
A BILL FOR AN ACT

RELATING TO ELECTIONS.

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

1 SECTION 1. Section 15-9, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§15-9 Return and receipt of absentee ballots. (a) The
4 return envelope shall be:

- 5 (1) Mailed and must be received by the clerk issuing the
6 absentee ballot not later than the closing of the
7 polls on any election day;
- 8 (2) Delivered other than by mail to the clerk issuing the
9 absentee ballot, or another election official
10 designated by the clerk to act on the clerk's behalf,
11 not later than the closing of polls on any election
12 day; or
- 13 (3) Delivered other than by mail to any polling place
14 within the county in which the voter is registered and
15 deposited by a precinct official in the ballot box
16 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. As
4 required by section 15-6, the voter shall be provided a ballot,
5 a ballot envelope for the ballot, and a return envelope for the
6 ballot envelope. Preparing the ballots for counting may include
7 opening the return envelope and validating the signature on the
8 return envelope, but shall not include opening the ballot
9 envelope within the return envelope.

10 (c) [~~Prior to opening the return and ballot envelopes and~~
11 ~~counting the ballots, the~~ Unless stated otherwise by election
12 officials, the period for opening return envelopes and
13 validating signatures shall begin the day immediately after
14 absentee ballots are transmitted to voters and shall end on the
15 day of the election. Official observers, designated in section
16 16-45, may elect to be present at any time during this time
17 frame. The return envelopes shall be checked for the following:

- 18 (1) Signature on the affirmation statement;
19 (2) Whether the signature corresponds with the absentee
20 request or register as prescribed in the rules adopted
21 by the chief election officer; and



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

4 (d) If any of the above requirements is not met or if the
 5 return or ballot envelope appears to be tampered with, which
 6 shall not include the return envelope having been opened by
 7 election officials, the [~~clerk or the absentee ballot team~~
 8 ~~official~~] election officials shall mark across the face of the
 9 envelope "invalid" and [~~it~~] the envelope shall be kept in the
 10 custody of the clerk and disposed of as prescribed for ballots
 11 in section 11-154.

12 (e) If an absentee polling place is established at the
 13 clerk's office prior to or on election day, [~~the officials of~~
 14 ~~the absentee polling place shall check the return or ballot~~
 15 ~~envelopes for the above requirements prior to depositing them in~~
 16 ~~the correct absentee ballot box.~~] this section shall not apply
 17 to any ballots cast at that location."

18 SECTION 2. Section 15-10, Hawaii Revised Statutes, is
 19 amended to read as follows:

20 "**§15-10 Counting of absentee ballots.** (a) If the
 21 requirements in section 15-9 are met, the [~~return and~~] ballot



1 envelopes may be opened and the ballot counted as prescribed by
2 law for the voting system in use.

3 ~~[In those absentee polling places using paper ballots,
4 counting of the absentee ballots may begin after noon of
5 election day.]~~

6 ~~In those absentee polling places using the electronic
7 voting system, the absentee ballots shall be transported to the
8 counting center in a manner and by a schedule as provided in the
9 rules promulgated by the chief election officer. In no case,
10 however, shall the results of the absentee count become publicly
11 known before the polls have officially closed.~~

12 ~~Any person violating this section shall be guilty of an
13 election offense under section 19-6.]~~

14 (b) The counting of absentee ballots may begin no earlier
15 than the fifteenth day prior to an election. The counting of
16 absentee ballots shall generally involve the following stages:

17 (1) Removing the ballot envelope or ballot, if the voter
18 did not utilize the ballot envelope, from the return
19 envelope;

20 (2) Opening the ballot envelope;



1 (3) Duplicating any damaged ballot so it may be counted by
2 the vote counting equipment; and

3 (4) Scanning or otherwise allowing the ballot to be
4 counted by the vote counting equipment.

5 Additionally, to the extent a voter has voted by fax, electronic
6 mail, or any other means authorized by law, election officials
7 may duplicate the votes of the voter onto a traditional ballot
8 to be counted by the vote counting equipment. As required by
9 section 16-45, official observers shall be given reasonable
10 notice of the time and place where the ballots will be counted.
11 Official observers may elect to be present at any time during
12 this time frame.

13 (c) No person present during the counting of ballots shall
14 disclose any information concerning how voters voted on a
15 particular contest or question. In the case of absentee polling
16 places, the stages described in subsection (b) shall not apply,
17 to the extent voters directly utilize an electronic voting
18 system or voting machine that counts their ballot, as opposed to
19 being provided a return envelope, a ballot envelope, and a
20 ballot. Poll watchers, as authorized in section 11-77, may
21 observe the operations of the absentee polling place."



1 SECTION 3. Section 16-43, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§16-43 Ballot handling. (a) In every case where the
4 precinct ballots are handled by election officials or election
5 employees, from the time the ballots are delivered to the
6 several precincts to the time they are returned to the chief
7 election officer or clerk in county elections for disposition
8 upon completion of the tabulation, they ~~[shall]~~ may be ~~[handled~~
9 ~~in the presence of not less than two officials]~~ observed by an
10 official assigned in accordance with sections 11-71 and 11-72 or
11 section 16-45.

12 (b) This section shall not apply to absentee ballots
13 handled pursuant to sections 15-9 and 15-10."

14 SECTION 4. Section 16-46, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "§16-46 Counting defective ballots. Counting center
17 employees ~~[in the presence of at least two official observers]~~
18 shall prepare a new ballot to replace each defective ballot.
19 The defective ballots shall be segregated and the replacement
20 ballots counted pursuant to rules promulgated by the chief
21 election officer."



H.B. NO. 1650

1 SECTION 5. Section 16-47, Hawaii Revised Statutes, is
2 repealed.

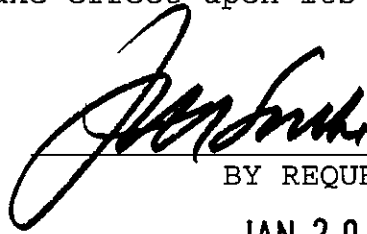
3 ~~["§16-47] Preparation of absentee ballots. Counting~~
4 ~~center employees in the presence of at least two official~~
5 ~~observers shall prepare absentee ballots for counting by~~
6 ~~automatic tabulating equipment in a manner that shall accurately~~
7 ~~reflect the votes cast by the absentee voters."]~~

8 SECTION 6. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 7. This Act shall take effect upon its approval.

11

INTRODUCED BY:



BY REQUEST

JAN 20 2016



H.B. NO. 1650

Report Title:

Office of Elections Package; Elections; Absentee; Return Ballots

Description:

Provides that the preparation of absentee ballots for counting may include opening the return envelope in which the ballot is enclosed and the validation of signatures, but shall not include opening the ballot envelope. Allows official election observers to be present during this process. Requires that, unless otherwise stated, the opening of return absentee ballot envelopes and signature validation commence the day immediately after ballots are transmitted to voters through election day. Provides that the counting of absentee ballots may begin no earlier than fifteen days prior to an election and establishes stages of absentee ballot counting. Prohibits persons present during the counting of absentee ballots from disclosing the results. Allows, rather than requires, observation of ballot handling by an official.

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

