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



1 to all registered voters in these impacted areas, in lieu of the  
2 operation of 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 forwarded. The request, when made for any primary or  
19 special primary election, may include an additional request for  
20 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, if there are  
15 less than five hundred registered voters, as of the preceding  
16 general election, in an area covered by a specific ballot type,  
17 the clerk shall mail an absentee ballot to each registered voter  
18 who resides in that area, if the chief election officer, or the  
19 clerk in a county only election, determines that an election day  
20 polling place will not be established for these voters. For  
21 purposes of this subsection, "ballot type" means the unique



1 ballot containing the contests, questions, or issues that will  
2 be utilized by the voters of a specific area.

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

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

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

17       ~~(f)~~ (g) A voter's permanent absentee voter status shall  
18 be terminated if any of the following conditions apply:

19       (1) The voter requests in writing that such status be  
20           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           election day in both the primary and general election  
9           of an election year.

10          ~~(g)~~ (h) 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)~~, (g), the voter shall be responsible for  
13          again requesting permanent absentee status as specified in  
14          subsection ~~(e)~~ (d)."

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.



**Report Title:**

Elections; Absentee Ballots; Unique Ballots

**Description:**

Permits the mailing of absentee ballots to all registered voters in certain areas, in lieu of the operation of polling places.

(SB2052 HD1)

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

