
A BILL FOR AN ACT

RELATING TO ELECTIONS.

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

1 PART I

2 SECTION 1. The legislature finds that Act 136, Session
3 Laws of Hawaii 2019, required all elections statewide to be
4 conducted by mail beginning with the 2020 primary election. The
5 purpose of this part is to make various housekeeping amendments
6 to clarify and improve the administration of elections by mail
7 in Hawaii.

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

10 1. By adding two new definitions to be appropriately
11 inserted and to read:

12 "Ballot summary" means a complete record of ballot
13 selections that is verified by the voter.

14 "Precinct" means the smallest political subdivision
15 established by law."

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



1 "Ballot" means a ballot, including an absentee ballot,
2 that is a written or printed, or partly written and partly
3 printed, paper or papers containing the names of persons to be
4 voted for, the office to be filled, and the questions or issues
5 to be voted on. "Ballot" includes [a]:

- 6 (1) A ballot summary that is produced by a voter utilizing
7 a web-based ballot or similarly accessible ballot;
8 (2) A voter verifiable paper audit trail in the event
9 there is a discrepancy between a voting machine's
10 electronic record of the voted ballot and the voter
11 verifiable paper audit trail; and
12 (3) A ballot used in an election by mail pursuant to part
13 VIIA, including a ballot approved for electronic
14 transmission.

15 A ballot may consist of one or more cards or pieces of paper, or
16 one face of a card or piece of paper, or a portion of the face
17 of a card or piece of paper, depending on the number of offices,
18 candidates to be elected thereto, questions or issues to be
19 voted on, and the voting system in use."

20 3. By amending the definition of "district" to read:



1 "District" means, unless otherwise specified, the district
2 of political representation [~~with the fewest eligible voters in~~
3 ~~a particular election.~~] associated with a state representative."

4 SECTION 3. Section 11-15, Hawaii Revised Statutes, is
5 amended by amending subsection (a) to read as follows:

6 "(a) Any person qualified to and desiring to register as a
7 voter in any county shall make and subscribe to an application
8 in the form of an affidavit.

9 The affidavit shall contain the following information:

10 (1) Name;

11 (2) The applicant's Hawaii driver's license number or
12 Hawaii state identification card number; provided
13 that:

14 (A) If no driver's license or identification card has
15 been issued to the applicant, the last four
16 digits of the applicant's social security number;
17 and

18 (B) If no social security number has been issued to
19 the applicant, an election official or county
20 clerk shall assign the applicant a unique
21 identification number for voter registration



1 purposes and enroll the applicant in the State's
2 computerized voter registration list, if any;

3 (3) Date of birth;

4 (4) Residence, including mailing address;

5 (5) That the residence stated in the affidavit is not
6 simply because of the person's presence in the State,
7 but that the residence was acquired with the intent to
8 make Hawaii the person's legal residence with all the
9 accompanying obligations therein; and

10 (6) That the person is a citizen.

11 ~~[An application to register to vote shall include a space
12 to request a permanent absentee ballot.] "~~

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

15 1. By amending subsection (c) to read:

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

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



1 (2) Acknowledging that the person has not voted and will
2 not attempt to vote again in that election, and has
3 not cast and will not cast any absentee ballot
4 pursuant to chapter 15 in that election; and

5 (3) Acknowledging that providing false information may
6 result in a class C felony, punishable by a fine not
7 exceeding [~~\$1,000~~] \$10,000 or imprisonment not
8 exceeding five years, or both."

9 2. By amending subsection (g) to read:

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

18 SECTION 5. Section 11-17, Hawaii Revised Statutes, is
19 amended by amending subsection (b) to read as follows:

20 "(b) The clerk shall also identify or remove the name of
21 any registered voter if the clerk, after mailing a notice or



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

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

16 SECTION 6. Section 11-21, Hawaii Revised Statutes, is
17 amended by amending subsections (c) and (d) to read as follows:

18 "(c) Any person whose name appears on the registered
19 voters list whose residence has changed since the last election,
20 and whom the clerk has not transferred under section 11-20, may
21 apply on a form prescribed by the chief election officer on the



1 day of the election for transfer of registration to the
2 [~~district~~] precinct of the new residence. Any person so
3 transferring voter registration shall be immediately added to
4 the register of the new [~~district.~~] precinct.

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

8 SECTION 7. Section 11-22, Hawaii Revised Statutes, is
9 amended by amending subsection (a) to read as follows:

10 "(a) The clerk shall correct the register if at any time
11 it shall be manifest to the clerk that the name of a person
12 registered has been accidentally misspelled, or that the person
13 has been misnamed therein, or that the person has been
14 accidentally registered under the wrong [~~district,~~] precinct, or
15 that the person was accidentally removed pursuant to section
16 11-17(a), or that the name of the person should be corrected or
17 restored pursuant to section 11-17(b)."

18 SECTION 8. Section 11-25, Hawaii Revised Statutes, is
19 amended by amending subsection (a) to read as follows:

20 "(a) Any registered voter may challenge the right of a
21 person to be or to remain registered as a voter in any precinct



1 for any cause not previously decided by the board of
2 registration or the supreme court in respect to the same person.
3 The challenge shall be in writing, setting forth the grounds
4 upon which it is based, and be signed by the person making the
5 challenge. The challenge shall be delivered to the clerk who
6 shall immediately serve notice thereof on the person challenged.
7 The clerk shall, as soon as possible, investigate and rule on
8 the challenge."

9 SECTION 9. Section 11-26, Hawaii Revised Statutes, is
10 amended as follows:

11 1. By amending subsection (a) to read:

12 "(a) In cases where the clerk, or [~~precinct~~] voter service
13 center officials, rules on a challenge on election day, the
14 person ruled against may appeal from the ruling to the board of
15 registration of the person's county for review under part III.
16 The appeal shall be brought before the challenger and challenged
17 party leave the [~~polling place.~~] voter service center. If an
18 appeal is brought, both the challenger and the challenged voter
19 may be parties to the appeal."

20 2. By amending subsection (c) to read:



1 "(c) If the appeal is sustained, the board shall
2 immediately certify that finding to the clerk, who shall
3 thereupon alter the register to correspond to the findings of
4 the board, and when necessary, the clerk shall notify the
5 [~~precinct~~] voter service center officials of the change in the
6 register."

7 SECTION 10. Section 11-92.1, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "§11-92.1 Election proclamation; establishment of a new
10 precinct; voter service centers and places of deposit; changes
11 to [~~district~~] precinct boundaries. (a) The chief election
12 officer shall issue a proclamation [~~listing~~]:

13 (1) Listing all voter service centers and places of
14 deposit as may have been determined by the clerk as of
15 the proclamation date[-]; and

16 (2) Whenever a new precinct is established in any
17 representative district.

18 The clerk shall make arrangements for the rental or erection of
19 suitable shelter for the establishment of a voter service center
20 whenever public buildings are not available and shall cause
21 these voter service centers to be equipped with the necessary



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

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

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

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

13 "§11-92.3 **Natural disasters; postponement; consolidation**
14 **of [~~districts,~~] precincts; special elections.** (a) In the event
15 of a flood, tsunami, earthquake, volcanic eruption, high wind,
16 or other natural disaster, occurring before an election where
17 the extent of damage caused is such that the ability of voters,
18 in any precinct, district, or county, to exercise their right to
19 vote is substantially impaired, the chief election officer or
20 clerk in the case of county elections may postpone the
21 conducting of an election in the affected [~~area~~] precinct for no



1 more than twenty-one days; provided that any postponement shall
2 not affect the conduct of the election, tabulation, or
3 distribution of results for those precincts, districts, or
4 counties not designated for postponement. The chief election
5 officer or clerk in the case of county elections shall give
6 notice of the postponement by whatever possible news or
7 broadcast media are available.

8 (b) In the event the chief election officer or the clerk
9 in a county election determines that the number of candidates or
10 issues on the ballot in a special, special primary, or special
11 general election does not require the full number of established
12 [~~districts,~~] precincts, the [~~districts~~] precincts may be
13 consolidated for the purposes of the special, special primary,
14 or special general election into a small number of special,
15 special primary, or special general election [~~districts,~~]
16 precincts.

17 A special, special primary, or special general election
18 [~~district~~] precinct shall be considered the same as an
19 established [~~district~~] precinct for all purposes. No later than
20 4:30 p.m. on the tenth day before the special, special primary,
21 or special general election, the chief election officer or the



1 clerk shall give public notice, in the area in which the
2 special, special primary, or special general election is to be
3 held, of the special, special primary, or special general
4 election [~~districts-~~] precincts."

5 SECTION 12. Section 11-101, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "[+]§11-101[+] Elections eligible to be conducted by mail.
8 Beginning with the 2020 primary election, all elections shall be
9 conducted by mail in accordance with this title. A voter in an
10 election conducted by mail shall not be precluded from voting by
11 absentee ballot under chapters 15 or 15D, if the voter complies
12 with the applicable requirements."

13 SECTION 13. Section 11-102, Hawaii Revised Statutes, is
14 amended by amending subsection (b) to read as follows:

15 "(b) To the extent practicable, the clerk shall mail a
16 ballot package by non-forwardable mail to each registered voter
17 in the county so as to enable voters to receive the ballot
18 package approximately eighteen days before the election. The
19 clerk shall continue mailing ballot packages to voters who
20 update their voter registration address no later than [~~fourteen~~]
21 seven days before the date of the election. The clerk may



1 continue to mail ballots to those who have updated their voter
2 registration address after the seventh day, if:

3 (1) The clerk believes there is sufficient time for the
4 voter to return the ballot by the applicable deadline;

5 or

6 (2) Another statute provides for the transmittal of the
7 ballot during that time frame.

8 In determining the initial mailing date of the ballot packages,
9 the clerk shall consider the mailing place of origin and the
10 most recent postal service delivery standards. The clerk shall
11 not mail a ballot package to any voter in the county register
12 who is identified as having an outdated or non-deliverable
13 mailing address. Nothing in this part shall be construed to
14 change the responsibilities of the clerk or chief election
15 officer under chapter 15 with respect to voters requesting to
16 vote by absentee ballot or chapter 15D with respect to uniform
17 military and overseas voters."

18 SECTION 14. Section 11-104, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "[+]§11-104[+] **Ballot instructions; ballot return.** (a)

21 After a voter receives a ballot package, the voter shall comply



1 with the instructions included in the ballot package in order to
2 cast a valid vote. The instructions shall include directions
3 for:

4 (1) Marking the ballot;

5 (2) Inserting the marked ballot in the secrecy envelope or
6 secrecy sleeve;

7 (3) Inserting the secrecy envelope or secrecy sleeve with
8 the marked ballot in the return identification
9 envelope; and

10 (4) Signing the affirmation on the return identification
11 envelope before mailing or delivering the return
12 identification envelope containing the secrecy
13 envelope or secrecy sleeve with the marked ballot.

14 The affirmation shall consist of a statement to be
15 subscribed to by the voter that affirms the fact that
16 the voter is the person voting and that the voter's
17 employer or agent of the employer, agent of the
18 voter's labor union, or any candidate listed on the
19 ballot did not assist the voter, as described in
20 section 11-139, along with the instruction that the



1 voter's ballot will be valid only if the affirmation
2 statement is signed.

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

7 (c) To cast a valid ballot, the voter shall return the
8 return identification envelope containing the secrecy envelope
9 or secrecy sleeve with the marked ballot[+] in any manner:

10 (1) [~~By mail so~~] So that the return identification
11 envelope is received [~~at the office of~~] by the clerk
12 or the clerk's designee no later than the closing time
13 [~~provided~~] on election day in accordance with section
14 11-131 [~~on the date of the election~~]; provided that
15 anyone who is standing in line at 7:00 p.m. on the
16 date of the election with the intent of returning a
17 ballot shall be permitted to do so;

18 (2) [~~By personal delivery at~~] To any place of deposit no
19 later than 7:00 p.m. on the date of the election;
20 provided that [~~any voter~~] anyone who is standing in
21 line at a place of deposit at 7:00 p.m. on the date of



1 the election with the intent of returning a ballot
2 ~~[and casting a vote]~~ shall be ~~[allowed to vote,]~~
3 permitted to do so; or

4 (3) ~~[By personal delivery to]~~ To any voter service center
5 no later than the closing time provided in section
6 11-131 on the date of the election; provided that ~~[any~~
7 ~~voter]~~ anyone who is standing in line at a voter
8 service center at the closing time provided in section
9 11-131 on the date of the election with the intent of
10 returning a ballot ~~[and casting a vote]~~ shall be
11 ~~[allowed to vote.]~~ permitted to do so.

12 (d) Once a voter has returned a return identification
13 envelope containing the secrecy envelope or secrecy sleeve with
14 the marked ballot, that voter's ballot shall be deemed cast and
15 may not be recast in the election.

16 (e) Before opening the return identification envelopes and
17 counting the ballots, the return identification envelopes shall
18 be checked for the following:

19 (1) Signature on the affirmation statement;



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

4 (3) Whether the person is a registered voter and has
5 complied with the requirements of sections 11-15 and
6 11-16."

7 SECTION 15. Section 11-105, Hawaii Revised Statutes, is
8 amended by amending subsections (b) and (c) to read as follows:

9 "(b) [~~Upon receipt of a completed replacement ballot~~
10 ~~application form, the]~~ The clerk shall:

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

13 (2) Record that the voter has requested a replacement
14 ballot;

15 (3) Mark the return identification envelope as containing
16 a replacement ballot; and

17 (4) Issue the replacement ballot package by mail or make
18 the ballot package available for pick-up by the voter.

19 (c) Voters who obtain a replacement ballot shall return
20 the return identification envelope containing the secrecy



1 envelope or secrecy sleeve with the marked replacement ballot [+]
2 in any manner:

3 (1) [~~By mail so~~] So that the return identification
4 envelope is received [~~at the office of~~] by the clerk
5 or the clerk's designee no later than the closing time
6 [~~provided~~] on election day in accordance with section
7 11-131 [~~on the date of the election~~]; provided that
8 anyone who is standing in line at 7:00 p.m. on the
9 date of the election with the intent of returning a
10 ballot shall be permitted to do so;

11 (2) [~~By personal delivery to~~] To any place of deposit no
12 later than 7:00 p.m. on the date of the election;
13 provided that [~~any voter~~] anyone who is standing in
14 line at a place of deposit at 7:00 p.m. on the date of
15 the election with the intent of returning a ballot
16 [~~and casting a vote~~] shall be [~~allowed to vote;~~]
17 permitted to do so; or

18 (3) [~~By personal delivery to~~] To any voter service center
19 no later than the closing time provided in section
20 11-131 on the date of the election; provided that [~~any~~
21 ~~voter~~] anyone who is standing in line at a voter



1 service center at the closing time provided in section
2 11-131 on the date of the election with the intent of
3 returning a ballot [~~and casting a vote~~] shall be
4 [~~allowed to vote.~~] permitted to do so."

5 SECTION 16. Section 11-106, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "[+]§11-106[+] Deficient return identification envelopes.

8 If:

- 9 (1) A return identification envelope is returned with an
10 unsigned affirmation;
11 (2) The affirmation signature does not match a reference
12 signature image; or
13 (3) A return identification envelope contains another
14 condition that would not allow the counting of the
15 ballot,

16 the clerk shall make an attempt to notify the voter by first
17 class mail, telephone, or electronic mail to inform the voter of
18 the procedure to correct the deficiency. The voter shall have
19 five business days after the date of the election to cure the
20 deficiency. The chief election officer may adopt rules
21 regarding requirements and procedures for correcting deficient



1 return identification envelopes. The counting of ballots and
2 disclosure of subsequent election results may continue during
3 the time period permitted to cure a deficiency under this
4 section. The clerk's inability to contact voters under this
5 section shall not be grounds for a contest for cause under
6 section 11-172. This section shall apply to all return
7 identification envelopes, including ballots utilizing the
8 provisions of section 11-107 or chapters 15 or 15D."

9 SECTION 17. Section 11-107, Hawaii Revised Statutes, is
10 amended by amending subsections (a) and (b) to read as follows:

11 "(a) If a ballot package is not received by a voter by the
12 fifth day before the date of the election or a voter otherwise
13 requires a replacement ballot within five days of an election,
14 the voter may request that a ballot be forwarded by electronic
15 transmission; provided that a voter with special needs may
16 request that a ballot be forwarded by electronic transmission at
17 any time[-], but no earlier than the date that the voter's
18 initial ballot package was or would have been transmitted. Upon
19 receipt of such a request and confirmation that [~~proper~~
20 ~~application was made,~~] the voter has not already voted, the
21 clerk may transmit the appropriate ballot, together with a form



1 containing the affirmations, information, and a waiver of the
2 right to secrecy under section 11-137.

3 (b) The voter may return the completed replacement ballot
4 and executed forms:

5 (1) By electronic transmission so that the completed
6 replacement ballot and executed forms are received [~~at~~
7 ~~the office of~~] by the clerk or the clerk's designee no
8 later than the closing time provided in section 11-131
9 on the date of the election;

10 (2) [~~By mail~~] In any manner so that the completed
11 replacement ballot and executed forms are received [~~at~~
12 ~~the office of~~] by the clerk or the clerk's designee no
13 later than the closing time provided in section 11-131
14 on the date of the election; provided that anyone who
15 is standing in line at 7:00 p.m. on the date of the
16 election with the intent of returning a ballot shall
17 be permitted to do so;

18 (3) [~~By personal delivery~~] In any manner to any place of
19 deposit no later than 7:00 p.m. on the date of the
20 election; provided that [~~any voter~~] anyone who is
21 standing in line at a place of deposit at 7:00 p.m. on



1 the date of the election with the intent of returning
2 a ballot [~~and casting a vote~~] shall be [~~allowed to~~
3 ~~vote,~~] permitted to do so; or
4 (4) [~~By personal delivery~~] In any manner to a voter
5 service center no later than the closing time provided
6 in section 11-131 on the date of the election;
7 provided that [~~any voter~~] anyone who is standing in
8 line at a voter service center at the closing time
9 provided in section 11-131 on the date of the election
10 with the intent of returning a ballot [~~and casting a~~
11 ~~vote~~] shall be [~~allowed to vote.~~] permitted to do so."

12 SECTION 18. Section 11-108, Hawaii Revised Statutes, is
13 amended by amending subsection (c) to read as follows:

14 "(c) Any ballot the validity of which cannot be
15 established upon receipt shall be retained by the clerk and
16 shall not be commingled with ballots for which validity has been
17 established until the validity of the ballot in question can be
18 verified by the clerk. No ballot shall be included in an
19 initial tabulation until the clerk has determined its validity.
20 The clerk shall make reasonable efforts to determine the
21 validity of ballots within seven days following an election day.



1 No ballots shall be validated beyond the seventh day following
2 an election."

3 SECTION 19. Section 11-109, Hawaii Revised Statutes, is
4 amended as follows:

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

6 "(a) Voter service centers shall be established [~~at the~~
7 ~~office of the clerk, and may be established at additional~~
8 ~~locations within a county as may be designated by a clerk]~~ by
9 the clerks to service the particular needs of [a] each county's
10 voters.

11 (b) [~~Voter~~] In each county, a voter service [centers]
12 center shall be open from the tenth business day preceding the
13 day of the election during regular business hours until the time
14 provided in section 11-131 on the date of the election and at
15 the same times statewide[-]; provided that beginning with the
16 2022 primary election, at least two voter service centers shall
17 be open in each county with a population greater than one
18 hundred fifty thousand from the tenth business day preceding the
19 day of the election during regular business hours until the time
20 provided in section 11-131 on the date of the election and at
21 the same times statewide. The clerks may operate additional



1 voter service centers with varying days or hours of operations
2 to service the voters of particular areas that could not
3 otherwise support the operation of a voter service center for
4 ten business days or the same times statewide. Any voter
5 standing in line at a voter service center at the closing time
6 provided in section 11-131 on the date of the election with the
7 intent of voting shall be allowed to vote. A person eligible to
8 vote but who is not registered to vote and is standing in line
9 at a voter service center at the closing time provided in
10 section 11-131 on the date of the election shall be permitted to
11 apply under section 11-15.2 to register to vote and subsequently
12 vote that election day. To the extent the registration clerk
13 determines the applicant to be registered at that time, the
14 applicant will be permitted to vote a regular ballot. If
15 additional time is required to process the application, the
16 applicant will be provided a provisional ballot."

17 2. By amending subsection (d) to read:

18 "(d) The clerks may designate and provide for places of
19 deposit to be open five business days before the election until
20 7:00 p.m. on the day of the election; provided that the
21 locations and apparatus for receiving voted ballots can be



1 securely maintained during the period of use for each election,
2 and as may be permitted by the operational hours. As such, the
3 clerks may provide for places of deposit with varying or shorter
4 days or hours of operation."

5 SECTION 20. Section 11-117, Hawaii Revised Statutes, is
6 amended by amending subsection (b) to read as follows:

7 "(b) On receipt of the notice of death, withdrawal, or
8 upon determination of disqualification, the chief election
9 officer or the clerk shall inform the chairperson of the
10 political party of which the person deceased, withdrawing, or
11 disqualified was a candidate. When a candidate dies, withdraws,
12 or is disqualified after the close of filing and the ballots
13 have been printed, the chief election officer or the clerk may
14 order the candidate's name stricken from the ballot or order
15 that a notice of the death, withdrawal, or disqualification be
16 prominently posted at the appropriate [~~polling places~~] voter
17 service centers on election day."

18 SECTION 21. Section 11-138, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "§11-138 Time allowed voters. A voter shall be allowed to
21 remain in the voting booth for five minutes, and having voted



1 the voter shall at once emerge and leave the voting booth. If
2 the voter refuses to leave when so requested by a majority of
3 [~~precinct~~] voter service center officials after the lapse of
4 five minutes, the voter shall be removed by the [~~precinct~~] voter
5 service center officials."

6 SECTION 22. Section 11-153, Hawaii Revised Statutes, is
7 amended by amending subsection (c) to read as follows:

8 "(c) The chief election officer or the clerk shall make a
9 list of all [~~districts~~] precincts in which an overage or
10 underage occurred and the amount of the overage or underage.
11 This list shall be filed and kept as a public record in the
12 office of the chief election officer or the clerk in county
13 elections.

14 An election contest may be brought under part XI, if the
15 overage or underage in any [~~district~~] precinct could affect the
16 outcome of an election."

17 SECTION 23. Section 11-155, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "**§11-155 Certification of results of election.** On receipt
20 of certified tabulations from the election officials concerned,
21 the chief election officer, or county clerk in a county



1 election, shall compile, certify, and release the election
2 results after the expiration of the time for bringing an
3 election contest. The certification shall be based on a
4 comparison and reconciliation of the following:

- 5 (1) The results of the canvass of ballots conducted
6 pursuant to chapter 16;
- 7 (2) The audit of [~~pollbooks (and related record books)]~~
8 records and resultant overage and underage report;
- 9 (3) The audit results of the manual audit team;
- 10 (4) The results of the absentee ballot reconciliation
11 report compiled by the clerks;
- 12 (5) The results of any mandatory recount of votes
13 conducted pursuant to section 11-158; and
- 14 (6) All logs, tally sheets, and other documents generated
15 during the election and in the canvass of the election
16 results.

17 A certificate of election or a certificate of results declaring
18 the results of the election as of election day shall be issued
19 pursuant to section 11-156; provided that in the event of an
20 overage or underage, a list of all precincts in which an overage
21 or underage occurred shall be attached to the certificate. The



1 number of candidates to be elected receiving the highest number
2 of votes in any election district shall be declared to be
3 elected. Unless otherwise provided, the term of office shall
4 begin or end as of the close of [~~polls~~] voter service centers on
5 election day. The position on the question receiving the
6 appropriate majority of the votes cast shall be reflected in a
7 certificate of results issued pursuant to section 11-156."

8 SECTION 24. Section 11-172, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "§11-172 **Contests for cause; generally.** With respect to
11 any election, any candidate, or qualified political party
12 directly interested, or any thirty voters of any election
13 district, may file a complaint in the supreme court. The
14 complaint shall set forth any cause or causes, such as but not
15 limited to, provable fraud, overages, or underages, that could
16 cause a difference in the election results. The complaint shall
17 also set forth any reasons for reversing, correcting, or
18 changing the decisions of the [~~precinct~~] voter service center
19 officials or the officials at a counting center in an election
20 using the electronic voting system. A copy of the complaint



1 shall be delivered to the chief election officer or the clerk in
2 the case of county elections."

3 SECTION 25. Section 11-173.5, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

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



1 SECTION 26. Section 11-174.5, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) In cases involving general, special general, special,
4 or runoff elections the complaint shall be heard by the supreme
5 court in which the complaint was filed as soon as it reasonably
6 may be heard. On the return day, the court, upon its motion or
7 otherwise, may direct summons to be issued to any person who may
8 be interested in the result of the proceedings.

9 At the hearing, the court shall cause the evidence to be
10 reduced to writing and shall give judgment, stating all findings
11 of fact and of law. The judgment may invalidate the general,
12 special general, special, or runoff election on the grounds that
13 a correct result cannot be ascertained because of a mistake or
14 fraud on the part of the [~~precinct~~] voter service center
15 officials; or decide that a certain candidate, or certain
16 candidates, received a majority or plurality of votes cast and
17 were elected. If the judgment should be that the general,
18 special general, special, or runoff election was invalid, a
19 certified copy thereof shall be filed with the governor, and the
20 governor shall duly call a new election to be held not later
21 than one hundred twenty days after the judgment is filed. If



1 the court shall decide which candidate or candidates have been
2 elected, a copy of that judgment shall be served on the chief
3 election officer or county clerk, who shall sign and deliver to
4 the candidate or candidates certificates of election, and the
5 same shall be conclusive of the right of the candidate or
6 candidates to the offices."

7 SECTION 27. Section 15-2, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "§15-2 Who may vote by absentee ballot. Any person
10 registered to vote may cast an absentee ballot in any election,
11 including an election conducted by mail, in the manner provided
12 in this chapter and rules adopted by the chief election
13 officer."

14 SECTION 28. Section 15-2.5, Hawaii Revised Statutes, is
15 amended by amending its title and subsections (a) and (b) to
16 read as follows:

17 "§15-2.5 Voting by mail in [~~district~~] precinct affected by
18 natural disasters. (a) If the chief election officer and clerk
19 of a county affected as a result of a natural disaster determine
20 that the opening of a designated voter service center will
21 adversely affect the health and safety of voters or precinct



1 officials, the chief election officer and county clerk, by
2 written order, may require the registered voters of any
3 ~~[district]~~ precinct to vote by mail as provided in part VIIA of
4 chapter 11.

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 SECTION 29. Section 15-9, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "§15-9 Return ~~[and]~~, receipt, processing, and treatment of
12 absentee ballots. ~~[(a) The return envelope shall be:~~

13 ~~(1) Mailed and must be received by the clerk issuing the~~
14 ~~absentee ballot no later than the closing hour on~~
15 ~~election day in accordance with section 11-131; or~~

16 ~~(2) Delivered other than by mail to the clerk issuing the~~
17 ~~absentee ballot, or to a voter service center no later~~
18 ~~than the closing hour on election day in accordance~~
19 ~~with section 11-131.~~



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

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

7 ~~(1) Signature on the affirmation statement;~~

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

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

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



1 identification envelope in an election by mail under part VIIA
2 of chapter 11."

3 SECTION 30. Section 15-11, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§15-11 Voting by absentee voter at [~~polls~~] voter service
6 centers prohibited. Any person having voted an absentee ballot
7 pursuant to this chapter shall not be entitled to cast a ballot
8 at [~~the polls~~] a voter service center on election day. An
9 absentee voter who does cast a ballot at [~~the polls~~] a voter
10 service center shall be guilty of an election offense under
11 section 19-3(5)."

12 SECTION 31. Section 15D-10, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "[~~+~~] §15D-10 [~~+~~] Receipt of voted ballot. A valid
15 military-overseas ballot shall be counted if it is received by
16 the close of the [~~polls~~] voter service centers on the day of the
17 election and meets the requirements prescribed under section
18 15-9."

19 SECTION 32. Section 16-23, Hawaii Revised Statutes, is
20 amended to read as follows:



1 "§16-23 Paper ballot; voting. Upon receiving the ballot
2 the voter shall proceed into one of the voting booths provided
3 for the purpose, and shall mark the voter's ballot in the manner
4 prescribed by section 16-22.

5 The voter shall then leave the booth and deliver the ballot
6 to the [~~precinct~~] voter service center official in charge of the
7 ballot boxes. The [~~precinct~~] voter service center official
8 shall be sufficiently satisfied that there is but one ballot
9 enclosed, whereupon the ballot shall be immediately dropped into
10 the proper box by the [~~precinct~~] voter service center official."

11 SECTION 33. Section 16-26, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "§16-26 Questionable ballots. A ballot shall be
14 questionable if:

- 15 (1) A ballot contains any mark or symbol whereby it can be
16 identified, or any mark or symbol contrary to the
17 provisions of law; or
- 18 (2) Two or more ballots are found in the ballot box so
19 folded together as to make it clearly evident that
20 more than one ballot was put in by one person, the
21 ballots shall be set aside as provided below.



1 Each ballot which is held to be questionable shall be
2 endorsed on the back by [~~the chairperson of precinct officials~~
3 ~~with the chairperson's~~] a voter service center official with
4 their name or initials, and the word "questionable". All
5 questionable ballots shall be set aside uncounted and disposed
6 of as provided for ballots in section 11-154."

7 SECTION 34. Section 16-27, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "§16-27 Number of blank and questionable ballots; record
10 of. In addition to the count of the valid ballots, the
11 [~~precinct~~] voter service center officials shall, as to each
12 separate official ballot, also determine and record the number
13 of totally blank ballots and the number of questionable
14 ballots."

15 SECTION 35. Section 16-28, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "§16-28 Declaration of results. When the [~~precinct~~] voter
18 service center officials have ascertained the number of votes
19 given for each candidate they shall make public declaration of
20 the whole number of votes cast, the names of the persons voted
21 for, and the number of votes for each person."



1 SECTION 36. Section 11-181, Hawaii Revised Statutes, is
2 repealed.

3 [~~§11-181 Capital equipment. The State shall pay for all~~
4 ~~voting system capital equipment. This shall include, but not be~~
5 ~~limited to voting machines, voting devices, and initial computer~~
6 ~~programs.~~"]

7 SECTION 37. (a) Following the 2020 general election, the
8 office of elections shall review the process for the electronic
9 transmission of ballots, including its vulnerability to hacking
10 or cyberattacks.

11 (b) The office of elections shall submit a report of its
12 findings and recommendations, including any proposed
13 legislation, to the legislature no later than twenty days prior
14 to the convening of the regular session of 2021.

15 PART II

16 SECTION 38. The legislature finds that voter turnout in
17 the State remains low and continues to decline. In 2016, Hawaii
18 had the lowest voter turnout in the United States. Only 52.7
19 per cent of registered Hawaii voters cast ballots in the 2018
20 general election. This represents a sharp decline in voter
21 turnout over the years, as approximately ninety-four per cent of



1 registered voters cast ballots in the State's first
2 gubernatorial election in 1959.

3 Additionally, the State has a historically low rate of
4 registered voters. According to a 2016 estimate from the United
5 States Census Bureau, Hawaii had the lowest percentage of
6 registered voters in the country at 49.8 per cent, well below
7 the national average of 64.2 per cent. Therefore, of the
8 1,064,000 people in Hawaii who were qualified to vote in the
9 2016 election, 534,128 were not registered to vote.

10 The legislature further finds that voting at a young age
11 creates and empowers lifelong voters. Data shows that after an
12 individual votes once, the individual often becomes a habitual
13 voter. Therefore, by facilitating the ability of those sixteen
14 years of age and older to preregister or register to vote, the
15 State will be empowering a new generation of lifelong voters.

16 Accordingly, the purpose of this part is to increase voter
17 participation and encourage civic engagement in Hawaii's schools
18 by establishing a process for the automatic preregistration and
19 registration of public school- and charter school-enrolled
20 students who are at least sixteen years of age.



1 SECTION 39. Chapter 11, Hawaii Revised Statutes, is
2 amended by adding a new section to part II to be appropriately
3 designated and to read as follows:

4 "§11- Automatic voter preregistration and registration;

5 opt out. (a) Beginning January 1, 2021, any person who:

6 (1) Is enrolled in a public high school or public charter
7 school;

8 (2) Is otherwise qualified to preregister or register to
9 vote under this part;

10 (3) Is at least sixteen years of age; and

11 (4) Properly completes and submits a voter registration
12 affidavit,

13 shall be automatically preregistered or registered to vote as
14 provided in this section.

15 (b) Between January 1 and January 31 of each year, the
16 superintendent of education shall provide and may collect from
17 each public school student who is at least sixteen years of age
18 a voter registration affidavit containing the information
19 required by section 11-15 to allow the student to preregister or
20 register to vote or opt out of preregistering or registering to
21 vote. The department of education shall collect and transmit



1 any voter registration affidavit provided to the department to
2 the clerk of the county in which the applicant resides, as
3 necessary; provided that the superintendent of education shall
4 not maintain, scan, review, or copy any voter registration
5 affidavit nor transmit any information maintained by the
6 department of education.

7 (c) Between January 1 and January 31 of each year, an
8 authorizer, as defined in section 302D-1, shall provide and may
9 collect from each charter school student who is at least sixteen
10 years of age a voter registration affidavit containing the
11 information required by section 11-15 to allow the student to
12 preregister or register to vote or opt out of preregistering or
13 registering to vote. The authorizer may transmit the voter
14 registration affidavit to the clerk of the county in which the
15 applicant resides; provided that the authorizer shall not
16 maintain, scan, review, or copy any voter registration affidavit
17 nor transmit any information maintained by the state public
18 charter school commission.

19 (d) The clerk shall determine whether the applicant is
20 currently preregistered or registered in the general county
21 register."



1 SECTION 40. Chapter 302A, Hawaii Revised Statutes, is
2 amended by adding a new section to part II, subpart C, to be
3 appropriately designated and to read as follows:

4 "§302A- Automatic voter preregistration and
5 registration. The superintendent, in consultation with the
6 office of elections, may adopt and communicate guidelines as
7 necessary to maximize and facilitate the preregistration and
8 registration of qualifying students to vote as provided in
9 section 11- ."

10 SECTION 41. Chapter 302D, Hawaii Revised Statutes, is
11 amended by adding a new section to be appropriately designated
12 and to read as follows:

13 "§302D- Automatic voter preregistration and
14 registration. The commission, in consultation with the office
15 of elections, may adopt policies as necessary to maximize and
16 facilitate the preregistration and registration of qualifying
17 students to vote as provided in section 11- ."

18 PART III

19 SECTION 42. Chapter 11, Hawaii Revised Statutes, is
20 amended by adding a new section to be appropriately designated
21 and to read as follows:



1 "§11- Ranked choice voting; application; procedure.

2 (a) Any:

3 (1) Federal election not held on the date of a regularly
4 scheduled primary election or general election;

5 (2) Special election for a vacant state senate or state
6 house of representatives seat; provided that the
7 special election for the vacant state senate or state
8 house of representatives seat shall be conducted on
9 the same timetable as a vacant seat in the federal
10 house of representatives; and

11 (3) Special election for a vacant seat on a county
12 council;

13 shall be conducted by ranked choice voting. For any election
14 conducted by ranked choice voting, the election proclamation
15 required pursuant to section 11-91 shall state that votes shall
16 be cast and tabulated using ranked choice voting and provide an
17 explanation of ranked choice voting.

18 (b) Except as provided in subsections (c) and (d), the
19 following procedures shall be used to determine the winner of an
20 election conducted by ranked choice voting:

21 (1) Tabulation of votes shall proceed in rounds;



- 1 (2) In each round, the number of votes for each continuing
2 candidate shall be counted, with each continuing
3 ballot counting as one vote for its highest-ranked
4 continuing candidate for that round;
- 5 (3) Inactive ballots shall not be counted for any
6 continuing candidate; and
- 7 (4) The round shall end with one of two potential
8 outcomes:
- 9 (A) If there are two or fewer continuing candidates,
10 the candidate with the most votes is declared the
11 winner of the election; or
- 12 (B) If there are more than two continuing candidates,
13 the last-place candidate is defeated and a new
14 round begins.
- 15 (c) A tie under this section between candidates for the
16 most votes in the final round or a tie between last-place
17 candidates in any round shall be decided by lot, and the
18 candidate chosen by lot shall be defeated.
- 19 (d) The office of elections may modify a ranked-choice
20 voting ballot and tabulation; provided that:



1 (1) The number of allowable rankings may be limited to no
2 fewer than six; and

3 (2) Two or more candidates may be defeated simultaneously
4 by batch elimination in any round of tabulation.

5 (e) For the purposes of this section:

6 "Batch elimination" means the simultaneous defeat of
7 multiple candidates for whom it is mathematically impossible to
8 be elected.

9 "Continuing ballot" means a ballot that is not an inactive
10 ballot.

11 "Highest continuing ranking" means the highest ranking on a
12 voter's ballot for a continuing candidate.

13 "Inactive ballot" means a ballot that does not rank any
14 continuing candidate, contains an overvote at the highest
15 continuing ranking, or contains two or more sequential skipped
16 rankings before its highest continuing ranking.

17 "Last-place candidate" means the candidate with the fewest
18 votes in a round of ranked-choice voting tabulation.

19 "Mathematically impossible to be elected", with respect to
20 a candidate, means that:



- 1 (1) The candidate cannot be elected because the
2 candidate's vote total in a round of the ranked-choice
3 voting tabulation plus all votes that could possibly
4 be transferred to the candidate in future rounds from
5 candidates with fewer votes or an equal number of
6 votes would not be enough to surpass the candidate
7 with the next-higher vote total in the round; or
8 (2) The candidate has a lower vote total than a candidate
9 described in paragraph (1).

10 "Overvote" means a circumstance in which a voter has ranked
11 more than one candidate at the same ranking.

12 "Ranked choice voting" means the method of casting and
13 tabulating votes in which voters rank candidates in order of
14 preference, tabulation proceeds in sequential rounds in which
15 last-place candidates are defeated, and the candidate with the
16 most votes in the final round is elected.

17 "Ranking" means the number assigned on a ballot by a voter
18 to a candidate to express the voter's preference for that
19 candidate, in which number one is the highest ranking, number
20 two is the next-highest ranking, and so on.



1 "Round" means an instance of the sequence of voting
2 tabulation steps established in subsection (b).

3 "Skipped ranking" means a circumstance in which a voter has
4 left a ranking blank and ranks a candidate at a subsequent
5 ranking."

6 SECTION 43. Section 11-112, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "**§11-112 Contents of ballot.** (a) The ballot shall
9 contain the names of the candidates, their party affiliation or
10 nonpartisanship in partisan election contests, the offices for
11 which they are running, and the district in which the election
12 is being held. In multimember races the ballot shall state that
13 the voter shall not vote for more than the number of seats
14 available or the number of candidates listed where [~~such~~] the
15 number of candidates is [~~less~~] fewer than the number of seats
16 available.

17 (b) The ballot may include questions concerning proposed
18 state constitutional amendments, proposed county charter
19 amendments, or proposed initiative or referendum issues.

20 (c) At the chief election officer's discretion, the ballot
21 may have a background design imprinted onto it.



1 (d) When the electronic voting system is used, the ballot
2 may have pre-punched codes and printed information which
3 identify the voting districts, precincts, and ballot sets to
4 facilitate the electronic data processing of these ballots.

5 (e) The name of the candidate may be printed with the
6 Hawaiian or English equivalent or nickname, if the candidate so
7 requests in writing at the time the candidate's nomination
8 papers are filed. Candidates' names, including the Hawaiian or
9 English equivalent or nickname, shall be set on one line.

10 (f) The ballot shall bear no word, motto, device, sign, or
11 symbol other than as allowed in this title.

12 (g) The ballot may include information necessary to use
13 ranked choice voting as described in section 11- ."

14 SECTION 44. Section 11-151, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "§11-151 Vote count. [Each] Except for contests conducted
17 by ranked choice voting pursuant to section 11- , each contest
18 or question on a ballot shall be counted independently as
19 follows:

20 (1) If the votes cast in a contest or on a question are
21 equal to or less than the number to be elected or



1 chosen for that contest or question, the votes for
2 that contest or question shall be counted;

3 (2) If the votes cast in a contest or on a question exceed
4 the number to be elected or chosen for that contest or
5 question, the votes for that contest or question shall
6 not be counted; and

7 (3) If a contest or question requires a majority of the
8 votes for passage, any blank, spoiled, or invalid
9 ballot shall not be tallied for passage or as votes
10 cast except that such ballots shall be counted as
11 votes cast in ratification of a constitutional
12 amendment or a question for a constitutional
13 convention."

14 SECTION 45. Section 11-152, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "§11-152 Method of counting. (a) For votes cast using
17 the electronic voting system, the ballots shall be taken in the
18 sealed ballot containers to the counting center according to the
19 procedure and schedule adopted by the chief election officer to
20 promote the security of the ballots. For all votes cast in an
21 election, in the presence of official observers, counting center



1 employees may start to count the ballots before election day, as
2 specified in section 11-108.

3 (b) In an election conducted by ranked choice voting,
4 votes shall be counted as provided in section 11- ."

5 SECTION 46. Section 11-155, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "§11-155 Certification of results of election. On receipt
8 of certified tabulations from the election officials concerned,
9 the chief election officer, or county clerk in a county
10 election, shall compile, certify, and release the election
11 results after the expiration of the time for bringing an
12 election contest. The certification shall be based on a
13 comparison and reconciliation of the following:

- 14 (1) The results of the canvass of ballots conducted
- 15 pursuant to chapter 16;
- 16 (2) The audit of pollbooks (and related record books) and
- 17 resultant overage and underage report;
- 18 (3) The audit results of the manual audit team;
- 19 (4) The results of the absentee ballot reconciliation
- 20 report compiled by the clerks;



- 1 (5) The results of any mandatory recount of votes
2 conducted pursuant to section 11-158; and
3 (6) All logs, tally sheets, and other documents generated
4 during the election and in the canvass of the election
5 results.

6 A certificate of election or a certificate of results declaring
7 the results of the election as of election day shall be issued
8 pursuant to section 11-156; provided that in the event of an
9 overage or underage, a list of all precincts in which an overage
10 or underage occurred shall be attached to the certificate. The
11 ~~[number of]~~ candidates to be elected ~~[receiving the highest~~
12 ~~number of]~~ who receive the most votes in any election district
13 shall be declared to be elected~~[=]~~; provided that candidates for
14 offices elected by ranked choice voting shall be declared to be
15 elected pursuant to section 11- . Unless otherwise provided,
16 the term of office shall begin or end as of the close of polls
17 on election day. The position on the question receiving the
18 appropriate majority of the votes cast shall be reflected in a
19 certificate of results issued pursuant to section 11-156."

20 PART IV



1 SECTION 47. Section 17-3, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§17-3 State senator. (a) Whenever any vacancy in the
4 membership of the state senate occurs, the term of which ends at
5 the next succeeding general election:

6 (1) The governor shall make an appointment within sixty
7 calendar days following the first day of vacancy to
8 fill the vacancy for the unexpired term by selecting a
9 person from a list of three prospective appointees
10 submitted by the same political party as the prior
11 incumbent. The appointee shall be at the time of
12 appointment, and for at least six months immediately
13 [~~prior to~~] before the appointment, a member of the
14 political party. The appointee shall, at the time of
15 appointment, be a resident of the same senate district
16 as the prior incumbent. The political party shall
17 submit the list of prospective appointees to the
18 governor within thirty calendar days following the
19 first day of vacancy; and

20 (2) If the prior incumbent was not a member of any
21 political party, the governor shall, within sixty



1 calendar days following the first day of vacancy,
2 appoint a person who is at the time of appointment a
3 resident of the same senate district as the prior
4 incumbent and who is not, and has not been for at
5 least six months [~~prior to~~] before the appointment, a
6 member of any political party.

7 (b) In the case of a vacancy, the term of which does not
8 end at the next succeeding general election:

9 (1) If it occurs [~~not~~] no later than on the tenth day
10 [~~prior to~~] before the close of filing for the next
11 succeeding primary election, as specified in section
12 12-6, the vacancy shall be filled for the unexpired
13 term at the next succeeding general election. The
14 chief election officer shall issue a proclamation
15 designating the election for filling the vacancy.
16 Notwithstanding any law to the contrary, all
17 candidates for the unexpired term shall file
18 nomination papers no later than the date and time
19 specified in section 12-6 for the next succeeding
20 primary election. All candidates for the unexpired
21 term shall be nominated and elected in accordance with



1 this title. Pending the election, the governor shall
2 make a temporary appointment to fill the vacancy, and
3 the person so appointed shall serve until the election
4 of the person duly elected to fill the vacancy. The
5 governor shall make the appointment from a list of
6 three prospective appointees submitted by the same
7 political party as the prior incumbent. The appointee
8 shall be, at the time of the appointment, and shall
9 have been, for at least six months immediately [~~prior~~
10 ~~to~~] before the appointment, a member of the political
11 party. The appointee shall, at the time of
12 appointment, be a resident of the same senate district
13 as the prior incumbent. If the prior incumbent was
14 not a member of any political party, the governor
15 shall appoint a person who is at the time of
16 appointment a resident of the same senate district as
17 the prior incumbent and is not and has not been, for
18 at least six months immediately [~~prior to~~] before the
19 appointment, a member of any political party;

20 [~~(2) If it occurs later than on the tenth day prior to the~~
21 ~~close of filing for the next succeeding primary~~



1 ~~election but not later than on the sixtieth day prior~~
2 ~~to the next succeeding primary election, or if there~~
3 ~~are no qualified candidates for any party or~~
4 ~~nonpartisan candidates qualified for the primary~~
5 ~~election ballot, nominations for the unexpired term~~
6 ~~may be filed not later than 4:30 p.m. on the fiftieth~~
7 ~~day prior to the next succeeding primary election.~~
8 ~~The chief election officer shall issue a proclamation~~
9 ~~designating the election for filling the vacancy.~~
10 ~~Pending the election the governor shall make a~~
11 ~~temporary appointment to fill the vacancy and the~~
12 ~~person appointed shall serve until the election of the~~
13 ~~person duly elected to fill the vacancy. The governor~~
14 ~~shall make the appointment from a list of three~~
15 ~~prospective appointees submitted by the same political~~
16 ~~party as the prior incumbent. The appointee shall be,~~
17 ~~at the time of the appointment, and shall have been,~~
18 ~~for at least six months immediately prior to the~~
19 ~~appointment, a member of the political party. The~~
20 ~~appointee shall, at the time of appointment, be a~~
21 ~~resident of the same senate district as the prior~~



1 ~~incumbent. If the prior incumbent was not a member of~~
2 ~~any political party, the governor shall appoint a~~
3 ~~person who is at the time of appointment a resident of~~
4 ~~the same senate district as the prior incumbent and is~~
5 ~~not and has not been, for at least six months~~
6 ~~immediately prior to the appointment, a member of any~~
7 ~~political party;~~

8 (3)] (2) If it occurs [~~after the sixtieth day prior to the~~
9 ~~next succeeding primary]~~ later than on the tenth day
10 before the close of filing for the next succeeding
11 primary election, as specified in section 12-6, but
12 ~~[not]~~ no later than on the [fiftieth] ninety-fifth day
13 ~~[prior to]~~ before the next succeeding general
14 election, or if there are no qualified candidates for
15 any party or nonpartisan candidates in the primary,
16 the vacancy shall be filled for the unexpired term at
17 the next succeeding general election. The chief
18 election officer shall issue a proclamation
19 designating the election for filling the vacancy.
20 Each candidate shall fill out an application for
21 nomination papers, sign the proper certification on



1 the nomination papers, and take either an oath or
2 affirmation as provided by law. Party candidates for
3 the unexpired senate term shall be nominated by the
4 county committees of the parties [~~not~~]. The chief
5 election officer shall be notified of the nominations
6 and the nomination papers of the partisan candidates
7 which shall be filed no later than 4:30 p.m. on the
8 [~~fortieth~~] seventy-fifth day [~~prior to~~] before the
9 general election[~~, nonpartisan~~]. Nonpartisan
10 candidates may file nomination papers for the
11 unexpired term [~~not~~] no later than 4:30 p.m. on the
12 [~~fortieth~~] seventy-fifth day [~~prior to~~] before the
13 general election with the nonpartisan candidate who is
14 to be nominated to be decided by lot, under the
15 supervision of the chief election officer. The
16 candidates for the unexpired term shall be elected in
17 accordance with this title. Pending the election, the
18 governor shall make a temporary appointment to fill
19 the vacancy, and the person appointed shall serve
20 until the election of the person duly elected to fill
21 the vacancy. The governor shall make the appointment



1 from a list of three prospective appointees submitted
2 by the same political party as the prior incumbent.
3 The appointee shall be, at the time of the
4 appointment, and shall have been, for at least six
5 months immediately [~~prior to~~] before the appointment,
6 a member of the political party. The appointee shall,
7 at the time of appointment, be a resident of the same
8 senate district as the prior incumbent. If the prior
9 incumbent was not a member of any political party, the
10 governor shall appoint a person who is at the time of
11 appointment a resident of the same senate district as
12 the prior incumbent and is not and has not been, for
13 at least six months immediately [~~prior to~~] before the
14 appointment, a member of any political party;

15 [~~(4)~~] (3) If it occurs after the [~~fiftieth~~] ninety-fifth
16 day [~~prior to~~] before the next succeeding general
17 election or if no candidates are nominated, the
18 governor shall make an appointment to fill the vacancy
19 for the unexpired term by selecting a person from a
20 list of three prospective appointees submitted by the
21 same political party as the prior incumbent. The



1 appointee shall be, at the time of the appointment,
2 and shall have been, for at least six months
3 immediately [~~prior to~~] before the appointment, a
4 member of the political party. The appointee shall,
5 at the time of appointment, be a resident of the same
6 senate district as the prior incumbent. If the prior
7 incumbent was not a member of any political party, the
8 governor shall appoint a person who is at the time of
9 appointment a resident of the same senate district as
10 the prior incumbent and is not and has not been, for
11 at least six months immediately [~~prior to~~] before the
12 appointment, a member of any political party."

PART V

14 SECTION 48. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 49. This Act shall take effect upon its approval.



Report Title:

Elections; Voting by Mail; Voter Preregistration or Registration; DOE; State Public Charter School Commission; Ranked Choice Voting; State Senate; State House of Representatives; Vacancies

Description:

Makes housekeeping amendments to Hawaii's elections laws to clarify and improve the administration of elections by mail. Establishes a process, beginning on January 1, 2021, for preregistering or registering public school- and charter school-enrolled students to vote. Establishes ranked choice voting for special federal elections and special elections of vacant county council seats. Amends filing deadlines for candidates attempting to fill vacant state senate seats. (HD1)

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

