

Honolulu, Hawaii

MAR 27 2015

RE: H.B. No. 124  
H.D. 2  
S.D. 1

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Eighth State Legislature  
Regular Session of 2015  
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred  
H.B. No. 124, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO ELECTIONS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require the Office of Elections to implement elections by mail in a county with a population of less than 100,000 beginning with the 2016 primary election; additionally implement elections by mail in one or more counties with a population of more than 100,000 by the 2018 primary election; and thereafter require all federal, state, and county primary, special primary, general, special general, and special elections to be conducted by mail;
- (2) Maintain absentee voting by clarifying that a registered voter may request an absentee ballot or permanent absentee ballot in lieu of receiving an election-by-mail ballot;
- (3) Establish an elections-by-mail program, including procedures and requirements for conducting elections by mail, ballots, counting of ballots, and voter service centers;



- (4) Make conforming amendments to existing laws relating to elections to reflect and implement an elections-by-mail program;
- (5) Enable absentee walk-in voting to remain open through election day;
- (6) Ensure voter service centers in each county where election by mail has been implemented to remain open through election day to receive absentee ballots and election-by-mail ballots and allow eligible voters to register to vote;
- (7) Require the Chief Election Officer to submit a report of findings and recommendations regarding the implementation of elections by mail to the Legislature prior to the convening of each regular session through Regular Session of 2019; and
- (8) Appropriate funds for the implementation and administration of the election-by-mail program.

Your Committee received testimony in support of this measure from the Office of Elections; Disability and Communication Access Board; Office of Hawaiian Affairs; Office of the County Clerk, County of Kauai; Common Cause Hawaii; and League of Women Voters of Hawaii. Your Committee received comments on this measure from the Office of the County Clerk, County of Maui and Office of the City Clerk, City and County of Honolulu.

Your Committee finds that the trend in Hawaii has been toward increased mail-in voting and that shifting to elections-by-mail would significantly reduce the logistical issues related to conducting elections. This measure implements an election-by-mail voting system in increments to allow the State to gradually transition to conducting elections-by-mail through a phased-in approach.

Your Committee notes that section 15-4(b), Hawaii Revised Statutes (HRS), authorizes a county clerk to conduct an absentee ballot-only mail-in election for each primary, special primary, special, general, and special general election for the county of Kalawao or any island of a county with a population of less than 180,000 except for the island where the county seat of government is located. Your Committee is concerned that the phased



implementation schedule in this measure starting with a county with a population of less than 100,000 by the 2016 primary election may require registered voters in the County of Kalawao and the Island of Niihau to participate in the vote-by-mail election rather than mail-in absentee ballots pursuant to section 15-4(b), HRS. Furthermore, the Office of Elections testified that they would not have the ability to establish a voter service center on the Island of Niihau as required under this measure because they do not have access to the island without permission. Thus, your Committee believes that exceptions are necessary to allow voters in the County of Kalawao and the Island of Niihau to vote by mail-in absentee ballot pursuant to section 15-4(b), HRS.

Accordingly, your Committee has amended this measure by:

- (1) Deleting its contents and inserting language from S.B. No. 287, S.D. 2 (Regular Session of 2015), a substantially similar measure, that:
  - (A) Requires the Office of Elections to implement elections by mail in a county with a population of less than 100,000, beginning with the 2016 primary election;
  - (B) Requires the Office of Elections to additionally implement elections by mail in each county with a population of less than 500,000, beginning with the 2018 primary election;
  - (C) Requires all federal, state, and county primary, special primary, general, special general, and special elections to be conducted by mail, beginning in 2020;
  - (D) Maintains absentee voting by clarifying that a registered voter may request an absentee ballot or permanent absentee ballot in lieu of receiving an election-by-mail ballot;
  - (E) Establishes an elections-by-mail program, including procedures and requirements for conducting elections by mail, ballots, and counting of ballots;



- (F) Provides places of deposit for personal delivery of mail-in ballots and ensures that a limited number of voter service centers in each county 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;
  - (G) Provides for alternative places of deposit or voter service centers in the event of a natural disaster;
  - (H) Establishes the cost allocations between the State and counties for the election-by-mail system;
  - (I) Makes conforming amendments to existing laws relating to elections to reflect and implement an elections-by-mail program;
  - (J) Repeals the law regarding federal, state, and county elections by mail under section 11-91.5, HRS, and late voter registration under Act 166, Session Laws of Hawaii 2014, codified under section 11-15.2, HRS;
  - (K) Appropriates unspecified funds to the Office of Elections for fiscal years 2015-2016 and 2016-2017 for the implementation and administration of the election-by-mail program;
  - (L) Requires the Office of Elections to submit annual reports to the Legislature from 2016 through 2021 regarding the progress of implementing the elections-by-mail program, including a description of any difficulties encountered, additional resources necessary to implement the program, and specific steps taken and recommendations necessary to prevent fraud and ensure the integrity of the election process; and
  - (M) Includes an effective date of January 7, 2059;
- (2) Allowing registered voters to continue to vote by absentee ballot pursuant to section 15-4(b), HRS;
  - (3) Providing an exemption for an island that conducts absentee ballot-only elections pursuant to section



15-4(b), HRS, from the requirement that at least one voter service center be provided on each inhabited island; and

- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 124, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 124, H.D. 2, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Labor,

  
GILBERT S.C. KEITH-AGARAN, Chair



