
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 voting by absentee
2 ballot has become increasingly popular among Hawaii residents.
3 Over the past ten years, voter participation via absentee ballot
4 has increased by a margin of 12.1 per cent, from 16.3 per cent
5 in 2002 to 28.4 per cent in 2012.

6 The legislature further finds that while absentee ballots
7 offer a convenient way to vote and can help to increase voter
8 participation, they have on occasion been used to commit voter
9 fraud, whereby a person will mail in an absentee ballot and then
10 vote again, via early walk-in voting or on election day at the
11 person's designated polling place. Given that voting is such a
12 fundamental part of the democratic process, voters must be able
13 to have confidence that voting systems cannot easily be abused
14 or exploited.

15 The purpose of this Act is to require that all poll books
16 accurately reflect whether absentee voters have submitted
17 ballots prior to election day, to prevent improper voting.



1 SECTION 2. Section 11-136, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§11-136 Poll book, identification, voting.** (a) Every
4 person upon applying to vote shall sign the person's name in the
5 poll book prepared for that purpose. This requirement may be
6 waived by the chairperson of the precinct officials if for
7 reasons of illiteracy or blindness or other physical disability
8 the voter is unable to write. Every person shall provide
9 identification if so requested by a precinct official. A poll
10 book shall not contain the social security number of any person.

11 (b) After signing the poll book and receiving the voter's
12 ballot, the voter shall proceed to the voting booth to vote
13 according to the voting system in use in the voter's precinct.
14 The precinct official may, and upon request shall, explain to
15 the voter the mode of voting.

16 (c) Before the opening of the polls on election day, the
17 name of every voter whose absentee ballot is:

18 (1) Timely received pursuant to section 15-5; and

19 (2) Verified pursuant to subsection (c) of section 15-9;
20 shall be clearly and unambiguously stricken through and

21 annotated with the words "absentee vote received" in the poll
22 book. Notwithstanding subsections (a) and (b), the voter shall



1 not be permitted to vote at the polling place except by
2 provisional ballot, which shall only be counted if the chief
3 election officer or the clerk determines that the voter's name
4 was erroneously stricken and annotated in the poll book."

5 SECTION 3. Section 15-9, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§15-9 Return and receipt of absentee ballots.** (a) The
8 return envelope shall be:

- 9 (1) Mailed and must be received by the clerk issuing the
10 absentee ballot not later than the closing of the
11 polls on any election day;
- 12 (2) Delivered other than by mail to the clerk issuing the
13 absentee ballot, or another election official
14 designated by the clerk to act on the clerk's behalf,
15 not later than the closing of polls on any election
16 day; or
- 17 (3) Delivered other than by mail to any polling place
18 within the county in which the voter is registered and
19 deposited by a precinct official in the ballot box
20 before the closing of the polls on any election day.



1 (b) Upon receipt of the return envelope from any person
2 voting under this chapter, the clerk may prepare the ballots for
3 counting pursuant to this section and section 15-10.

4 (c) [~~Prior to~~] Before opening the return and ballot
5 envelopes and counting the ballots, and before election day, the
6 return envelopes shall be checked for the following:

7 (1) Signature on the affirmation statement;

8 (2) Whether the signature corresponds with the absentee
9 request or register as prescribed in the rules adopted
10 by the chief election officer; and

11 (3) Whether the person is a registered voter and has
12 complied with the requirements of sections 11-15 and
13 11-16.

14 (d) If any of the above requirements is not met or if the
15 return or ballot envelope appears to be tampered with, the clerk
16 or the absentee ballot team official shall mark across the face
17 of the envelope "invalid" and it shall be kept in the custody of
18 the clerk and disposed of as prescribed for ballots in section
19 11-154.

20 (e) If an absentee polling place is established at the
21 clerk's office [~~prior to~~] before election day, the officials of
22 the absentee polling place shall check the return or ballot



1 envelopes for the above requirements [~~prior to~~] before
2 depositing them in the correct absentee ballot box."

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 on July 1, 2013.

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H.B. NO. 315

Report Title:

Absentee Voting; Elections; Poll Books

Description:

Requires all poll books to accurately reflect whether absentee voters have submitted ballots before election day.

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