



GOV. MSG. NO. **1202**

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

May 10, 2012

The Honorable Shan Tsutsui, President
and Members of the Senate
Twenty-Sixth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Calvin Say, Speaker
and Members of the House
Twenty-Sixth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on May 10, 2012, the following bill was signed into law:

HB1754 HD1 SD1

RELATING TO ELECTIONS.
Act 100 (12)

Aloha
Sincerely,
Neil Abercrombie

NEIL ABERCROMBIE
Governor, State of Hawaii

ORIGINAL

Approved by the Governor

on MAY 10 2012

HOUSE OF REPRESENTATIVES
TWENTY-SIXTH LEGISLATURE, 2012
STATE OF HAWAII

H.B. NO. 1754
H.D. 1
S.D. 1

A BILL FOR AN ACT

RELATING TO ELECTIONS.

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

1 SECTION 1. In 2011, the Hawaii state reapportionment
2 commission and the redistricting commissions for the county of
3 Hawaii and the city and county of Honolulu convened to develop
4 new boundaries based on the last decennial census. While
5 attempts were made, to the extent possible, to have boundaries
6 line up with each other to avoid areas being unnecessarily
7 divided on the basis of county council, state representative,
8 state senator, and congressional lines, there are small
9 population pockets that will each need to have their own unique
10 ballot type developed. A ballot type contains the specific
11 contests, questions, or issues that voters who reside in a
12 specific area are entitled to vote on. Historically, each
13 ballot type is associated with its own election day polling
14 place.

15 Given the small number of voters in each of these
16 population pockets and the financial resources and personnel
17 required to establish and operate a polling place, the purpose
18 of this Act is to permit the mailing of absentee ballots to all

2012-1568 HB1754 SD1 SMA.doc



1 registered voters in these impacted areas, in lieu of the
2 operation of individual polling places.

3 SECTION 2. Section 15-4, Hawaii Revised Statutes, is
4 amended to read as follows:

5 **"§15-4 Request for absentee ballot.** (a) Any person
6 registered to vote may request an absentee ballot or permanent
7 absentee ballot in person or in writing from the clerk at any
8 time but not later than 4:30 p.m. on the seventh day prior to
9 the election. Any mailed requests for an absentee ballot or
10 permanent absentee ballot shall be mailed by the person directly
11 to the clerk. The clerk may waive any or all of the foregoing
12 requirements in special cases as provided in the rules adopted
13 by the chief election officer.

14 The request shall include information such as the person's
15 social security number, date of birth, and the address under
16 which the person is registered to vote. The request shall also
17 include the address to which the person wishes the requested
18 ballot to be forwarded. The request, when made for any primary
19 or special primary election, may include an additional request
20 for an absentee ballot to be voted at any election immediately
21 following the primary or special primary; provided the person so
22 indicates in the person's request.



1 Subsequent to the closing of registration for each
2 election, the clerk may mail a request form for an absentee
3 ballot and permanent absentee ballot to each voter in a remote
4 area who has not already made such a request. The request form
5 shall be accompanied by:

6 (1) A stamped, self-addressed envelope; and
7 (2) Instructions regarding the manner of completing and
8 returning the request form.

9 (b) Notwithstanding subsection (a), the clerk shall mail
10 an absentee ballot for each primary, special primary, special,
11 general, and special general election to each registered voter
12 who resides in the county of Kalawao. The chief election
13 officer may adopt rules to carry out this subsection.

14 (c) Notwithstanding any law to the contrary, in the event
15 there are fewer than five hundred registered voters as of the
16 preceding general election in an area covered by a unique
17 ballot type, the clerk shall mail an absentee ballot to each
18 registered voter who resides in such an area, if the chief
19 election officer, or the clerk in a county only election,
20 determines that an election day polling place will not be
21 established for such voters.



1 (d) For the purposes of this section, "ballot type" means
2 the unique ballot containing the contests, questions, or issues
3 that will be used by the voters of a specific area.

4 [~~e~~] (e) When a registered voter requests an absentee
5 ballot, the voter also may include an additional request to
6 receive absentee ballots permanently. After receiving a request
7 for permanent absentee voter status, the clerk shall mail to the
8 voter who requested permanent absentee voter status an absentee
9 ballot for all subsequent elections conducted in that precinct.

10 [~~d~~] (f) The chief election officer shall inform voters
11 of the option of applying for permanent absentee voter status
12 and shall provide any necessary form to request the permanent
13 absentee ballot option to any registered voter requesting an
14 absentee ballot and any person applying to register to vote.

15 [~~e~~] (g) A permanent absentee voter shall be responsible
16 for informing the clerk of any changes to personal information,
17 including changes to the voter's forwarding address.

18 [~~f~~] (h) A voter's permanent absentee voter status shall
19 be terminated if any of the following conditions apply:

20 (1) The voter requests in writing that such status be
21 terminated;



1 (2) The voter dies, loses voting rights, registers to vote
2 in another jurisdiction, or is otherwise disqualified
3 from voting;

4 (3) The voter's absentee ballot, voter notification
5 postcard, or any other election mail is returned to
6 the clerk as undeliverable for any reason; or

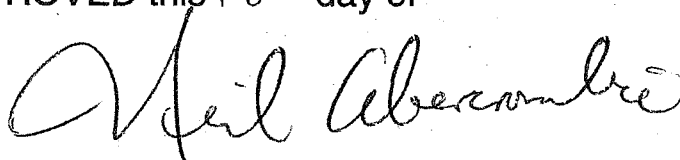
7 (4) The voter does not return a voter ballot by 6:00 p.m.
8 on election day in both the primary and general
9 election of an election year.

10 [~~g~~] (i) If a voter's permanent absentee voter status has
11 been terminated due to one or more of the conditions specified
12 in subsection [~~f~~] (h), the voter shall be responsible for
13 again requesting permanent absentee status as specified in
14 subsection [~~e~~] (e)."

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

17 SECTION 4. This Act shall take effect upon its approval.

APPROVED this 10 day of MAY, 2012



GOVERNOR OF THE STATE OF HAWAII

