
A BILL FOR AN ACT

RELATING TO ELECTIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 11, Hawaii Revised Statutes, is amended
2 by adding five new sections to part VI to be appropriately
3 designated and to read as follows:

4 "§11-A Precinct officials; precinct requirements. There
5 shall be no less than three precinct officials for each
6 precinct, one of whom shall be the chairperson; provided that in
7 precincts where more than one voting unit has been established,
8 there shall be three precinct officials for each unit. The
9 chairperson of precinct officials shall have authority in all
10 units of the precinct.

11 In all precincts, the chief election officer may assign
12 additional precinct officials, at least one of whom may be
13 designated a voter assistance official.

14 So far as reasonably practicable, excepting the
15 chairperson, no more than fifty per cent of the precinct
16 officials in any precinct shall be of the same political party.



1 §11-B Precinct officials; submission of names and
2 assignment; vacancies. (a) All qualified political parties
3 shall submit names for precinct officials to the chief election
4 officer no later than 4:30 p.m. on the sixtieth day before the
5 close of filing for any primary, special primary, or special
6 election. All precinct officials shall be able to read and
7 write the English language. If any party fails to submit the
8 required names by the above deadline, or names sufficient to
9 fill the positions to which it would be entitled, assignment of
10 positions to which the party would otherwise be entitled
11 pursuant to subsection (b), may be made without regard to party
12 affiliation.

13 (b) In assigning the precinct officials, the following
14 criteria shall be followed:

15 (1) The precinct officials shall be registered voters of
16 the precinct in which they serve; but if qualified
17 persons in the precinct or representative district are
18 not readily available to serve, they may be chosen
19 from without the precinct or representative district,
20 or if qualified persons either in or without the
21 precinct or representative district are not available



1 to serve, the chief election officer may designate
2 precinct officials who are not registered voters if
3 the persons so designated are otherwise qualified and
4 shall have attained the age of sixteen years on or
5 before June 30, of the year of the election in which
6 they are appointed to work;

7 (2) The chief election officer may designate more precinct
8 officials than are needed in order to create a pool of
9 qualified precinct officials who may be assigned to
10 fill vacancies or to perform their duties as needed in
11 any precinct;

12 (3) No parent, spouse, reciprocal beneficiary, child, or
13 sibling of a candidate shall be eligible to serve as a
14 precinct official in any precinct in which votes may
15 be cast for the candidate; nor shall any candidate for
16 any elective office be eligible to serve as a precinct
17 official in the same election in which the person is a
18 candidate. No candidate who failed to be nominated in
19 the primary or special primary election shall be
20 eligible to serve as a precinct official in the
21 general election next following; and



1 (4) The chairperson of the precinct officials shall be the
2 first named precinct official on the list prepared by
3 the chief election officer. The remainder of the
4 precinct officials shall be apportioned as follows:

5 (A) The total votes cast, except those cast for
6 nonpartisan candidates, for all of the following
7 offices that were on the ballot in the next
8 preceding general election shall be divided into
9 the total votes cast for all the candidates of
10 each party for these offices: president and
11 vice-president, United States senator, United
12 States representative, governor and lieutenant
13 governor, state senator, and state
14 representative;

15 (B) If a party's proportion of votes cast exceeds
16 fifty per cent, its share shall be one-half of
17 the precinct officials. The remaining one-half
18 shall be divided among the remaining parties in
19 proportion to their respective total of votes
20 cast for the offices set forth in subparagraph

21 (A);



1 (C) In the case of the above division resulting in
2 parties having fractional positions, a whole
3 position shall go to the party with the larger
4 number of votes cast; and

5 (D) Newly qualified parties may be assigned up to ten
6 per cent of the total positions available at the
7 discretion of the chief election officer.

8 (c) In the recruitment and placement of precinct
9 officials, any or all of the requirements of subsection (b) may
10 be waived by the chief election officer if it is determined that
11 minority language assistance or other special needs warrant such
12 waiver, except as provided in subsection (b)(3).

13 (d) In case of inability, failure, or refusal of any
14 person so assigned to serve as a precinct official, the chief
15 election officer shall appoint a person to fill the vacancy.

16 §11-C Instruction of precinct officials. Before any
17 election, the chief election officer, or the clerk if the
18 election is a county election, shall conduct a school of
19 instruction, if deemed necessary, for persons designated as
20 prospective precinct officials. They shall notify the precinct



1 officials of the time and the place of the school of
2 instruction.

3 All prospective precinct officials shall attend a school of
4 instruction. The chairperson of the precinct officials shall be
5 required to also attend a refresher course before each election.
6 It shall be at the discretion of the chief election officer or
7 the county clerk in county elections to require those precinct
8 officials with previous training to attend a school of
9 instruction prior to each election.

10 No precinct official shall serve unless the official has
11 received instruction and has been certified by the authorized
12 instructor to that effect. This section shall not prevent the
13 assignment of a person who has not received such instruction or
14 such certificate but who is otherwise qualified, to fill a
15 vacancy among precinct officials when a qualified certified
16 person is not available. Periodic recertification shall be
17 required.

18 §11-D Meetings of precinct officials; procedure; oaths.
19 The chairperson of the precinct officials shall preside at all
20 meetings of the precinct officials. Any decision of the



1 precinct officials shall require a majority vote of the precinct
2 officials in the unit or precinct.

3 In all cases under this title, where duties are to be
4 performed by the chairperson of the precinct officials, the
5 duties may be performed by one of the other precinct officials,
6 whenever the chairperson is temporarily absent or is otherwise
7 for the time being unable to perform the duties.

8 Each precinct official may administer any oath in this
9 title provided to be administered by the precinct officials.

10 §11-E Duties of precinct officials. The duties of the
11 precinct officials shall vary with the voting system in use in
12 the precinct. The duties for the particular system shall be
13 assigned by the chief election officer by regulations adopted
14 for such purpose."

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

18 "§11-F Federal, state, and county elections by mail. (a)
19 Any federal, state, or county election held other than on the
20 date of a regularly scheduled primary or general election may be
21 conducted by mail.



1 (b) The chief election officer shall determine whether a
2 federal or state election, other than a regularly scheduled
3 primary or general election, may be conducted by mail or at
4 polling places.

5 (c) The county clerk shall determine whether a county
6 election, held other than on the date of a regularly scheduled
7 primary or general election, may be conducted by mail or at
8 polling places. An election by mail in the county shall be
9 under the supervision of the county clerk.

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

13 (e) The chief election officer shall adopt rules pursuant
14 to chapter 91 to provide for uniformity in the conduct of
15 federal, state, and county elections by mail.

16 **§11-G Multiple polling place sites.** (a) The chief
17 election officer may establish multiple polling place sites for
18 contiguous precincts, notwithstanding district boundaries, when
19 it is convenient and readily accessible for the voters of the
20 precincts involved.



1 (b) No multiple polling place site shall be established
2 later than 4:30 p.m. on the tenth day before the close of filing
3 for an election.

4 **§11-H Voting units.** Immediately after the close of
5 registration of voters preceding any election, the chief
6 election officer shall establish one or more voting units in
7 each precinct polling place. All voting units shall be in the
8 same precinct polling place. In a precinct having more than one
9 voting unit the chief election officer or the officer's
10 authorized representative shall designate each unit by a uniform
11 identification system. The clerk in preparing the list of
12 registered voters shall divide the list, on an alphabetical
13 basis, as equal as possible between or among the voting units.

14 **§11-I Exemptions of voters on election day.** Every voter
15 shall be privileged from arrest on election day while at the
16 voter's polling place and in going to and returning therefrom,
17 except in case of breach of the peace then committed, or in case
18 of treason or felony.

19 **§11-J Employees entitled to leave on election day for**
20 **voting.** (a) Any voter shall on the day of the election be
21 entitled to be absent from any service or employment in which



1 such voter is then engaged or employed for a period of not more
2 than two hours (excluding any lunch or rest periods) between the
3 time of opening and closing the polls to allow two consecutive
4 hours in which to vote. Such voter shall not because of such
5 absence be liable to any penalty, nor shall there be any
6 rescheduling of normal hours or any deduction made, on account
7 of the absence from any usual salary or wages; provided that the
8 foregoing shall not be applicable to any employee whose hours of
9 employment are such that the employee has a period of two
10 consecutive hours (excluding any lunch or rest periods) between
11 the time of opening and closing the polls when the employee is
12 not working for the employer. If, however, any employee fails
13 to vote after taking time off for that purpose the employer,
14 upon verification of that fact, may make appropriate deductions
15 from the salary or wages of the employee for the period during
16 which the employee is hereunder entitled to be absent from
17 employment. Presentation of a voter's receipt by an employee to
18 the employer shall constitute proof of voting by the employee.

19 (b) Any person, business, or corporation who refuses an
20 employee the privileges conferred by this section, or subjects
21 an employee to a penalty or deduction of wages because of the



1 exercise of the privileges, or who directly or indirectly
2 violates this section, shall be subject to a fine of not less
3 than \$50 nor more than \$300.

4 (c) Any action taken to impose or collect the fines
5 established in this section shall be a civil action."

6 SECTION 3. Chapter 11, Hawaii Revised Statutes, is amended
7 by adding a new section to part VIII to be appropriately
8 designated and to read as follows:

9 "§11-K Distribution of ballots; record. The chief
10 election officer, or the county clerk in county elections, shall
11 forward the official ballots, specimen ballots, and other
12 materials to the precinct officials of the various precincts.
13 The ballots shall be delivered and kept in a secure fashion in
14 accordance with rules adopted by the chief election officer. In
15 no case shall the ballots arrive later than the opening of the
16 polls on election day."

17 SECTION 4. Chapter 11, Hawaii Revised Statutes, is amended
18 by adding four new sections to part IX to be appropriately
19 designated and to read as follows:

20 "§11-L Voting booths; placement of visual aids. The
21 precinct officials shall provide sufficient voting booths within



1 the polling place at or in which the voters may conveniently
2 cast their ballots. The booths shall be so arranged that in
3 casting the ballots the voters are screened from the observation
4 of others.

5 Visual aids shall be posted at or in each voting booth and
6 in conspicuous places outside the polling place before the
7 opening of the polls.

8 **§11-M Ballot transport containers; ballot boxes.** (a) The
9 seals of the ballot transport containers shall be broken and
10 opened on election day only in the presence of at least two
11 precinct officials not of the same political party.

12 (b) The chief election officer shall provide suitable
13 ballot boxes for each polling place needed. Each ballot box
14 shall have a hinged lid fastened securely by a nonreusable seal.
15 In the center of the lid there shall be an aperture of the
16 appropriate size for the voting system used. The ballot boxes
17 shall be placed at a point convenient for the deposit of ballots
18 and where they can be observed by the precinct officials.

19 (c) At the opening of the polls for election, the
20 chairperson of the precinct officials shall publicly open the
21 ballot boxes and expose them to all persons present to show that



1 they are empty. The ballot boxes shall be closed and sealed;
2 they shall remain sealed until transported to the counting
3 center; provided that, in precincts where the electronic voting
4 system is used, the ballot boxes shall not be opened at the
5 polling places except as provided by rules adopted pursuant to
6 chapter 91.

7 §11-N Early collection of ballots. In an electronic
8 ballot system election the chief election officer may authorize
9 collection of voted ballots before the closing of the polls in
10 order to facilitate the counting of ballots; provided that the
11 voted ballots shall be returned to the counting center in sealed
12 ballot boxes.

13 §11-O Poll book, identification, voting. Every person
14 upon applying to vote shall sign the person's name in the poll
15 book prepared for that purpose. This requirement may be waived
16 by the chairperson of the precinct officials if, for reasons of
17 illiteracy or blindness or other physical disability, the voter
18 is unable to write. Every person shall provide identification
19 if so requested by a precinct official. A poll book shall not
20 contain the social security number of any person.



1 After signing the poll book and receiving the voter's
2 ballot, the voter shall proceed to the voting booth to vote
3 according to the voting system in use in the voter's precinct.
4 The precinct official may, and upon request shall, explain to
5 the voter the mode of voting."

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

9 "§11-P Election expenses and responsibilities in combined
10 state and county elections. Election expenses in elections
11 involving both state and county offices shall be shared as set
12 forth below:

13 (1) The State shall pay and be responsible for:
14 (A) Precinct officials;
15 (B) Instruction of precinct officials when initiated
16 or approved by the chief election officer;
17 (C) Boards of registration;
18 (D) Polling place costs other than supplies:
19 installation rentals, ballot boxes, voting
20 booths, custodians, telephones, and maintenance;



- 1 (E) Other equipment such as ballot transport
- 2 containers;
- 3 (F) Temporary election employees hired to do strictly
- 4 state work; and
- 5 (G) Extraordinary voter registration and voter
- 6 education costs when approved by the chief
- 7 election officer.
- 8 (2) The county shall pay and be responsible for:
- 9 (A) Normal voter registration, voters list
- 10 maintenance, and all printing connected with
- 11 voter registration, including printing of the
- 12 voters list;
- 13 (B) Temporary election employees hired to do strictly
- 14 county work;
- 15 (C) Maintenance of existing voting machines,
- 16 including parts, freight, storage, programming,
- 17 and personnel;
- 18 (D) Maintenance and storage of voting devices and
- 19 other equipment; and
- 20 (E) Employees assigned to conduct absentee polling
- 21 place functions.



- 1 (3) The remaining election expenses shall be divided in
2 half between the State and the counties. Each county
3 will pay a proration of expenses as a proportion of
4 the registered voters at the time of the general
5 election. These expenses shall include:
- 6 (A) Polling place supplies;
7 (B) All printing, including ballots, but excluding
8 printing connected with voter registration;
9 (C) Temporary election employees not including voting
10 machine programmers doing work for both the State
11 and county;
12 (D) Ballot preparation and packing; and
13 (E) All other costs for which the State or county are
14 not specifically responsible relating to the
15 operation of voting machines, electronic voting
16 systems, and other voting systems except paper
17 ballots to include real property rentals,
18 equipment rentals, personnel, mileage,
19 telephones, supplies, publicity, computer
20 programming, and freight.



1 The responsibility for the above functions shall
2 be determined by the chief election officer where the
3 responsibility for such functions has not been
4 assigned by the legislature.

5 Any future expenses not presently incurred under any voting
6 system now in use or to be used shall be assigned to paragraphs
7 (1), (2), or (3) above by the chief election officer upon
8 agreement with the clerks or by the legislature."

9 SECTION 6. Chapter 15, Hawaii Revised Statutes, is amended
10 by adding two new sections to be appropriately designated and to
11 read as follows:

12 "§15-A Absentee polling place; registration at absentee
13 polling place. (a) Absentee polling places shall be
14 established at the office of the respective clerks, and may be
15 established at other sites as may be designated by the clerk
16 under the provisions prescribed in the rules adopted by the
17 chief election officer. Section 11-21 relating to changes and
18 transfers of registration shall apply to the absentee polling
19 place as though it were the precinct at which a person's name
20 properly appears on the list of registered voters.



1 (b) The absentee polling places shall be open no later
2 than ten working days before election day, and all Saturdays
3 falling within that time period, or as soon thereafter as
4 ballots are available; provided that all absentee polling places
5 shall be open on the same date statewide, as determined by the
6 chief election officer.

7 (c) A person who is eligible to vote but is not registered
8 to vote may register by appearing in person at the absentee
9 polling place for the county in which the person maintains
10 residence.

11 (d) The county clerk shall designate a registration clerk,
12 who may be an election official, at each of the absentee polling
13 places established in the county.

14 (e) The registration clerk shall process applications for
15 any person not registered to vote who submits a signed affidavit
16 in accordance with section 11-15, which shall include a sworn
17 affirmation:

18 (1) Of the person's qualification to vote;

19 (2) Acknowledging that the person has not voted and will
20 not vote at any other polling place for that election



1 and has not cast and will not cast any absentee ballot
2 pursuant to this chapter for that election; and

3 (3) Acknowledging that providing false information may
4 result in a class C felony, punishable by a fine not
5 exceeding \$1,000 or imprisonment not exceeding five
6 years, or both.

7 (f) The registration clerk may accept, as prima facie
8 evidence, the allegation of the person in the application
9 regarding the person's residence in accordance with section
10 11-15(b), unless the allegation is contested by a qualified
11 voter. The registration clerk may demand that the person
12 furnish substantiating evidence to the other allegations of the
13 person's application in accordance with section 11-15(b).

14 (g) Registration may be challenged in accordance with
15 section 11-25.

16 (h) Notwithstanding subsection (c), registration pursuant
17 to this section may be used by a person who is registered to
18 vote but whose name cannot be found on the precinct list for the
19 polling place associated with the person's residence.

20 (i) The clerk of each county shall add persons who
21 properly register at an absentee polling place to the respective



1 general county register. Within thirty days of registration at
2 an absentee polling place, the county clerk shall mail to the
3 person a notice including the person's name, current street
4 address, district and precinct, and date of registration. A
5 notice mailed pursuant to this subsection shall serve as prima
6 facie evidence that the person is a registered voter as of the
7 date of registration.

8 §15-B Absentee ballot box. An absentee ballot box or
9 boxes shall be provided in the absentee polling place for the
10 purpose of depositing the return envelopes and the ballot
11 envelopes of those who vote in person at the absentee polling
12 place. The ballot box shall be secured in accordance with rules
13 adopted by the chief election officer.

14 Tampering with the ballot box or opening it before the time
15 prescribed in section 15-9 shall be an election offense under
16 section 19-6."

17 SECTION 7. Chapter 11, Hawaii Revised Statutes, is amended
18 by amending the title of part VI to read as follows:

19 "PART VI. [~~VOTER SERVICE CENTER~~] PRECINCT OFFICIALS AND
20 WATCHERS"



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

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

5 "Precinct" means the smallest political subdivision
6 established by law.

7 "Precinct official" means a person designated as a precinct
8 official by the chief election officer."

9 2. By amending the definition of "ballot" to read:

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



1 3. By amending the definition of "election officials" to
2 read:

3 "Election [officials] official" means ~~[persons]~~ a person
4 designated as ~~[officials]~~ an official by the chief election
5 officer."

6 4. By amending the definition of "voting system" to read:

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

11 5. By deleting the definition of "electronic
12 transmission":

13 ~~["Electronic transmission" means the transmission of a
14 blank or voted ballot by facsimile or electronic mail delivery,
15 or the use of an online absentee ballot delivery and return
16 system, which may include the ability to mark the ballot."]~~

17 6. By deleting the definition of "place of deposit":

18 ~~["Place of deposit" means a site within the county of the
19 voter's registration address designated pursuant to section 11-
20 109 for the purpose of receiving return identification envelopes
21 in an election conducted by mail pursuant to part VIIA."]~~



1 7. By deleting the definition of "voter service center":

2 ~~["Voter service center" means a location within the county~~
3 ~~of the voter's registration address established pursuant to~~
4 ~~section 11-109 to serve all of the following purposes:~~

5 ~~(1) Receive return envelopes for absentee ballots pursuant~~
6 ~~to chapter 15;~~

7 ~~(2) Receive return identification envelopes in an election~~
8 ~~by mail conducted pursuant to part VIIA;~~

9 ~~(3) Provide voting machine services for persons with~~
10 ~~disabilities pursuant to the Help America Vote Act of~~
11 ~~2002, P.L. 107-252, as amended, and any other federal~~
12 ~~or state law relating to persons with disabilities;~~

13 ~~(4) Provide any other voting services as provided by law;~~
14 ~~and~~

15 ~~(5) Any other purposes the chief election officer or clerk~~
16 ~~may deem necessary if a natural disaster or other~~
17 ~~exigent circumstance occurs before an election."]~~

18 8. By deleting the definition of "voter turnout":

19 ~~["Voter turnout", means the total number of voters at an~~
20 ~~election as determined by the number of ballot cards tabulated~~
21 ~~by the computer or of paper ballots counted by the precinct~~



1 ~~officials. When there is more than one ballot card issued to~~
 2 ~~each voter, "voter turnout" means the total count of the alpha~~
 3 ~~ballot card with the highest number of cards tabulated by the~~
 4 ~~computer. Ballots that are blank or ballots that are rejected~~
 5 ~~for any reason shall be included in the count of the total~~
 6 ~~number of voters."]~~

7 SECTION 9. Section 11-4, Hawaii Revised Statutes, is
 8 amended to read as follows:

9 "§11-4 Rules. The chief election officer may make, amend,
 10 and repeal rules governing elections held under this title,
 11 election procedures, and the selection, establishment, use, and
 12 operation of all voting systems now in use or to be adopted in
 13 the State, and all other similar matters relating thereto as in
 14 the chief election officer's judgment shall be necessary to
 15 carry out this title.

16 In making, amending, and repealing rules for voters who
 17 cannot vote at the polls in person or receive or return absentee
 18 ballots by mail, and all other voters, the chief election
 19 officer shall provide for voting by these persons in a manner
 20 that ensures secrecy of the ballot and precludes tampering with
 21 the ballots of these voters and other election frauds. The



1 rules, when adopted in conformity with chapter 91 and upon
2 approval by the governor, shall have the force and effect of
3 law."

4 SECTION 10. Section 11-15.2, Hawaii Revised Statutes, is
5 amended as follows:

6 1. By amending subsections (a) and (b) to read:

7 "(a) Notwithstanding the closing of the general county
8 register pursuant to section 11-24, a person who is eligible to
9 vote but is not registered to vote may register by appearing in
10 person [~~at any voter service center on or before~~]:

11 (1) Before election day[-], at any absentee polling place
12 established pursuant to section 15-A in the county
13 associated with the person's residence; or

14 (2) On election day, at the polling place in the precinct
15 associated with the person's residence.

16 (b) The clerk shall designate a registration clerk, who
17 may be an election official, at each [~~voter service center.~~] of
18 the absentee polling places in the county established pursuant
19 to section 15-A, before the day of the election and at each of
20 the polling places in the county on the day of the election."

21 2. By amending subsections (f) and (g) to read:



1 "(f) Notwithstanding subsection (a), registration pursuant
2 to this section may also be used by a person who is registered
3 to vote but whose name cannot be found on the [~~county register.~~]
4 precinct list for the polling place associated with the person's
5 residence.

6 (g) The clerk of each county shall add persons who
7 properly register under this section to the respective general
8 county register. Within thirty days of registration[~~7~~] at the
9 polling place, the clerk shall mail to the person a notice
10 including the person's name, current street address, district,
11 precinct, and date of registration. A notice mailed pursuant to
12 this subsection shall serve as prima facie evidence that the
13 person is a registered voter as of the date of registration."

14 SECTION 11. Section 11-17, Hawaii Revised Statutes, is
15 amended by amending subsections (a) and (b) to read as follows:

16 "(a) The clerk, no later than 4:30 p.m. on the sixtieth
17 day after every general election, shall remove the name of any
18 registered voter who did not vote in that general election, and
19 also did not vote in the primary election preceding that general
20 election, and also did not vote in the previous general
21 election, and also did not vote in the primary election



1 preceding that general election, and also did not vote in the
2 regularly scheduled special elections held in conjunction with
3 those primary and general elections, if any, with the exception
4 of:

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

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

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



1 (b) The clerk shall also identify or remove the name of
2 any registered voter if the clerk, after mailing a notice or
3 other correspondence, properly addressed, with postage prepaid,
4 receives the notice or other correspondence as return mail with
5 a postal notation that the notice or other correspondence was
6 not deliverable. On election day, any person identified or
7 removed shall have the person's name corrected or restored in
8 the register and shall be allowed to vote if the person
9 completes an affidavit or other form prescribed by the chief
10 election officer affirming that the person:

- 11 (1) Claims the person's legal residence at the address
12 listed on the register;
- 13 (2) Changed the person's legal residence after the closing
14 of the register for that election; or
- 15 (3) Moved to a new residence within the same [~~district~~]
16 precinct as the person's residence as listed on the
17 register."

18 SECTION 12. Section 11-21, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "**§11-21 Change of name, transfer on election day.** (a)
21 The clerk may designate a registration clerk, who may be an



1 election official, at [~~a voter service center~~] any of the
2 polling places in the county on the day of the election.

3 (b) These registration clerks shall take applications for
4 change of name from voters who have been married or who have had
5 their names changed since the last election.

6 (c) Any person whose name appears on the registered voters
7 list whose residence has changed since the last election, and
8 whom the clerk has not transferred under section 11-20, may
9 apply on a form prescribed by the chief election officer at the
10 person's new polling place on the day of the election for
11 transfer of registration to the [~~district~~] precinct of the new
12 residence. Any person so transferring voter registration shall
13 be immediately added to the register of the new [~~district.~~]
14 precinct and may vote only at the new precinct.

15 (d) Where a person was incorrectly placed on a list of
16 voters of a [~~district~~] precinct in which the person does not
17 actually reside, the person may correct the registration.

18 (e) No person shall be prevented from voting at the
19 election in the precinct in which the person's name appears on
20 the voters list due to a change of name, or other correction
21 made under this section. However, any voter registered in the



1 wrong precinct who shall refuse to make the correction of
2 registration may be challenged in accordance with section 11-25.

3 (f) Any person changing name or transferring shall receive
4 a copy of the change or transfer form."

5 SECTION 13. Section 11-22, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§11-22 Changing register; correction of errors.** (a) The
8 clerk shall correct the register if at any time it shall be
9 manifest to the clerk that the name of a person registered has
10 been accidentally misspelled, or that the person has been
11 misnamed therein, or that the person has been accidentally
12 registered under the wrong [~~district,~~] precinct, or that the
13 person was accidentally removed pursuant to section 11-17(a), or
14 that the name of the person should be corrected or restored
15 pursuant to section 11-17(b).

16 (b) In any case where the clerk refuses to correct the
17 register, the person may appeal to the board of registration and
18 the register shall be changed upon a written order of the board
19 of registration, setting forth the reasons for the change. The
20 order shall be directed to the clerk[-] or to the precinct
21 officials of the election precinct where the voter is entitled



1 to vote if the register has been closed. The precinct officials
2 shall thereupon correct the list of voters furnished them
3 according to the terms of the order, noting on the list the
4 reasons for the correction, and shall send the original order to
5 the clerk as soon as may be possible after the close of the
6 polls. The clerk, upon receipt of any order from the board of
7 registration[7] or from the precinct officials, as the case may
8 be, shall correct the register according to the terms of the
9 order, making on the register a reference to the order."

10 SECTION 14. Section 11-25, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "**§11-25 Challenge by voters; grounds; procedure.** (a) Any
13 registered voter may challenge the right of a person to be or to
14 remain registered as a voter in any precinct for any cause not
15 previously decided by the board of registration or the supreme
16 court in respect to the same person[7]; provided that in an
17 election of members of the board of trustees of the office of
18 Hawaiian affairs, the voter making the challenge must be
19 registered to vote in that election. The challenge shall be in
20 writing, setting forth the grounds upon which it is based, and
21 be signed by the person making the challenge. The challenge



1 shall be delivered to the clerk who shall immediately serve
2 notice thereof on the person challenged. The clerk shall, as
3 soon as possible, investigate and rule on the challenge.

4 (b) Any voter rightfully in [~~a voter service center~~] the
5 polling place, including an absentee polling place established
6 pursuant to section 15-A, may challenge the right to vote of any
7 person who comes to the [~~voter service center~~] precinct
8 officials for voting purposes. The challenge shall be on the
9 grounds that the voter is not the person the voter alleges to
10 be, or that the voter is not entitled to vote[~~-~~] in that
11 precinct; provided that only in an election of members of the
12 board of Hawaiian affairs, a person registered to vote in that
13 election may challenge on the grounds that the voter is not
14 Hawaiian. No other or further challenge shall be allowed. Any
15 person challenged pursuant to this subsection shall first be
16 given the opportunity to make the relevant correction pursuant
17 to section 11-21. The challenge shall be considered and decided
18 immediately by the [~~clerk,~~] precinct officials, and the ruling
19 shall be announced.

20 (c) If neither the challenger nor the challenged voter
21 appeals the ruling of the clerk[~~-~~] or the precinct officials,



1 then the voter shall either be allowed to vote or be prevented
 2 from voting in accordance with the ruling. If an appeal is
 3 taken to the board of registration, the challenged voter shall
 4 be allowed to vote; provided that the ballot is placed in a
 5 sealed envelope to be later counted or rejected in accordance
 6 with the ruling on appeal. The chief election officer shall
 7 adopt rules in accordance with chapter 91 to safeguard the
 8 secrecy of the challenged voter's ballot."

9 SECTION 15. Section 11-76, Hawaii Revised Statutes, is
 10 amended to read as follows:

11 **"§11-76 Compensation.** [~~Election officials under the~~
 12 ~~supervision and control of the office of elections on election~~
 13 ~~day]~~ (a) Precinct officials and related election day nonprofit
 14 groups or employees shall be compensated for work performed for
 15 in electronic ballot and voting machine elections pursuant to a
 16 schedule established by the chief election officer. The
 17 schedule shall be contained in rules adopted pursuant to chapter
 18 91.

19 (b) For work performed for paper ballot elections, the
 20 chairperson of the precinct officials and the precinct officials
 21 shall receive the same base amounts as in subsection (a). In



1 addition, all precinct officials shall be paid \$5 for each three
2 hundred ballots or portion thereof cast at that precinct."

3 SECTION 16. Section 11-77, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "~~§11-77~~ **Appointment of watchers; service.** (a) Each
6 qualified political party shall be entitled to appoint no more
7 than one watcher who may be present at any time [~~at a voter~~
8 ~~service center.~~] in each precinct and absentee polling place in
9 which the candidates of that political party are on the ballot.
10 Each party shall submit its list of watchers no later than 4:30
11 p.m. on the [~~twentieth~~] tenth day before any election to the
12 chief election officer; provided that in a county election, the
13 list shall be submitted to the clerk. All watchers shall serve
14 without expense to the State or county. All watchers so
15 appointed shall be registered voters. No person shall serve as
16 a watcher if the person would not qualify to serve as a precinct
17 official pursuant to section 11-B(b)(3).

18 (b) Each watcher shall be provided with identification
19 from the chief election officer, or by the clerk in the case of
20 county elections, stating the watcher's name and the name of the
21 party the watcher represents. On election day, the watcher



1 shall present identification to the chairperson of precinct
2 officials of the precinct or precincts where the watcher is to
3 serve.

4 (c) All watchers for precincts shall be permitted to
5 observe the conduct of the election in the precinct. The
6 watchers may remain in the precinct as long as the precinct is
7 in operation, subject to section 19-6. Watchers may review the
8 polling book pursuant to section 11-97.

9 ~~[-e-]~~ (d) The watcher shall call the attention of the
10 ~~[clerk]~~ chairperson to any violations of the election laws that
11 the watcher observes. After the ~~[clerk's]~~ chairperson's
12 attention is called to the violation, the ~~[clerk]~~ chairperson
13 shall make an attempt to correct the violation. If the ~~[clerk]~~
14 chairperson fails to correct the violation, the watcher may
15 appeal to the ~~[chief election officer.]~~ clerk.

16 (e) The watchers shall be permitted to observe the
17 operations of the absentee polling place. Any violation of the
18 election laws shall be reported to the clerk."

19 SECTION 17. Section 11-92.1, Hawaii Revised Statutes, is
20 amended to read as follows:



1 "§11-92.1 Election proclamation; [~~voter service centers~~
2 ~~and places of deposit; changes to district boundaries.~~]
3 establishment of a new precinct. (a) The chief election
4 officer shall issue a proclamation [~~listing all voter service~~
5 ~~centers and places of deposit as may have been determined by the~~
6 ~~clerk as of the proclamation date.~~] whenever a new precinct is
7 established in any representative district. The chief election
8 officer shall provide a suitable polling place for each
9 precinct. Schools, recreational halls, park facilities, and
10 other publicly owned or controlled buildings, whenever possible
11 and convenient, shall be used as polling places. The [clerk]
12 chief election officer shall make arrangements for the rental or
13 erection of suitable shelter for [the establishment of a voter
14 service center] this purpose whenever public buildings are not
15 available and shall cause these [voter service centers] polling
16 places to be equipped with the necessary facilities for
17 lighting, ventilation, and equipment needed for elections on any
18 island. This proclamation may be issued jointly with the
19 proclamation required in section 11-91.



1 (b) No change shall be made in the boundaries of any
 2 [~~district~~] precinct later than 4:30 p.m. on the tenth day before
 3 the close of filing for an election.

4 (c) Notwithstanding subsection (a), and pursuant to
 5 section 15-2.5, the [~~clerk~~] chief election officer is not
 6 required to establish [~~voter service centers~~] polling places for
 7 [~~districts~~] precincts affected by natural disasters, as provided
 8 in section 15-2.5."

9 SECTION 18. Section 11-92.3, Hawaii Revised Statutes, is
 10 amended to read as follows:

11 "§11-92.3 [~~Natural~~] Consolidated precincts; natural
 12 disasters; postponement; [~~consolidation of districts~~]; absentee
 13 voting required; special elections. (a) In the event of a
 14 flood, tsunami, earthquake, volcanic eruption, high wind, or
 15 other natural disaster, occurring before an election [~~where~~]
 16 that makes a precinct inaccessible, the chief election officer,
 17 or county clerk in the case of county elections, may consolidate
 18 precincts within a representative district. If the extent of
 19 damage caused is such that the ability of voters, in any
 20 precinct, district, or county, to exercise their right to vote
 21 is substantially impaired, the chief election officer or clerk



1 in the case of county elections may require the registered
2 voters of the affected precinct to vote by absentee ballot
3 pursuant to section 15-2.5 and may postpone the conducting of an
4 election in the affected [area] precinct for no more than
5 twenty-one days; provided that any postponement shall not affect
6 the conduct of the election, tabulation, or distribution of
7 results for those precincts, districts, or counties not
8 designated for postponement. The chief election officer, or
9 clerk in the case of county elections, shall give notice of the
10 consolidation, postponement, or requirement to vote by absentee
11 ballot, in the affected county or precinct before the opening of
12 the precinct polling place by whatever possible news or
13 broadcast media are available. Precinct officials and workers
14 affected by any consolidation shall not forfeit their pay.

15 (b) In the event the chief election officer, or the clerk
16 in a county election, determines that the number of candidates
17 or issues on the ballot in a special, special primary, or
18 special general election does not require the full number of
19 established [~~districts,~~] precincts, the [~~districts~~] precincts
20 may be consolidated for the purposes of the special, special
21 primary, or special general election into a small number of



1 special, special primary, or special general election

2 [~~districts.~~] precincts.

3 A special, special primary, or special general election

4 [~~district~~] precinct shall be considered the same as an

5 established [~~district~~] precinct for all purposes[~~er~~], including

6 precinct official requirements provided in section 11-A. No

7 later than 4:30 p.m. on the tenth day before the special,

8 special primary, or special general election, the chief election

9 officer or the clerk shall give public notice, in the area in

10 which the special, special primary, or special general election

11 is to be held, of the special, special primary, or special

12 general election [~~districts.~~] precincts and their polling

13 places. Notices of the consolidation also shall be posted on

14 election day at the established precinct polling places, giving

15 the location of the special, special primary, or special general

16 election precinct polling place."

17 SECTION 19. Section 11-111, Hawaii Revised Statutes, is

18 amended to read as follows:

19 "§11-111 **Official and facsimile ballots.** Ballots issued

20 by the chief election officer in state elections and by the

21 clerk in county elections are official ballots. In elections



1 using the paper ballot and electronic voting systems, the chief
2 election officer or clerk in the case of county elections shall
3 have printed informational posters containing facsimile ballots
4 that depict the official ballots to be used in the election.
5 The precinct officials shall post the informational posters
6 containing the facsimiles of the official ballots near the
7 entrance to the polling place where they may be easily seen by
8 the voters before voting."

9 SECTION 20. Section 11-119, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§11-119 Printing; quantity.** (a) The ballots shall be
12 printed by order of the chief election officer or the clerk in
13 the case of county elections. In any state or county election,
14 the chief election officer and clerk shall endeavor to
15 consolidate the printing and absentee ballot package mailing
16 contracts where the consolidation will result in lower costs.

17 (b) Whenever the chief election officer is responsible for
18 the printing of ballots, unless provided otherwise, the exact
19 wording to appear thereon, including questions and issues, shall
20 be submitted to the chief election officer no later than 4:30



1 p.m. on the seventy-fifth calendar day before the applicable
2 election.

3 (c) Based upon clarity and available space, the chief
4 election officer or the clerk in the case of county elections
5 shall determine the style and size of type to be used in
6 printing the ballots. The color, size, weight, shape, and
7 thickness of the ballot shall be determined by the chief
8 election officer.

9 (d) Each precinct shall receive a sufficient number of
10 ballots based on the number of registered voters and the
11 expected spoilage in the election concerned. A sufficient
12 number of absentee ballots shall be delivered to each clerk not
13 later than 4:30 p.m. on the fifteenth day before the date of any
14 election."

15 SECTION 21. Section 11-131, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "~~§11-131 [Voter service center hours.]~~ Hours of voting.

18 The hours of voting at [~~voter service centers~~] polling places on
19 an election day shall be[÷

20 ~~(1) Regular business hours as prescribed in section 11-109~~
21 ~~and by the clerk; and~~



1 ~~(2) On an election day,~~] from 7:00 a.m. until 7:00 p.m. of
2 that day.

3 If, at 7:00 p.m. on an election day, any voter is standing in
4 line [~~at a voter service center~~] outside the entrance of the
5 polls with the desire of entering and voting, but due to the
6 [~~voter service center~~] polling place being overcrowded has been
7 unable to do so, the voter shall be allowed to vote. No voter
8 shall be permitted to enter or join the line after the
9 prescribed hours of voting specified in this section."

10 SECTION 22. Section 11-132, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "**§11-132 Two hundred foot radius[-]; admission within**
13 **polling place.** (a) [~~Election~~] Precinct officials shall post in
14 a conspicuous place, before [~~operation of voting service centers~~
15 ~~or places of deposit,~~] the opening of the polls, a map
16 designating an area of two hundred feet from the perimeter of
17 [~~any voter service center, place of deposit,~~] the polling place
18 and its appurtenances. Any person who remains or loiters within
19 this specified area for the purpose of campaigning shall be
20 guilty of a misdemeanor. For the purposes of this section, a



1 ~~[voter service center, place of deposit,]~~ polling place and its
2 appurtenances shall include:

3 (1) The building in which ~~[a voter service center, place~~
4 ~~of deposit, or its appurtenances are]~~ the polling
5 place is located;

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

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

10 (4) Any route of access between any public thoroughfare
11 (right of way) and the ~~[voter service center, place of~~
12 ~~deposit, or its appurtenances,]~~ polling place to
13 ensure an open and accessible ingress and egress to
14 and from the ~~[voter service center, place of deposit,~~
15 ~~or appurtenances]~~ polling place for voters.

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



1 (c) Admission within the [~~voter service center, place of~~
2 ~~deposit, or appurtenances~~] polling place shall be [~~limited~~]
3 granted only to [~~the following~~]:

4 (1) Election officials;

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

6 (3) Candidates;

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

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

11 (6) Any person or nonvoter group authorized by the chief
12 election officer, or the clerk in county elections, to
13 observe the election at designated precincts for
14 educational purposes; provided that these persons
15 conduct themselves so that they do not interfere with
16 the election process; and

17 (7) [A] Any child for the purpose of observing the voting
18 process when accompanied by an adult who is voting;
19 provided that this activity does not disrupt or
20 interfere with normal voting procedures.



1 (d) Within the appropriate boundary as established in
2 subsection (a), the display or distribution of campaign posters,
3 signs, or other campaign materials for the purpose of soliciting
4 votes for or against any person or political party or position
5 on a ballot question is prohibited. Any voter who displays
6 campaign material [~~in the voter service center, place of~~
7 ~~deposit, or its appurtenances~~] shall remove or cover that
8 material before entering the [~~voter service center, place of~~
9 ~~deposit,~~] polling place or its appurtenances. The chief
10 election officer may adopt rules pursuant to chapter 91 to
11 address special circumstances regarding the display of campaign
12 materials."

13 SECTION 23. Section 11-137, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "§11-137 **Secrecy; removal or exhibition of ballot.** No
16 person shall look at or ask to see the contents of the ballot or
17 the choice of party or nonpartisan ballot of any voter, except
18 as provided in sections 11-139 and 11-132, nor shall any person
19 attempt to influence a voter in regard to whom the voter shall
20 vote for. When a voter is in the voting booth for the purpose
21 of voting, no other person, except as provided in sections



1 11-139 and 11-132, shall be allowed to enter the booth or to be
2 in a position from which the person can observe how the voter
3 votes.

4 No person shall take a ballot out of the [~~voter service~~
5 ~~center unless authorized by the chief election officer or a~~
6 ~~designee of the chief election officer.~~] polling place, except
7 as provided in section 11-N. After voting, the voter shall
8 leave the voting booth and deliver the voter's ballot to the
9 precinct official in charge of the ballot boxes. The precinct
10 official shall make certain that the precinct official has
11 received the correct ballot and no other and then shall deposit
12 the ballot into the ballot box. No person shall look at or ask
13 to see the contents of the unvoted ballots. If any person
14 having received a ballot leaves the polling place without first
15 delivering the ballot to the precinct official as provided
16 above, or wilfully exhibits the person's ballot or the person's
17 unvoted ballots in a special primary or primary election, except
18 as provided in sections 11-139 and 11-132, after the ballot has
19 been marked, the person shall forfeit the person's right to
20 vote, and the chairperson of the precinct officials shall cause
21 a record to be made of the proceeding."



1 SECTION 24. Section 11-139, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§11-139 **Voting assistance.** (a) Except as otherwise
4 provided, any voter who requires assistance may be given
5 assistance by a person of the voter's choice. A person with
6 disabilities may be provided assistance at a [~~voter service~~
7 ~~center~~] polling place pursuant to any state or federal law
8 relating to persons with disabilities. The voter's employer or
9 agent of that employer, agent of the voter's labor union, or a
10 candidate for any office that is listed on the ballot shall not
11 provide assistance. Written or oral instructions delivered via
12 telephone, electronic means, or mail shall not be deemed
13 assistance prohibited by this section; provided that the voter's
14 employer or agent of that employer, agent of the voter's labor
15 union, or a candidate for any office listed on the ballot is not
16 physically present with the voter when the instructions are
17 delivered.

18 (b) If assistance is provided pursuant to subsection (a),
19 the precinct officials providing assistance shall enter in
20 writing in the record book the following:

21 (1) The voter's name;



1 (2) The fact that the voter cannot read the names on the
 2 ballot, if that is the reason for requiring
 3 assistance, and otherwise, the specific physical
 4 disability which requires the voter to receive
 5 assistance; and

6 (3) The name or names of the person or persons furnishing
 7 the assistance.

8 [~~(b)~~] (c) Violation of this section by an employer or
 9 agent of that employer, agent of the voter's labor union, or a
 10 candidate shall constitute election fraud as provided under
 11 section 19-3."

12 SECTION 25. Section 11-152, Hawaii Revised Statutes, is
 13 amended to read as follows:

14 "**§11-152 Method of counting.** [~~For votes cast~~] (a) In an
 15 election using the paper ballot voting system, immediately after
 16 the close of the polls, the chairperson of the precinct
 17 officials shall open the ballot box. The precinct officials at
 18 the precinct shall proceed to count the votes as follows:

19 (1) The whole number of ballots shall first be counted to
 20 see if their number corresponds with the number of
 21 ballots cast as recorded by the precinct officials;



1 (2) If the number of ballots corresponds with the number
2 of persons recorded by the precinct officials as
3 having voted, the precinct officials shall then
4 proceed to count the vote cast for each candidate; and

5 (3) If there are more ballots or fewer ballots than the
6 record calls for the precinct officials shall proceed
7 as directed in section 11-153.

8 (b) In those precincts using the electronic voting system,
9 the ballots shall be taken in the sealed ballot containers to
10 the counting center according to the procedure and schedule
11 adopted by the chief election officer to promote the security of
12 the ballots. For all votes cast in an election, in the presence
13 of official observers, counting center employees may start to
14 count the ballots before [~~election day, as specified in section~~
15 ~~11-108.~~] the closing of the polls, provided there shall be no
16 printout by the computer or other disclosure of the number of
17 votes cast for a candidate or on a question before the closing
18 of the polls. For the purposes of this section, the closing of
19 the polls is that time identified in section 11-131 as the
20 closing time of voting."



1 SECTION 26. Section 11-153, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§11-153 **More or fewer ballots than recorded.** (a) If
4 there are more ballots than [~~documented usage~~] the poll book
5 indicates, this shall be an overage and if fewer ballots, it
6 shall be an underage. The election officials or counting center
7 employees responsible for the tabulation of ballots shall make a
8 note of this fact on a form to be provided by the chief election
9 officer. The form recording the overage or underage shall be
10 sent directly to the chief election officer or the clerk in
11 county elections separate and apart from the other election
12 records.

13 (b) If the electronic voting system is being used in an
14 election, the overage or underage shall be recorded after the
15 tabulation of the ballots. In an election using the paper
16 ballot voting system, the [~~chief election officer or the chief~~
17 ~~election officer's designee~~] precinct officials shall proceed to
18 count the votes cast for each candidate or on a question after
19 recording the overage or underage.

20 (c) The chief election officer or the clerk shall make a
21 list of all [~~districts~~] precincts in which an overage or



1 underage occurred and the amount of the overage or underage.
2 This list shall be filed and kept as a public record in the
3 office of the chief election officer, or the clerk in county
4 elections[-], and the clerk's office in counties other than the
5 city and county of Honolulu in elections involving state
6 candidates.

7 An election contest may be brought under part XI, if the
8 overage or underage in any district could affect the outcome of
9 an election."

10 SECTION 27. Section 11-154, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "§11-154 **Records, etc.; disposition.** Precinct officials
13 shall gather all records and supplies delivered to them and
14 return them to the sending official, either the chief election
15 officer or the clerk.

16 The voted ballots shall be kept secure and handled only in
17 the presence of representatives not of the same political party
18 or official observers in accordance with rules adopted for the
19 various voting systems. After all the ballots have been
20 tabulated they shall be sealed in containers. Thereafter, these



1 containers shall be unsealed and resealed only as prescribed by
2 rules governing elections.

3 The ballots and other election records may be destroyed by
4 the chief election officer or clerk when all elected candidates
5 have been certified by the chief election officer, or in the
6 case of candidates for county offices, by the clerk and after
7 compliance with retention schedules of applicable federal law."

8 SECTION 28. Section 11-173.5, Hawaii Revised Statutes, is
9 amended by amending subsection (a) to read as follows:

10 "(a) In a primary and special primary election contest, or
11 a county election contest held concurrently with a regularly
12 scheduled primary or special primary election, the complaint
13 shall be filed in the office of the clerk of the supreme court
14 no later than 4:30 p.m. on the [~~thirteenth~~] sixth day after a
15 primary or special primary election or a county election contest
16 held concurrently with a regularly scheduled primary or special
17 primary election, and shall be accompanied by a deposit for
18 costs of court as established by the rules of the supreme court;
19 provided that a complaint for a contest for cause that arises
20 from a mandatory recount pursuant to section 11-158 shall be
21 filed no later than 4:30 p.m. on the third calendar day



1 following the public announcement of the results of the
2 mandatory recount pursuant to section 11-158(c). The clerk
3 shall issue to the defendants named in the complaint a summons
4 to appear before the supreme court no later than 4:30 p.m. on
5 the fifth day after service of the summons."

6 SECTION 29. Section 15-1, Hawaii Revised Statutes, is
7 amended by adding a new definition to be appropriately inserted
8 and to read as follows:

9 "Absentee polling place" means an office or other suitable
10 facility designated by the respective clerks for the conduct of
11 absentee voting and the processing of absentee ballots."

12 SECTION 30. Section 15-2.5, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "§15-2.5 ~~[Voting by mail]~~ Absentee voting in [district]
15 precinct affected by natural disasters. (a) If the chief
16 election officer and clerk of a county affected as a result of a
17 natural disaster determine that the opening of a designated
18 ~~[voter service center]~~ polling place will adversely affect the
19 health and safety of voters or precinct officials, the chief
20 election officer and county clerk, by written order, may require
21 the registered voters of any ~~[district]~~ precinct to vote by



1 ~~[mail as provided in part VIIA of chapter 11.]~~ absentee ballot;
2 provided that if there are not enough absentee ballots for all
3 voters of the precinct, the chief election officer or the clerk
4 shall use other official ballots to make up the difference.

5 (b) Within thirty days after the issuance of such an
6 order, the chief election officer and county clerk shall notify
7 all registered voters in the affected ~~[district]~~ precinct of the
8 issuance of the order.

9 (c) Within ten days after the printed official absentee
10 ballots are available for the designated precinct affected by
11 this section, the clerk shall deliver, or cause to be delivered,
12 by hand or mail, an absentee ballot, a return envelope, and any
13 other appropriate material to each registered voter in the
14 affected precinct.

15 ~~[-e-]~~ (d) The chief election officer shall adopt rules
16 pursuant to chapter 91 to implement this section."

17 SECTION 31. Section 15-4, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "**§15-4 Request for absentee ballot.** (a) Any person
20 registered to vote ~~[who is unable to receive a ballot at the~~
21 ~~person's voter registration address of record]~~ may request an



1 absentee ballot or permanent absentee ballot in person or in
2 writing from the clerk at any time but no later than 4:30 p.m.
3 on the seventh day before the election. Any mailed requests for
4 an absentee ballot or permanent absentee ballot shall be mailed
5 by the person directly to the clerk. The clerk may waive any or
6 all of the foregoing requirements in special cases as provided
7 in the rules adopted by the chief election officer.

8 The request shall include information such as the last four
9 digits of the person's social security number or the person's
10 driver's license number, date of birth, and the address under
11 which the person is registered to vote. The request shall also
12 include the [~~temporary~~] address to which the person wishes the
13 requested ballot to be forwarded. The request, when made for
14 any primary or special primary election, may include an
15 additional request for an absentee ballot to be voted at any
16 election immediately following the primary or special primary;
17 provided that the person so indicates in the person's request.
18 [~~Upon the completion of the election or elections covered by the~~
19 ~~voter's temporary request under this section, the clerk shall~~
20 ~~resume mailing the voter's ballot package to the mailing address~~
21 ~~noted within the voter's registration record.]~~



1 Subsequent to the closing of registration for each
2 election, the clerk may mail a request form for an absentee
3 ballot and permanent absentee ballot to each voter in a remote
4 area who has not already made such a request. The request form
5 shall be accompanied by:

6 (1) A stamped, self-addressed envelope; and
7 (2) Instructions regarding the manner of completing and
8 returning the request form.

9 (b) Notwithstanding subsection (a), the respective clerk
10 shall may conduct an absentee ballot-only election and may mail
11 an absentee ballot for each primary, special primary, special,
12 general, and special general election to each registered voter
13 who resides in the county of Kalawao or on any island of a
14 county with a population of fewer than one hundred eighty
15 thousand, except for the island where the county seat of
16 government is located. The chief election officer may adopt
17 rules to carry out this subsection.

18 (c) Notwithstanding any law to the contrary, in the event
19 there are fewer than five hundred registered voters as of the
20 preceding general election in an area covered by a unique ballot
21 type, the clerk shall mail an absentee ballot to each registered



1 voter who resides in such an area, if the chief election
2 officer, or the clerk in a county only election, determines that
3 an election day polling place will not be established for such
4 voters.

5 (d) For the purposes of this section, "ballot type" means
6 the unique ballot containing the contests, questions, or issues
7 that will be used by the voters of a specific area.

8 (e) When a registered voter requests an absentee ballot,
9 the voter also may include an additional request to receive
10 absentee ballots permanently. After receiving a request for
11 permanent absentee voter status, the clerk shall mail to the
12 voter who requested permanent absentee voter status an absentee
13 ballot for all subsequent elections conducted in that precinct.
14 The forwarding address for absentee ballots to be permanently
15 mailed shall be the in-state mailing address contained in the
16 voter's registration record. Subject to the conditions of
17 subsection (a), a permanent absentee voter may also request from
18 the clerk that the voter's ballot be forwarded temporarily to an
19 address other than the permanent absentee mailing address
20 originally requested, either in or outside of the State, for a
21 single election or for a primary or special primary election and



1 the election immediately following the primary or special
2 primary election. A permanent absentee voter's request for a
3 ballot to be forwarded temporarily shall not serve as a
4 cancellation of the voter's permanent absentee status or as a
5 change to the voter's permanent absentee mailing address. Upon
6 the completion of the election or elections covered by the
7 permanent absentee voter's temporary request under this
8 subsection, the clerk shall resume mailing the voter's ballots
9 to the permanent absentee mailing address originally requested
10 under subsection (a).

11 (f) The chief election officer shall inform voters of the
12 option of applying for permanent absentee voter status and shall
13 provide any necessary form to request the permanent absentee
14 ballot option to any registered voter requesting an absentee
15 ballot and any person applying to register to vote.

16 (g) A permanent absentee voter shall be responsible for
17 informing the clerk of any changes to personal information,
18 including changes to the voter's forwarding address.

19 (h) Except as provided in subsection (c), a voter's
20 permanent absentee voter status shall be terminated if any of
21 the following conditions apply:



- 1 (1) The voter requests in writing that the status be
2 terminated;
- 3 (2) The voter dies, loses voting rights, registers to vote
4 in another jurisdiction, or is otherwise disqualified
5 from voting;
- 6 (3) The voter's absentee ballot, voter notification
7 postcard, or any other election mail is returned to
8 the clerk as undeliverable for any reason; or
- 9 (4) The voter does not return a voter ballot by 7:00 p.m.
10 on election day in both the primary and general
11 election of an election year.
- 12 (i) If a voter's permanent absentee voter status has been
13 terminated due to one or more of the conditions specified in
14 subsection (h), the voter shall be responsible for again
15 requesting permanent absentee status as specified in subsection
16 (e)."

17 SECTION 32. Section 15-6.5, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "**§15-6.5 Absentee postage.** The mailed distribution and
20 return of absentee ballots shall be at no cost to the voter.
21 The State and counties shall share in the cost of all postage



1 associated with the distribution and return of absentee ballots
2 pursuant to sections 11-182 [~~and~~], 11-183, and 11-P if the costs
3 are not covered by the federal government."

4 SECTION 33. Section 15-9, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "**§15-9 Return and receipt of absentee ballots.** (a) The
7 return envelope shall be:

8 (1) Mailed and must be received by the clerk issuing the
9 absentee ballot no later than the closing [~~hour~~] of
10 the polls on election day, in accordance with section
11 11-131; [~~or~~]

12 (2) Delivered other than by mail to the clerk issuing the
13 absentee ballot, or to [~~a voter service center~~]
14 another election official designated by the clerk to
15 act on the clerk's behalf, no later than the closing
16 [~~hour~~] of the polls on election day, in accordance
17 with section 11-131[~~+~~]; or

18 (3) Delivered other than by mail to any polling place
19 within the county in which the voter is registered and
20 deposited by a precinct official in the ballot box



1 before the closing of the polls on any election day,
2 in accordance with section 11-131.

3 (b) Upon receipt of the return envelope from any person
4 voting under this chapter, the clerk may prepare the ballots for
5 counting pursuant to this section and section 15-10.

6 (c) Before opening the return and ballot envelopes and
7 counting the ballots, the return envelopes shall be checked for
8 the following:

9 (1) Signature on the affirmation statement;

10 (2) Whether the signature corresponds with the absentee
11 request or register as prescribed in the rules adopted
12 by the chief election officer; and

13 (3) Whether the person is a registered voter and has
14 complied with the requirements of sections 11-15 and
15 11-16.

16 (d) If any requirement listed in subsection (c) is not met
17 or if the return or ballot envelope appears to be tampered with,
18 the clerk or the absentee ballot team official shall mark across
19 the face of the envelope "invalid" and it shall be kept in the
20 custody of the clerk and disposed of as prescribed for ballots
21 in section 11-154.



1 (e) If an absentee polling place is established at the
2 clerk's office prior to election day, the officials of the
3 absentee polling place shall check the return or ballot
4 envelopes for the above requirements prior to depositing them in
5 the correct absentee ballot box."

6 SECTION 34. Section 15-10, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "**§15-10 Counting of absentee ballots.** If the requirements
9 in section 15-9 are met, the return and ballot envelopes may be
10 opened and the ballot counted as prescribed by law for the
11 voting system in use.

12 In those absentee polling places using paper ballots,
13 counting of the absentee ballots may begin after noon of
14 election day.

15 In those absentee polling places using the electronic
16 voting system, the absentee ballots shall be transported to the
17 counting center in a manner and by a schedule as provided in the
18 rules promulgated by the chief election officer. In no case,
19 however, shall the results of the absentee count become publicly
20 known before the polls have officially closed.



1 Any person violating this section shall be guilty of an
2 election offense under section 19-6."

3 SECTION 35. Section 15-14, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§15-14 Ballots; where voting machines are used.** In all
6 [~~districts~~] precincts in which voting machines are used,
7 sections 15-1 to 15-12 shall apply; provided that the number and
8 type of absentee ballots to be printed shall be determined at
9 the discretion of the officer charged with printing and
10 furnishing them. The officer may use reasonable facsimiles of
11 the sample ballot used in voting machine precincts."

12 SECTION 36. Section 15D-3, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§15D-3 Elections covered.** The voting procedures in this
15 chapter apply to:

- 16 (1) A general, special, or primary election for federal
17 office;
- 18 (2) A general, special, or primary election for statewide
19 or state legislative office or state ballot measure;
- 20 and



1 (3) A general, special, recall, primary, or runoff
2 election for local government office or local ballot
3 measure conducted under [~~part VIIA of chapter 11~~]
4 section 11-F for which absentee voting or voting by
5 mail is available for other voters."

6 SECTION 37. Section 16-25, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "**§16-25 Order and method of counting.** Each ballot shall
9 be counted and finished as to all the candidates thereon before
10 counting a second and subsequent ballots. [The] Except as
11 provided in section 11-A , the ballots shall be counted by teams
12 in the following manner only: by one [~~election~~] precinct
13 official announcing the vote in a loud clear voice, one
14 [~~election~~] precinct official tallying the vote, one [~~election~~]
15 precinct official watching the [~~election~~] precinct official
16 announcing the vote and one [~~election~~] precinct official
17 watching the [~~election~~] precinct official tallying the vote.
18 The [~~election~~] precinct official doing the announcing or
19 tallying and the [~~election~~] precinct official watching that
20 official shall not be of the same political party."



1 SECTION 38. Section 16-43, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§16-43 **Ballot handling.** In every case where the ballots
4 are handled by election officials or election employee, from the
5 time the ballots are delivered to the several precincts to the
6 time they are returned to the chief election officer, or clerk
7 in a county election, for disposition upon completion of the
8 tabulation, [~~they~~] the ballots shall be handled in the presence
9 of not less than two officials assigned in accordance with
10 sections 11-A and 11-B or section 16-45."

11 SECTION 39. Section 19-6, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "§19-6 **Misdemeanors.** The following persons shall be
14 guilty of a misdemeanor:

15 (1) Any person who offers any bribe or makes any promise
16 of gain, or with knowledge of the same, permits any
17 person to offer any bribe or make any promise of gain
18 for the person's benefit to any voter to induce the
19 voter to sign a nomination paper, and any person who
20 accepts any bribe or promise of gain of any kind as
21 consideration for signing the same, whether the bribe



- 1 or promise of gain be offered or accepted before or
2 after the signing;
- 3 (2) Any person who wilfully tears down, destroys, or
4 defaces any election proclamation, poster, notice,
5 list of voters, visual [~~aids,~~] aid, or facsimile
6 ballot, issued or posted by authority of law;
- 7 (3) Any person printing or duplicating or causing to be
8 printed or duplicated any ballot, conforming as to the
9 size, weight, shape, thickness, or color to the
10 official ballot so that it could be cast or counted as
11 an official ballot in an election;
- 12 (4) Every person who is disorderly or creates a
13 disturbance whereby any meeting of precinct officials
14 or the board of registration of voters during an
15 election is disturbed or interfered with; or whereby
16 any person who intends to be lawfully present at any
17 meeting or election is prevented from attending; or
18 who causes any disturbance at any election; and every
19 person assisting or aiding or abetting any
20 disturbance;



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



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

18 SECTION 40. Chapter 11, part VIIA, Hawaii Revised
19 Statutes, is repealed.

20 SECTION 41. Act 136, Session Laws of Hawaii 2019, is
21 amended by repealing sections 57, 58, and 59.



1 ~~["SECTION 57. There is appropriated out of the general~~
2 ~~revenues of the State of Hawaii the sum of \$200,000 or so much~~
3 ~~thereof as may be necessary for fiscal year 2019-2020 and the~~
4 ~~same sum or so much thereof as may be necessary for fiscal year~~
5 ~~2020-2021 for the purpose of preparing for, implementing, and~~
6 ~~administering elections by mail, including voter education and~~
7 ~~public awareness programs.~~

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

10 ~~SECTION 58. There is appropriated out of the general~~
11 ~~revenues of the State of Hawaii the sum of \$830,731 or so much~~
12 ~~thereof as may be necessary for fiscal year 2019-2020 and the~~
13 ~~same sum or so much thereof as may be necessary for fiscal year~~
14 ~~2020-2021 to be made available to the counties in the form of~~
15 ~~grants to cover the startup and transition costs for the voting~~
16 ~~by mail implementation; provided that the amount available to~~
17 ~~each county shall be in proportion to its respective percentage~~
18 ~~of registered voters.~~

19 ~~The sums appropriated shall be expended by the department~~
20 ~~of budget and finance for the purposes of this Act.~~



1 ~~SECTION 59. No later than sixty days before the convening~~
2 ~~of each of the regular sessions of 2020, 2021, 2022, 2023, 2024,~~
3 ~~and 2025, the office of elections shall submit a report to the~~
4 ~~legislature that includes:~~

5 ~~(1) The office's progress in implementing this Act;~~

6 ~~(2) A summary of the office's discussions with the county~~
7 ~~clerks to determine areas of joint implementation of~~
8 ~~this Act;~~

9 ~~(3) A summary of the expenditures required to implement~~
10 ~~this Act and a comparison of those expenditures with~~
11 ~~the expenditures required to conduct elections or~~
12 ~~election-related activities before the enactment of~~
13 ~~this Act;~~

14 ~~(4) Any additional resources the county clerks or the~~
15 ~~office may require to implement this Act;~~

16 ~~(5) Any developments in assistive technology that may be~~
17 ~~implemented by the State, the counties, or nonprofit~~
18 ~~associations to ensure that persons with disabilities~~
19 ~~are not, on the whole, disadvantaged by implementation~~
20 ~~of this Act, including the costs associated with such~~
21 ~~technology;~~



1 ~~(6) Any difficulties encountered in the implementation of~~
2 ~~this Act;~~

3 ~~(7) Specific steps taken and recommendations necessary to~~
4 ~~prevent fraud and ensure the integrity of the election~~
5 ~~process; and~~

6 ~~(8) Any other findings and recommendations, including any~~
7 ~~proposed legislation necessary to clarify and make~~
8 ~~consistent chapters 11, 12, 15, 15D, 16, and 19,~~
9 ~~Hawaii Revised Statutes, in light of the transition to~~
10 ~~statewide elections by mail.~~

11 ~~The counties shall coordinate with the office of elections in~~
12 ~~providing information necessary for the preparation of the~~
13 ~~reports required by this section."]~~

14 SECTION 42. In codifying the new sections added by
15 sections 1 to 6 the revisor of statutes shall substitute
16 appropriate section numbers for the letters used in designating
17 the new sections in this Act.

18 SECTION 43. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.



1 SECTION 44. This Act shall take effect upon its approval.

2

INTRODUCED BY:

Vye

[Signature]

JAN 17 2020



H.B. NO. 1954

Report Title:

Elections; Polling; Precincts

Description:

Restores the conducting of elections at polling places operated by precinct officials. Repeals provisions under Act 136, Session Laws of Hawaii 2019, that made voting by mail the primary and default method of voting. Repeals the establishment of voter service centers.

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

