

JAN 18 2019

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# A BILL FOR AN ACT

RELATING TO VOTING.

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

1           SECTION 1. Section 26-1, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:  
3           "(a) Except as otherwise provided by law, the lieutenant  
4 governor is designated the secretary of state for  
5 intergovernmental relations and shall perform the duties and  
6 functions heretofore exercised by the secretary of Hawaii. The  
7 duties and functions shall include but not be limited to  
8 recordation of all legislative and gubernatorial acts,  
9 certification of state documents, [~~and~~] maintenance of an  
10 official file of rules adopted by state departments as provided  
11 in chapter 91[-], and establishing a system to track the mailing  
12 and receipt of ballots returned by mail. The lieutenant  
13 governor may employ staff as necessary without regard to chapter  
14 76."

15           SECTION 2. Section 15-5, Hawaii Revised Statutes, is  
16 amended to read as follows:



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1           "§15-5 Delivery of ballots. (a) Immediately upon receipt  
2 of a request for absentee ballot within the time limit specified  
3 in section 15-4, the clerk shall examine the records to  
4 ascertain whether the voter is lawfully entitled to vote as  
5 requested. If the clerk ascertains that the voter is lawfully  
6 entitled to vote as requested, no earlier than thirty days  
7 before the election, the clerk shall mail in a forwarding  
8 envelope, or deliver in person if the voter appears at the  
9 office of the clerk, an official ballot and other materials  
10 prescribed in section 15-6, except that an incapacitated voter  
11 may send a representative to obtain the voter's ballots pursuant  
12 to the rules adopted by the chief election officer; provided  
13 that official ballots and other materials prescribed in section  
14 15-6 shall be mailed or delivered:

- 15           (1) To uniform military and overseas voters pursuant to
- 16                 section 15D-9; and
- 17           (2) No later than twenty-four hours after receipt of the
- 18                 request for absentee ballot for requests received on
- 19                 the last day specified in section 15-4.

20           (b) If absentee ballots requested under section 15-4 are  
21 not received by a voter within five days of an election, if a



1 voter requires a replacement ballot within five days of an  
2 election, or if a voter would otherwise not be able to return a  
3 properly issued ballot by the close of polls, then a voter may  
4 request that absentee ballots be forwarded by electronic  
5 transmission. Upon receipt of such a request and confirmation  
6 that proper application was made, the clerk may transmit  
7 appropriate ballots, together with a form requiring the  
8 affirmations and information required by section 15-6, and a  
9 form containing a waiver of the right to secrecy, as provided by  
10 section 11-137. The voter may return the voted ballots and  
11 executed forms by electronic transmission or mail; provided that  
12 they are received by the issuing clerk no later than the close  
13 of polls on election day. Upon receipt, the clerk shall verify  
14 compliance with the requirements of section 15-9(c) and prepare  
15 the ballots for counting pursuant to section 15-10; provided  
16 that if the voter returns multiple voted absentee ballots for  
17 the same election, the clerk shall, for purposes of counting  
18 ballots, prepare only the first absentee ballot returned that is  
19 not spoiled.



1        (c) Immediately upon mailing an absentee ballot to a  
2 voter, the clerk shall notify the office of the lieutenant  
3 governor of that fact."

4        SECTION 3. Section 15-9, Hawaii Revised Statutes, is  
5 amended by amending subsection (b) to read as follows:

6        "(b) Upon receipt of the return envelope from any person  
7 voting under this chapter, the clerk may prepare the ballots for  
8 counting pursuant to this section and section 15-10. Upon  
9 receipt of a return envelope by mail, the clerk shall  
10 immediately notify the office of the lieutenant governor of that  
11 fact."

12        SECTION 4. There is appropriated out of the general  
13 revenues of the State of Hawaii the sum of \$                    or so  
14 much thereof as may be necessary for fiscal year 2019-2020 and  
15 the same sum or so much thereof as may be necessary for fiscal  
16 year 2020-2021 as a grant-in-aid to the counties to establish a  
17 system for the county clerk for each county to notify the  
18 lieutenant governor's office of the mailing and receipt of  
19 ballots returned by mail.

20        The sums appropriated shall be expended by the counties for  
21 the purposes of this Act.



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1 SECTION 5. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 6. This Act shall take effect upon its approval;  
4 provided that section 4 shall take effect on July 1, 2019.

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INTRODUCED BY: ~~SEN. DE VITO~~ Sen. De Vito

*Cherena K. Nishikawa*  
*John G. ...*  
*Francis J. ...*  
*[Signature]*  
*James Mercado ...*  
*[Signature]*  
*Randy de Bel*



# S.B. NO. 846

**Report Title:**

Office of the Lieutenant Governor; County Clerks; Duties;  
Absentee Ballots; Appropriation

**Description:**

Requires the office of the lieutenant governor to establish a system to track the mailing and receipt of ballots returned by mail. Requires the county clerks to notify the office of the lieutenant governor immediately upon mailing and receipt of absentee ballots by mail. Appropriates funds to the counties.

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

