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# 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, required all elections statewide to be  
3 conducted by mail beginning with the 2020 primary election.

4           The purpose of this Act is to:

- 5           (1) Make various housekeeping amendments to clarify and  
6           improve the administration of elections by mail in  
7           Hawaii, including restoring the previous usage of  
8           precincts instead of districts, extending registration  
9           deadlines, and requiring additional voter service  
10          centers on election day;
- 11          (2) Prohibit agents of a candidate for any office listed  
12          on the ballot from providing voting assistance;
- 13          (3) Allow the elections commission to refer a complaint to  
14          the attorney general or a county prosecutor in  
15          addition to any administrative determination;
- 16          (4) Repeal the requirement that the elections commission  
17          must believe that the respondent recklessly,



1 knowingly, or intentionally committed a violation  
2 before the commission may make the aforementioned  
3 referral;

4 (5) Increase the disqualification period for a person  
5 convicted of certain criminal election offenses from  
6 holding elective public office from four years to ten  
7 years;

8 (6) Repeal language exempting from criminal prosecution  
9 any person who has paid or agreed to pay fines related  
10 to report filing and advertisement violations before  
11 the commencement of criminal proceedings; and

12 (7) Change the deadline to file nomination papers to the  
13 first Tuesday in May.

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

16 1. By adding three new definitions to be appropriately  
17 inserted and to read:

18 ""Ballot marking system" means a system that may be used to  
19 mark a ballot or to generate a marked ballot or ballot summary  
20 reflecting the ballot selections of the voter.



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

3       "Precinct" means the smallest political subdivision  
4 established by law."

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

6       ""Ballot" means a ballot, including an absentee ballot,  
7 that is a written or printed, or partly written and partly  
8 printed paper or papers containing the names of persons to be  
9 voted for, the office to be filled, and the questions or issues  
10 to be voted on. "Ballot" includes [a]:

11       (1) A ballot summary that is produced by a voter using a  
12 web-based ballot or similarly accessible ballot  
13 marking system;

14       (2) A voter verifiable paper audit trail in the event  
15 there is a discrepancy between a voting machine's  
16 electronic record of the voted ballot and the voter  
17 verifiable paper audit trail; and

18       (3) A ballot used in an election by mail pursuant to part  
19 VIIA, including a ballot approved for electronic  
20 transmission.



1 A ballot may consist of one or more cards or pieces of paper, or  
2 one face of a card or piece of paper, or a portion of the face  
3 of a card or piece of paper, depending on the number of offices,  
4 candidates to be elected thereto, questions or issues to be  
5 voted on, and the voting system in use."

6 3. By amending the definition of "district" to read:  
7 ""District" means, unless otherwise specified, the district  
8 of political representation [~~with the fewest eligible voters in~~  
9 ~~a particular election.~~] associated with a state representative."

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

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

15 The affidavit shall contain the following information:

- 16 (1) Name;
- 17 (2) The applicant's Hawaii driver's license number or  
18 Hawaii state identification card number; provided  
19 that:

20 (A) If no driver's license or identification card has  
21 been issued to the applicant, the last four



1 digits of the applicant's social security number;

2 and

3 (B) If no social security number has been issued to  
4 the applicant, an election official or county  
5 clerk shall assign the applicant a unique  
6 identification number for voter registration  
7 purposes and enroll the applicant in the State's  
8 computerized voter registration list, if any;

9 (3) Date of birth;

10 (4) Residence, including mailing address;

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

16 (6) That the person is a citizen.

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

19 SECTION 4. Section 11-15.2, Hawaii Revised Statutes, is  
20 amended to read as follows:



1           "§11-15.2 ~~[Late registration.]~~ Same day in-person  
2 registration. (a) Notwithstanding the closing of the general  
3 county register pursuant to section 11-24, a person who is  
4 ~~[eligible to vote but is]~~ not registered to vote may register by  
5 appearing in person at any voter service center on or before  
6 election day.

7           (b) The clerk shall designate a registration clerk~~[, who~~  
8 ~~may be an election official,]~~ at each voter service center~~[-~~

9           ~~(c) The registration clerk]~~ who shall process applications  
10 for any person ~~[not registered to vote]~~ who submits a signed  
11 affidavit in accordance with section 11-15, which shall include  
12 a sworn affirmation:

- 13           (1) Of the person's qualification to vote;
- 14           (2) Acknowledging that the person has not voted and will  
15           not attempt to vote again in that election, and has  
16           not cast and will not cast any absentee ballot  
17           pursuant to chapter 15 in that election; and
- 18           (3) Acknowledging that providing false information may  
19           result in a class C felony, punishable by a fine not  
20           exceeding ~~[\$1,000]~~ \$10,000 or imprisonment not  
21           exceeding five years, or both.



1           ~~[(d)]~~ (c) The registration clerk may accept, as prima  
2 facie evidence, the allegation of the person in the application  
3 regarding the person's residence in accordance with section  
4 11-15(b), unless the allegation is contested by a qualified  
5 voter. The registration clerk may demand that the person  
6 furnish substantiating evidence to the other allegations of the  
7 person's application in accordance with section 11-15(b).

8           ~~[(e) Registration may be challenged in accordance with~~  
9 ~~section 11-25.~~

10           ~~(f) Notwithstanding subsection (a), registration pursuant~~  
11 ~~to this section may also be used by a person who is registered~~  
12 ~~to vote but whose name cannot be found on the county register.~~

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



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

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

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

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





1           "(c) Any person whose name appears on the registered  
2 voters list whose residence has changed since the last election,  
3 and whom the clerk has not transferred under section 11-20, may  
4 apply on a form prescribed by the chief election officer on the  
5 day of the election for transfer of registration to the  
6 [~~district~~] precinct of the new residence. Any person so  
7 transferring voter registration shall be immediately added to  
8 the register of the new [~~district.~~] precinct.

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

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

14           "(a) The clerk shall correct the register if at any time  
15 it shall be manifest to the clerk that the name of a person  
16 registered has been accidentally misspelled, or that the person  
17 has been misnamed therein, or that the person has been  
18 accidentally registered under the wrong [~~district,~~] precinct, or  
19 that the person was accidentally removed pursuant to section  
20 11-17(a), or that the name of the person should be corrected or  
21 restored pursuant to section 11-17(b)."



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

3 "**§11-24 Closing register.** (a) At 4:30 p.m. on the  
4 [~~thirtieth~~] tenth day [~~prior to~~] before each [~~primary, special~~  
5 ~~primary, or special~~] election, but if the day is a Saturday,  
6 Sunday, or holiday then at 4:30 p.m. on the first working day  
7 immediately thereafter, the general county register shall be  
8 closed to registration for persons seeking to vote [~~at the~~  
9 ~~primary, special primary, or special election~~] and remain closed  
10 to registration until after the election, subject to change only  
11 as provided in sections 11-15.2, 11-21(c), 11-22, 11-25, 11-26,  
12 and this section.

13 (b) Notwithstanding the [~~closing of the register for~~  
14 ~~registration to vote at the primary or special primary election,~~  
15 ~~the register shall remain open for the registration of persons~~  
16 ~~seeking to vote at the general or special general election,~~  
17 ~~until 4:30 p.m. on the thirtieth day prior to the general or~~  
18 ~~special general election, but if the day is a Saturday, Sunday,~~  
19 ~~or holiday then at 4:30 p.m. on the first working day~~  
20 ~~immediately thereafter, at the end of which period the general~~  
21 ~~county register shall be closed to registration and remain~~



1 ~~closed until after the general or special general election next~~  
2 ~~following, subject to change only as provided in~~  
3 ~~sections 11-21(c), 11-22, 11-25, and 11-26.]~~ time of closing the  
4 general county register under subsection (a), the clerk may  
5 accept an application submitted on the tenth day before the  
6 election if it was received electronically in accordance with  
7 section 11-15.3 or received as part of a drivers' licensing  
8 transaction. The clerk shall also accept an application that is  
9 postmarked before or on the tenth day before the election."

10 SECTION 9. Section 11-25, Hawaii Revised Statutes, is  
11 amended by amending subsection (a) to read as follows:

12 "(a) Any registered voter may challenge the right of a  
13 person to be or to remain registered as a voter in any precinct  
14 for any cause not previously decided by the board of  
15 registration or the supreme court in respect to the same person.  
16 The challenge shall be in writing, setting forth the grounds  
17 upon which it is based, and be signed by the person making the  
18 challenge. The challenge shall be delivered to the clerk who  
19 shall immediately serve notice thereof on the person challenged.  
20 The clerk shall, as soon as possible, investigate and rule on  
21 the challenge."



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

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

4 "(a) In cases where the clerk~~[r]~~ rules or [~~precinct~~] voter  
5 service center officials~~[r-rules]~~ rule on a challenge on  
6 election day, the person ruled against may appeal from the  
7 ruling to the board of registration of the person's county for  
8 review under part III. The appeal shall be brought before the  
9 challenger and challenged party leave the [~~polling place.~~] voter  
10 service center. If an appeal is brought, both the challenger  
11 and the challenged voter may be parties to the appeal."

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

13 "(c) If the appeal is sustained, the board shall  
14 immediately certify that finding to the clerk, who shall  
15 thereupon alter the register to correspond to the findings of  
16 the board, and when necessary, the clerk shall notify the  
17 [~~precinct~~] voter service center officials of the change in the  
18 register."

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



1           "§11-92.1 Election proclamation; establishment of a new  
2 precinct; voter service centers and places of deposit; changes  
3 to [~~district~~] precinct boundaries. (a) The chief election  
4 officer shall issue a proclamation [~~listing~~]:

5           (1) Listing all voter service centers and places of  
6 deposit as may have been determined by the clerk as of  
7 the proclamation date[~~-~~]; and

8           (2) Whenever a new precinct is established in any  
9 representative district.

10 The clerk shall make arrangements for the rental or erection of  
11 suitable shelter for the establishment of a voter service center  
12 whenever public buildings are not available and shall cause  
13 these voter service centers to be equipped with the necessary  
14 facilities for lighting, ventilation, and equipment needed for  
15 elections on any island. This proclamation may be issued  
16 jointly with the proclamation required in section 11-91.

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

20           (c) Notwithstanding subsection (a), and pursuant to  
21 section 15-2.5, the clerk is not required to establish voter



1 service centers for [~~districts~~] precincts affected by natural  
2 disasters, as provided in section 15-2.5."

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

5 "**§11-92.3 Natural disasters; postponement; consolidation**  
6 **of [~~districts~~] precincts; special elections.** (a) In the event  
7 of a flood, tsunami, earthquake, volcanic eruption, high wind,  
8 or other natural disaster, occurring before an election where  
9 the extent of damage caused is such that the ability of voters,  
10 in any precinct, district, or county, to exercise their right to  
11 vote is substantially impaired, the chief election officer or  
12 clerk in the case of county elections may postpone the  
13 conducting of an election in the affected [~~area~~] precinct,  
14 district, or county for no more than twenty-one days; provided  
15 that any postponement shall not affect the conduct of the  
16 election, tabulation, or distribution of results for those  
17 precincts, districts, or counties not designated for  
18 postponement. The chief election officer or clerk in the case  
19 of county elections shall give notice of the postponement by  
20 whatever possible news or broadcast media are available.



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

10 A special, special primary, or special general election  
11 [~~district~~] precinct shall be considered the same as an  
12 established [~~district~~] precinct for all purposes. No later than  
13 4:30 p.m. on the tenth day before the special, special primary,  
14 or special general election, the chief election officer or the  
15 clerk shall give public notice, in the area in which the  
16 special, special primary, or special general election is to be  
17 held, of the special, special primary, or special general  
18 election [~~districts-~~] precincts."

19 SECTION 13. Section 11-101, Hawaii Revised Statutes, is  
20 amended to read as follows:



1            "[~~+~~]**\$11-101**[~~+~~] **Elections eligible to be conducted by mail.**  
2 Beginning with the 2020 primary election, all elections shall be  
3 conducted by mail in accordance with this title. A voter in an  
4 election conducted by mail shall not be precluded from voting by  
5 absentee ballot under chapter 15 or 15D if the voter complies  
6 with the applicable requirements."

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

9            "(b) To the extent practicable, the clerk shall mail a  
10 ballot package by non-forwardable mail to each registered voter  
11 in the county so as to enable voters to receive the ballot  
12 package approximately eighteen days before the election. The  
13 clerk shall continue mailing ballot packages to voters who  
14 register to vote no later than ten days before the date of the  
15 election and to voters who update their voter registration  
16 address no later than [~~fourteen~~] seven days before the date of  
17 the election[-]; provided that the clerk may continue mailing  
18 ballot packages beyond the deadlines established by this  
19 subsection if the clerk determines that there is reasonable time  
20 for a voter to receive and submit the ballot package before the  
21 election. In determining the initial mailing date of the ballot





1 packages, the clerk shall consider the mailing place of origin  
2 and the most recent postal service delivery standards. The  
3 clerk shall not mail a ballot package to any voter in the county  
4 register who is identified as having an outdated or  
5 non-deliverable mailing address. Nothing in this part shall be  
6 construed to change the responsibilities of the clerk or chief  
7 election officer under chapter 15 with respect to voters  
8 requesting to vote by absentee ballot or chapter 15D with  
9 respect to uniform military and overseas voters."

10 SECTION 15. Section 11-104, Hawaii Revised Statutes, is  
11 amended as follows:

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

13 "(a) After a voter receives a ballot package, the voter  
14 shall comply with the instructions included in the ballot  
15 package in order to cast a valid vote. The instructions shall  
16 include directions for:

17 (1) Marking the ballot;

18 (2) Inserting the marked ballot in the secrecy envelope or  
19 secrecy sleeve;



1 (3) Inserting the secrecy envelope or secrecy sleeve with  
2 the marked ballot in the return identification  
3 envelope; and

4 (4) Signing the affirmation on the return identification  
5 envelope before mailing or delivering the return  
6 identification envelope containing the secrecy  
7 envelope or secrecy sleeve with the marked ballot.  
8 The affirmation shall consist of a statement to be  
9 subscribed to by the voter that affirms the fact that  
10 the voter is the person voting and that the voter's  
11 employer or agent of the employer, agent of the  
12 voter's labor union, or any candidate or agent of any  
13 candidate for any office listed on the ballot did not  
14 assist the voter, as described in section 11-139,  
15 along with the instruction that the voter's ballot  
16 will be valid only if the affirmation statement is  
17 signed."

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

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



- 1           (1) ~~[By mail so]~~ So that the return identification  
2 envelope is received ~~[at the office of]~~ by the clerk  
3 or the clerk's designee no later than the closing time  
4 ~~[provided]~~ on election day in accordance with section  
5 11-131 ~~[on the date of the election]~~; provided that  
6 anyone who is standing in line at 7:00 p.m. on the  
7 date of the election with the intent of returning a  
8 ballot shall be permitted to do so;
- 9           (2) ~~[By personal delivery at]~~ To any place of deposit no  
10 later than 7:00 p.m. on the date of the election;  
11 provided that ~~[any voter]~~ anyone who is standing in  
12 line at a place of deposit at 7:00 p.m. on the date of  
13 the election with the intent of returning a ballot  
14 ~~[and casting a vote]~~ shall be ~~[allowed to vote,]~~  
15 permitted to do so; or
- 16           (3) ~~[By personal delivery to]~~ To any voter service center  
17 no later than the closing time ~~[provided]~~ on election  
18 day in accordance with section 11-131 ~~[on the date of~~  
19 ~~the election]~~; provided that ~~[any voter]~~ anyone who is  
20 standing in line at a voter service center at the  
21 closing time ~~[provided]~~ on election day in accordance



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

4           SECTION 16. Section 11-105, Hawaii Revised Statutes, is  
5 amended by amending subsections (b) and (c) to read as follows:

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

- 8           (1) Verify the registration of the voter and ensure that  
9           another ballot has not been returned by the voter;  
10          (2) Record that the voter has requested a replacement  
11          ballot;  
12          (3) Mark the return identification envelope as containing  
13          a replacement ballot; and  
14          (4) Issue the replacement ballot package by mail or make  
15          the ballot package available for pick-up by the voter.

16          (c) Voters who obtain a replacement ballot shall return  
17 the return identification envelope containing the secrecy  
18 envelope or secrecy sleeve with the marked replacement ballot[+]  
19 in any manner:

- 20          (1) [~~By mail so~~] So that the return identification  
21          envelope is received [~~at the office of~~] by the clerk



1           or the clerk's designee no later than the closing time  
2           ~~[provided]~~ on election day in accordance with section  
3           11-131 ~~[on the date of the election]~~; provided that  
4           anyone who is standing in line at 7:00 p.m. on the  
5           date of the election with the intent of returning a  
6           ballot shall be permitted to do so;

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

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



1           the intent of returning a ballot [~~and casting a vote~~]  
2           shall be [~~allowed to vote.~~] permitted to do so."

3           SECTION 17. Section 11-106, Hawaii Revised Statutes, is  
4 amended to read as follows:

5           "~~{}~~§11-106~~{}~~ **Deficient return identification envelopes.**

6 If:

7           (1) A return identification envelope is returned with an  
8           unsigned affirmation;

9           (2) The affirmation signature does not match a reference  
10          signature image; or

11          (3) A return identification envelope contains another  
12          condition that would not allow the counting of the  
13          ballot,

14 the clerk shall make an attempt to notify the voter by first  
15 class mail, telephone, or electronic mail to inform the voter of  
16 the procedure to correct the deficiency. The voter shall have  
17 [~~five business~~] seven days after the date of the election to  
18 cure the deficiency. The chief election officer may adopt rules  
19 regarding requirements and procedures for correcting deficient  
20 return identification envelopes. The counting of ballots and  
21 disclosure of subsequent election results may continue during



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

7 SECTION 18. Section 11-107, Hawaii Revised Statutes, is  
8 amended by amending subsections (a) and (b) to read as follows:

9 "(a) If a ballot package is not received by a voter by the  
10 fifth day before the date of the election or a voter otherwise  
11 requires a replacement ballot within five days of an election,  
12 the voter may request that a ballot be forwarded by electronic  
13 transmission; provided that a voter with special needs may  
14 request that a ballot be forwarded by electronic transmission at  
15 any time[-], but no earlier than the date that the voter's  
16 initial ballot package was or would have been transmitted. Upon  
17 receipt of such a request and confirmation that [~~proper~~  
18 ~~application was made,~~] the voter has not already voted, the  
19 clerk may transmit the appropriate ballot, together with a form  
20 containing the affirmations, information, and a waiver of the  
21 right to secrecy under section 11-137.



1 (b) The voter may return the completed replacement ballot  
2 and executed forms:

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

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

14 SECTION 19. Section 11-108, Hawaii Revised Statutes, is  
15 amended by amending subsection (c) to read as follows:

16 "(c) Any ballot the validity of which cannot be  
17 established upon receipt shall be retained by the clerk and  
18 shall not be commingled with ballots for which validity has been  
19 established until the validity of the ballot in question can be  
20 verified by the clerk. No ballot shall be included in an  
21 initial tabulation until the clerk has determined its validity.



1 The clerk shall make reasonable efforts to determine the  
2 validity of ballots within [~~seven~~] ten days following an  
3 election day. No ballots shall be validated beyond the tenth  
4 day following an election."

5 SECTION 20. Section 11-109, Hawaii Revised Statutes, is  
6 amended as follows:

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

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

13 (b) [~~Voter~~] At least eight voter service centers shall be  
14 established for each election and shall be apportioned between  
15 counties by the chief elections officer. A county clerk may add  
16 voter service centers in addition to the number apportioned to a  
17 county. In each county, a voter service [~~centers~~] center shall  
18 be open from the tenth business day preceding the day of the  
19 election during regular business hours until the time provided  
20 in section 11-131 on the date of the election and at the same  
21 times statewide. The clerks may operate additional voter



1 service centers with varying days or hours of operations to  
2 service the voters of particular areas that could not otherwise  
3 support the operation of a voter service center for ten business  
4 days or the same times statewide; provided that on election day  
5 the clerk of any county having a population of less than five  
6 hundred thousand shall operate one additional voter service  
7 center on each island, and the clerk of any county having a  
8 population of five hundred thousand or more shall operate three  
9 additional voter service centers, one of which shall be on the  
10 windward side of that county; provided further that on election  
11 day all additional voter service centers shall be open until  
12 7:00 p.m. Anyone standing in line at a voter service center at  
13 the closing time on election day in accordance with section  
14 11-131 with the intent of voting shall be permitted to do so. A  
15 person eligible to vote but who is not registered to vote and is  
16 standing in line at a voter service center at the closing time  
17 on election day in accordance with section 11-131 shall be  
18 permitted to apply under section 11-15.2 to register to vote and  
19 subsequently vote that election day. To the extent the  
20 registration clerk determines the applicant to be registered at  
21 that time, the applicant shall be permitted to vote a regular



1 ballot. If additional time is required to process the  
2 application, the applicant shall be provided a provisional  
3 ballot."

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

5 "(d) At least thirty places of deposit shall be  
6 established for each election and shall be apportioned between  
7 counties by the chief elections officer. A county clerk may add  
8 places of deposit in addition to the number apportioned to a  
9 county. The clerks may designate and provide for places of  
10 deposit to be open five business days before the election until  
11 7:00 p.m. on the day of the election; provided that the  
12 locations and apparatus for receiving voted ballots can be  
13 securely maintained during the period of use for each election,  
14 and as may be permitted by the operational hours. The clerks  
15 may provide additional places of deposit having varying or  
16 shorter days or hours of operations; provided that on election  
17 day all additional places of deposit shall be open until 7:00  
18 p.m."

19 SECTION 21. Section 11-117, Hawaii Revised Statutes, is  
20 amended by amending subsection (b) to read as follows:



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

12           SECTION 22. Section 11-138, Hawaii Revised Statutes, is  
13 amended to read as follows:

14           "**§11-138 Time allowed voters.** A voter shall be allowed to  
15 remain in the voting booth for five minutes, and having voted  
16 the voter shall at once emerge and leave the voting booth. If  
17 the voter refuses to leave when so requested by a majority of  
18 [~~precinct~~] voter service center officials after the lapse of  
19 five minutes, the voter shall be removed by the [~~precinct~~] voter  
20 service center officials."



1 SECTION 23. 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 pursuant to any state or federal law relating to persons  
8 with disabilities. The voter's employer or agent of that  
9 employer, agent of the voter's labor union, or a candidate or  
10 agent of a candidate for any office that is listed on the ballot  
11 shall not provide assistance. Written or oral instructions  
12 delivered via telephone, electronic means, or mail shall not be  
13 deemed assistance prohibited by this section; provided that the  
14 voter's employer or agent of that employer, agent of the voter's  
15 labor union, or a candidate or agent of a candidate for any  
16 office listed on the ballot is not physically present with the  
17 voter when the instructions are delivered.

18 (b) Violation of this section by an employer or agent of  
19 that employer, agent of the voter's labor union, or a candidate  
20 or agent of a candidate shall constitute election fraud as  
21 provided under section 19-3.



1        (c) For purposes of this section, "agent of a candidate"  
2 means a person who:

3        (1) Receives compensation from the candidate or  
4        candidate's candidate committee; or

5        (2) Is an officer of the candidate's candidate committee."

6        SECTION 24. 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 25. 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 26. 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 27. Section 11-174.5, Hawaii Revised Statutes, is  
4 amended by amending subsection (b) to read as follows:

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

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



1 governor shall duly call a new election to be held ~~not~~ no  
 2 later than one hundred twenty days after the judgment is filed.  
 3 If the court shall decide which candidate or candidates have  
 4 been elected, a copy of that judgment shall be served on the  
 5 chief election officer or county clerk, who shall sign and  
 6 deliver to the candidate or candidates certificates of election,  
 7 and the same shall be conclusive of the right of the candidate  
 8 or candidates to the offices."

9 SECTION 28. Section 11-410, Hawaii Revised Statutes, is  
 10 amended by amending subsection (h) to read as follows:

11 "(h) ~~[This]~~ Except for subsection (g), this section shall  
 12 not apply to any person who, ~~[prior to]~~ before the commencement  
 13 of proceedings under this section, has paid or agreed to pay the  
 14 fines prescribed by sections 11-340 and 11-391(b)."

15 SECTION 29. Section 11-411, Hawaii Revised Statutes, is  
 16 amended to read as follows:

17 "~~[§]~~**§11-411**~~[§]~~ **Criminal referral.** ~~[In lieu of an]~~ In  
 18 addition to any administrative determination that a violation of  
 19 this part has been committed, the commission may refer the  
 20 complaint to the attorney general or county prosecutor ~~[at any~~



1 ~~time it believes the respondent may have recklessly, knowingly,~~  
2 ~~or intentionally committed a violation]."~~

3 SECTION 30. Section 11-412, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "[~~§~~§11-412~~] Criminal prosecution.~~ (a) Any person who  
6 recklessly, knowingly, or intentionally violates any provision  
7 of this part shall be guilty of a misdemeanor.

8 (b) Any person who knowingly or intentionally falsifies  
9 any report required by this part with the intent to circumvent  
10 the law or deceive the commission or who violates section 11-352  
11 or 11-353 shall be guilty of a class C felony. A person charged  
12 with a class C felony shall not be eligible for a deferred  
13 acceptance of guilty plea or nolo contendere plea under chapter  
14 853.

15 (c) A person who is convicted under this section shall be  
16 disqualified from holding elective public office for a period of  
17 [~~four~~] ten years from the date of conviction.

18 (d) For purposes of prosecution for violation of this  
19 part, the offices of the attorney general and the prosecuting  
20 attorney of the respective counties shall be deemed to have  
21 concurrent jurisdiction to be exercised as follows:



1           (1) Prosecution shall commence with a written request from  
2           the commission or upon the issuance of an order of the  
3           court; provided that prosecution may commence [~~prior~~  
4           ~~to~~] before any proceeding initiated by the commission  
5           or final determination;

6           (2) In the case of statewide offices, parties, or issues,  
7           the attorney general or the prosecuting attorney for  
8           the city and county of Honolulu shall prosecute any  
9           violation; and

10          (3) In the case of all other offices, parties, or issues,  
11          the attorney general or the prosecuting attorney for  
12          the respective county shall prosecute any violation.

13          In the commission's choice of prosecuting agency, it shall  
14          be guided by whether any conflicting interest exists between the  
15          agency and its appointive authority.

16          (e) The court shall give priority to the expeditious  
17          processing of prosecutions under this section.

18          (f) Prosecution for violations of this part shall not  
19          commence after five years have elapsed from the date of the  
20          violation or date of filing of the report covering the period in  
21          which the violation occurred, whichever is later.



1        [~~(g)~~ This section shall not apply to any person who, prior  
2 to the commencement of proceedings under this section, has paid  
3 or agreed to pay the fines prescribed by sections 11-340 and 11-  
4 391(b).]"

5        SECTION 31. Section 12-6, Hawaii Revised Statutes, is  
6 amended by amending subsection (a) to read as follows:

7        "(a) For members of Congress, state offices, county  
8 offices, and the board of trustees for the office of Hawaiian  
9 affairs, nomination papers shall be filed with the chief  
10 election officer, or clerk in case of county offices, [~~not~~] no  
11 later than 4:30 p.m. on the first Tuesday in [~~June~~] May.  
12 However, in the event of a special primary or special election,  
13 the filing deadline shall be determined in the proclamation that  
14 is issued calling for the election as provided for by state law  
15 or county charter. A state candidate from the counties of  
16 Hawaii, Maui, and Kauai may file the declaration of candidacy  
17 with the respective clerk. The clerk shall transmit to the  
18 office of the chief election officer the state candidate's  
19 declaration of candidacy without delay."

20        SECTION 32. Section 15-2, Hawaii Revised Statutes, is  
21 amended to read as follows:



1           "**§15-2 Who may vote by absentee ballot.** Any person  
2 registered to vote may cast an absentee ballot in any election,  
3 including an election conducted by mail, in the manner provided  
4 in this chapter and rules adopted by the chief election  
5 officer."

6           SECTION 33. Section 15-2.5, Hawaii Revised Statutes, is  
7 amended by amending its title and subsections (a) and (b) to  
8 read as follows:

9           "**§15-2.5 Voting by mail in [~~district~~] precinct affected by**  
10 **natural disasters.** (a) If the chief election officer and clerk  
11 of a county affected as a result of a natural disaster determine  
12 that the opening of a designated voter service center will  
13 adversely affect the health and safety of voters or precinct  
14 officials, the chief election officer and county clerk, by  
15 written order, may require the registered voters of any  
16 [~~district~~] precinct to vote by mail as provided in part VIIA of  
17 chapter 11.

18           (b) Within thirty days after the issuance of such an  
19 order, the chief election officer and county clerk shall notify  
20 all registered voters in the affected [~~district~~] precinct of the  
21 issuance of the order."



1 SECTION 34. Section 15-5, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:

3 "(b) If absentee ballots requested under section 15-4 are  
4 not received by a voter within five days of an election, if a  
5 voter requires a replacement ballot within five days of an  
6 election, or if a voter would otherwise not be able to return a  
7 properly issued ballot by the close of polls, then a voter may  
8 request that absentee ballots be forwarded by electronic  
9 transmission; provided that a voter with special needs,  
10 including a disability, may request that a ballot be forwarded  
11 by electronic transmission at any time. Upon receipt of such a  
12 request and confirmation that proper application was made, the  
13 clerk may transmit appropriate ballots, together with a form  
14 requiring the affirmations and information required by section  
15 15-6, and a form containing a waiver of the right to secrecy, as  
16 provided by section 11-137. The voter may return the voted  
17 ballots and executed forms by electronic transmission or mail;  
18 provided that they are received by the issuing clerk no later  
19 than the close of polls on election day. Upon receipt, the  
20 clerk shall verify compliance with the requirements of section  
21 [~~15-9(e)~~] 15-9 and prepare the ballots for counting pursuant to





1 section 15-10; provided that if the voter returns multiple voted  
2 absentee ballots for the same election, the clerk shall, for  
3 purposes of counting ballots, prepare only the first absentee  
4 ballot returned that is not spoiled."

5 SECTION 35. Section 15-6, Hawaii Revised Statutes, is  
6 amended to read as follows:

7 **"§15-6 Return envelope, ballot envelope; instructions.**

8 The clerk shall provide the absentee voter with the ballots,  
9 ballot envelopes, and a return envelope that shall contain a  
10 statement to be subscribed to by the voter that affirms the fact  
11 that the voter is the person voting and that the voter's  
12 employer or agent of the employer, agent of the voter's labor  
13 union, or any candidate or agent of any candidate for any office  
14 listed on the ballot did not assist the voter, as described in  
15 section 11-139, along with the instruction that the voter's  
16 ballot will be valid only if the affirmation statement is  
17 signed, materials summarizing the provisions in sections 19-3,  
18 19-3.5, 19-4, and 19-6, and any other information prescribed by  
19 the rules promulgated by the chief election officer."

20 SECTION 36. Section 15-9, Hawaii Revised Statutes, is  
21 amended to read as follows:



1       "§15-9 Return [and], receipt, processing, and treatment of  
2 **absentee ballots.** [~~(a) The return envelope shall be:~~

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

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

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

13       ~~(c) Before opening the return and ballot envelopes and~~  
14 ~~counting the ballots, the return envelopes shall be checked for~~  
15 ~~the following:~~

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

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



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

4       ~~(d) If any requirement listed in subsection (c) is not met~~  
5 ~~or if the return or ballot envelope appears to be tampered with,~~  
6 ~~the clerk or the absentee ballot team official shall mark across~~  
7 ~~the face of the envelope "invalid" and it shall be kept in the~~  
8 ~~custody of the clerk and disposed of as prescribed for ballots~~  
9 ~~in section 11-154.]~~

10       An absentee ballot shall be returned, received, processed,  
11 and treated in the same manner as a return identification  
12 envelope in an election by mail as provided by part VIIA of  
13 chapter 11."

14       SECTION 37. Section 15-11, Hawaii Revised Statutes, is  
15 amended to read as follows:

16       "**§15-11 Voting by absentee voter at [polls] voter service**  
17 **centers prohibited.** Any person having voted an absentee ballot  
18 pursuant to this chapter shall not be entitled to cast a ballot  
19 at [~~the polls~~] a voter service center on election day. An  
20 absentee voter who [~~does cast~~] casts a ballot at [~~the polls~~] a



1 voter service center shall be guilty of an election offense  
2 under section 19-3(5)."

3 SECTION 38. Section 15-13.5, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "~~§~~15-13.5~~§~~ **Eligibility of voter after absentee ballot**  
6 **cast.** The absentee ballot of any voter who was eligible to vote  
7 at the time the ballot was cast shall not be deemed invalid  
8 solely because the voter became ineligible to vote after casting  
9 the ballot. For the purposes of this section, "cast" means that  
10 the voter has:

- 11 (1) Deposited the absentee ballot in the mail for ballots  
12 mailed in accordance with section [~~15-9(a)(1);~~] 15-9;
- 13 (2) Delivered the absentee ballot to the appropriate  
14 county clerk or polling place in accordance with  
15 section [~~15-9(a)(2) or (3);~~] 15-9; or
- 16 (3) Completed voting in person at an absentee polling  
17 place."

18 SECTION 39. Section 15D-10, Hawaii Revised Statutes, is  
19 amended to read as follows:

20 "~~§~~15D-10~~§~~ **Receipt of voted ballot.** A valid  
21 military-overseas ballot shall be counted if it is received by



1 the close of the [~~polls~~] voter service centers on the day of the  
2 election and meets the requirements prescribed under section  
3 15-9."

4 SECTION 40. Section 16-23, Hawaii Revised Statutes, is  
5 amended to read as follows:

6 "**§16-23 Paper ballot; voting.** Upon receiving the ballot  
7 the voter shall proceed into one of the voting booths provided  
8 for the purpose, and shall mark the voter's ballot in the manner  
9 prescribed by section 16-22.

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

16 SECTION 41. Section 16-26, Hawaii Revised Statutes, is  
17 amended to read as follows:

18 "**§16-26 Questionable ballots.** A ballot shall be  
19 questionable if:



1 (1) [A] The ballot contains any mark or symbol whereby it  
2 can be identified, or any mark or symbol contrary to  
3 the provisions of law; or

4 (2) Two or more ballots are found in the ballot box so  
5 folded together as to make it clearly evident that  
6 more than one ballot was put in by one person, the  
7 ballots shall be set aside as provided below.

8 Each ballot [~~which~~] that is held to be questionable shall  
9 be endorsed on the back by [~~the chairperson of precinct~~  
10 ~~officials with the chairperson's~~] a voter service center  
11 official with the official's name or initials, and the word  
12 "questionable". All questionable ballots shall be set aside  
13 uncounted and disposed of as provided for ballots in section 11-  
14 154."

15 SECTION 42. Section 16-27, Hawaii Revised Statutes, is  
16 amended to read as follows:

17 "**§16-27 Number of blank and questionable ballots; record**  
18 **of.** In addition to the count of the valid ballots, the  
19 [~~precinct~~] voter service center officials shall, as to each  
20 separate official ballot, also determine and record the number



1 of totally blank ballots and the number of questionable  
2 ballots."

3 SECTION 43. Section 16-28, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "**§16-28 Declaration of results.** When the [precinct] voter  
6 service center officials have ascertained the number of votes  
7 given for each candidate they shall make public declaration of  
8 the whole number of votes cast, the names of the persons voted  
9 for, and the number of votes for each person."

10 SECTION 44. Section 11-181, Hawaii Revised Statutes, is  
11 repealed.

12 [~~"**§11-181 Capital equipment.** The State shall pay for all  
13 voting system capital equipment. This shall include, but not be  
14 limited to voting machines, voting devices, and initial computer  
15 programs."~~]

16 SECTION 45. This Act does not affect rights and duties  
17 that matured, penalties that were incurred, and proceedings that  
18 were begun before its effective date.

19 SECTION 46. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.



1 SECTION 47. This Act shall take effect on January 1, 2021;  
2 provided that sections 28, 29, and 30 shall take effect upon  
3 approval of this Act.





**Report Title:**

Elections; Vote by Mail; Voting Assistance; Criminal Referral;  
Criminal Prosecution; Nomination Papers

**Description:**

Effective 1/1/21: Makes housekeeping amendments to Hawaii's elections laws to clarify and improve the administration of elections by mail; prohibits agents of a candidate from providing voting assistance; changes the deadline to file nomination papers to the first Tuesday in May. Effective upon approval: Allows for the criminal referral of campaign finance law violations in addition to any administrative determination; increases the disqualification period for a person convicted of certain criminal election offenses from holding elective public office; repeals the exclusion of certain persons from criminal prosecution. (HD2)

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

