



1 use of an online absentee ballot delivery and return system,  
2 which may include the ability to mark the ballot.

3 "Place of deposit" means a site within the qualifying  
4 county that has been designated pursuant to section 11-J for the  
5 purpose of receiving return identification envelopes in an  
6 election conducted by mail pursuant to this part.

7 "Voter service center" means a location within the  
8 qualifying county that has been established pursuant to section  
9 11-J.

10 "§11-B Elections by mail. Beginning with the 2020 primary  
11 election, each qualifying county shall conduct all primary,  
12 general, and special elections by mail.

13 §11-C Procedures for conducting elections by mail. (a)  
14 Ballot packages for elections by mail shall include:

- 15 (1) An official ballot;
- 16 (2) A return identification envelope with postage prepaid;
- 17 (3) A secrecy envelope; and
- 18 (4) Instructions.

19 (b) To the extent practicable, the county clerk shall mail  
20 a ballot package by non-forwardable mail to each registered  
21 voter in the qualifying county so as to enable voters to receive



1 the ballot package approximately eighteen days before the  
2 election. The county clerk shall continue mailing ballot  
3 packages to voters who update their voter registration address  
4 no later than fourteen days before the date of the election. In  
5 determining the initial mailing date of the ballot packages, the  
6 county clerk shall consider the mailing place of origin and the  
7 most recent postal service delivery standards. The county clerk  
8 shall not mail a ballot package to any voter in the qualifying  
9 county register who is identified as having an outdated or non-  
10 deliverable mailing address. Nothing in this part shall be  
11 construed to change the responsibilities of the county clerk or  
12 chief election officer under chapter 15D with respect to  
13 military and overseas voters.

14 (c) The chief election officer shall determine and provide  
15 for voter service centers and places of deposit pursuant to this  
16 part.

17 **§11-D Public notice of mailing.** Before the ballot  
18 packages are made available to voters, the county clerk shall  
19 give public notice of the date or dates on which the initial  
20 ballot packages are to be mailed.



1 §11-E Ballot instructions; ballot return. (a) After a  
2 voter receives a ballot package, the voter shall comply with the  
3 instructions included in the ballot package to cast a valid  
4 vote. The instructions shall include directions for:

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

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

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



- 1           (1) By mail so that the return identification envelope is  
2                   received at the office of the county clerk no later  
3                   than 6:00 p.m. on the date of the election;
- 4           (2) By personal delivery at any place of deposit no later  
5                   than 6:00 p.m. on the day preceding the date of the  
6                   election; or
- 7           (3) By personal delivery to the voter service center no  
8                   later than 6:00 p.m. on the date of the election.
- 9           (d) Once a voter has returned a return identification  
10           envelope containing the secrecy envelope with the marked ballot,  
11           that voter's ballot shall be deemed cast and may not be recast  
12           in the election.
- 13           **§11-F Replacement ballots.** (a) A voter may obtain a  
14           replacement ballot if the ballot was destroyed, spoiled, or lost  
15           by contacting the county clerk. The chief election officer may  
16           prescribe a replacement ballot application form that shall  
17           include information that allows the county clerk to verify the  
18           registration of the voter and ensure that another ballot has not  
19           been returned by the voter.
- 20           (b) Upon receipt of a completed replacement ballot  
21           application form, the county clerk shall:



- 1           (1) Verify the registration of the voter and ensure that  
2                   another ballot has not been returned by the voter;  
3           (2) Record that the voter has requested a replacement  
4                   ballot;  
5           (3) Mark the return identification envelope as containing  
6                   a replacement ballot; and  
7           (4) Issue the replacement ballot package by mail or make  
8                   the ballot package available for pick-up by the voter.  
9           (c) Voters who obtain a replacement ballot shall return  
10           the return identification envelope containing the secrecy  
11           envelope with the marked replacement ballot in the same manner  
12           as specified in section 11-E(c)(1), (2), or (3).

13           **§11-G Deficient return identification envelopes. If:**

- 14           (1) A return identification envelope is returned with an  
15                   unsigned affirmation;  
16           (2) The affirmation signature does not match a reference  
17                   signature image; or  
18           (3) A return identification envelope contains another  
19                   condition that would not allow the counting of the  
20                   ballot,



1 the county clerk shall make an attempt to notify the voter by  
2 first class mail, telephone, or electronic mail to inform the  
3 voter of the procedure to correct the deficiency. The voter  
4 shall have five business days after the date of the election to  
5 cure the deficiency. The chief election officer may adopt rules  
6 regarding requirements and procedures for correcting deficient  
7 return identification envelopes. The counting of ballots and  
8 disclosure of subsequent election results may continue during  
9 the time period permitted to cure a deficiency under this  
10 section. The county clerk's inability to contact voters under  
11 this section shall not be grounds for a contest for cause under  
12 section 11-172.

13 **§11-H Electronic transmission under certain circumstances.**

14 (a) If a ballot package is not received by a voter within five  
15 days prior to an election or a voter otherwise requires a  
16 replacement ballot within five days prior to an election, the  
17 voter may request that a ballot be forwarded by electronic  
18 transmission; provided that a voter with special needs may  
19 request that a ballot be forwarded by electronic transmission at  
20 any time. Upon receipt of a request made pursuant to this  
21 section and confirmation that proper application was made, the



1 county clerk may transmit the appropriate ballot, together with  
2 a form containing the affirmations, information, and a waiver of  
3 the right to secrecy under section 11-137.

4 (b) The voter may return the voted ballot and executed  
5 forms:

6 (1) By electronic transmission so that the voted ballot  
7 and executed forms are received at the office of the  
8 county clerk no later than 6:00 p.m. on the date of  
9 the election;

10 (2) By mail so that the voted ballot and executed forms  
11 are received at the office of the county clerk no  
12 later than 6:00 p.m. on the date of the election;

13 (3) By personal delivery to any place of deposit no later  
14 than 6:00 p.m. on the day preceding the date of the  
15 election; or

16 (4) By personal delivery to the voter service center no  
17 later than 6:00 p.m. on the date of the election.

18 (c) Upon receipt, the county 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 county





1 clerk shall prepare only the first ballot returned that is not  
2 spoiled.

3       **§11-I Counting of mail-in ballots.** Ballot processing for  
4 tabulation may begin no sooner than the tenth day before the  
5 election. In the presence of official observers, counting  
6 center employees may open the return identification envelopes  
7 and count the ballots; provided that any tabulation of the  
8 number of votes cast for a candidate or question appearing on  
9 the ballot, including a counting center printout or other  
10 disclosure, shall be kept confidential and shall not be  
11 disclosed to the public until after 6:00 p.m. on the date of the  
12 election. All handling and counting of ballots shall be  
13 conducted in accordance with procedures established by the chief  
14 election officer.

15       **§11-J Voter service centers; places of deposit.** (a) A  
16 voter service center shall be established at the office of the  
17 county clerk.

18       (b) The voter service center shall be open from the tenth  
19 business day preceding the day of the election during regular  
20 business hours until 6:00 p.m. on the date of the election;  
21 provided that:



- 1           (1) On the day of the election, the voter service center  
2           shall be open from 7:00 a.m.;
- 3           (2) If, at the closing hour of voting, any voter desiring  
4           to vote is standing in line with the desire of  
5           entering and voting, but due to the voter service  
6           center being overcrowded has been unable to do so, the  
7           voter shall be allowed to vote irrespective of the  
8           closing hour of voting; and
- 9           (3) No voter shall be permitted to enter or join the line  
10          after the prescribed hours of voting.
- 11          (c) Each voter service center within a qualifying county  
12 shall:
- 13          (1) Receive return envelopes for the qualifying county's  
14          absentee ballots pursuant to chapter 15;
- 15          (2) Receive return identification envelopes in an election  
16          by mail conducted pursuant to this part;
- 17          (3) Provide voting machine services for persons with  
18          disabilities pursuant to the Help America Vote Act of  
19          2002, P.L. 107-252, as amended, and any other federal  
20          or state law relating to persons with disabilities;



1 (4) Provide any other voting services as provided by law;  
2 and

3 (5) Perform other duties as the chief election officer or  
4 county clerk may deem necessary if a natural disaster  
5 or other exigent circumstance occurs before an  
6 election.

7 (d) The county clerk may designate and provide for places  
8 of deposit to be open five business days before the election  
9 until 6:00 p.m. the day preceding the election; provided that  
10 the locations and apparatus for receiving voted ballots can be  
11 securely maintained during the period of use for each election,  
12 and as may be permitted by the operational hours.

13 (e) The chief election officer shall issue a proclamation  
14 listing the voter service center and places of deposit as may  
15 have been determined by the county clerk as of the proclamation  
16 date. The county clerk shall make arrangements for the rental  
17 or erection of suitable shelter for the establishment of a voter  
18 service center whenever public buildings are not available and  
19 shall cause the voter service center to be equipped with the  
20 necessary facilities for lighting, ventilation, and equipment



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

3 (f) Notwithstanding the foregoing, the county clerk shall  
4 not be required to establish a voter service center for areas  
5 affected by natural disasters, as provided in section 15-2.5.

6 (g) Notwithstanding the closing of the general county  
7 register pursuant to section 11-24, a person who is eligible to  
8 vote but not registered to vote may register by appearing in  
9 person at the voter service center before or on election day.  
10 The county clerk shall designate a registration clerk, who may  
11 be an election official, at the voter service center, who shall  
12 process applications for any person not registered to vote in  
13 accordance with section 11-15.2(c), (d), (e), (f), and (g).

14 (h) The county clerk shall designate a registration clerk,  
15 who may be an election official, at the voter service center,  
16 who shall take applications for change of name pursuant to  
17 section 11-21.

18 (i) Each qualified political party shall be entitled to  
19 appoint no more than one watcher who may be present at any time  
20 at the voter service center; provided that:



1           (1) Each party shall submit its list of watchers to the  
2                    county clerk no later than 4:30 p.m. on the twentieth  
3                    day before any election;

4           (2) All watchers shall serve without expense to the county  
5                    or the State; and

6           (3) All watchers so appointed shall be registered voters.

7           Each watcher shall be provided with identification from the  
8           county clerk stating the watcher's name and the name of the  
9           political party the watcher represents.

10           A watcher shall call the attention of the county clerk to  
11           any violations of the election laws that the watcher observes.  
12           After the county clerk's attention is called to the violation,  
13           the county clerk shall make an attempt to correct the violation.  
14           If the county clerk fails to correct the violation, the watcher  
15           may appeal to the chief election officer.

16           (j) No person shall take a ballot out of the voter service  
17           center unless authorized by the chief election officer or a  
18           designee of the chief election officer.

19           (k) A person with disabilities may be provided assistance  
20           at the voter service center pursuant to any state or federal law  
21           relating to persons with disabilities.



1           **§11-K Absentee ballots.** (a) Any person who is registered  
2 to vote who is unable to receive a ballot at the person's voter  
3 registration address of record may request an absentee ballot  
4 pursuant to section 15-4; provided that a return envelope  
5 containing an absentee ballot shall be:

6           (1) Mailed and received by the county clerk issuing the  
7 absentee ballot no later than 6:00 p.m. on election  
8 day; or

9           (2) Delivered other than by mail to the county clerk  
10 issuing the absentee ballot or to the voter service  
11 center no later than 6:00 p.m. on election day.

12           (b) An absentee ballot received by the county clerk shall  
13 be processed and counted pursuant to chapter 15.

14           **§11-L Election expenses and responsibilities for elections**  
15 **by mail.** (a) Election expenses in an election by mail pursuant  
16 to this part shall be as follows:

17           (1) All expenses related to elections by mail involving  
18 both state and county offices, or involving both  
19 federal and county offices, unrelated to voter  
20 registration, shall be divided in half between the  
21 State and the county. To the extent that a particular



1 expense is shared statewide, each county shall pay a  
2 proration of expenses as a proportion of the  
3 registered voters at the time of the general election.  
4 The county shall separately be responsible for  
5 expenses associated with voter registration;

6 (2) All expenses for county elections by mail, which do  
7 not involve state or federal offices, shall be borne  
8 by the county and paid out of appropriations as may be  
9 made by the county council; and

10 (3) All expenses for state or federal elections by mail,  
11 which do not involve county offices, shall be borne by  
12 the State and paid out of appropriations as may be  
13 made by the legislature. Expenses attributable to  
14 registration of voters by the county clerk for state  
15 or federal elections that do not involve county  
16 offices shall be borne by the State and paid out of  
17 appropriations as may be made by the legislature.

18 (b) Election responsibilities for elections by mail  
19 pursuant to this part shall be as follows:

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



- 1 (A) The county shall be responsible for voter
- 2 registration, absentee voting, the voter service
- 3 center, places of deposit, and the mailing and
- 4 receipt of ballots;
- 5 (B) The State shall be responsible for the printing
- 6 and counting of ballots;
- 7 (C) The State and county may otherwise agree to the
- 8 delegation of these responsibilities to each
- 9 other; and
- 10 (D) Any responsibilities not specified in this
- 11 paragraph may be assigned to the county or the
- 12 State by the chief election officer;
- 13 (2) For elections by mail involving only county offices,
- 14 the respective county shall be solely responsible; and
- 15 (3) For elections by mail involving only state or federal
- 16 offices:
- 17 (A) The county shall be responsible for voter
- 18 registration, absentee voting, the voter service
- 19 center, and places of deposit;
- 20 (B) The State shall be responsible for the printing,
- 21 mailing, receipt, and counting of ballots; and





1           (C) Any responsibilities not specified in this  
 2           paragraph may be assigned to the county or the  
 3           State by the chief election officer.

4           **§11-M Misdemeanors.** Any person who opens a return  
 5 envelope containing a ballot voted by mail other than those  
 6 persons authorized to do so pursuant to this part shall be  
 7 guilty of a misdemeanor."

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

10          1. By amending the definition of "ballot" to read:

11          "Ballot", a ballot including an absentee ballot is a  
 12 written or printed, or partly written and partly printed paper  
 13 or papers containing the names of persons to be voted for, the  
 14 office to be filled, and the questions or issues to be voted on.  
 15 "Ballot" includes a ballot used in an election by mail pursuant  
 16 to part           , including a ballot approved for electronic  
 17 transmission under that part. A ballot may consist of one or  
 18 more cards or pieces of paper, or one face of a card or piece of  
 19 paper, or a portion of the face of a card or piece of paper,  
 20 depending on the number of offices, candidates to be elected  
 21 thereto, questions or issues to be voted on, and the voting



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

5 2. By amending the definition of "voting system" to read:  
6 "Voting system", the use of paper ballots, electronic  
7 ballot cards, voting machines, or any system by which votes are  
8 cast and counted. "Voting system" includes electronic  
9 transmission, elections by mail, and absentee voting pursuant to  
10 chapter 15."

11 SECTION 3. 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 county clerk by the United States Postal Service, by personal  
16 delivery of the ballot to a place of deposit or the voter  
17 service center, or by electronic transmission under certain  
18 circumstances pursuant to part \_\_\_\_\_."

19 SECTION 4. Section 11-25, Hawaii Revised Statutes, is  
20 amended by amending subsections (a) and (b) to read as follows:



1           "(a) Any registered voter may challenge the right of a  
2 person to be or to remain registered as a voter in any precinct  
3 for any cause not previously decided by the board of  
4 registration or the supreme court in respect to the same  
5 person[; ~~provided that in an election of members of the board of~~  
6 ~~trustees of the office of Hawaiian affairs the voter making the~~  
7 ~~challenge must be registered to vote in that election]. The~~  
8 challenge shall be in writing, setting forth the grounds upon  
9 which it is based, and be signed by the person making the  
10 challenge. The challenge shall be delivered to the clerk who  
11 shall forthwith serve notice thereof on the person challenged.  
12 The clerk shall, as soon as possible, investigate and rule on  
13 the challenge.

14           (b) Any voter rightfully in the polling place, including  
15 absentee polling places established pursuant to section 15-7[7];  
16 or a voter service center established pursuant to part \_\_\_\_\_, may  
17 challenge the right to vote of any person who comes to the  
18 precinct officials for voting purposes. The challenge shall be  
19 on the grounds that the voter is not the person the voter  
20 alleges to be, or that the voter is not entitled to vote in that  
21 precinct[; ~~provided that only in an election of members of the~~



1 ~~board of trustees of the office of Hawaiian affairs, a person~~  
2 ~~registered to vote in that election may also challenge on the~~  
3 ~~grounds that the voter is not Hawaiian]. No other or further~~  
4 challenge shall be allowed. Any person thus challenged shall  
5 first be given the opportunity to make the relevant correction  
6 pursuant to section 11-21. The challenge shall be considered  
7 and decided immediately by the precinct officials and the ruling  
8 shall be announced."

9 SECTION 5. Section 11-132, Hawaii Revised Statutes, is  
10 amended to read as follows:

11 **"§11-132 Two hundred foot radius; admission within polling**  
12 **place.** (a) The precinct officials shall post in a conspicuous  
13 place, prior to the opening of the polls, a map designating an  
14 area of two hundred feet from the perimeter of the polling place  
15 and its appurtenances. Any person who remains or loiters within  
16 an area of two hundred feet from the perimeter of the polling  
17 place and its appurtenances for the purpose of campaigning shall  
18 be guilty of a misdemeanor. For the purposes of this section, a  
19 polling place and its appurtenances shall include:

20 (1) The building in which the polling place is located;



1           (2) Any parking lot adjacent to the building and routinely  
2           used for parking at that building;

3           (3) The routes of access between the building and any  
4           parking lot; and

5           (4) Any route of access between any public thoroughfare  
6           (right of way) and the polling place to ensure an open  
7           and accessible ingress and egress to and from the  
8           polling place for voters.

9           (b) The chief election officer may regulate other  
10          activities within the area specified in subsection (a) pursuant  
11          to rules adopted by the chief election officer under chapter 91  
12          in order to ensure the safe and orderly conduct of elections.

13          (c) Admission within the polling place shall be limited to  
14          the following:

15           (1) Election officials;

16           (2) Watchers, if any, pursuant to section 11-77;

17           (3) Candidates;

18           (4) Any voters actually engaged in voting, going to vote  
19           or returning from voting;

20           (5) Any person, designated by a voter who is physically  
21           disabled, while the person is assisting the voter;



1           (6) Any person or nonvoter group authorized by the chief  
2           election officer or the clerk in county elections to  
3           observe the election at designated precincts for  
4           educational purposes provided that they conduct  
5           themselves so that they do not interfere with the  
6           election process; and

7           (7) A child for the purpose of observing the voting  
8           process when accompanied by an adult who is voting  
9           provided that this activity does not disrupt or  
10          interfere with normal voting procedures.

11          (d) Within the appropriate boundary as established in  
12          subsection (a), and the building in which the polling place is  
13          located, the display or distribution of campaign posters, signs,  
14          or other campaign materials for the purpose of soliciting votes  
15          for or against any person or political party or position on a  
16          question is prohibited. Any voter who displays campaign  
17          material in the polling place shall remove or cover that  
18          material before entering the polling place. The chief election  
19          officer may adopt rules pursuant to chapter 91 to address  
20          special circumstances regarding the display of campaign  
21          materials.



1        (e) For the purposes of this section, "polling place"  
2 shall include a voter service center or a place of deposit  
3 established pursuant to this part."

4        SECTION 6. There is appropriated out of the general  
5 revenues of the State of Hawaii the sum of \$                    or so much  
6 thereof as may be necessary for fiscal year 2019-2020 and the  
7 same sum or so much thereof as may be necessary for fiscal year  
8 2020-2021 for the purpose of preparing for, implementing, and  
9 administering elections by mail pursuant to section 1 of this  
10 Act, including voter education and public awareness programs;  
11 provided that the office of elections may distribute a portion  
12 of the sum to a county subject to section 1 of this Act in the  
13 form of a grant to cover startup, transition, and other  
14 necessary costs that may be foreseeably incurred by the county.

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

17        SECTION 7. In codifying the new sections added by section  
18 1 of this Act, the revisor of statutes shall substitute  
19 appropriate section numbers for the letters used in designating  
20 the new sections in this Act.





1 SECTION 8. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

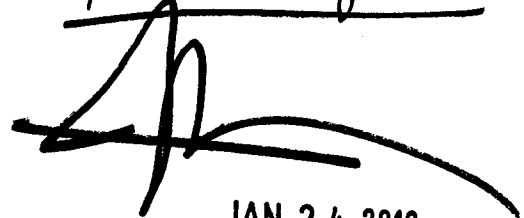
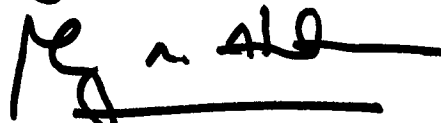
3 SECTION 9. This Act shall take effect on July 1, 2019.

4

INTRODUCED BY:



Lynn DeLoite



JAN 24 2019



# H.B. NO. 1466

**Report Title:**

Voting by Mail; Voter Service Center; Places of Deposit

**Description:**

Requires elections by mail in any qualifying county, beginning with the 2020 primary election. Allows for places of deposit for personal delivery of mail-in ballots. Appropriates funds.

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

