
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 the trend in Hawaii
2 has been toward increased mail-in voting. The 2014 Hawaii
3 primary election was the first election in which more ballots
4 were voted early than were cast on primary election day. Fifty-
5 six per cent of Hawaii voters chose to vote early during the
6 2014 primary, with approximately eighty-three per cent of these
7 early voters doing so by mail-in absentee ballot.

8 The legislature further finds that Hawaii's conversion to
9 elections by mail would significantly reduce the logistical
10 issues related to conducting elections. The legislature
11 concludes that an incremental implementation of an election by
12 mail voting system is the best approach for the State to
13 transition to elections by mail.

14 Accordingly, the purpose of this Act is to:

15 (1) Require the office of elections to implement elections
16 by mail in a county with a population of less than
17 100,000, beginning with the 2016 primary election, to



1 additionally implement elections by mail in each
2 county with a population of less than 500,000,
3 beginning with the 2018 primary election, and,
4 beginning in 2020, to conduct all federal, state, and
5 county primary, special primary, general, special
6 general, and special elections by mail;

7 (2) Provide places of deposit for personal delivery of
8 mail-in ballots and ensure a limited number of voter
9 service centers in each county to remain open on the
10 day of election to receive personal delivery of
11 absentee, permanent absentee, and mail-in ballots,
12 allow voters with special needs to vote, and provide
13 other services; and

14 (3) Appropriate funds for the implementation and
15 administration of the election by mail program.

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

19 "PART . ELECTIONS BY MAIL

20 §11-A Elections eligible to be conducted by mail.

21 Beginning with the 2016 primary election, the office of



1 elections shall implement elections by mail in a county with a
2 population of less than 100,000. Beginning with the 2018
3 primary election, the office of elections shall additionally
4 implement elections by mail in each county with a population of
5 less than 500,000. Beginning in 2020, all federal, state, and
6 county primary, special primary, general, special general, and
7 special elections shall be conducted by mail in accordance with
8 this part; provided further that any person registered to vote
9 may request an absentee ballot or permanent absentee ballot in
10 accordance with section 15-4, in lieu of receiving an election
11 by mail ballot package pursuant to this part.

12 **§11-B Procedures for conducting elections by mail. (a)**

13 Ballot packages for elections by mail shall include:

- 14 (1) An official ballot;
15 (2) A pre-paid postage return identification envelope;
16 (3) A secrecy envelope; and
17 (4) Instructions.

18 (b) To the extent practicable, the county clerk shall mail
19 a ballot package by nonforwardable mail to each registered voter
20 in the county no earlier than thirty days before the date of an
21 election.



1 (c) Public notice of the date or dates that election by
2 mail ballot packages are mailed, delivered, or made available
3 shall be given by the chief election officer and all county
4 election officers in the manner prescribed in section 1-28.5
5 when all the packages have been mailed, delivered, or made
6 available to voters.

7 (d) After receipt of an election by mail ballot package,
8 the voter shall comply with the instructions included in the
9 ballot package to cast a valid ballot. The instructions shall
10 include information on election fraud and voter fraud, as
11 provided in sections 19-3(5) and 19-3.5, and notice that
12 violation of either section may subject the voter, upon
13 conviction, to imprisonment, a fine, or both. To cast a valid
14 election by mail ballot, the voter shall return the marked
15 ballot in the return identification envelope. The marked ballot
16 may be returned by mail, to a place of deposit, or to a voter
17 service center; provided that the return identification envelope
18 shall be received at the office of the clerk, place of deposit,
19 or voter service center no later than the close of the polls as
20 provided in section 11-131 on the date of the election.



1 (e) A voter may obtain a replacement ballot if the ballot
2 was destroyed, spoiled, lost, or not received by the voter. The
3 clerk shall keep a record of each ballot issued to ensure that
4 another ballot has not been returned by the voter.

5 (f) If a mailed election by mail ballot is not received by
6 the voter within five days of an election, or a voter otherwise
7 requires a replacement ballot within five days of an election,
8 the voter may request that a ballot be forwarded by electronic
9 transmission. Upon receipt of such a request and confirmation
10 that proper application was made, the clerk may transmit the
11 appropriate ballot, together with a form containing the
12 affirmations and information required by section 15-6, and a
13 form containing a waiver of the right to secrecy under section
14 11-137. The voter may return the voted replacement ballot and
15 executed forms by electronic transmission, mail, or deposit at a
16 place of deposit or voter service center; provided that the
17 ballot and forms are received by the issuing clerk before voting
18 has concluded. Upon receipt, the clerk shall verify compliance
19 with the requirements of this part; provided that if the voter
20 returns multiple voted ballots for the same election, the clerk
21 shall prepare, for counting, only the first ballot returned that



1 is not spoiled. Prior to an election, the clerk shall determine
2 the permissible form or forms of electronic transmission that
3 may be used for the initial transmission of ballots to voters
4 and the return transmission of ballots by voters. The forms of
5 electronic transmission permitted for the initial transmission
6 of ballots may differ from those permitted for the return of
7 ballots by voters. For purposes of this subsection, "electronic
8 transmission" may include facsimile transmission, electronic
9 mail delivery, or the utilization of an online ballot delivery
10 and return system.

11 (g) The chief election officer shall determine and provide
12 for places of deposit and voter service centers pursuant to this
13 part and section 11-92.1.

14 §11-C Counting of mail-in ballots. (a) Counting may
15 begin no sooner than the seventh day before the election. In
16 the presence of official observers, counting center employees
17 may start to count the ballots; provided that any tabulation of
18 the number of votes cast for a candidate or question appearing
19 on the ballot, including a counting center printout or other
20 disclosure, shall be kept confidential and shall not be
21 disclosed to the public until voting for the election has



1 concluded. All handling and counting of election by mail
2 ballots shall be according to procedures established by the
3 chief election officer.

4 §11-D Voter service centers; minimum number; designation;
5 services provided. (a) Beginning on January 1, 2016, in any
6 county where election by mail has been implemented, voter
7 service centers shall be established at the office of the
8 respective county clerks and may be established at other sites
9 as may be designated by the county clerk pursuant to this
10 section and rules adopted by the chief election officer.

11 Section 11-21 relating to changes and transfers of registration
12 shall apply to each voter service center as though it were the
13 precinct at which a person's name properly appears on the list
14 of registered voters.

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



1 (c) In designating voter service centers pursuant to this
2 section, each county clerk shall consider the following factors
3 to address the needs of the county:

- 4 (1) Proximity to public transportation lines and
5 availability of parking;
- 6 (2) Geographic features, such as mountain passes, that
7 tend to affect access and convenience;
- 8 (3) Equitable distribution across the county so as to
9 afford maximally convenient options for voters;
- 10 (4) The existence and location of population centers;
- 11 (5) Access for persons with disabilities;
- 12 (6) Use of locations that have historically served as
13 polling places for a significant number of voters;
- 14 (7) Use of schools, recreational halls, park facilities,
15 and other publicly owned or controlled buildings that
16 are known to voters in the county, especially to the
17 extent that using such buildings results in cost
18 savings compared to other potential locations; and
- 19 (8) When private locations are considered or designated as
20 voter service centers in accordance with this section,



1 methods and standards to ensure the security of voting
2 conducted at such locations.

3 Each county clerk shall solicit public comments in proposing
4 voter service center locations and shall submit the proposed
5 locations to the chief election officer for approval. The chief
6 election officer shall adopt administrative rules, pursuant to
7 chapter 91, to prescribe the manner of submission, public
8 comment and notice requirements, deadline for submission, and
9 criteria for approval of proposed voter service center
10 locations.

11 (d) Each voter service center shall provide:

12 (1) The means for an eligible voter to deposit or cast a
13 ballot;

14 (2) The means for an eligible voter to update the voter's
15 address in voting records;

16 (3) The means for an eligible voter who has legally
17 changed the voter's name to have the voter's name
18 changed in the voting records;

19 (4) Facilities and equipment that are compliant with the
20 federal Americans with Disabilities Act of 1990, title



- 1 42 United States Code section 12101 et seq., as
2 amended;
- 3 (5) Electronic voting machines or other voting systems
4 accessible to voters with disabilities;
- 5 (6) Voting booths;
- 6 (7) Ballots for distribution; and
- 7 (8) Pursuant to section 11-15.2, beginning on January 1,
8 2018, the means for an eligible voter to register to
9 vote on the day of the election."

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

13 "§11- Postponed elections; disclosure of voting results.
14 Whenever the conduct of an election within any precinct has been
15 postponed:

16 (1) By the chief election officer, or county clerk in
17 county elections, because of a natural disaster
18 pursuant to section 11-92.3; or

19 (2) By the governor during a state of emergency pursuant
20 to section 127A-13(a)(9),



1 the printout by the counting center computer or other disclosure
2 of the number of votes cast for each candidate or question
3 appearing on the ballot for the postponed election, from any
4 precinct whether or not designated for postponement, including
5 votes cast by absentee ballot, shall not be disclosed to the
6 public until voting for the postponed election has concluded.
7 For candidates or questions not appearing on the ballot for the
8 postponed election, the chief election officer, or county clerk
9 in county elections may postpone the printout or other
10 disclosure of the number of votes cast until voting for the
11 postponed election has concluded."

12 SECTION 4. Section 11-1, Hawaii Revised Statutes, is
13 amended as follows:

14 1. By adding four new definitions to be appropriately
15 inserted and to read:

16 "Election by mail ballot package" means the packet of
17 information, including an official ballot, a pre-paid postage
18 return identification envelope, a secrecy envelope, and
19 instructions, that shall be provided to eligible voters in any
20 county where elections by mail have been implemented.



1 "Place of deposit" means a site designated by the chief
2 election officer for the purpose of receiving return
3 identification envelopes in an election conducted by mail
4 pursuant to part _____.

5 "Poll" or "polling place" means an office or other suitable
6 facility designated by the respective clerks for the conduct of
7 voting. Beginning on January 1, 2016, the term "poll" or
8 "polling place" shall include a voter service center in a county
9 where elections by mail has been implemented.

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

13 2. By amending the definitions of "ballot" and "voting
14 system" to read:

15 "Ballot" [7] means a ballot, including an absentee ballot,
16 that is a written or printed, or partly written and partly
17 printed paper or papers, containing the names of persons to be
18 voted for, the office to be filled, and the questions or issues
19 to be voted on. "Ballot" includes a ballot used in an election
20 by mail pursuant to part _____. A ballot may consist of one or
21 more cards or pieces of paper, or one face of a card or piece of



1 paper, or a portion of the face of a card or piece of paper,
2 depending on the number of offices, candidates to be elected
3 thereto, questions or issues to be voted on, and the voting
4 system in use. It shall also include the face of the mechanical
5 voting machine when arranged with cardboard or other material
6 within the ballot frames, containing the names of the candidates
7 and questions to be voted on.

8 "Voting system" [7] means the use of paper ballots,
9 electronic ballot cards, voting machines, elections by mail
10 pursuant to part _____, absentee voting pursuant to chapter 15, or
11 any system by which votes are cast and counted."

12 SECTION 5. Section 11-4, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "§11-4 Rules [~~and regulations~~]. The chief election
15 officer may make, amend, and repeal [~~such~~] rules [~~and~~
16 ~~regulations~~] governing elections held under this title, election
17 procedures, and the selection, establishment, use, and operation
18 of all voting systems now in use or to be adopted in the State,
19 and all other similar matters relating thereto as in the chief
20 election officer's judgment shall be necessary to carry out this
21 title.



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

11 SECTION 6. Section 11-17, Hawaii Revised Statutes, is
12 amended by amending subsection (a) to read as follows:

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



1 those primary and general elections, if any, with the exception
2 of:

3 (1) Those who submitted written requests for absentee
4 ballots as provided in section 15-4; or

5 (2) Anyone who preregistered pursuant to section 11-12(b).

6 If a person voted, at least once, in any of the above-mentioned
7 elections, the person's name shall remain on the list of
8 registered voters. For this purpose, "vote" means the
9 depositing of the ballot in the ballot box whether the ballot is
10 blank or later rejected for any reason. In the case of voting
11 machines, "vote" means the voter has activated the proper
12 mechanism and fed the vote into the machine. In the case of an
13 election by mail pursuant to part , "vote" means the voter
14 has returned the ballot to the chief election officer or county
15 clerk by the United States Postal Service or by delivering the
16 ballot to a place of deposit or voter service center."

17 SECTION 7. Section 11-91.5, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "§11-91.5 Federal, state, and county elections by mail.

20 (a) Any federal, state, or county election [~~held other than on~~
21 ~~the date of a regularly scheduled primary or general election]~~



1 may be conducted by mail~~[-]~~ in whole or in part, including
2 designating specific precincts or counties for election by mail
3 in whole or in part, in accordance with this section and part .

4 (b) The chief election officer shall determine whether [~~a~~
5 ~~federal or state election, other than a regularly scheduled~~
6 ~~primary or general~~] an election, [may] other than an election
7 involving solely county offices, shall be conducted by mail [ex
8 at polling places-] in whole or in part.

9 (c) The county clerk shall determine whether a solely
10 county election, held other than on the date of a regularly
11 scheduled primary or general election, [~~may~~] shall be conducted
12 by mail [ex at polling places-] in whole or in part. An
13 election by mail in the county shall be under the supervision of
14 the county clerk~~[-]~~ subject to subsection (g).

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

18 (e) Voters may vote by absentee ballot at an absentee
19 walk-in polling place. For purposes of an election conducted by
20 mail, at least one absentee walk-in polling place shall be
21 designated by the county clerk to be open on the day of the



1 election. In the event of an election that does not involve
2 county offices, the chief election officer shall designate at
3 least one absentee walk-in polling place to be open on the day
4 of the election.

5 (f) Election expenses for conducting an election by mail
6 shall be shared as follows:

7 (1) For elections involving federal and county, state and
8 county, or federal, state, and county offices,
9 expenses, other than expenses related to voter
10 registration and absentee voting, shall be divided in
11 half between the State and the counties, and each
12 county shall pay a proration of expenses as a
13 proportion of the registered voters at the time of the
14 general election. Expenses related to voter
15 registration and absentee voting shall be paid by the
16 counties;

17 (2) For elections involving solely county offices, all
18 expenses shall be paid by the county and paid out of
19 such appropriations as may be made by the county
20 council for election purposes; and



1 (3) For elections conducted in any county which do not
2 involve elections for county offices, all expenses
3 shall be paid by the State and paid out of such
4 appropriations as may be made by the legislature for
5 election purposes.

6 (g) Election responsibilities for conducting an election
7 by mail shall be as follows:

8 (1) The counties shall be responsible for voter
9 registration and absentee voting, including voter
10 service centers, even in elections where there are no
11 county offices on the ballot; and

12 (2) The State shall be responsible for preparing, mailing,
13 receiving, processing, and tabulating mail ballots,
14 even in elections where there are no federal or State
15 offices on the ballot.

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

19 SECTION 8. Section 11-92.1, Hawaii Revised Statutes, is
20 amended by amending its title and subsection (a) to read as
21 follows:



1 "~~§11-92.1 Election proclamation; [establishment of a new~~
2 ~~precinct.]~~ places of deposit; voter service centers. (a) The
3 chief election officer shall issue a proclamation [~~whenever a~~
4 ~~new precinct is established in any representative district.]~~
5 listing all polling places and places of deposit. Places of
6 deposit may be open as soon as election by mail ballot packets
7 are made available to voters. The chief election officer shall
8 provide [~~a suitable polling place for each precinct.]~~ one or
9 more places of deposit within a representative district as the
10 chief election officer deems necessary for voters who are unable
11 to participate in elections by mail pursuant to part .
12 Beginning on January 1, 2016, voter service centers shall be
13 made available pursuant to section 11-D in a county where
14 elections by mail have been implemented. Schools, recreational
15 halls, park facilities, and other publicly owned or controlled
16 buildings, whenever possible and convenient, shall be used as
17 polling places. The chief election officer shall make
18 arrangements for the rental or erection of suitable shelter for
19 this purpose whenever public buildings are not available and
20 shall cause these polling places to be equipped with the
21 necessary facilities for lighting, ventilation, and equipment



1 needed for elections on any island. This proclamation may be
2 issued jointly with the proclamation required in section 11-91."

3 SECTION 9. Section 11-92.3, Hawaii Revised Statutes, is
4 amended by amending the title and subsection (a) to read as
5 follows:

6 "§11-92.3 [~~Consolidated precincts; natural~~] Natural
7 disasters; postponement; absentee voting [~~required~~]; vote by
8 mail; special elections. (a) In the event of a flood, tsunami,
9 earthquake, volcanic eruption, high wind, or other natural
10 disaster, occurring prior to an election, that makes a precinct,
11 place of deposit, or voter service center inaccessible, the
12 chief election officer or county clerk in the case of county
13 elections may consolidate precincts or provide an alternate
14 precinct within a representative district. If the extent of
15 damage caused by any natural disaster is such that the ability
16 of voters, in any precinct, district, or county, to exercise
17 their right to vote is substantially impaired, the chief
18 election officer or county clerk in the case of county elections
19 may [~~require the~~]:

20 (1) Require the registered voters of the affected
21 precinct, district, or county to vote by absentee



1 ballot pursuant to section 15-2.5 [~~and may postpone~~]
2 or elections by mail pursuant to part ; and

3 (2) Postpone the conducting of an election in the affected
4 precinct, district, or county for no more than twenty-
5 one days; provided that any such postponement shall
6 not affect the conduct of the election, tabulation, or
7 distribution of results for those precincts,
8 districts, or counties not designated for
9 postponement.

10 The chief election officer or county clerk in the case of county
11 elections shall give notice of the consolidation, postponement,
12 or requirement to vote by absentee ballot [~~7~~] or by mail, in the
13 affected [~~county or~~] precinct, county, or district prior to the
14 opening of [~~the~~] each precinct polling place by whatever
15 possible news or broadcast media are available. Precinct
16 officials and workers affected by any consolidation shall not
17 forfeit their pay."

18 SECTION 10. Section 11-184, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "§11-184 Election expenses and responsibilities in
21 combined state and county elections. Election expenses in



1 elections involving both state and county offices, except for
2 elections conducted by mail in whole or in part, shall be shared
3 as set forth below:

- 4 (1) The State shall pay and be responsible for:
 - 5 (A) Precinct officials;
 - 6 (B) Instruction of precinct officials when initiated
7 or approved by the chief election officer;
 - 8 (C) Boards of registration;
 - 9 (D) Polling place costs other than supplies:
10 installation rentals, ballot boxes, voting
11 booths, custodians, telephones, and maintenance;
 - 12 (E) Other equipment such as ballot transport
13 containers;
 - 14 (F) Temporary election employees hired to do strictly
15 state work; and
 - 16 (G) Extraordinary voter registration and voter
17 education costs when approved by the chief
18 election officer.
- 19 (2) The county shall pay and be responsible for:
 - 20 (A) Normal voter registration, voters list
21 maintenance, and all printing connected with



- 1 voter registration, including printing of the
2 voters list;
- 3 (B) Temporary election employees hired to do strictly
4 county work;
- 5 (C) Maintenance of existing voting machines,
6 including parts, freight, storage, programming,
7 and personnel;
- 8 (D) Maintenance and storage of voting devices and
9 other equipment; and
- 10 (E) Employees assigned to conduct absentee polling
11 place functions.
- 12 (3) The remaining election expenses shall be divided in
13 half between the State and the counties. Each county
14 will pay a proration of expenses as a proportion of
15 the registered voters at the time of the general
16 election. These expenses shall include but not be
17 limited to:
- 18 (A) Polling place supplies;
- 19 (B) All printing, including ballots, but excluding
20 printing connected with voter registration;



1 (C) Temporary election employees not including voting
2 machine programmers doing work for both the State
3 and county;

4 (D) Ballot preparation and packing; and

5 (E) All other costs for which the State or county are
6 not specifically responsible relating to the
7 operation of voting machines, electronic voting
8 systems, and other voting systems except paper
9 ballots to include but not be limited to real
10 property rentals, equipment rentals, personnel,
11 mileage, telephones, supplies, publicity,
12 computer programming, and freight.

13 The responsibility for the above functions shall
14 be determined by the chief election officer where the
15 responsibility for such functions has not been
16 assigned by the legislature.

17 Any future expenses not presently incurred under any voting
18 system now in use or to be used shall be assigned to
19 ~~[paragraphs]~~ paragraph (1), (2), or (3) ~~[above]~~ by the chief
20 election officer upon agreement with the clerks or by the
21 legislature."



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

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

5 (1) A general, special, or primary election for federal
6 office;

7 (2) A general, special, or primary election for statewide
8 or state legislative office or state ballot measure;
9 and

10 (3) A general, special, recall, primary, or runoff
11 election for local government office or local ballot
12 measure conducted under [~~section 11-91.5~~] part of
13 chapter 11 for which absentee voting or voting by mail
14 is available for other voters."

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

17 "§19-6 Misdemeanors. The following persons shall be
18 guilty of a misdemeanor:

19 (1) Any person who offers any bribe or makes any promise
20 of gain, or with knowledge of the same permits any
21 person to offer any bribe or make any promise of gain



1 for the person's benefit to any voter to induce the
2 voter to sign a nomination paper, and any person who
3 accepts any bribe or promise of gain of any kind as
4 consideration for signing the same, whether the bribe
5 or promise of gain be offered or accepted before or
6 after the signing;

7 (2) Any person who wilfully tears down or destroys or
8 defaces any election proclamation or any poster or
9 notice or list of voters or visual aids or facsimile
10 ballot, issued or posted by authority of law;

11 (3) Any person printing or duplicating or causing to be
12 printed or duplicated any ballot, conforming as to the
13 size, weight, shape, thickness, or color to the
14 official ballot so that it could be cast or counted as
15 an official ballot in an election;

16 (4) Every person who is disorderly or creates a
17 disturbance whereby any meeting of the precinct
18 officials or the board of registration of voters
19 during an election is disturbed or interfered with; or
20 whereby any person who intends to be lawfully present
21 at any meeting or election is prevented from



- 1 attending; or who causes any disturbance at any
2 election; and every person assisting or aiding or
3 abetting any disturbance;
- 4 (5) Every person who, either in person or through another,
5 in any manner breaks up or prevents, or endeavors to
6 break up or prevent, the holding of any meeting of the
7 board of registration of voters, or in any manner
8 breaks up or prevents, or endeavors to break up or
9 prevent, the holding of any election;
- 10 (6) Any person, other than those designated by section
11 11-132, who remains or loiters within the area set
12 aside for voting as set forth in section 11-132 during
13 the time appointed for voting;
- 14 (7) Any person, including candidates carrying on any
15 campaign activities within the area described in
16 section 11-132 during the period of time starting one
17 hour before the polling place opens and ending when
18 the polling place closes for the purpose of
19 influencing votes. Campaign activities shall include
20 the following:



- 1 (A) Any distribution, circulation, carrying, holding,
- 2 posting, or staking of campaign cards, pamphlets,
- 3 posters and other literature;
- 4 (B) The use of public address systems and other
- 5 public communication media;
- 6 (C) The use of motor caravans or parades; and
- 7 (D) The use of entertainment troupes or the free
- 8 distribution of goods and services;
- 9 (8) Any person who opens a return envelope containing [~~an~~
- 10 absentee]:
- 11 (A) An absentee ballot voted under chapter 15 other
- 12 than those persons authorized to do so under
- 13 chapter 15; or
- 14 (B) A ballot voted by mail under part of chapter
- 15 11 other than those persons authorized to do so
- 16 under part of chapter 11;
- 17 (9) Any unauthorized person found in possession of any
- 18 voting machine or keys thereof; and
- 19 (10) Every person who wilfully violates or fails to obey
- 20 any of the provisions of law, punishment for which is
- 21 not otherwise in this chapter specially provided for."



1 SECTION 13. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$50,000 or so much
3 thereof as may be necessary for fiscal year 2015-2016 and the
4 same sum or so much thereof as may be necessary for fiscal year
5 2016-2017 for the purpose of implementing and administering the
6 election by mail program.

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

9 SECTION 14. No later than twenty days prior to the
10 convening of each regular session of the legislature, from 2016
11 until 2021, the office of elections shall submit a report to the
12 legislature that includes:

- 13 (1) The office's progress in implementing this Act;
- 14 (2) Any additional resources the office may require to
15 implement this Act;
- 16 (3) Any difficulties encountered;
- 17 (4) Specific steps taken and recommendations necessary to
18 prevent fraud and ensure the integrity of the election
19 process; and
- 20 (5) Any other findings and recommendations, including any
21 proposed legislation.



1 SECTION 15. In codifying the new sections added by section
2 2 of this Act, the revisor of statutes shall substitute
3 appropriate section numbers for the letters used in designating
4 the new sections in this Act.

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

7 SECTION 17. This Act shall take effect on July 1, 2015.



Report Title:

Elections; Voting; Elections by Mail; Absentee Voting; Postponed Elections and Election Results; Election Expenses; Appropriation

Description:

Beginning with the primary election in 2016, requires the office of elections to implement election by mail in a county with a population of fewer than 100,000. Beginning with the 2018 primary election, implement election by mail in each county with a population of fewer than 500,000. Thereafter, election by mail is required for all elections. Provides places of deposit for personal delivery of mail-in ballots and ensures a limited number of voter service centers in each county to remain open on the day of election to allow voters with special needs to vote and receive personal delivery of absentee, permanent absentee, and mail-in ballots. Beginning on January 1, 2018, the voter service center shall enable the eligible voter to register to vote on the day of the election. Makes conforming amendments for procedures to postpone elections and the disclosure of the election result in the event of a natural disaster; and the allocation of election expenses between the State and counties. Appropriates funds for the implementation and administration of the election by mail program. (SB287 HD1)

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

