

JAN 18 2013

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# A BILL FOR AN ACT

RELATING TO ELECTIONS BY MAIL.

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

1           SECTION 1. Section 11-91.5, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "~~{}~~\$11-91.5~~{}~~ **Federal, state, and county elections by**  
4 **mail.** (a) Any federal, state, or county election [~~held other~~  
5 ~~than on the date of a regularly scheduled primary or general~~  
6 ~~election~~] may be conducted in whole or in part by mail[-],  
7 including the designation of specific precincts or counties for  
8 elections conducted in whole or in part by mail.

9           (b) The chief election officer shall determine whether a  
10 federal [~~ex~~] election, state election, [other than a regularly  
11 scheduled primary or general election,] an election for both  
12 state and county offices, or an election for both federal and  
13 county offices, may be conducted by mail [~~ex~~], at polling  
14 places[-], or by a combination of mail and polling places.

15           (c) The county clerk shall determine whether a solely  
16 county election[~~, held other than on the date of a regularly~~  
17 ~~scheduled primary or general election,~~] may be conducted by mail  
18 [~~ex~~], at polling places[-], or by a combination of mail and



1 polling places. An election by mail in the county shall be  
2 under the supervision of the county clerk.

3 (d) Voters may vote by absentee ballot at an absentee  
4 polling place. For purposes of an election by mail, the county  
5 clerk, or the chief election officer in the case of an election  
6 by mail for only state or federal offices, shall designate at  
7 least one absentee polling place to be open on the day of the  
8 election.

9 (e) Expenses for elections by mail shall be shared as  
10 follows:

11 (1) Expenses related to an election by mail involving both  
12 state and county offices, or both federal and county  
13 offices, and unrelated to voter registration and  
14 absentee voting, shall be divided in half between the  
15 State and the counties. Each county shall pay a  
16 proration of expenses as a proportion of the  
17 registered voters at the time of the general election.  
18 The counties shall separately be responsible for  
19 expenses associated with voter registration and  
20 absentee voting.

21 (2) All expenses for a county election by mail that does  
22 not involve state or federal offices shall be borne by



1           the county and paid out of such appropriations as may  
2           be made by the council.

3           (3) All expenses for a state or federal election that does  
4           not involve county offices, including expenses  
5           attributable to registration of voters by the county  
6           clerk, shall be borne by the State and paid out of  
7           such appropriations as may be made by the legislature.

8           (f) Election responsibilities for elections by mail shall  
9           be shared as follows:

10           (1) In an election by mail involving both state and county  
11           offices, or both federal and county offices, the  
12           counties shall be responsible for voter registration  
13           and absentee voting, and the State shall be  
14           responsible for the mailing, receipt, processing, and  
15           tabulation of ballots;

16           (2) The county shall be responsible for elections by mail  
17           involving only county offices; and

18           (3) For elections by mail involving only state or federal  
19           offices, the counties shall be responsible for voter  
20           registration and absentee voting, and the State shall  
21           be responsible for the mailing, receipt, processing,  
22           and tabulation of ballots.



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1           ~~[(d)]~~ (g) The chief election officer shall adopt rules  
 2 pursuant to chapter 91 to provide for uniformity in the conduct  
 3 of federal, state, and county elections by mail."

4           SECTION 2. There is appropriated out of the general  
 5 revenues of the State of Hawaii the sum of \$                    or so  
 6 much thereof as may be necessary for fiscal year 2013-2014 and  
 7 the same sum or so much thereof as may be necessary for fiscal  
 8 year 2014-2015 to research and plan an election by mail system.

9           The sums appropriated shall be expended by the office of  
 10 elections for the purposes of this Act.

11           SECTION 3. Statutory material to be repealed is bracketed  
 12 and stricken. New statutory material is underscored.

13           SECTION 4. This Act shall take effect on July 1, 2013.

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INTRODUCED BY: *Anna Mercedes K.*

**By Request**



# S.B. NO. 412

**Report Title:**

Office of Elections Package; Elections by Mail; Appropriation

**Description:**

Expands the authority to conduct elections in whole or in part by mail. Specifies state and county responsibilities for conducting elections by mail. Makes an appropriation.

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

