

JAN 25 2017

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. This increase is
3 illustrated by the 2016 election turnout.

4 The 2016 Hawaii primary election voter turnout was 34.8 per
5 cent. Of those registered voters who turned out to vote, 38.1
6 per cent voted at their polling places and 61.9 per cent voted
7 by absentee ballot. Of the total number of voters who voted by
8 absentee ballot, 12.3 per cent voted at absentee polling places
9 while 87.7 per cent voted by mail-in absentee ballots. Thus,
10 54.3 per cent of registered voters who turned out for the
11 primary election voted by mail-in absentee ballots.

12 The 2016 Hawaii general election voter turnout was 58.4 per
13 cent. Of those registered voters who turned out to vote, 46.5
14 per cent voted at their polling places and 53.5 per cent voted
15 by absentee ballot. Of the total number of voters who voted by
16 absentee ballot, 18.8 per cent voted at absentee polling places
17 while 81.2 per cent voted by mail-in absentee ballots. Thus,



1 43.4 per cent of registered voters who turned out for the
2 general election voted by using mail-in absentee ballots.

3 The legislature further finds that Hawaii's conversion to
4 elections by mail would significantly reduce the logistical
5 issues related to conducting elections. The legislature
6 concludes that an incremental implementation of an election by
7 mail voting system is the best approach for the State to
8 transition to elections by mail.

9 Accordingly, the purpose of this Act is to:

- 10 (1) Require the office of elections to implement elections
11 by mail in a county with a population of less than
12 100,000, beginning with the 2018 primary election, and
13 beginning with the 2020 primary election, implement
14 elections by mail in every county for all federal,
15 state, and county primary, special primary, general,
16 special general, and special elections;
- 17 (2) Provide places of deposit for personal delivery of
18 mail-in ballots and a limited number of voter service
19 centers that would remain open on the day of election
20 to receive personal delivery of absentee, permanent



1 absentee, and mail-in ballots, accommodate voters with
2 special needs, and provide other services; and
3 (3) Appropriate funds for the implementation and
4 administration of the election by mail program.

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

8 **"PART . ELECTIONS BY MAIL**

9 **§11-A Elections eligible to be conducted by mail.**

10 Beginning with the 2018 primary election, the office of
11 elections shall implement elections by mail in a county with a
12 population of less than 100,000. Beginning with the 2020
13 primary election, the office of elections shall implement
14 elections by mail for all federal, state, and county primary,
15 special primary, general, special general, and special elections
16 throughout the State in accordance with this part; provided
17 further that any person registered to vote in a county that has
18 not yet implemented elections by mail under this part may
19 request an absentee ballot or permanent absentee ballot in
20 accordance with section 15-4, in lieu of receiving an election
21 by mail ballot package pursuant to this part, and absentee



1 ballot-only elections may continue to be conducted pursuant to
2 section 15-4(b).

3 **§11-B Procedures for conducting elections by mail.** (a)

4 Ballot packages for elections by mail shall include:

- 5 (1) An official ballot;
- 6 (2) A pre-paid postage return identification envelope;
- 7 (3) A secrecy envelope; and
- 8 (4) Instructions.

9 (b) To the extent practicable, the county clerk shall mail
10 a ballot package by nonforwardable mail to each registered voter
11 in the county no earlier than eighteen days and no later than
12 fourteen days before the date of an election. Nothing in this
13 part shall be construed to change the responsibilities of the
14 chief election officer under chapter 15D with respect to uniform
15 military and overseas voters.

16 (c) The chief election officer shall determine and provide
17 for voter service centers and places of deposit pursuant to this
18 part and section 11-92.1.

19 **§11-C Public notice of mailing.** Public notice of the date
20 or dates that ballot packages are mailed shall be given by the
21 chief election officer and all county election officers in the



1 manner prescribed in section 1-28.5 when all the packages have
2 been mailed or made available to voters.

3 **§11-D Ballot instructions; ballot return.** (a) After
4 receipt of the ballot package, the voter shall comply with the
5 instructions included in the ballot package to cast a ballot.
6 The instructions shall include directions for:

- 7 (1) Marking the ballot;
- 8 (2) Inserting the marked ballot in the secrecy envelope;
- 9 (3) Inserting the secrecy envelope with the marked ballot
10 in the return identification envelope; and
- 11 (4) Signing the return identification envelope before
12 mailing or delivering the return identification
13 envelope containing the secrecy envelope with the
14 marked ballot.

15 (b) The instructions shall include information on election
16 fraud and voter fraud, as provided in sections 19-3(5) and
17 19-3.5, and notice that violation of either section may subject
18 the voter, upon conviction, to imprisonment, a fine, or both.

19 (c) To cast a valid ballot, the voter shall return the
20 marked ballot in the return identification envelope containing
21 the secrecy envelope with the marked ballot:



1 (1) By mail so that the return identification envelope is
2 received at the office of the clerk no later than the
3 time provided in section 11-131 on the date of the
4 election;

5 (2) By personal delivery to any place of deposit no later
6 than 6:00 p.m. on the day preceding the date of the
7 election; or

8 (3) By personal delivery to any voter service center no
9 later than the time provided in section 11-131 on the
10 date of the election.

11 **§11-E Replacement ballots.** (a) A voter may obtain a
12 replacement ballot by mail or in person if the ballot was
13 destroyed, spoiled, or lost or by electronic transmission
14 pursuant to section 11-G, as applicable; provided that the
15 receipt of replacement ballots by electronic transmission and
16 return of such replacement ballots shall be as provided by
17 section 11-G. Replacement ballots shall be provided to a voter
18 who completes and signs a replacement ballot request form. The
19 replacement ballot request form shall include information that
20 allows the clerk to verify the registration of the voter and
21 ensure that another ballot has not been returned by the voter.



1 (b) Upon receipt of the replacement ballot request form,
2 the clerk shall:

3 (1) Verify the registration of the voter and ensure that
4 another ballot has not been returned by the voter;

5 (2) Note on the list of registered voters that the voter
6 has requested a replacement ballot;

7 (3) Mark the return identification envelope as containing
8 a replacement ballot; and

9 (4) Issue the replacement ballot package by mail or by
10 making the ballot package available for pick-up by the
11 voter.

12 (c) Voters who obtain a replacement ballot shall return
13 the return identification envelope containing the secrecy
14 envelope with the marked replacement ballot:

15 (1) By mail so that the return identification envelope is
16 received at the office of the clerk no later than the
17 time provided in section 11-131 on the date of the
18 election;

19 (2) By personal delivery to any place of deposit no later
20 than 6:00 p.m. on the day preceding the date of the
21 election; or



1 (3) By personal delivery to any voter service center no
2 later than the time provided in section 11-131 on the
3 date of the election.

4 **§11-F Deficient return identification envelopes. If:**

5 (1) A return identification envelope is returned with an
6 unsigned affirmation;

7 (2) The affirmation signature does not match a reference
8 signature image in the voter registration files; or

9 (3) A return identification envelope contains another
10 signature discrepancy that would invalidate the
11 counting of the ballot,

12 the clerk shall make a reasonable attempt to notify the voter by
13 first class mail, telephone, or electronic mail to inform the
14 voter of a procedure to correct the deficiency. The voter shall
15 have five business days after the date of the election to cure
16 the deficiency using the procedure. Counting of ballots and
17 disclosure of results may proceed during the five-day period.

18 An inability by the clerk to contact any voters under this
19 section shall not be grounds for contest for cause under section
20 11-172.



1 §11-G Electronic transmission under certain circumstances.

2 (a) If:

- 3 (1) A ballot package is not received by a voter within
4 five days of an election;
- 5 (2) A voter requires a replacement ballot within five days
6 of an election; or
- 7 (3) A voter would otherwise not be able to return the
8 voter's properly issued ballot by the close of the
9 polls,

10 the voter may request that a replacement ballot be forwarded by
11 electronic transmission. Upon receipt of such a request and
12 confirmation that proper application was made, the clerk may
13 transmit the appropriate ballot, together with a form containing
14 the affirmations and information required by section 15-6, and a
15 form containing a waiver of the right to secrecy under section
16 11-137.

17 (b) The voter may return the voted replacement ballot and
18 executed forms by:

- 19 (1) Electronic transmission no later than the time
20 provided in section 11-131 on the date of the
21 election;



1 (2) Mail so that the voted replacement ballot and executed
2 forms are received at the office of the clerk no later
3 than the time provided in section 11-131 on the date
4 of the election;

5 (3) Personal delivery to any place of deposit no later
6 than 6:00 p.m. on the day preceding the date of the
7 election; or

8 (4) Personal delivery to any voter service center no later
9 than the time provided in section 11-131 on the date
10 of the election.

11 Upon receipt, the clerk shall verify compliance with the
12 requirements of this part; provided that if the voter returns
13 multiple voted ballots for the same election, the clerk shall
14 prepare for counting only the first ballot returned that is not
15 spoiled.

16 §11-H Counting of mail-in ballots. Counting may begin no
17 sooner than the tenth day before the election. In the presence
18 of official observers, counting center employees may start to
19 count the ballots; provided that any tabulation of the number of
20 votes cast for a candidate or question appearing on the ballot,
21 including a counting center printout or other disclosure, shall



1 be kept confidential and shall not be disclosed to the public
2 until voting for the election has concluded. All handling and
3 counting of election by mail ballots shall be according to
4 procedures established by the chief election officer.

5 **§11-I Voter service centers; places of deposit. (a)**

6 Beginning on January 1 of the year in which election by mail is
7 scheduled to be implemented in a county pursuant to this part,
8 the respective clerk, after consultation with the chief election
9 officer, shall designate at least one location in the county to
10 serve as a voter service center. The office of the clerk of
11 each respective county may serve as a voter service center, as
12 may any other locations that the clerk determines will serve the
13 particular needs of the county's voters. Section 11-21 relating
14 to changes and transfers of registration shall apply to each
15 voter service center as though it were the precinct at which a
16 person's name properly appears on the list of registered voters.

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



1 (c) Each voter service center shall provide the services
2 specified in section 11-1 under the definition of "voter service
3 center".

4 (d) The county clerks may also designate and provide for
5 places of deposit if locations and apparatus for the purposes
6 specified in this part can be securely maintained throughout the
7 period of use for each election.

8 **§11-J Election expenses and responsibilities for elections**

9 **by mail.** (a) Election expenses in an election by mail shall be
10 as follows:

11 (1) Expenses related to elections by mail involving both
12 state and county offices, or involving both federal
13 and county offices, unrelated to voter registration,
14 shall be divided in half between the State and the
15 counties. Each county shall pay a proration of
16 expenses as a proportion of the registered voters at
17 the time of the general election. The counties shall
18 separately be responsible for expenses associated with
19 voter registration;

20 (2) All expenses for county elections by mail, which do
21 not involve state or federal offices, shall be borne



1 by the county and paid out of appropriations as may be
2 made by the council for election purposes; and

3 (3) All expenses for state or federal elections by mail,
4 which do not involve county offices, shall be borne by
5 the State and paid out of appropriations as may be
6 made by the legislature for election purposes.

7 Expenses attributable to registration of voters by the
8 clerk for state or federal elections that do not
9 involve county offices shall be borne by the State and
10 paid out of appropriations as may be made by the
11 legislature for election purposes.

12 (b) Election responsibilities for elections by mail shall
13 be as follows:

14 (1) For elections by mail involving both state and county
15 offices, or involving both federal and county offices:

16 (A) The counties shall be responsible for voter
17 registration, absentee voting, and the mailing
18 and receipt of ballots;

19 (B) The State shall be responsible for the printing
20 and counting of ballots;



1 (C) The State and counties may otherwise agree to the
2 delegation of these responsibilities to each
3 other; and

4 (D) Any responsibilities not specified in this
5 paragraph may be assigned to the counties or the
6 State by the chief election officer;

7 (2) For elections by mail involving only county offices,
8 the respective county shall be solely responsible; and

9 (3) For elections by mail involving only state or federal
10 offices:

11 (A) The counties shall be responsible for voter
12 registration and absentee voting;

13 (B) The State shall be responsible for the printing,
14 mailing, receipt, and counting of ballots; and

15 (C) Any responsibilities not specified in this
16 paragraph may be assigned to the counties or the
17 State by the chief election officer."

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



1 "§11- Postponed elections; disclosure of voting results.

2 Whenever the conduct of an election within any precinct has been
3 postponed:

4 (1) By the chief election officer or clerk in county
5 elections because of a natural disaster pursuant to
6 section 11-92.3; or

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

9 the printout by the counting center computer or other disclosure
10 of the number of votes cast for each candidate or question
11 appearing on the ballot for the postponed election, from any
12 precinct regardless of whether designated for postponement,
13 including votes cast by absentee ballot or in an election by
14 mail pursuant to part , shall not be disclosed to the
15 public until voting for the postponed election has concluded.

16 For candidates or questions not appearing on the ballot for the
17 postponed election, the chief election officer or clerk in
18 county elections may postpone the printout or other disclosure
19 of the number of votes cast until voting for the postponed
20 election has concluded."



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

3 1. By adding four new definitions to be appropriately
4 inserted and to read:

5 "Electronic transmission" means the transmission of a
6 blank or voted ballot by facsimile or electronic mail delivery,
7 or the use of an online absentee ballot delivery and return
8 system, which may include the ability to mark the ballot.

9 "Place of deposit" means a site designated pursuant to
10 section 11-I for the purpose of receiving return identification
11 envelopes in an election conducted by mail pursuant to part
12 _____.

13 "Poll" or "polling place" means an office or other suitable
14 facility designated by the respective clerks for the conduct of
15 voting. Beginning on January 1, 2018, the term "poll" or
16 "polling place" shall include a voter service center in a county
17 where elections by mail has been implemented.

18 "Voter service center" means a location established
19 pursuant to section 11-I to serve all of the following purposes:

20 (1) Receive return envelopes for absentee and permanent
21 absentee ballots pursuant to chapter 15;



- 1 (2) Receive return identification envelopes in an election
- 2 by mail pursuant to part _____ ;
- 3 (3) Provide voting machine services for persons with
- 4 disabilities pursuant to the Help America Vote Act of
- 5 2002 (P.L. 107-252), as amended, and any other federal
- 6 or state law relating to persons with disabilities;
- 7 (4) Assist with voter registration services as provided by
- 8 law; and
- 9 (5) Any other purposes the chief election officer may deem
- 10 necessary in the event of a natural disaster or other
- 11 exigent circumstances occurring prior to an election."

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

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



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

7 "Voting system" [~~7~~] means the use of paper ballots,
8 electronic [~~ballot cards~~,] transmission, voting machines,
9 elections by mail pursuant to part , absentee voting
10 pursuant to chapter 15, or any system by which votes are cast
11 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~~] that ensures secrecy
6 of the ballot and [~~to preclude~~] precludes tampering with the
7 ballots of these voters and other election frauds. [~~Such~~] The
8 rules [~~and regulations~~], when adopted in conformity with chapter
9 91 and upon approval by the governor, shall have the force and
10 effect 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 regardless of whether
10 the ballot is blank or later rejected for any reason. In the
11 case of voting machines, "vote" means the voter has activated
12 the proper mechanism and fed the vote into the machine. In the
13 case of an election by mail pursuant to part _____, "vote" means
14 the voter has returned the ballot to the chief election officer
15 or clerk by the United States Postal Service, by delivering the
16 ballot to a place of deposit or voter service center, or by
17 electronic transmission."

18 SECTION 7. Section 11-92.1, Hawaii Revised Statutes, is
19 amended by amending its title and subsection (a) to read as
20 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, in counties where elections by
6 mail have been implemented pursuant to part _____, places of
7 deposit, and voter service centers. Places of deposit may be
8 open as soon as election by mail ballot packets are made
9 available to voters. The chief election officer shall provide a
10 suitable polling place for each precinct[-] in counties where
11 elections by mail have not been implemented. Voter service
12 centers shall be designated and open pursuant to section 11-I in
13 a county where elections by mail have been implemented.
14 Schools, recreational halls, park facilities, and other publicly
15 owned or controlled buildings, whenever possible and convenient,
16 shall be used as polling places[-] or, in the case of elections
17 by mail pursuant to part _____, as voter service centers. The
18 chief election officer shall make arrangements for the rental or
19 erection of suitable shelter for this purpose whenever public
20 buildings are not available and shall cause these polling places
21 or voter service centers to be equipped with the necessary



1 facilities for lighting, ventilation, and equipment needed for
2 elections on any island. This proclamation may be issued
3 jointly with the proclamation required in section 11-91."

4 SECTION 8. Section 11-92.3, Hawaii Revised Statutes, is
5 amended by amending its title and subsection (a) to read as
6 follows:

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



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

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

20 SECTION 9. Section 11-173.5, Hawaii Revised Statutes, is
21 amended by amending subsection (a) to read as follows:



1 "(a) In primary and special primary election contests, and
2 county election contests held concurrently with a regularly
3 scheduled primary or special primary election, the complaint
4 shall be filed in the office of the clerk of the supreme court
5 not later than 4:30 p.m. on the [~~sixth~~] thirteenth day after a
6 primary or special primary election, or county election contests
7 held concurrently with a regularly scheduled primary or special
8 primary election, and shall be accompanied by a deposit for
9 costs of court as established by rules of the supreme court.
10 The clerk shall issue to the defendants named in the complaint a
11 summons to appear before the supreme court not later than 4:30
12 p.m. on the fifth day after service thereof."

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

15 "**§11-184 Election expenses and responsibilities in**
16 **combined state and county elections.** Election expenses in
17 elections involving both state and county offices, except for
18 elections conducted by mail in whole or in part, shall be shared
19 as set forth below:

20 (1) The State shall pay and be responsible for:

21 (A) Precinct officials;



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



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



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

9 The responsibility for [~~the above~~] these
10 functions shall be determined by the chief election
11 officer where the responsibility for [~~such~~] these
12 functions has not been assigned by the legislature.

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

18 SECTION 11. Section 15-4, Hawaii Revised Statutes, is
19 amended by amending subsection (e) to read as follows:

20 "(e) When a registered voter requests an absentee ballot,
21 the voter also may include an additional request to receive



1 absentee ballots permanently. After receiving a request for
2 permanent absentee voter status, the clerk shall mail to the
3 voter who requested permanent absentee voter status an absentee
4 ballot for all subsequent elections conducted in that precinct.
5 The forwarding address for absentee ballots to be permanently
6 mailed shall be the in-state mailing address contained in the
7 voter's registration record. Subject to the conditions of
8 subsection (a), a permanent absentee voter or a voter in an
9 election by mail pursuant to part _____ of chapter 11 may also
10 request from the clerk that the voter's ballot be forwarded
11 temporarily to an address other than the permanent absentee
12 mailing address [~~originally requested~~], either in or outside of
13 the State, for a single election or for a primary or special
14 primary election and the election immediately following the
15 primary or special primary election[~~-~~] or for the purposes of
16 part _____ of chapter 11. A [~~permanent absentee~~] voter's
17 request under this subsection for a ballot to be forwarded
18 temporarily shall not serve as a cancellation of the voter's
19 permanent absentee status [~~or~~], as a change to the voter's
20 permanent absentee mailing address[~~-~~], or as a change to a
21 voter's registered address for an election by mail pursuant to



1 part of chapter 11. Upon the completion of the election
 2 or elections covered by the [~~permanent absentee~~] voter's
 3 temporary request under this subsection, the clerk shall resume
 4 mailing the voter's ballots to the permanent absentee mailing
 5 address originally requested under subsection (a) [~~-~~], or to a
 6 voter's registered address for an election by mail pursuant to
 7 part of chapter 11."

8 SECTION 12. Section 15D-3, Hawaii Revised Statutes, is
 9 amended to read as follows:

10 "[~~§~~§15D-3~~§~~] **Elections covered.** The voting procedures in
 11 this chapter apply to:

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



1 SECTION 13. Section 19-6, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§19-6 Misdemeanors. The following persons shall be
4 guilty of a misdemeanor:

5 (1) Any person who offers any bribe or makes any promise
6 of gain, or with knowledge of the same permits any
7 person to offer any bribe or make any promise of gain
8 for the person's benefit to any voter to induce the
9 voter to sign a nomination paper, and any person who
10 accepts any bribe or promise of gain of any kind as
11 consideration for signing the same, whether the bribe
12 or promise of gain be offered or accepted before or
13 after the signing;

14 (2) Any person who wilfully tears down [~~or~~], destroys, or
15 defaces any election proclamation [~~or any~~], poster
16 [~~or~~], notice [~~or~~], list of voters [~~or~~], visual aids,
17 or facsimile ballot, issued or posted by authority of
18 law;

19 (3) Any person printing or duplicating or causing to be
20 printed or duplicated any ballot, conforming as to the
21 size, weight, shape, thickness, or color to the



1 official ballot so that it could be cast or counted as
2 an official ballot in an election;

3 (4) Every person who is disorderly or creates a
4 disturbance whereby any meeting of the precinct
5 officials or the board of registration of voters
6 during an election is disturbed or interfered with; or
7 whereby any person who intends to be lawfully present
8 at any meeting or election is prevented from
9 attending; or who causes any disturbance at any
10 election; and every person assisting or aiding or
11 abetting any disturbance;

12 (5) Every person who, either in person or through another,
13 in any manner breaks up or prevents, or endeavors to
14 break up or prevent, the holding of any meeting of the
15 board of registration of voters, or in any manner
16 breaks up or prevents, or endeavors to break up or
17 prevent, the holding of any election;

18 (6) Any person, other than those designated by section
19 11-132, who remains or loiters within the area set
20 aside for voting as set forth in section 11-132 during
21 the time appointed for voting;



1 (7) Any person, including candidates carrying on any
2 campaign activities within the area described in
3 section 11-132 during the period of time starting one
4 hour before the polling place opens and ending when
5 the polling place closes for the purpose of
6 influencing votes. Campaign activities shall include
7 the following:

8 (A) Any distribution, circulation, carrying, holding,
9 posting, or staking of campaign cards, pamphlets,
10 posters, and other literature;

11 (B) The use of public address systems and other
12 public communication media;

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

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

16 (8) Any person who opens [a]:

17 (A) A return envelope containing an absentee ballot
18 voted under chapter 15 other than those persons
19 authorized to do so under chapter 15; or

20 (B) A return envelope containing a ballot voted by
21 mail or a ballot returned by electronic



1 transmission under part of chapter 11 other
2 than those persons authorized to do so under part
3 of chapter 11;

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

6 (10) Every person who wilfully violates or fails to obey
7 any of the provisions of law, punishment for which is
8 not otherwise specified in this chapter [~~especially~~
9 ~~provided for~~]."

10 SECTION 14. Section 11-91.5, Hawaii Revised Statutes, is
11 repealed.

12 [~~"§11-91.5 Federal, state, and county elections by mail.~~

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

16 ~~(b) The chief election officer shall determine whether a~~
17 ~~federal or state election, other than a regularly scheduled~~
18 ~~primary or general election, may be conducted by mail or at~~
19 ~~polling places.~~

20 ~~(c) The county clerk shall determine whether a county~~
21 ~~election, held other than on the date of a regularly scheduled~~



1 ~~primary or general election, may be conducted by mail or at~~
2 ~~polling places. An election by mail in the county shall be~~
3 ~~under the supervision of the county clerk.~~

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

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

10 SECTION 15. Act 166, Session Laws of Hawaii 2014, section
11 1, is amended by amending subsections (b) and (c) of the new
12 section 11- , Hawaii Revised Statutes, to read as follows:

13 "(b) The county clerk shall designate a registration
14 clerk, who may be an election official, at each of the absentee
15 polling places in the county established pursuant to section
16 15-7, prior to the day of the election [~~and at~~]. At each of the
17 polling places in the county on the day of the election[~~-~~], an
18 election official shall be designated to serve as a registration
19 clerk.

20 (c) The registration clerk shall [~~process~~] accept
21 applications for any person not registered to vote who submits a



1 signed affidavit in accordance with section 11-15, which shall
2 include a sworn affirmation:

- 3 (1) Of the person's qualification to vote;
- 4 (2) Acknowledging that the person has not voted and will
5 not vote at any other polling place for that election
6 and has not cast and will not cast any absentee ballot
7 pursuant to chapter 15 for that election; and
- 8 (3) Acknowledging that providing false information may
9 result in a class C felony, punishable by a fine not
10 exceeding \$1,000 or imprisonment not exceeding five
11 years, or both."

12 SECTION 16. There is appropriated out of the general
13 revenues of the State of Hawaii the sum of \$ or so
14 much thereof as may be necessary for fiscal year 2017-2018 and
15 the same sum or so much thereof as may be necessary for fiscal
16 year 2018-2019 for the purpose of implementing and administering
17 elections by mail, including voter education and public
18 awareness programs.

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



1 SECTION 17. No later than twenty days prior to the
2 convening of each regular session of the legislature, from the
3 regular sessions of 2018 until 2024, the office of elections
4 shall submit a report to the legislature that includes:

- 5 (1) The office's progress in implementing this Act;
- 6 (2) The office's proposals for working with the county
7 clerks to eventually merge permanent absentee voter
8 registration lists with non-absentee voter
9 registration lists used for the purposes of
10 implementing this Act;
- 11 (3) Any additional resources the office may require to
12 implement this Act;
- 13 (4) Any difficulties encountered;
- 14 (5) Specific steps taken and recommendations necessary to
15 prevent fraud and ensure the integrity of the election
16 process; and
- 17 (6) Any other findings and recommendations, including any
18 proposed legislation necessary to clarify and make
19 consistent chapters 11, 12, 15, and 15D, Hawaii
20 Revised Statutes, in light of the transition to
21 statewide elections by mail.



1 SECTION 18. 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.

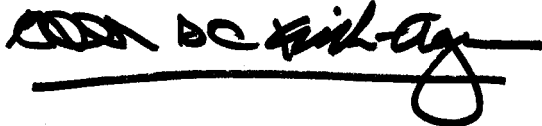
5 SECTION 19. If any provision of this Act, or the
 6 application thereof to any person or circumstance, is held
 7 invalid, the invalidity does not affect other provisions or
 8 applications of the Act that can be given effect without the
 9 invalid provision or application, and to this end the provisions
 10 of this Act are severable.

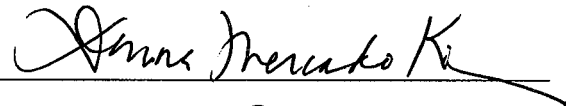
11 SECTION 20. Statutory material to be repealed is bracketed
 12 and stricken. New statutory material is underscored.

13 SECTION 21. This Act shall take effect on July 1, 2017;
 14 provided that:

- 15 (1) Section 14 shall take effect on the date of the 2020
- 16 primary election; and
- 17 (2) Section 15 shall take effect on January 1, 2018.

INTRODUCED BY:

~~2017-0688 SB SMA.doc~~



 James Meruato
 SP
 Will Evers



S.B. NO. 1066

Brene Hunt
 Kamela
 Pool & Pk

J. M.

Kal Rhoads

Mike Gabbard

J. J.

Clarence K. Gishikane



S.B. NO. 1066

Report Title:

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

Description:

Beginning with the primary election in 2018, requires the office of elections to implement election by mail in a county with a population of fewer than 100,000 and beginning with the 2020 primary election, implement election by mail in each of the other counties for all elections. Establishes an election by mail system, including requirements for ballots, replacement ballots, deficient return of ballots, electronic transmission of replacement ballots under certain circumstances, ballot counting, voter service centers, places of deposit, and election expenses and responsibilities. Establishes procedures for postponed elections. Makes conforming amendments to provide for an election by mail system. Allows voters in an election by mail system to request that their ballots be temporarily forwarded to another address in or outside of the State for a single election or a primary or special primary election and the election immediately following it. Appropriates funds for the implementation and administration of the elections by mail program. Requires the office of elections to submit annual reports to the legislature from 2018 to 2024 regarding implementing the elections by mail program.

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

