
A BILL FOR AN ACT

RELATING TO ELECTIONS.

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

1 SECTION 1. The legislature finds that in 2014, the office
2 of elections postponed voting for two precincts in the Puna
3 district of Hawaii island that did not open on the day of the
4 primary election because of nearby damage caused by Tropical
5 Storm Iselle. The postponement of voting by nearly a week for
6 the affected precincts demonstrated the unique challenges that
7 may arise when partial election results are released to the
8 public for ballot contests that are still undetermined pending
9 the results of postponed voting. For example, the two leading
10 candidates in the Democratic primary race for the United States
11 Senate were separated by only 1,635 votes, with an estimated
12 6,821 voters eligible to participate in the postponed vote.
13 This situation prompted concerns that prior knowledge of the
14 status of ongoing election contests heading into the postponed
15 vote could skew election results by changing voter behavior or
16 providing candidates and other interested parties with the



1 unusual advantage of focusing campaign efforts on specific
2 groups of swing voters.

3 The legislature further finds that the release of partial
4 election results prior to the completion of postponed balloting
5 undermines the current general policy of prohibiting the
6 disclosure of voting results prior to the closing of the polls,
7 as set forth in section 11-152(b), Hawaii Revised Statutes.

8 The purpose of this Act is to promote fairness in the
9 conduct of postponed elections, by prohibiting the public
10 disclosure of voting results from every precinct for any ballot
11 contest or question affected by the postponement, until the
12 closing of the polls for the postponed election.

13 SECTION 2. Chapter 11, Hawaii Revised Statutes, is amended
14 by adding a new section to part X to be appropriately designated
15 and to read as follows:

16 "§11- Postponed elections; disclosure of voting
17 results. Whenever the conduct of an election within any
18 precinct has been postponed:

19 (1) By the chief election officer or county clerk because
20 of a natural disaster pursuant to section 11-92.3;



- 1 (2) By the governor during a state of emergency pursuant
- 2 to section 127A-13(a)(9); or
- 3 (3) For any other reason as may be authorized by law,
- 4 the disposition of votes cast for each candidate or question
- 5 appearing on the ballot for the postponed election, from any
- 6 precinct whether or not designated for postponement, including
- 7 votes cast by absentee ballot, shall not be disclosed to the
- 8 public until the closing of the polls for the postponed
- 9 election."

10 SECTION 3. Section 11-92.3, Hawaii Revised Statutes, is
11 amended by amending subsection (a) to read as follows:

12 "(a) In the event of a flood, tsunami, earthquake,
13 volcanic eruption, high wind, or other natural disaster,
14 occurring prior to an election, that makes a precinct
15 inaccessible, the chief election officer or county clerk in the
16 case of county elections may consolidate precincts within a
17 representative district. If the extent of damage caused by any
18 natural disaster is such that the ability of voters, in any
19 precinct, district, or county, to exercise their right to vote
20 is substantially impaired, the chief election officer or county
21 clerk in the case of county elections may require the registered



1 voters of the affected precinct to vote by absentee ballot
2 pursuant to section 15-2.5 and may postpone the conducting of an
3 election in the affected precinct for no more than twenty-one
4 days; provided that any such postponement shall not affect the
5 conduct of the election, tabulation, or distribution of results
6 for those precincts, districts, or counties not designated for
7 postponement [---], except as otherwise provided in section 11- .
8 The chief election officer or county clerk in the case of county
9 elections shall give notice of the consolidation, postponement,
10 or requirement to vote by absentee ballot, in the affected
11 county or precinct prior to the opening of the precinct polling
12 place by whatever possible news or broadcast media are
13 available. Precinct officials and workers affected by any
14 consolidation shall not forfeit their pay."

15 SECTION 4. Section 11-152, Hawaii Revised Statutes, is
16 amended by amending subsection (b) to read as follows:

17 "(b) In those precincts using the electronic voting
18 system, the ballots shall be taken in the sealed ballot boxes to
19 the counting center according to the procedure and schedule
20 promulgated by the chief election officer to promote the
21 security of the ballots. In the presence of official observers,



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1 counting center employees may start to count the ballots prior
 2 to the closing of the polls; provided that there shall be no
 3 printout by the computer or other disclosure of the number of
 4 votes cast for a candidate or on a question prior to the closing
 5 of the polls[-], subject to the provisions of section 11- for
 6 the disclosure of votes in the event of a postponed election.
 7 For the purposes of this section, the closing of the polls is
 8 that time identified in section 11-131 as the closing hour of
 9 voting."

10 SECTION 5. Statutory material to be repealed is bracketed
 11 and stricken. New statutory material is underscored.

12 SECTION 6. This Act shall take effect upon its approval.
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INTRODUCED BY:

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[Signature]
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 Nicole E. Lamm
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 Rich [Signature]

JAN 23 2015



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Report Title:

Emergencies and Disasters; Postponed Elections; Disclosure of Election Results

Description:

In the event of an election postponement in any precinct, prohibits the public disclosure of voting results from every precinct for any ballot contest or question affected by the postponement, until the closing of the polls for the postponed election.

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

