

JAN 18 2013

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

3           "**§15-4 Request for absentee ballot.** (a) Any person  
4 registered to vote may request an absentee ballot or permanent  
5 absentee ballot in person or in writing from the clerk at any  
6 time but not later than 4:30 p.m. on the seventh day prior to  
7 the election. Any mailed requests for an absentee ballot or  
8 permanent absentee ballot shall be mailed by the person directly  
9 to the clerk. The clerk may waive any or all of the foregoing  
10 requirements in special cases as provided in the rules adopted  
11 by the chief election officer.

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



1 following the primary or special primary; provided the person so  
2 indicates in the person's request.

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

8 (1) A stamped, self-addressed envelope; and

9 (2) Instructions regarding the manner of completing and  
10 returning the request form.

11 (b) Notwithstanding subsection (a), the respective clerk  
12 shall be allowed to conduct an absentee ballot-only election and  
13 may mail an absentee ballot for each primary, special primary,  
14 special, general, and special general election to each  
15 registered voter who resides in the county of Kalawao or on any  
16 island of a county with a population of less than one hundred  
17 eighty thousand, except for the island where the county seat of  
18 government is located. The chief election officer may adopt  
19 rules to carry out this subsection.

20 (c) Notwithstanding any law to the contrary, in the event  
21 there are fewer than five hundred registered voters as of the  
22 preceding general election in an area covered by a unique ballot



1 type, the clerk shall mail an absentee ballot to each registered  
2 voter who resides in such an area, if the chief election  
3 officer, or the clerk in a county only election, determines that  
4 an election day polling place will not be established for such  
5 voters.

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

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

15 (f) The absentee ballot for a voter requesting permanent  
16 absentee voter status shall be mailed to the mailing address  
17 contained on the voter's most recently completed affidavit on  
18 application for voter registration. A permanent absentee voter  
19 shall be responsible for providing a written authorization to  
20 the clerk to temporarily mail a ballot to an address different  
21 from that listed on the voter's most recently completed



1 affidavit on application for voter registration. The temporary  
2 mailing authorization shall:

3 (1) Include essentially all information required to apply  
4 for an absentee mail ballot; and

5 (2) Be valid for all scheduled elections in the year the  
6 authorization is received.

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

12 [~~g~~] (h) A permanent absentee voter shall be responsible  
13 for informing the clerk of any changes to personal information,  
14 including changes to the voter's forwarding address.

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

17 (1) The voter requests in writing that such status be  
18 terminated;

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



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

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

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

12           SECTION 2. Statutory material to be repealed is bracketed  
 13           and stricken. New statutory material is underscored.

14           SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: *James Inerado Ki*

**By Request**



# S.B. NO. 411

**Report Title:**

Permanent Absentee Voting; Office of Elections Package

**Description:**

Requires the absentee ballot for a voter requesting permanent absentee status to be mailed to the mailing address contained on the voter's most recently completed affidavit on application for voter registration, unless the voter submits a temporary mailing authorization for the absentee ballot to be mailed to a different address.

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

