

JAN 22 2016

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# A BILL FOR AN ACT

RELATING TO ELECTIONS.

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

1       SECTION 1. Chapter 11, Hawaii Revised Statutes, is amended  
2 by adding a new part to be appropriately designated and to read  
3 as follows:

4                               "PART       .   ELECTIONS BY MAIL

5       §11-A Elections eligible to be conducted by mail. (a)

6 Beginning with the               primary election, the office of  
7 elections shall implement elections by mail. Thereafter, all  
8 federal, state, and county primary, special primary, general,  
9 special general, and special elections shall be conducted by  
10 mail in accordance with this part; provided that any person  
11 registered to vote may request an absentee ballot or permanent  
12 absentee ballot in accordance with section 15-4, in lieu of  
13 receiving an election-by-mail ballot packet pursuant to this  
14 part.

15       (b) The chief election officer shall adopt rules pursuant  
16 to chapter 91 to provide for uniformity in the conduct of  
17 federal, state, and county elections by mail.



1           §11-B Procedures for conducting elections by mail. (a)

2 Between eighteen and twenty-two days before the date of an  
3 election, the county clerk shall mail an election-by-mail ballot  
4 packet by nonforwardable mail to each registered voter who has  
5 not requested an absentee ballot or permanent absentee ballot in  
6 accordance with section 15-4.

7           (b) Public notice of the date or dates that election-by-  
8 mail ballot packets are mailed, delivered, or made available  
9 shall be given by the chief election officer and all county  
10 election officers in the manner prescribed in section 1-28.5  
11 when all the packets have been mailed, delivered, or made  
12 available to voters.

13           (c) A voter may obtain a replacement ballot if the ballot  
14 was destroyed, spoiled, lost, or not received by the voter. The  
15 clerk shall keep a record of each ballot issued in accordance  
16 with this subsection to ensure that another ballot has not been  
17 returned by the voter.

18           (d) After receipt of an election-by-mail ballot packet, to  
19 cast a valid ballot the voter shall comply with the instructions  
20 included in the election-by-mail ballot packet. The  
21 instructions shall include information on election fraud and



1 voter fraud, as provided in sections 19-3(5) and 19-3.5, and  
2 notice that violation of either section may subject the voter,  
3 upon conviction, to imprisonment, a fine, or both.

4 (e) To cast a valid ballot, the voter shall return the  
5 marked ballot in the return envelope. The marked ballot may be  
6 returned by mail, to a place of deposit, or, beginning  
7 January 1, , to a voter service center; provided that the  
8 return envelope shall be received at the office of the clerk,  
9 place of deposit, or voter service center no later than the time  
10 provided in section 11-131 on the date of the election.

11 **§11-C Counting of mail-in ballots.** The method of  
12 preparing ballots for counting may begin no sooner than the  
13 seventh day before the election. In the presence of official  
14 observers, counting center employees may start to count the  
15 ballots on the day of the election. All handling and counting  
16 of election-by-mail ballots shall be according to procedures  
17 established by the chief election officer.

18 **§11-D Voter service centers; minimum number; designation;  
19 services provided.** (a) Beginning on January 1, , voter  
20 service centers shall be established at the office of the  
21 respective county clerks and may be established at other sites



1 as may be designated by the county clerk pursuant to this  
2 section and rules adopted by the chief election officer.  
3 Section 11-21 relating to changes and transfers of registration  
4 shall apply to each voter service center as though it were the  
5 precinct at which a person's name properly appears on the list  
6 of registered voters.

7 (b) Voter service centers shall be open from the tenth day  
8 preceding the day of the election through the day preceding the  
9 day of the election and at the same times statewide, except as  
10 may be provided in section 11-92.3 or by the chief election  
11 officer through administrative rules.

12 (c) For all elections, each county clerk shall designate a  
13 minimum number of voter service centers as follows:

14 (1) For counties with at least four hundred thousand  
15 registered voters, at least twenty-five in each such  
16 county;

17 (2) For counties with at least seventy-five thousand but  
18 fewer than four hundred thousand registered voters, at  
19 least six in each such county;



1           (3) For counties with at least fifteen thousand but fewer  
2           than seventy-five thousand registered voters, at least  
3           three in each such county; and

4           (4) For counties with fewer than fifteen thousand  
5           registered voters, at least one voter service center  
6           in each such county;

7 provided that there shall be at least one voter service center  
8 on each inhabited island of the State.

9           (d) In designating voter service centers pursuant to this  
10 section, each county clerk shall consider the following factors  
11 to address the needs of the county:

12           (1) Proximity to public transportation lines and  
13           availability of parking;

14           (2) Geographic features, such as mountain passes, that  
15           tend to affect access and convenience;

16           (3) Equitable distribution across the county so as to  
17           afford maximally convenient options for voters;

18           (4) The existence and location of population centers;

19           (5) Access for persons with disabilities;

20           (6) Use of locations that have historically served as  
21           polling places for a significant number of voters;



1           (7) Use of schools, recreational halls, park facilities,  
2           and other publicly owned or controlled buildings that  
3           are known to voters in the county, especially to the  
4           extent that using such buildings results in cost  
5           savings compared to other potential locations; and

6           (8) When private locations are considered or designated as  
7           voter service centers in accordance with this section,  
8           methods and standards to ensure the security of voting  
9           conducted at such locations.

10          (e) Each county clerk shall solicit public comments in  
11          proposing voter service center locations and shall submit the  
12          proposed locations to the chief election officer for approval.  
13          The chief election officer shall adopt administrative rules,  
14          pursuant to chapter 91, to prescribe the manner of submission,  
15          public comment and notice requirements, deadline for submission,  
16          and criteria for approval of proposed voter service center  
17          locations.

18          (f) Each voter service center shall provide:

19               (1) The ability for an eligible voter to deposit or cast a  
20               ballot;



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- 1           (2) The ability for an eligible voter to update the
- 2           voter's address;
- 3           (3) The ability for an eligible voter who has legally
- 4           changed the voter's name to have the voter's name
- 5           changed;
- 6           (4) Facilities and equipment that are compliant with the
- 7           federal Americans with Disabilities Act of 1990, title
- 8           42 United States Code section 12101 et seq., as
- 9           amended;
- 10          (5) Electronic voting machines or other voting systems
- 11          accessible to voters with disabilities;
- 12          (6) Voting booths;
- 13          (7) Ballots for distribution; and
- 14          (8) Pursuant to section 11-15.2, beginning on January 1,
- 15          2018, the ability for an eligible voter to register to
- 16          vote on the day preceding the day of the election."

17           SECTION 2. Section 11-1, Hawaii Revised Statutes, is  
18 amended as follows:

- 19           1. By adding four new definitions to be appropriately
- 20           inserted and to read:



1       "Election-by-mail ballot packet" means the packet of  
2 information, including an official ballot, a pre-paid postage  
3 return identification envelope, a secrecy envelope, and  
4 instructions, that shall be provided by the county clerk to  
5 eligible voters in an election by mail.

6       "Place of deposit" means any state public library or any  
7 other site designated by the chief election officer for  
8 receiving return identification envelopes in an election by mail  
9 pursuant to part .

10       "Poll" or "polling place" means an office or other suitable  
11 facility designated by the respective clerks for the conduct of  
12 voting. Beginning on January 1, , the term "poll" or  
13 "polling place" means a voter service center.

14       "Voter service center" means a location established  
15 pursuant to section 11-D for accepting ballots and providing  
16 other services described in section 11-D."

17       2. By amending the definitions of "ballot" and "voting  
18 system" to read:

19       "Ballot" [~~a ballot including an absentee ballot, that is~~]  
20 means a written or printed, or partly written and partly printed  
21 paper or papers, containing the names of persons to be voted





1 for, the office to be filled, and the questions or issues to be  
2 voted on. "Ballot" includes an absentee ballot and a ballot  
3 used in an election by mail pursuant to part . A ballot may  
4 consist of one or more cards or pieces of paper, or one face of  
5 a card or piece of paper, or a portion of the face of a card or  
6 piece of paper, depending on the number of offices, candidates  
7 to be elected thereto, questions or issues to be voted on, and  
8 the voting system in use. It shall also include the face of the  
9 mechanical voting machine when arranged with cardboard or other  
10 material within the ballot frames, containing the names of the  
11 candidates and questions to be voted on.

12 "Voting system" [7] means the use of paper ballots,  
13 electronic ballot cards, voting machines, items necessary for  
14 processing elections by mail, or any system by which votes are  
15 cast and counted."

16 SECTION 3. Section 11-4, Hawaii Revised Statutes, is  
17 amended to read as follows:

18 "§11-4 Rules [~~and regulations~~]. The chief election  
19 officer may make, amend, and repeal [~~such~~] rules [~~and~~  
20 ~~regulations~~] governing elections held under this title, election  
21 procedures, and the selection, establishment, use, and operation



1 of all voting systems now in use or to be adopted in the State,  
2 and all other similar matters relating thereto as in the chief  
3 election officer's judgment shall be necessary to carry out this  
4 title.

5 In making, amending, and repealing rules [~~and regulations~~]  
6 for voters who cannot vote at the polls or voter service centers  
7 in person or receive or return ballots by mail, and all other  
8 voters, the chief election officer shall provide for voting by  
9 [~~such~~] these persons in [~~such~~] a manner as to [~~insure~~] ensure  
10 secrecy of the ballot and to preclude tampering with the ballots  
11 of these voters and other election frauds. [~~Such~~] The rules  
12 [~~and regulations~~], when adopted in conformity with chapter 91  
13 and upon approval by the governor, shall have the force and  
14 effect of law."

15 SECTION 4. Section 11-15.2, Hawaii Revised Statutes, is  
16 amended to read as follows:

17 "[+]§11-15.2[+] **Late registration.** (a) Notwithstanding  
18 the closing of the general county register pursuant to section  
19 11-24, a person who is eligible to vote but is not registered to  
20 vote may register by appearing in person:



1           (1) Prior to the day of the election, at any absentee  
2           polling place established pursuant to section 15-7 in  
3           the county associated with the person's residence; or

4           (2) On the day preceding the day of the election, at the  
5           ~~[polling place]~~ voter service center in the precinct  
6           associated with the person's residence.

7           (b) The county clerk shall designate a registration clerk,  
8           who may be an election official, at each of the absentee polling  
9           places in the county established pursuant to section 15-7, prior  
10          to the day of the election and at each of the ~~[polling places]~~  
11          voter service centers in the county on the day of the election.

12          (c) The registration clerk shall process applications for  
13          any person not registered to vote who submits a signed affidavit  
14          in accordance with section 11-15, which shall include a sworn  
15          affirmation:

16               (1) Of the person's qualification to vote;

17               (2) Acknowledging that the person has not voted and will  
18               not vote at any other polling place or voter service  
19               center for that election and has not cast and will not  
20               cast any ballot by mail or any absentee ballot  
21               pursuant to chapter 15 for that election; and



1           (3) Acknowledging that providing false information may  
2           result in a class C felony, punishable by a fine not  
3           exceeding \$1,000 or imprisonment not exceeding five  
4           years, or both.

5           (d) The registration clerk may accept, as prima facie  
6           evidence, the allegation of the person in the application  
7           regarding the person's residence in accordance with section  
8           11-15(b), unless the allegation is contested by a qualified  
9           voter. The registration clerk may demand that the person  
10          furnish substantiating evidence to the other allegations of the  
11          person's application in accordance with section 11-15(b).

12          (e) Registration may be challenged in accordance with  
13          section 11-25.

14          (f) Notwithstanding subsection (a), registration pursuant  
15          to this section may also be used by a person who is registered  
16          to vote but whose name cannot be found on the precinct list for  
17          the [~~polling place~~] voter service center associated with the  
18          person's residence.

19          (g) The clerk of each county shall add persons who  
20          properly register under this section to the respective general  
21          county register. Within thirty days of registration at the



1 absentee polling place[-] or voter service center, the county  
2 clerk shall mail to the person a notice including the person's  
3 name, current street address, district and precinct, and date of  
4 registration. A notice mailed pursuant to this subsection shall  
5 serve as prima facie evidence that the person is a registered  
6 voter as of the date of registration."

7 SECTION 5. Section 11-17, Hawaii Revised Statutes, is  
8 amended by amending subsection (a) to read as follows:

9 "(a) The clerk, not later than 4:30 p.m. on the sixtieth  
10 day after every general election, shall remove the name of any  
11 registered voter who did not vote in that general election, and  
12 also did not vote in the primary election preceding that general  
13 election, and also did not vote in the previous general  
14 election, and also did not vote in the primary election  
15 preceding that general election, and also did not vote in the  
16 regularly scheduled special elections held in conjunction with  
17 those primary and general elections, if any, with the exception  
18 of:

- 19 (1) Those who submitted written requests for absentee  
20 ballots as provided in section 15-4; or  
21 (2) Anyone who preregistered pursuant to section 11-12(b).



1 If a person voted, at least once, in any of the above-mentioned  
2 elections, the person's name shall remain on the list of  
3 registered voters. For this purpose, "vote" means the mailing  
4 in of the ballot or the depositing of the ballot in the ballot  
5 box or at a place of deposit or voter service center, whether  
6 the ballot is blank or later rejected for any reason. In the  
7 case of voting machines, "vote" means the voter has activated  
8 the proper mechanism and fed the vote into the machine."

9 SECTION 6. Section 11-92.1, Hawaii Revised Statutes, is  
10 amended by amending its title and subsection (a) to read as  
11 follows:

12 "§11-92.1 Election proclamation; [~~establishment of a new~~  
13 ~~precinct.~~] precincts. (a) The chief election officer shall  
14 issue a proclamation [~~whenever a new precinct is established in~~  
15 ~~any representative district.~~] listing all polling places and  
16 places of deposit. All places of deposit shall be open as soon  
17 as election-by-mail ballot packets are made available to voters.  
18 The chief election officer shall provide [~~a suitable polling~~  
19 ~~place for each precinct.~~] one or more precincts within a  
20 representative district as the chief election officer deems  
21 necessary for voters who are unable to participate in elections



1 by mail pursuant to part . Beginning on January 1, \_\_\_\_\_,  
2 voter service centers shall be made available pursuant to  
3 section 11-D. Schools, recreational halls, park facilities, and  
4 other publicly owned or controlled buildings, whenever possible  
5 and convenient, shall be used as polling places. The chief  
6 election officer shall make arrangements for the rental or  
7 erection of suitable shelter for this purpose whenever public  
8 buildings are not available and shall cause these polling places  
9 to be equipped with the necessary facilities for lighting,  
10 ventilation, and equipment needed for elections on any island.  
11 This proclamation may be issued jointly with the proclamation  
12 required in section 11-91."

13 SECTION 7. Section 11-92.3, Hawaii Revised Statutes, is  
14 amended by amending the title and subsection (a) to read as  
15 follows:

16 "**§11-92.3 Consolidated or alternate precincts; natural**  
17 **disasters; postponement; absentee voting [~~required~~]; elections**  
18 **by mail; special elections.** (a) In the event of a flood,  
19 tsunami, earthquake, volcanic eruption, high wind, or other  
20 natural disaster, occurring prior to an election, that makes a  
21 precinct, place of deposit, or voter service center



1 inaccessible, the chief election officer or county clerk in the  
2 case of county elections may consolidate precincts or provide an  
3 alternate precinct within a representative district. If the  
4 extent of damage caused by any natural disaster is such that the  
5 ability of voters, in any precinct, district, or county, to  
6 exercise their right to vote is substantially impaired, the  
7 chief election officer or county clerk in the case of county  
8 elections may [~~require the~~]:

- 9       (1) Require the registered voters of the affected  
10       precinct, district, or county to vote by absentee  
11       ballot pursuant to section 15-2.5 [~~and may postpone~~]  
12       or elections by mail pursuant to part ; and  
13       (2) Postpone the conducting of an election in the affected  
14       precinct for no more than twenty-one days; provided  
15       that any such postponement shall not affect the  
16       conduct of the election, tabulation, or distribution  
17       of results for those precincts, districts, or counties  
18       not designated for postponement.

19 The chief election officer or county clerk in the case of county  
20 elections shall give notice of the consolidation, postponement,  
21 or requirement to vote by absentee ballot[~~7~~] or by mail, in the





1 affected [~~county or~~] precinct, county, or district prior to the  
2 opening of [~~the~~] each precinct polling place by whatever  
3 possible news or broadcast media are available. Precinct  
4 officials and workers affected by any consolidation shall not  
5 forfeit their pay."

6 SECTION 8. Section 11-184, Hawaii Revised Statutes, is  
7 amended to read as follows:

8 "**§11-184 Election expenses and responsibilities in**  
9 **combined state and county elections.** Election expenses in  
10 elections involving both state and county offices shall be  
11 shared as set forth below:

- 12 (1) The State shall pay and be responsible for:
- 13 (A) Precinct officials;
- 14 (B) Instruction of precinct officials when initiated  
15 or approved by the chief election officer;
- 16 (C) Boards of registration;
- 17 (D) Polling place costs other than supplies:  
18 installation rentals, ballot boxes, voting  
19 booths, custodians, telephones, and maintenance;
- 20 (E) Other equipment such as ballot transport  
21 containers;



- 1           (F) Temporary election employees hired to do strictly
- 2           state work; and
- 3           (G) Extraordinary voter registration and voter
- 4           education costs when approved by the chief
- 5           election officer.
- 6       (2) The county shall pay and be responsible for:
- 7           (A) Normal voter registration, voters list
- 8           maintenance, and all printing connected with
- 9           voter registration, including printing of the
- 10          voters list;
- 11          (B) Temporary election employees hired to do strictly
- 12          county work;
- 13          (C) Maintenance of existing voting machines,
- 14          including parts, freight, storage, programming,
- 15          and personnel;
- 16          (D) Maintenance and storage of voting devices and
- 17          other equipment; and
- 18          (E) Employees assigned to conduct absentee or
- 19          elections-by-mail polling place or voter service
- 20          center functions.



1           (3) The remaining election expenses shall be divided in  
2           half between the State and the counties. Each county  
3           will pay a proration of expenses as a proportion of  
4           the registered voters at the time of the general  
5           election. These expenses shall include but not be  
6           limited to:

7           (A) Polling place supplies;

8           (B) All printing, including ballots, but excluding  
9           printing connected with voter registration;

10          (C) Temporary election employees not including voting  
11          machine programmers doing work for both the State  
12          and county;

13          (D) Ballot preparation and packing; and

14          (E) All other costs for which the State or county are  
15          not specifically responsible relating to the  
16          operation of voting machines, electronic voting  
17          systems, and other voting systems except paper  
18          ballots to include but not be limited to real  
19          property rentals, equipment rentals, personnel,  
20          mileage, telephones, supplies, publicity,  
21          computer programming, and freight.



1           The responsibility for the above functions shall  
2           be determined by the chief election officer where the  
3           responsibility for such functions has not been  
4           assigned by the legislature.

5           Any future expenses not presently incurred under any voting  
6           system now in use or to be used shall be assigned to  
7           [paragraphs] paragraph (1), (2), or (3) [above] by the chief  
8           election officer upon agreement with the clerks or by the  
9           legislature."

10          SECTION 9. Section 15-1, Hawaii Revised Statutes, is  
11          amended by adding a new definition to be appropriately inserted  
12          and to read as follows:

13                "Voter service center" means a location established  
14                pursuant to section 11-D for accepting ballots and providing  
15                other services described in section 11-D."

16          SECTION 10. Section 15-7, Hawaii Revised Statutes, is  
17          amended as follows:

18                1. By amending the title to read:

19                "§15-7 Absentee polling place; registration at absentee  
20                polling place[-]; registration at voter service center.

21                2. By amending subsections (b) to (d) to read:



1           "(b) The absentee polling places shall be open [~~no later~~  
2 than] at least ten working days before election day, and all  
3 Saturdays falling within that time period, or as soon thereafter  
4 as ballots are available [~~provided that all~~], and shall remain  
5 open through the day before election day. All absentee polling  
6 places shall be open on the same date statewide, as determined  
7 by the chief election officer. Beginning on January 1, \_\_\_\_\_,  
8 voter service centers shall be open in each county to receive  
9 absentee ballots and election-by-mail ballots pursuant to  
10 chapter 11, part \_\_\_\_\_ and to provide other services described in  
11 section 11-D.

12           (c) A person who is eligible to vote but is not registered  
13 to vote may register as follows:

14           (1) Pursuant to chapter 11;

15           (2) Beginning on January 1, \_\_\_\_\_, prior to election day  
16 by appearing in person at the absentee polling place  
17 for the county in which the person maintains  
18 residence [~~or~~]; or

19           (3) Beginning on January 1, \_\_\_\_\_, from the tenth day  
20 preceding the day of an election through the day



1           preceding the day of the election at any voter service  
2           center.

3           (d) The county clerk shall designate a registration clerk,  
4 who may be an election official[7]:

5           (1) Beginning on January 1, \_\_\_\_\_, at each of the absentee  
6           polling places established in the county[7], prior to  
7           election day; and

8           (2) Beginning on January 1, \_\_\_\_\_, from the tenth day  
9           preceding the day of an election through the day  
10           preceding the day of the election at any voter service  
11           center."

12           3. By amending subsection (i) to read:

13           "(i) The clerk of each county shall add persons who  
14 properly register at an absentee polling place or voter service  
15 center, as applicable, to the respective general county  
16 register. Within thirty days of registration at an absentee  
17 polling place[7] or voter service center, as applicable, the  
18 county clerk shall mail to the person a notice including the  
19 person's name, current street address, district and precinct,  
20 and date of registration. A notice mailed pursuant to this

1 subsection shall serve as prima facie evidence that the person  
2 is a registered voter as of the date of registration."

3 SECTION 11. Section 15D-3, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "[+]§15D-3[+] Elections covered. The voting procedures in  
6 this chapter apply to:

- 7 (1) A general, special, or primary election for federal  
8 office;
- 9 (2) A general, special, or primary election for statewide  
10 or state legislative office or state ballot measure;  
11 and
- 12 (3) A general, special, recall, primary, or runoff  
13 election for local government office or local ballot  
14 measure conducted under [~~section 11-91.5~~] part \_\_\_\_\_  
15 of chapter 11 for which absentee voting or voting by  
16 mail is available for other voters."

17 SECTION 12. Section 19-6, Hawaii Revised Statutes, is  
18 amended to read as follows:

19 "§19-6 Misdemeanors. The following persons shall be  
20 guilty of a misdemeanor:



- 1           (1) Any person who offers any bribe or makes any promise  
2           of gain, or with knowledge of the same permits any  
3           person to offer any bribe or make any promise of gain  
4           for the person's benefit to any voter to induce the  
5           voter to sign a nomination paper, and any person who  
6           accepts any bribe or promise of gain of any kind as  
7           consideration for signing the same, whether the bribe  
8           or promise of gain be offered or accepted before or  
9           after the signing;
- 10          (2) Any person who wilfully tears down or destroys or  
11          defaces any election proclamation or any poster or  
12          notice or list of voters or visual aids or facsimile  
13          ballot, issued or posted by authority of law;
- 14          (3) Any person printing or duplicating or causing to be  
15          printed or duplicated any ballot, conforming as to the  
16          size, weight, shape, thickness, or color to the  
17          official ballot so that it could be cast or counted as  
18          an official ballot in an election;
- 19          (4) Every person who is disorderly or creates a  
20          disturbance whereby any meeting of the precinct  
21          officials or the board of registration of voters





1 during an election is disturbed or interfered with; or  
2 whereby any person who intends to be lawfully present  
3 at any meeting or election is prevented from  
4 attending; or who causes any disturbance at any  
5 election; and every person assisting or aiding or  
6 abetting any disturbance;

7 (5) Every person who, either in person or through another,  
8 in any manner breaks up or prevents, or endeavors to  
9 break up or prevent, the holding of any meeting of the  
10 board of registration of voters, or in any manner  
11 breaks up or prevents, or endeavors to break up or  
12 prevent, the holding of any election;

13 (6) Any person, other than those designated by section  
14 11-132, who remains or loiters within the area set  
15 aside for voting as set forth in section 11-132 during  
16 the time appointed for voting;

17 (7) Any person, including candidates carrying on any  
18 campaign activities within the area described in  
19 section 11-132 during the period of time starting one  
20 hour before the polling place opens and ending when  
21 the polling place closes for the purpose of



1 influencing votes. Campaign activities shall include  
2 the following:

3 (A) Any distribution, circulation, carrying, holding,  
4 posting, or staking of campaign cards, pamphlets,  
5 posters and other literature;

6 (B) The use of public address systems and other  
7 public communication media;

8 (C) The use of motor caravans or parades; and

9 (D) The use of entertainment troupes or the free  
10 distribution of goods and services;

11 (8) Any person who opens a return envelope containing [an  
12 absentee]:

13 (A) An absentee ballot voted under chapter 15 other  
14 than those persons authorized to do so under  
15 chapter 15; or

16 (B) A ballot voted by mail under part of chapter  
17 11 other than those persons authorized to do so  
18 under part of chapter 11;

19 (9) Any unauthorized person found in possession of any  
20 voting machine or keys thereof; and



1           (10) Every person who wilfully violates or fails to obey  
2                   any of the provisions of law, punishment for which is  
3                   not otherwise in this chapter specially provided for."

4           SECTION 13. Section 11-91.5, Hawaii Revised Statutes, is  
5 repealed.

6           ~~["§11-91.5 Federal, state, and county elections by mail.~~

7 ~~(a) Any federal, state, or county election held other than on~~  
8 ~~the date of a regularly scheduled primary or general election~~  
9 ~~may be conducted by mail.~~

10 ~~(b) The chief election officer shall determine whether a~~  
11 ~~federal or state election, other than a regularly scheduled~~  
12 ~~primary or general election, may be conducted by mail or at~~  
13 ~~polling places.~~

14 ~~(c) The county clerk shall determine whether a county~~  
15 ~~election, held other than on the date of a regularly scheduled~~  
16 ~~primary or general election, may be conducted by mail or at~~  
17 ~~polling places. An election by mail in the county shall be~~  
18 ~~under the supervision of the county clerk.~~

19 ~~(d) Any ballot cast by mail under this section shall be~~  
20 ~~subject to the provisions applicable to absentee ballots under~~  
21 ~~sections 11-139 and 15-6.~~



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

4       SECTION 14. 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 2016-2017 for  
7 the purpose of implementing and administering the election by  
8 mail program.

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

11       SECTION 15. In codifying the new sections added by section  
12 1 of this Act, the revisor of statutes shall substitute  
13 appropriate section numbers for the letters used in designating  
14 the new sections in this Act.

15       SECTION 16. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

17       SECTION 17. This Act shall take effect on July 1, 2016;  
18 provided that:

19       (1) Section 10 of this Act shall take effect on January 1,  
20             2017;



# S.B. NO. 2296

1 (2) Section 11-15.2, Hawaii Revised Statutes, as amended  
 2 by section 4 of this Act, shall take effect on  
 3 January 1, 2019; and

4 (3) Section 11-D, Hawaii Revised Statutes, established by  
 5 section 1 of this Act, shall take effect on  
 6 January 1, .  
 7

INTRODUCED BY: ~~SC. Fitch~~ *[Signature]*

*Michele Kadani*

*[Signature]*

*[Signature]*

*Will Eyo*

*[Signature]*  
*[Signature]*

*Clarence M. ...*

*Mike Gebbal*

*Ronald H. Baker*

*[Signature]*  
*[Signature]*

# S.B. NO. 2296

**Report Title:**

Elections; Voting; Elections by Mail; Appropriation

**Description:**

Beginning with the primary election in an unspecified year, requires the office of elections to implement elections by mail. Thereafter requires all federal, state, and county primary, special primary, general, special general, and special elections to be conducted by mail. Beginning on an unspecified date, establishes a minimum number of voter service centers per county and island, in lieu of traditional polling places. Requires voter service centers to provide services such as voter registration at least ten working days through the day before election day. Repeals election day voter registration at polling places, which was to take effect on January 1, 2018. Appropriates funds.

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

