
A BILL FOR AN ACT

RELATING TO ELECTIONS.

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

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

4 "§11- Election discussion group; recommendations to
5 legislature. (a) No later than thirty days after each general
6 election, an election discussion group shall convene to review
7 the most recent primary and general elections. The election
8 discussion group shall consist of:

- 9 (1) The chief election officer, or the chief election
10 officer's designee, who shall serve as the chair of
11 the group;
12 (2) The clerk of each county, or each clerk's respective
13 designee;
14 (3) The president of the senate, or the president's
15 designee;
16 (4) The speaker of the house of representatives, or the
17 speaker's designee;



1 (5) The minority leader of the senate, or the minority
2 leader's designee;

3 (6) The minority leader of the house of representatives,
4 or the minority leader's designee;

5 (7) One political scientist designated by the board of
6 regents of the university of Hawaii, who shall be
7 invited to participate;

8 (8) One advocate for voter education designated by the
9 Executive Director of Common Cause Hawaii, who shall
10 be invited to participate;

11 (9) One advocate for voter education designated by the
12 President of League of Women Voters of Hawaii, who
13 shall be invited to participate; and

14 (10) One advocate for voter education designated by the
15 Executive Director of the American Civil Liberties
16 Union of Hawaii, who shall be invited to participate.

17 (b) The members of the election discussion group shall
18 serve without compensation but shall be reimbursed for expenses,
19 including travel expenses, necessary for the performance of
20 their duties.



1 (c) The election discussion group shall submit its
2 recommendations for improvements to election law, including any
3 proposed legislation, to the legislature no later than twenty
4 days prior to the convening of the next regular session."

5 SECTION 2. Section 11-15.2, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§11-15.2 Late registration.** (a) Notwithstanding the
8 closing of the general county register pursuant to section
9 11-24, a person who is eligible to vote but is not registered to
10 vote may apply to register by appearing in person at any voter
11 service center on or before election day. For the purposes of
12 this section, appearing in person on election day includes
13 standing in line by the time provided in section 11-131.

14 (b) The clerk shall designate a registration clerk, who
15 may be an election official, at each voter service center.

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;



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

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

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

(e) Registration may be challenged in accordance with section 11-25.

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



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

9 (h) If the clerk is able to determine on election day that
10 an applicant who did not register to vote before election day is
11 eligible to be registered that day, the applicant may cast a
12 vote with a regular ballot. If additional time is required to
13 process the application, the applicant may cast a vote with a
14 provisional ballot; provided that the ballot's validity shall be
15 subject to section 11-108(c)."

16 SECTION 3. Section 11-104, Hawaii Revised Statutes, is
17 amended by amending subsections (b) and (c) to read as follows:

18 "(b) The instructions shall [~~include~~]:

19 (1) Inform the voter that translated ballot materials are
20 available at the office of elections and the office of
21 the clerk; and



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

6 (c) To cast a valid ballot, the voter shall return the
7 return identification envelope containing the secrecy envelope
8 or secrecy sleeve with the marked ballot:

9 (1) By mail so that the return identification envelope is
10 postmarked no later than the date of the election and
11 received at the office of the clerk no later than five
12 business days after the closing time provided in
13 section 11-131 on the date of the election;

14 (2) By personal delivery at any place of deposit no later
15 than 7:00 p.m. on the date of the election; provided
16 that any voter who is standing in line at a place of
17 deposit at 7:00 p.m. on the date of the election with
18 the intent of returning a ballot and casting a vote
19 shall be allowed to vote; or

20 (3) By personal delivery to any voter service center no
21 later than the closing time provided in section 11-131



1 on the date of the election; provided that any voter
2 who is standing in line at a voter service center at
3 the closing time provided in section 11-131 on the
4 date of the election with the intent of returning a
5 ballot and casting a vote shall be allowed to vote."

6 SECTION 4. Section 11-107, Hawaii Revised Statutes, is
7 amended by amending subsection (b) to read as follows:

8 "(b) The voter may return the completed replacement ballot
9 and executed forms:

10 (1) By electronic transmission so that the completed
11 replacement ballot and executed forms are received at
12 the office of the clerk no later than the closing time
13 provided in section 11-131 on the date of the
14 election; provided that electronic transmission
15 pursuant to this paragraph shall be available to the
16 voter only if the voter is a covered voter as defined
17 in section 15D-2; provided further that this paragraph
18 shall not be construed to impose any additional
19 requirements for the electronic transmission of votes
20 for covered voters pursuant to chapter 15D;



1 (2) By mail so that the completed replacement ballot and
2 executed forms are postmarked no later than the date
3 of the election and received at the office of the
4 clerk no later than five business days after the
5 closing time provided in section 11-131 on the date of
6 the election;

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

13 (4) By personal delivery to a voter service center no
14 later than the closing time provided in section 11-131
15 on the date of the election; provided that any voter
16 who is standing in line at a voter service center at
17 the closing time provided in section 11-131 on the
18 date of the election with the intent of returning a
19 ballot and casting a vote shall be allowed to vote."

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



1 " ~~[f]~~§11-109~~[f]~~ Voter service centers; places of deposit.

2 (a) Voter service centers shall be established ~~[at the office~~
3 ~~of the clerk, and may be established at additional locations~~
4 ~~within a county as may be designated]~~ by [a] each clerk to
5 service the particular needs of [a] the respective county's
6 voters~~[-]~~ pursuant to this section and to rules adopted by the
7 chief election officer pursuant to chapter 91 relating to the
8 siting of voter service centers.

9 (b) ~~[Voter]~~ The following voter service centers shall be
10 established and shall be open from the tenth business day
11 preceding the day of the election during regular business hours
12 until the time provided in section 11-131 on the date of the
13 election and at the same times statewide~~[-]~~:

14 (1) An inhabited island of no more than three hundred
15 square miles shall have no fewer than one voter
16 service center;

17 (2) An inhabited island of more than three hundred square
18 miles but no more than one thousand square miles shall
19 have no fewer than three voter service centers;
20 provided that the island shall have no fewer than two
21 additional voter service centers open on election day;



1 provided further that each voter service center shall
2 be located no less than ten miles from any other voter
3 service center established pursuant to this paragraph;
4 and

5 (3) An inhabited island of more than one thousand square
6 miles shall have no fewer than four voter service
7 centers; provided that the island shall have no fewer
8 than two additional voter service centers open on
9 election day; provided further that each voter service
10 center shall be located no less than fifteen miles
11 from any other voter service center established
12 pursuant to this paragraph.

13 (c) Each clerk may operate additional voter service
14 centers with varying days or hours of operation on non-election
15 days to service the voters of particular areas that otherwise
16 could not support the days or hours of operation in accordance
17 with subsection (b); provided that any voter service center
18 operated pursuant to this section shall operate during the hours
19 provided in section 11-131 on the date of the election.



1 [~~(e)~~] (d) Each voter service center shall provide the
2 services specified in section 11-1 under the definition of
3 "voter service center".

4 [~~(d The clerks may)~~] (e) Each clerk shall designate and
5 provide for places of deposit to be open [~~five business days~~
6 ~~before the~~] to receive ballots for an election beginning on the
7 day the clerk begins mailing ballot packages for that election
8 pursuant to section 11-102(b) until 7:00 p.m. on the day of the
9 election; provided that the [~~locations~~]:

10 (1) Locations for the places of deposit are determined
11 pursuant to rules adopted by the chief election
12 officer pursuant to chapter 91 establishing the
13 requirements and procedures for siting of places of
14 deposit; provided further that the rules shall require
15 no fewer than a total of fifty places of deposit
16 statewide; and

17 (2) Locations and apparatus for receiving voted ballots
18 can be securely maintained during the period of use
19 for each election, and as may be permitted by the
20 operational hours."



1 SECTION 6. Section 11-131, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§11-131 Voter service center hours.** The hours of voting
4 at voter service centers shall be:

5 (1) ~~[Regular business]~~ On any day of operation other than
6 an election day, the hours as prescribed in section
7 11-109 ~~[and by the clerk]~~; and

8 (2) On an election day, from 7:00 a.m. until 7:00 p.m. of
9 that day.

10 If, at 7:00 p.m. on an election day, any voter is standing in
11 line at a voter service center with the desire of entering and
12 voting, but due to the voter service center being overcrowded
13 has been unable to do so, the voter shall be allowed to vote.
14 No voter shall be permitted to enter or join the line after the
15 prescribed hours of voting specified in this section."

16 SECTION 7. Section 11-132, Hawaii Revised Statutes, is
17 amended by amending subsection (a) to read as follows:

18 "(a) Election officials shall post in a conspicuous place,
19 before operation of voting service centers or places of deposit,
20 a map designating an area of two hundred feet from the perimeter
21 of any voter service center, place of deposit, and its



1 appurtenances. Any person who [~~remains or~~] loiters within this
2 specified area [~~for the purpose of campaigning~~] with no valid
3 purpose under this section shall be guilty of a misdemeanor.

4 Any person who enters or remains within this specified area for
5 the purpose of campaigning shall be guilty of a class C felony.

6 For the purposes of this section, a voter service center, place
7 of deposit, and its appurtenances shall include:

8 (1) The building in which a voter service center, place of
9 deposit, or its appurtenances are located;

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

12 (3) The routes of access between the building and any
13 parking lot; [~~and~~]

14 (4) Any route of access between any public thoroughfare
15 (right of way) and the voter service center, place of
16 deposit, or its appurtenances, to ensure an open and
17 accessible ingress and egress to and from the voter
18 service center, place of deposit, or appurtenances for
19 voters[~~-~~]; and



1 (5) Any line intended for individuals waiting to vote,
2 deposit a ballot, or register to vote at a voter
3 service center or place of deposit."

4 SECTION 8. Section 19-6, Hawaii Revised Statutes, is
5 amended to read as follows:

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

8 (1) Any person who offers any bribe or makes any promise
9 of gain, or with knowledge of the same, permits any
10 person to offer any bribe or make any promise of gain
11 for the person's benefit to any voter to induce the
12 voter to sign a nomination paper, and any person who
13 accepts any bribe or promise of gain of any kind as
14 consideration for signing the same, whether the bribe
15 or promise of gain be offered or accepted before or
16 after the signing;

17 (2) Any person who wilfully tears down, destroys, or
18 defaces any election proclamation, poster, notice,
19 list of voters, visual aids, or facsimile ballot,
20 issued or posted by authority of law;



- (3) Any person printing or duplicating or causing to be printed or duplicated any ballot, conforming as to the size, weight, shape, thickness, or color to the official ballot so that it could be cast or counted as an official ballot in an election;
- (4) Every person who is disorderly or creates a disturbance whereby any meeting of the board of registration of voters during an election is disturbed or interfered with; or whereby any person who intends to be lawfully present at any meeting or election is prevented from attending; or who causes any disturbance at any election; and every person assisting or aiding or abetting any disturbance;
- (5) Every person who, either in person or through another, in any manner breaks up or prevents, or endeavors to break up or prevent, the holding of any meeting of the board of registration of voters, or in any manner breaks up or prevents, or endeavors to break up or prevent, the holding of any election;
- (6) Any person, other than those ~~[designated by]~~ with a valid purpose under section 11-132, who ~~[remains or]~~



1 loiters within the area set aside for voting as set
2 forth in section 11-132 during the time appointed for
3 voting; provided that a person who enters or remains
4 within this specified area for the purpose of
5 campaigning shall be guilty of an offense as provided
6 in section 11-132;

7 ~~[(7) Any person, including candidates carrying on any~~
8 ~~campaign activities within the area described in~~
9 ~~section 11-132 during the period of time starting one~~
10 ~~hour before voting opens and ending when voting closes~~
11 ~~for the purpose of influencing votes. Campaign~~
12 ~~activities shall include the following:~~
13 ~~(A) Any distribution, circulation, carrying, holding,~~
14 ~~posting, or staking of campaign cards, pamphlets,~~
15 ~~posters, and other literature;~~
16 ~~(B) The use of public address systems and other~~
17 ~~public communication media;~~
18 ~~(C) The use of motor caravans or parades; and~~
19 ~~(D) The use of entertainment troupes or the free~~
20 ~~distribution of goods and services;~~



~~+(8)+~~ (7) Any person who opens a return envelope

containing:

(A) An absentee ballot voted under chapter 15 other than those persons authorized to do so under chapter 15; or

(B) A ballot voted by mail under part VIIA of chapter 11 other than those persons authorized to do so under part VIIA of chapter 11;

~~[(+9)+]~~ (8) Any unauthorized person found in possession of any voting machine or keys thereof; and

~~[(+10)+]~~ (9) Every person who wilfully violates or fails to obey any of the provisions of law, punishment for which is not otherwise specified in this chapter."

SECTION 9. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

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



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

2

INTRODUCED BY: _____

H. Kershner

JAN 22 2021



H.B. NO. 673

Report Title:

Election Discussion Group; Voter Service Centers; Vote By Mail

Description:

Requires an election discussion group to submit recommendations to the legislature regarding election law. Amends election day registration and voting procedures for an individual who is not registered to vote before election day to authorize the clerk to give the individual a provisional ballot instead of a regular ballot under certain circumstances. Requires ballot package instructions to inform voters of the availability of translated ballot materials. Allows for counting of timely-postmarked ballots if they are received by the clerk within 5 business days of an election. Restricts electronic transmission of votes to certain military voters. Improves availability of voter service centers and places of deposit. Increases penalty for campaigning at or near voter service centers and places of deposit. Specifically includes lines at voter service centers and places of deposit in the area in which loitering and campaigning are prohibited.

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