

Honolulu, Hawaii

FEB 19 2016

RE: S.B. No. 2496

S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Eighth State Legislature  
Regular Session of 2016  
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred  
S.B. No. 2496 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 2018 primary election, to additionally implement elections by mail in each county with a population of less than 500,000, beginning with the 2022 primary election, and, beginning in 2022, to conduct all federal, state, and county primary, special primary, general, special general, and special elections by mail;
- (2) Allow a registered voter to request an absentee ballot or permanent absentee ballot in lieu of receiving an election by mail ballot package;
- (3) Establish an elections by mail system, including procedures for conducting elections by mail and counting of mail-in ballots;
- (4) Provide places of deposit for personal delivery of mail-in ballots and a limited number of voter service centers in each county that would remain open on the day of



election to receive personal delivery of absentee, permanent absentee, and mail-in ballots, accommodate voters with special needs, and provide other services;

- (5) Establish procedures for postponed elections and prohibit the disclosure of election results within a precinct where an election has been postponed until voting for the postponed election has concluded;
- (6) Make conforming amendments to existing laws relating to elections to reflect and implement an elections by mail program;
- (7) Allocate and designate the expenses and responsibilities for elections by mail;
- (8) Appropriate funds out of general revenues for the Office of Elections to implement and administer an election by mail program; and
- (9) Require the Office of Elections to submit a report to the Legislature prior to the convening of each Regular Session from 2017 until 2023, regarding the implementation and administration of the election by mail program.

Your Committee received testimony in support of this measure from the Office of Elections. Your Committee received testimony in opposition to this measure from the Libertarian Party of Hawaii. Your Committee received comments on this measure from the 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 transition to conducting elections by mail through a phased-in approach.

Your Committee notes the suggestions made via testimony of the Office of Elections and the Office of the City Clerk of the City and County of Honolulu regarding implementation of an election by mail system, voter service centers, absentee ballots, and electronic transmission of ballots. Your Committee further notes other elections-related measures currently moving through



the legislative process that could impact and strengthen this measure.

Accordingly, your Committee has amended this measure by:

- (1) Adopting the suggestion made by the Office of Elections and Office of the City Clerk of the City and County of Honolulu to establish a two-phase, rather than three-phase election by mail system with the Office of Elections implementing elections by mail in a county with a population of less than 100,000, beginning with the 2018 primary election, and implementing elections by mail in each of the other counties for all elections, beginning with the 2020 primary election;
- (2) Clarifying that a registered voter may request an absentee ballot or permanent absentee ballot in lieu of receiving an election by mail ballot if the registered voter is in a county that has not yet implemented elections by mail and establishing that an absentee ballot-only election may continue to be conducted;
- (3) Changing the time period for the county clerk to mail ballot packages to registered voters from no earlier than thirty days before the date of the election to no earlier than eighteen days and not later than fourteen days before the date of election, and establishing that this timeframe does not affect the responsibilities of the Chief Election Officer with respect to uniform military and overseas voters;
- (4) Establishing that a voter may cast a mail-in ballot by mail, personal delivery to any place of deposit no later than 6:00 p.m. on the day preceding the date of the election, or personal delivery to any voter service center no later than the closing time provided by law on the date of the election;
- (5) Adding language that:
  - (A) Specifies duties for the county clerk to perform upon receipt of a replacement ballot;
  - (B) Specifies procedures for a voter to cast a mail-in ballot and replacement ballot;



- (C) Establishes procedures regarding the deficient return of identification envelopes, including providing a five-day correction period beyond the date of the election for envelopes with deficient signatures; and
  - (D) Provides for the electronic transmission of ballots under certain circumstances;
- (6) Changing the time period in which the counting of mail-in ballots may begin from seven days to ten days before the election;
  - (7) Establishing that each county clerk, after consultation with the Chief Election Officer, shall designate at least one location in the county to serve as a voter service center and allowing the office of the clerk of each respective county or any other locations that the clerk deems necessary to serve as a voter service center;
  - (8) Authorizing the Chief Election Officer and county clerks to designate and provide for places of deposit if locations and apparatus can be securely maintained throughout the period of use for each election;
  - (9) Allocating the expenses and responsibilities of the Office of Elections and the counties based on the various types of election contests under the election by mail program;
  - (10) Amending the definitions under section 11-1, Hawaii Revised Statutes (HRS), to:
    - (A) Delete the definition of "election by mail ballot package";
    - (B) Add the definition of "electronic transmission"; and
    - (C) Amend the definition of "voter service center" to include the purposes that voter service centers are required to serve;



- (11) Amending section 11-173.5, HRS, relating to election contests for cause, to allow a complaint to be filed no later than the thirteenth, rather than the sixth, day after a primary or special primary election;
- (12) Amending chapter 15, HRS, to allow an absentee ballot to be forwarded to a one-time temporary address and provide for the electronic transmission of absentee ballots;
- (13) Scheduling section 11-91.5, HRS, relating to elections by mail for special elections, to sunset on the date of the 2020 primary election;
- (14) Specifying that the appropriation of funds for the election by mail program includes the purposes of funding voter education and public awareness programs;
- (15) Adding areas of study to the annual reports that the Office of Elections is required to submit to the Legislature from the Regular Sessions of 2017 to 2023;
- (16) Adding a severability clause; and
- (17) 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 S.B. No. 2496, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2496, S.D. 1, and be referred to your Committee on Ways and Means.

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

  
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GILBERT S.C. KEITH-AGARAN, Chair



