

JAN 17 2020

A BILL FOR AN ACT

RELATING TO ELECTIONS.

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

1 SECTION 1. The legislature finds that Act 136, Session
2 Laws of Hawaii 2019, established that all elections statewide
3 were to be conducted by mail beginning with the 2020 primary
4 election. This Act reinstates the definition of "precinct" and
5 amends the definition of "district" to facilitate the
6 administration of elections.

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

9 1. By adding a new definition to be appropriately
10 inserted and to read as follows:

11 "Precinct" means the smallest political subdivision
12 established by law."

13 2. By amending the definition of "district" to read:

14 "District" means, unless otherwise specified, the district
15 of political representation [with the fewest eligible voters in
16 a particular election] associated with a state representative."



1 SECTION 3. Section 11-15.2, Hawaii Revised Statutes, is
2 amended by amending subsection (g) to read as follows:

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

11 SECTION 4. Section 11-17, Hawaii Revised Statutes, is
12 amended by amending subsection (b) to read as follows:

13 "(b) The clerk shall also identify or remove the name of
14 any registered voter if the clerk, after mailing a notice or
15 other correspondence, properly addressed, with postage prepaid,
16 receives the notice or other correspondence as return mail with
17 a postal notation that the notice or other correspondence was
18 not deliverable. On election day, any person identified or
19 removed shall have the person's name corrected or restored in
20 the register and shall be allowed to vote if the person



1 completes an affidavit or other form prescribed by the chief
2 election officer affirming that the person:

3 (1) Claims the person's legal residence at the address
4 listed on the register;

5 (2) Changed the person's legal residence after the closing
6 of the register for that election; or

7 (3) Moved to a new residence within the same [~~district~~]
8 precinct as the person's residence as listed on the
9 register."

10 SECTION 5. Section 11-21, Hawaii Revised Statutes, is
11 amended by amending subsections (c) and (d) to read as follows:

12 "(c) Any person whose name appears on the registered
13 voters list whose residence has changed since the last election,
14 and whom the clerk has not transferred under section 11-20, may
15 apply on a form prescribed by the chief election officer on the
16 day of the election for transfer of registration to the
17 [~~district~~] precinct of the new residence. Any person so
18 transferring voter registration shall be immediately added to
19 the register of the new [~~district.~~] precinct.



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

4 SECTION 6. Section 11-22, Hawaii Revised Statutes, is
5 amended by amending subsection (a) to read as follows:

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

14 SECTION 7. Section 11-25, Hawaii Revised Statutes, is
15 amended by amending subsection (a) to read as follows:

16 "(a) Any registered voter may challenge the right of a
17 person to be or to remain registered as a voter in any precinct
18 for any cause not previously decided by the board of
19 registration or the supreme court in respect to the same person.
20 The challenge shall be in writing, setting forth the grounds
21 upon which it is based, and be signed by the person making the



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

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

7 "**§11-92.1 Election proclamation; establishment of a new**
 8 **precinct; voter service centers and places of deposit; changes**
 9 **to [~~district~~] precinct boundaries.** (a) The chief election
 10 officer shall issue a proclamation listing all voter service
 11 centers and places of deposit as may have been determined by the
 12 clerk as of the proclamation date[-] and whenever a new precinct
 13 is established in any representative district. The clerk shall
 14 make arrangements for the rental or erection of suitable shelter
 15 for the establishment of a voter service center whenever public
 16 buildings are not available and shall cause these voter service
 17 centers to be equipped with the necessary facilities for
 18 lighting, ventilation, and equipment needed for elections on any
 19 island. This proclamation may be issued jointly with the
 20 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 is not required to establish voter
6 service centers for [~~districts~~] precincts affected by natural
7 disasters, as provided in section 15-2.5."

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

10 "**§11-92.3 Natural disasters; postponement; consolidation**
11 **of [~~districts;~~] precincts; special elections.** (a) In the event
12 of a flood, tsunami, earthquake, volcanic eruption, high wind,
13 or other natural disaster, occurring before an election where
14 the extent of damage caused is such that the ability of voters,
15 in any precinct, district, or county, to exercise their right to
16 vote is substantially impaired, the chief election officer or
17 clerk in the case of county elections may postpone the
18 conducting of an election in the affected [~~area~~] precinct for no
19 more than twenty-one days; provided that any postponement shall
20 not affect the conduct of the election, tabulation, or
21 distribution of results for those precincts, districts, or



1 counties not designated for postponement. The chief election
2 officer or clerk in the case of county elections shall give
3 notice of the postponement by whatever possible news or
4 broadcast media are available.

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

14 A special, special primary, or special general election
15 [~~district~~] precinct shall be considered the same as an
16 established [~~district~~] precinct for all purposes. No later than
17 4:30 p.m. on the tenth day before the special, special primary,
18 or special general election, the chief election officer or the
19 clerk shall give public notice, in the area in which the
20 special, special primary, or special general election is to be



1 held, of the special, special primary, or special general
2 election [~~districts.~~] precincts."

3 SECTION 10. Section 11-153, Hawaii Revised Statutes, is
4 amended by amending subsection (c) to read as follows:

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

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

14 SECTION 11. Section 15-2.5, Hawaii Revised Statutes, is
15 amended by amending the 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



S.B. NO. 2138

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 12. Statutory material to be repealed is bracketed
 10 and stricken. New statutory material is underscored.

11 SECTION 13. This Act shall take effect upon its approval.

12

INTRODUCED BY: *Ann R. Williams*
 By Request



S.B. NO. 2138

Report Title:

Office of Elections Package; Elections; Precincts; Reinstatement

Description:

Reinstates the definition of "precinct" and amends the definition of "district" to facilitate the administration of elections.

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

