRODUCED BY: _____

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By Request



Report Title:

Elections; Uniformed Services and Overseas Absentee Voters

Description:

Implements voting provisions for uniformed services and overseas absentee voters, as recommended by Federal Voting Assistance Program.

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

