

---

---

# 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 five new sections to part VI to be appropriately  
3 designated and to read as follows:

4           "§11-A Precinct officials; precinct requirements. There  
5 shall be no less than three precinct officials for each  
6 precinct, one of whom shall be the chairperson; provided that in  
7 precincts where more than one voting unit has been established,  
8 there shall be three precinct officials for each unit. The  
9 chairperson of precinct officials shall have authority in all  
10 units of the precinct.

11           In all precincts, the chief election officer may assign  
12 additional precinct officials, at least one of whom may be  
13 designated a voter assistance official.

14           So far as reasonably practicable, excepting the  
15 chairperson, no more than fifty per cent of the precinct  
16 officials in any precinct shall be of the same political party.



1        §11-B Precinct officials; submission of names and  
2 assignment; vacancies. (a) All qualified political parties  
3 shall submit names for precinct officials to the chief election  
4 officer no later than 4:30 p.m. on the sixtieth day before the  
5 close of filing for any primary, special primary, or special  
6 election. All precinct officials shall be able to read and  
7 write the English language. If any party fails to submit the  
8 required names by the above deadline, or names sufficient to  
9 fill the positions to which it would be entitled, assignment of  
10 positions to which the party would otherwise be entitled  
11 pursuant to subsection (b), may be made without regard to party  
12 affiliation.

13        (b) In assigning the precinct officials, the following  
14 criteria shall be followed:

15        (1) The precinct officials shall be registered voters of  
16 the precinct in which they serve; but if qualified  
17 persons in the precinct or representative district are  
18 not readily available to serve, they may be chosen  
19 from without the precinct or representative district,  
20 or if qualified persons either in or without the  
21 precinct or representative district are not available



1           to serve, the chief election officer may designate  
2           precinct officials who are not registered voters if  
3           the persons so designated are otherwise qualified and  
4           shall have attained the age of sixteen years on or  
5           before June 30, of the year of the election in which  
6           they are appointed to work;

7           (2) The chief election officer may designate more precinct  
8           officials than are needed in order to create a pool of  
9           qualified precinct officials who may be assigned to  
10           fill vacancies or to perform their duties as needed in  
11           any precinct;

12           (3) No parent, spouse, reciprocal beneficiary, child, or  
13           sibling of a candidate shall be eligible to serve as a  
14           precinct official in any precinct in which votes may  
15           be cast for the candidate; nor shall any candidate for  
16           any elective office be eligible to serve as a precinct  
17           official in the same election in which the person is a  
18           candidate. No candidate who failed to be nominated in  
19           the primary or special primary election shall be  
20           eligible to serve as a precinct official in the  
21           general election next following; and



1       (4) The chairperson of the precinct officials shall be the  
2       first named precinct official on the list prepared by  
3       the chief election officer. The remainder of the  
4       precinct officials shall be apportioned as follows:

5       (A) The total votes cast, except those cast for  
6       nonpartisan candidates, for all of the following  
7       offices that were on the ballot in the next  
8       preceding general election shall be divided into  
9       the total votes cast for all the candidates of  
10      each party for these offices: president and  
11      vice-president, United States senator, United  
12      States representative, governor and lieutenant  
13      governor, state senator, and state  
14      representative;

15      (B) If a party's proportion of votes cast exceeds  
16      fifty per cent, its share shall be one-half of  
17      the precinct officials. The remaining one-half  
18      shall be divided among the remaining parties in  
19      proportion to their respective total of votes  
20      cast for the offices set forth in subparagraph

21      (A);



1           (C) In the case of the above division resulting in  
2           parties having fractional positions, a whole  
3           position shall go to the party with the larger  
4           number of votes cast; and

5           (D) Newly qualified parties may be assigned up to ten  
6           per cent of the total positions available at the  
7           discretion of the chief election officer.

8           (c) In the recruitment and placement of precinct  
9           officials, any or all of the requirements of subsection (b) may  
10          be waived by the chief election officer if it is determined that  
11          minority language assistance or other special needs warrant a  
12          waiver, except as provided in subsection (b) (3).

13          (d) In case of inability, failure, or refusal of any  
14          person so assigned to serve as a precinct official, the chief  
15          election officer shall appoint a person to fill the vacancy.

16          §11-C Instruction of precinct officials. Before any  
17          election, the chief election officer, or the clerk if the  
18          election is a county election, shall conduct a school of  
19          instruction, if deemed necessary, for persons designated as  
20          prospective precinct officials. They shall notify the precinct



1 officials of the time and the place of the school of  
2 instruction.

3 All prospective precinct officials shall attend a school of  
4 instruction. The chairperson of the precinct officials shall be  
5 required to also attend a refresher course before each election.  
6 It shall be at the discretion of the chief election officer or  
7 the county clerk in county elections to require those precinct  
8 officials with previous training to attend a school of  
9 instruction prior to each election.

10 No precinct official shall serve unless the official has  
11 received instruction and has been certified by the authorized  
12 instructor to that effect. This section shall not prevent the  
13 assignment of a person who has not received instruction or a  
14 certificate but who is otherwise qualified, to fill a vacancy  
15 among precinct officials when a qualified certified person is  
16 not available. Periodic recertification shall be required.

17 **§11-D Meetings of precinct officials; procedure; oaths.**

18 The chairperson of the precinct officials shall preside at all  
19 meetings of the precinct officials. Any decision of the  
20 precinct officials shall require a majority vote of the precinct  
21 officials in the unit or precinct.



1        In all cases under this title, where duties are to be  
2 performed by the chairperson of the precinct officials, the  
3 duties may be performed by one of the other precinct officials,  
4 whenever the chairperson is temporarily absent or is otherwise  
5 for the time being unable to perform the duties.

6        Each precinct official may administer any oath in this  
7 title provided to be administered by the precinct officials.

8        **§11-E Duties of precinct officials.** The duties of the  
9 precinct officials shall vary with the voting system in use in  
10 the precinct. The duties for the particular system shall be  
11 assigned by the chief election officer by regulations adopted  
12 for that purpose."

13        SECTION 2. Chapter 11, Hawaii Revised Statutes, is amended  
14 by adding five new sections to part VII to be appropriately  
15 designated and to read as follows:

16        **"§11-F Federal, state, and county elections by mail.** (a)  
17 Any federal, state, or county election held other than on the  
18 date of a regularly scheduled primary or general election may be  
19 conducted by mail.

20        (b) The chief election officer shall determine whether a  
21 federal or state election, other than a regularly scheduled



1 primary or general election, may be conducted by mail or at  
2 polling places.

3 (c) The county clerk shall determine whether a county  
4 election, held other than on the date of a regularly scheduled  
5 primary or general election, may be conducted by mail or at  
6 polling places. An election by mail in the county shall be  
7 under the supervision of the county clerk.

8 (d) Any ballot cast by mail under this section shall be  
9 subject to the provisions applicable to absentee ballots under  
10 sections 11-139 and 15-6.

11 (e) The chief election officer shall adopt rules pursuant  
12 to chapter 91 to provide for uniformity in the conduct of  
13 federal, state, and county elections by mail.

14 **§11-G Multiple polling place sites.** (a) The chief  
15 election officer may establish multiple polling place sites for  
16 contiguous precincts, notwithstanding district boundaries, when  
17 it is convenient and readily accessible for the voters of the  
18 precincts involved.

19 (b) No multiple polling place site shall be established  
20 later than 4:30 p.m. on the tenth day before the close of filing  
21 for an election.





1        §11-H Voting units. Immediately after the close of  
2 registration of voters preceding any election, the chief  
3 election officer shall establish one or more voting units in  
4 each precinct polling place. All voting units shall be in the  
5 same precinct polling place. In a precinct having more than one  
6 voting unit the chief election officer or the officer's  
7 authorized representative shall designate each unit by a uniform  
8 identification system. The clerk in preparing the list of  
9 registered voters shall divide the list, on an alphabetical  
10 basis, as equal as possible between or among the voting units.

11        §11-I Exemptions of voters on election day. Every voter  
12 shall be privileged from arrest on election day while at the  
13 voter's polling place and in going to and returning therefrom,  
14 except in case of breach of the peace then committed, or in case  
15 of treason or felony.

16        §11-J Employees entitled to leave on election day for  
17 voting. (a) Any voter shall on the day of the election be  
18 entitled to be absent from any service or employment in which  
19 the voter is then engaged or employed for a period of not more  
20 than two hours (excluding any lunch or rest periods) between the  
21 time of opening and closing the polls to allow two consecutive



1 hours in which to vote. The voter shall not because of the  
2 absence be liable to any penalty, nor shall there be any  
3 rescheduling of normal hours or any deduction made, on account  
4 of the absence from any usual salary or wages; provided that the  
5 foregoing shall not be applicable to any employee whose hours of  
6 employment allow the employee a period of two consecutive hours  
7 (excluding any lunch or rest periods) between the time of  
8 opening and closing the polls when the employee is not working  
9 for the employer. If, however, any employee fails to vote after  
10 taking time off for that purpose the employer, upon verification  
11 of that fact, may make appropriate deductions from the salary or  
12 wages of the employee for the period during which the employee  
13 is hereunder entitled to be absent from employment.  
14 Presentation of a voter's receipt by an employee to the employer  
15 shall constitute proof of voting by the employee.

16 (b) Any person, business, or corporation who refuses an  
17 employee the privileges conferred by this section, or subjects  
18 an employee to a penalty or deduction of wages because of the  
19 exercise of the privileges, or who directly or indirectly  
20 violates this section, shall be subject to a fine of not less  
21 than \$50 nor more than \$300.



1        (c) Any action taken to impose or collect the fines  
2 established in this section shall be a civil action."

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

6        "§11-K Distribution of ballots; record. The chief  
7 election officer, or the county clerk in county elections, shall  
8 forward the official ballots, specimen ballots, and other  
9 materials to the precinct officials of the various precincts.  
10 The ballots shall be delivered and kept in a secure fashion in  
11 accordance with rules adopted by the chief election officer. In  
12 no case shall the ballots arrive later than the opening of the  
13 polls on election day."

14        SECTION 4. Chapter 11, Hawaii Revised Statutes, is amended  
15 by adding four new sections to part IX to be appropriately  
16 designated and to read as follows:

17        "§11-L Voting booths; placement of visual aids. The  
18 precinct officials shall provide sufficient voting booths within  
19 the polling place at or in which the voters may conveniently  
20 cast their ballots. The booths shall be so arranged that in



1 casting the ballots the voters are screened from the observation  
2 of others.

3 Visual aids shall be posted at or in each voting booth and  
4 in conspicuous places outside the polling place before the  
5 opening of the polls.

6 **§11-M Ballot transport containers; ballot boxes.** (a) The  
7 seals of the ballot transport containers shall be broken and  
8 opened on election day only in the presence of at least two  
9 precinct officials not of the same political party.

10 (b) The chief election officer shall provide suitable  
11 ballot boxes for each polling place needed. Each ballot box  
12 shall have a hinged lid fastened securely by a nonreusable seal.  
13 In the center of the lid there shall be an aperture of the  
14 appropriate size for the voting system used. The ballot boxes  
15 shall be placed at a point convenient for the deposit of ballots  
16 and where they can be observed by the precinct officials.

17 (c) At the opening of the polls for election, the  
18 chairperson of the precinct officials shall publicly open the  
19 ballot boxes and expose them to all persons present to show that  
20 they are empty. The ballot boxes shall be closed and sealed;  
21 they shall remain sealed until transported to the counting



1 center; provided that, in precincts where the electronic voting  
2 system is used, the ballot boxes shall not be opened at the  
3 polling places except as provided by rules adopted pursuant to  
4 chapter 91.

5 §11-N Early collection of ballots. In an electronic  
6 ballot system election the chief election officer may authorize  
7 collection of voted ballots before the closing of the polls in  
8 order to facilitate the counting of ballots; provided that the  
9 voted ballots shall be returned to the counting center in sealed  
10 ballot boxes.

11 §11-O Poll book, identification, voting. Every person  
12 upon applying to vote shall sign the person's name in the poll  
13 book prepared for that purpose. This requirement may be waived  
14 by the chairperson of the precinct officials if, for reasons of  
15 illiteracy or blindness or other physical disability, the voter  
16 is unable to write. Every person shall provide identification  
17 if so requested by a precinct official. A poll book shall not  
18 contain the social security number of any person.

19 After signing the poll book and receiving the voter's  
20 ballot, the voter shall proceed to the voting booth to vote  
21 according to the voting system in use in the voter's precinct.



1 The precinct official may, and upon request shall, explain to  
2 the voter the mode of voting."

3 SECTION 5. Chapter 11, Hawaii Revised Statutes, is amended  
4 by adding a new section to part XII, subpart A to be  
5 appropriately designated and to read as follows:

6 "§11-P Election expenses and responsibilities in combined  
7 state and county elections. Election expenses in elections  
8 involving both state and county offices shall be shared as set  
9 forth below:

- 10 (1) The State shall pay and be responsible for:
- 11 (A) Precinct officials;
  - 12 (B) Instruction of precinct officials when initiated  
13 or approved by the chief election officer;
  - 14 (C) Boards of registration;
  - 15 (D) Polling place costs other than supplies:  
16 installation rentals, ballot boxes, voting  
17 booths, custodians, telephones, and maintenance;
  - 18 (E) Other equipment, including ballot transport  
19 containers;
  - 20 (F) Temporary election employees hired to do strictly  
21 state work; and



- 1           (G) Extraordinary voter registration and voter  
2           education costs when approved by the chief  
3           election officer.
- 4       (2) The county shall pay and be responsible for:
- 5           (A) Normal voter registration, voters list  
6           maintenance, and all printing connected with  
7           voter registration, including printing of the  
8           voters list;
- 9           (B) Temporary election employees hired to do strictly  
10           county work;
- 11           (C) Maintenance of existing voting machines,  
12           including parts, freight, storage, programming,  
13           and personnel;
- 14           (D) Maintenance and storage of voting devices and  
15           other equipment; and
- 16           (E) Employees assigned to conduct absentee polling  
17           place functions.
- 18       (3) The remaining election expenses shall be divided in  
19       half between the State and the counties. Each county  
20       will pay a proration of expenses as a proportion of



1           the registered voters at the time of the general  
2           election. These expenses shall include:

3           (A) Polling place supplies;

4           (B) All printing, including ballots, but excluding  
5           printing connected with voter registration;

6           (C) Temporary election employees not including voting  
7           machine programmers doing work for both the State  
8           and county;

9           (D) Ballot preparation and packing; and

10          (E) All other costs for which the State or county are  
11          not specifically responsible relating to the  
12          operation of voting machines, electronic voting  
13          systems, and other voting systems except paper  
14          ballots to include real property rentals,  
15          equipment rentals, personnel, mileage,  
16          telephones, supplies, publicity, computer  
17          programming, and freight.

18           The responsibility for the above functions shall  
19           be determined by the chief election officer where the  
20           responsibility for those functions has not been  
21           assigned by the legislature.





1        Any future expenses not presently incurred under any voting  
2 system now in use or to be used shall be assigned to paragraphs  
3 (1), (2), or (3) above by the chief election officer upon  
4 agreement with the clerks or by the legislature."

5        SECTION 6. Chapter 15, Hawaii Revised Statutes, is amended  
6 by adding two new sections to be appropriately designated and to  
7 read as follows:

8        "§15-A Absentee polling place; registration at absentee  
9 polling place. (a) Absentee polling places shall be  
10 established at the office of the respective clerks, and may be  
11 established at other sites as may be designated by the clerk  
12 under the provisions prescribed in the rules adopted by the  
13 chief election officer. Section 11-21 relating to changes and  
14 transfers of registration shall apply to the absentee polling  
15 place as though it were the precinct at which a person's name  
16 properly appears on the list of registered voters.

17        (b) The absentee polling places shall be open no later  
18 than ten working days before election day, and all Saturdays  
19 falling within that time period, or as soon thereafter as  
20 ballots are available; provided that all absentee polling places



1 shall be open on the same date statewide, as determined by the  
2 chief election officer.

3 (c) A person who is eligible to vote but is not registered  
4 to vote may register by appearing in person at the absentee  
5 polling place for the county in which the person maintains  
6 residence.

7 (d) The county clerk shall designate a registration clerk,  
8 who may be an election official, at each of the absentee polling  
9 places established in the county.

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

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

15 (2) Acknowledging that the person has not voted and will  
16 not vote at any other polling place for that election  
17 and has not cast and will not cast any absentee ballot  
18 pursuant to this chapter for that election; and

19 (3) Acknowledging that providing false information may  
20 result in a class C felony, punishable by a fine not



1 exceeding \$1,000 or imprisonment not exceeding five  
2 years, or both.

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

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

12 (h) Notwithstanding subsection (c), registration pursuant  
13 to this section may be used by a person who is registered to  
14 vote but whose name cannot be found on the precinct list for the  
15 polling place associated with the person's residence.

16 (i) The clerk of each county shall add persons who  
17 properly register at an absentee polling place to the respective  
18 general county register. Within thirty days of registration at  
19 an absentee polling place, the county clerk shall mail to the  
20 person a notice including the person's name, current street  
21 address, district and precinct, and date of registration. A



1 notice mailed pursuant to this subsection shall serve as prima  
2 facie evidence that the person is a registered voter as of the  
3 date of registration.

4 §15-B Absentee ballot box. An absentee ballot box or  
5 boxes shall be provided in the absentee polling place for the  
6 purpose of depositing the return envelopes and the ballot  
7 envelopes of those who vote in person at the absentee polling  
8 place. The ballot box shall be secured in accordance with rules  
9 adopted by the chief election officer.

10 Tampering with the ballot box or opening it before the time  
11 prescribed in section 15-9 shall be an election offense under  
12 section 19-6."

13 SECTION 7. Chapter 11, Hawaii Revised Statutes, is amended  
14 by amending the title of part VI to read as follows:

15 "PART VI. [~~VOTER SERVICE CENTER~~] PRECINCT OFFICIALS AND  
16 WATCHERS"

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

19 1. By adding a new definition to be appropriately inserted  
20 and to read:



1        ""Precinct official" means a person designated as a  
2 precinct official by the chief election officer."

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

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

9        (1) A ballot summary reflecting a complete record of the  
10        ballot selections made by a voter utilizing an HTML  
11        ballot or similar accessible ballot that produces a  
12        ballot summary;

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

17        (3) [~~A ballot used in an election by mail pursuant to part~~  
18 ~~VIIA, including a ballot approved for electronic~~  
19 ~~transmission. A ballot may consist of one] One or  
20 more cards or pieces of paper, or one face of a card  
21 or piece of paper, or a portion of the face of a card~~



1 or piece of paper, depending on the number of offices,  
2 candidates to be elected thereto, questions or issues  
3 to be voted on, and the voting system in use."

4 3. By amending the definition of "election officials" to  
5 read:

6 ""Election [~~officials~~] official" means [~~persons~~] a person  
7 designated as [~~officials~~] an official by the chief election  
8 officer."

9 4. By amending the definition of "voting system" to read:

10 ""Voting system" means the use of paper ballots, electronic  
11 transmission, voting machines, [~~elections by mail pursuant to~~  
12 ~~part VIIA,~~] absentee voting pursuant to chapter 15, or any  
13 system by which votes are cast and counted."

14 5. By deleting the definition of "place of deposit":

15 [~~"Place of deposit" means a site within the county of the~~  
16 ~~voter's registration address designated pursuant to section 11-~~  
17 ~~109 for the purpose of receiving return identification envelopes~~  
18 ~~in an election conducted by mail pursuant to part VIIA."]~~

19 6. By deleting the definition of "voter service center":



1       ~~["Voter service center" means a location within the county~~  
2 ~~of the voter's registration address established pursuant to~~  
3 ~~section 11-109 to serve all of the following purposes:~~

4       ~~(1) Receive return envelopes for absentee ballots pursuant~~  
5       ~~to chapter 15;~~

6       ~~(2) Receive return identification envelopes in an election~~  
7       ~~by mail conducted pursuant to part VIIA;~~

8       ~~(3) Provide voting machine services for persons with~~  
9       ~~disabilities pursuant to the Help America Vote Act of~~  
10       ~~2002, P.L. 107-252, as amended, and any other federal~~  
11       ~~or state law relating to persons with disabilities;~~

12       ~~(4) Provide any other voting services as provided by law;~~  
13       ~~and~~

14       ~~(5) Any other purposes the chief election officer or clerk~~  
15       ~~may deem necessary if a natural disaster or other~~  
16       ~~exigent circumstance occurs before an election." ]~~

17       7. By deleting the definition of "voter turnout":

18       ~~["Voter turnout", means the total number of voters at an~~  
19 ~~election as determined by the number of ballot cards tabulated~~  
20 ~~by the computer or of paper ballots counted by the precinct~~  
21 ~~officials. When there is more than one ballot card issued to~~



1 ~~each voter, "voter turnout" means the total count of the alpha~~  
2 ~~ballot card with the highest number of cards tabulated by the~~  
3 ~~computer. Ballots that are blank or ballots that are rejected~~  
4 ~~for any reason shall be included in the count of the total~~  
5 ~~number of voters."]~~

6 SECTION 9. Section 11-4, Hawaii Revised Statutes, is  
7 amended to read as follows:

8 "§11-4 Rules. The chief election officer may make, amend,  
9 and repeal rules governing elections held under this title,  
10 election procedures, and the selection, establishment, use, and  
11 operation of all voting systems now in use or to be adopted in  
12 the State, and all other similar matters relating thereto as in  
13 the chief election officer's judgment shall be necessary to  
14 carry out this title.

15 In making, amending, and repealing rules for voters who  
16 cannot vote at the polls in person or receive or return absentee  
17 ballots by mail, and all other voters, the chief election  
18 officer shall provide for voting by these persons in a manner  
19 that ensures secrecy of the ballot and precludes tampering with  
20 the ballots of these voters and other election frauds. The  
21 rules, when adopted in conformity with chapter 91 and upon





1 approval by the governor, shall have the force and effect of  
2 law."

3 SECTION 10. Section 11-15.2, Hawaii Revised Statutes, is  
4 amended by amending subsections (a) and (b) to read as follows:

5 "(a) Notwithstanding the closing of the general county  
6 register pursuant to section 11-24, a person who is eligible to  
7 vote but is not registered to vote may register [by]:

8 (1) By appearing in person before election day, at any  
9 [voter service center on or before] absentee polling  
10 place established pursuant to section 15-A in the  
11 county associated with the person's residence;

12 (2) By appearing in person on election day, at the polling  
13 place in the precinct associated with the person's  
14 residence; or [register]

15 (3) Register electronically pursuant to section 11-15.3.

16 (b) The clerk shall designate a registration clerk, who  
17 may be an election official, at each [voter service center who]  
18 of the absentee polling places in the county established  
19 pursuant to section 15-A, before the day of the election and at  
20 each of the polling places in the county on the day of the  
21 election. Each registration clerk shall process applications



1 for any person who submits a signed affidavit in accordance with  
2 section 11-15, which shall include a sworn affirmation:

- 3 (1) Of the person's qualification to vote;
- 4 (2) Acknowledging that the person has not voted and will  
5 not attempt to vote again in that election, and has  
6 not cast and will not cast any absentee ballot  
7 pursuant to chapter 15 in that election; and
- 8 (3) Acknowledging that providing false information may  
9 result in a class C felony, punishable by a fine not  
10 exceeding \$10,000 or imprisonment not exceeding five  
11 years, or both."

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

14 "(a) The clerk, after every general election, shall remove  
15 the names of registered voters who were identified as having an  
16 outdated or undeliverable address who did not vote in all  
17 elections held during the two previous federal election cycles  
18 with the exception of anyone who preregistered pursuant to  
19 section 11-12(b). For this purpose, "vote" means the depositing  
20 of the ballot in the ballot box regardless of whether the ballot  
21 is blank or later rejected for any reason. In the case of



1 voting machines, "vote" means the voter has activated the proper  
2 mechanism and fed the ballot into the machine. [~~In the case of~~  
3 ~~an election by mail pursuant to part VIIA, "vote" means the~~  
4 ~~voter has returned the ballot to the chief election officer or~~  
5 ~~clerk by the United States Postal Service, by personal delivery~~  
6 ~~of the ballot to a place of deposit or voter service center, or~~  
7 ~~by electronic transmission under certain circumstances pursuant~~  
8 ~~to part VIIA.]"~~

9 SECTION 12. Section 11-21, Hawaii Revised Statutes, is  
10 amended to read as follows:

11 **"§11-21 Change of name, transfer on election day. (a)**

12 The clerk may designate a registration clerk, who may be an  
13 election official, at [~~a voter service center~~] any of the  
14 polling places in the county on the day of the election.

15 (b) These registration clerks shall take applications for  
16 change of name from voters who have been married or who have had  
17 their names changed since the last election.

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



1 person's new polling place on the day of the election for  
2 transfer of registration to the precinct of the new residence.  
3 Any person so transferring voter registration shall be  
4 immediately added to the register of the new precinct[-] and may  
5 vote only at the new precinct.

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

9 (e) No person shall be prevented from voting at the  
10 election in the precinct in which the person's name appears on  
11 the voters list due to a change of name, or other correction  
12 made under this section. However, any voter registered in the  
13 wrong precinct who shall refuse to make the correction of  
14 registration may be challenged in accordance with section  
15 11-25."

16 SECTION 13. Section 11-22, Hawaii Revised Statutes, is  
17 amended by amending subsection (b) to read as follows:

18 "(b) In any case where the clerk refuses to correct the  
19 register, the person may appeal to the board of registration and  
20 the register shall be changed upon a written order of the board  
21 of registration, setting forth the reasons for the change. The



1 order shall be directed to the clerk[-] or to the precinct  
2 officials of the election precinct where the voter is entitled  
3 to vote if the register has been closed. The precinct officials  
4 shall thereupon correct the list of voters furnished them  
5 according to the terms of the order, noting on the list the  
6 reasons for the correction, and shall send the original order to  
7 the clerk as soon as may be possible after the close of the  
8 polls. The clerk, upon receipt of any order from the board of  
9 registration[-] or from the precinct officials, as the case may  
10 be, shall correct the register according to the terms of the  
11 order, making on the register a reference to the order."

12 SECTION 14. Section 11-25, Hawaii Revised Statutes, is  
13 amended by amending subsections (b) and (c) to read as follows:

14 "(b) Any voter rightfully in [~~a voter service center~~] the  
15 polling place, including an absentee polling place established  
16 pursuant to section 15-A, may challenge the right to vote of any  
17 person who comes to the [~~voter service center~~] precinct  
18 officials for voting purposes. The challenge shall be on the  
19 grounds that the voter is not the person the voter alleges to  
20 be, or that the voter is not entitled to vote[-] in that  
21 precinct. No other or further challenge shall be allowed. Any



1 person challenged pursuant to this subsection shall first be  
2 given the opportunity to make the relevant correction pursuant  
3 to section 11-21. The challenge shall be considered and decided  
4 immediately by the [~~clerk~~<sub>7</sub>] precinct officials, and the ruling  
5 shall be announced.

6 (c) If neither the challenger nor the challenged voter  
7 appeals the ruling of the [~~clerk~~<sub>7</sub>] precinct officials, then the  
8 voter shall either be allowed to vote or be prevented from  
9 voting in accordance with the ruling. If an appeal is taken to  
10 the board of registration, the challenged voter shall be allowed  
11 to vote; provided that the ballot is placed in a sealed envelope  
12 to be later counted or rejected in accordance with the ruling on  
13 appeal. The chief election officer shall adopt rules in  
14 accordance with chapter 91 to safeguard the secrecy of the  
15 challenged voter's ballot."

16 SECTION 15. Section 11-26, Hawaii Revised Statutes, is  
17 amended as follows:

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

19 "(a) In cases where the clerk<sub>7</sub>] rules or [~~voter service~~  
20 ~~center~~] precinct officials<sub>7-rules</sub>] rule on a challenge on  
21 election day, the person ruled against may appeal from the



1 ruling to the board of registration of the person's county for  
2 review under part III. The appeal shall be brought before the  
3 challenger and challenged party leave the [~~voter service~~  
4 ~~center.~~] polling place. If an appeal is brought, both the  
5 challenger and the challenged voter may be parties to the  
6 appeal."

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

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

14 SECTION 16. Section 11-76, Hawaii Revised Statutes, is  
15 amended to read as follows:

16 "**§11-76 Compensation.** Election officials and precinct  
17 officials under the supervision and control of the office of  
18 elections on election day shall be compensated pursuant to a  
19 schedule established by the chief election officer. The  
20 schedule shall be contained in rules adopted pursuant to chapter  
21 91."



1 SECTION 17. Section 11-77, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§11-77 Appointment of watchers; service. (a) Each  
4 qualified political party shall be entitled to appoint no more  
5 than one watcher who may be present at any time [~~at a voter~~  
6 ~~service center.~~] in each precinct and absentee polling place in  
7 which the candidates of that political party are on the ballot.  
8 Each party shall submit its list of watchers no later than  
9 4:30 p.m. on the [~~twentieth~~] tenth day before any election to  
10 the chief election officer; provided that in a county election,  
11 the list shall be submitted to the clerk. All watchers shall  
12 serve without expense to the State or county. All watchers so  
13 appointed shall be registered voters. No person shall serve as  
14 a watcher if the person would not qualify to serve as a precinct  
15 official pursuant to section 11-B(b) (3).

16 (b) Each watcher shall be provided with identification  
17 from the chief election officer, or by the clerk in the case of  
18 county elections, stating the watcher's name and the name of the  
19 party the watcher represents. On election day, the watcher  
20 shall present identification to the chairperson of precinct





1 officials of the precinct or precincts where the watcher is to  
2 serve.

3 (c) All watchers for precincts shall be permitted to  
4 observe the conduct of the election in the precinct. The  
5 watchers may remain in the precinct as long as the precinct is  
6 in operation, subject to section 19-6. Watchers may review the  
7 polling book pursuant to section 11-97.

8 ~~[-e-]~~ (d) The watcher shall call the attention of the  
9 ~~[clerk]~~ chairperson to any violations of the election laws that  
10 the watcher observes. After the ~~[clerk's]~~ chairperson's  
11 attention is called to the violation, the ~~[clerk]~~ chairperson  
12 shall make an attempt to correct the violation. If the ~~[clerk]~~  
13 chairperson fails to correct the violation, the watcher may  
14 appeal to the ~~[chief election officer.]~~ clerk.

15 (e) The watchers shall be permitted to observe the  
16 operations of the absentee polling place. Any violation of the  
17 election laws shall be reported to the clerk."

18 SECTION 18. Section 11-92.1, Hawaii Revised Statutes, is  
19 amended to read as follows:

20 "§11-92.1 Election proclamation; establishment of a new  
21 precinct; ~~[voter service centers and places of deposit;]~~ changes



1 **to precinct boundaries.** (a) The [~~clerk~~] chief election officer  
2 shall issue a proclamation [~~listing all voter service centers~~  
3 ~~and places of deposit, including the days each voter service~~  
4 ~~center and place of deposit is open and the hours of operations~~  
5 ~~and location of each voter service center and place of deposit,~~  
6 ~~as may have been determined by the clerk as of the proclamation~~  
7 ~~date and]~~ whenever a new precinct is established in any  
8 representative district. The chief election officer shall  
9 provide a suitable polling place for each precinct. Schools,  
10 recreational halls, park facilities, and other publicly owned or  
11 controlled buildings, whenever possible and convenient, shall be  
12 used as polling places. The [~~clerk~~] chief election officer  
13 shall make arrangements for the rental or erection of suitable  
14 shelter for [~~the establishment of a voter service center]~~ this  
15 purpose whenever public buildings are not available and shall  
16 cause these [~~voter service centers]~~ polling places to be  
17 equipped with the necessary facilities for lighting,  
18 ventilation, and equipment needed for elections on any island.  
19 This proclamation may be issued jointly with the proclamation  
20 required in section 11-91.



1 (b) No change shall be made in the boundaries of any  
2 precinct later than 4:30 p.m. on the tenth day before the close  
3 of filing for an election.

4 (c) Notwithstanding subsection (a), and pursuant to  
5 section 15-2.5, the [~~clerk~~] chief election officer is not  
6 required to establish [~~voter service centers~~] polling places for  
7 precincts affected by natural disasters, as provided in section  
8 15-2.5."

9 SECTION 19. Section 11-92.3, Hawaii Revised Statutes, is  
10 amended to read as follows:

11 "**§11-92.3 Natural disasters; postponement; consolidation**  
12 **of precincts; special elections.** (a) In the event of a flood,  
13 tsunami, earthquake, volcanic eruption, high wind, or other  
14 natural disaster, occurring before an election [~~where~~] that  
15 makes a precinct inaccessible, the chief election officer, or  
16 county clerk in the case of county elections, may consolidate  
17 precincts within a representative district. If the extent of  
18 damage caused is such that the ability of voters, in any  
19 precinct, district, or county, to exercise their right to vote  
20 is substantially impaired, the chief election officer, or clerk  
21 in the case of county elections, may postpone the conducting of



1 an election in the affected precinct, district, or county for no  
2 more than twenty-one days; provided that any postponement shall  
3 not affect the conduct of the election, tabulation, or  
4 distribution of results for those precincts, districts, or  
5 counties not designated for postponement. The chief election  
6 officer, or clerk in the case of county elections, shall give  
7 notice of the consolidation or postponement by whatever possible  
8 news or broadcast media are available.

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

17 A special, special primary, or special general election  
18 precinct shall be considered the same as an established precinct  
19 for all purposes[-], including precinct official requirements  
20 provided in section 11-A. No later than 4:30 p.m. on the tenth  
21 day before the special, special primary, or special general



1 election, the chief election officer or the clerk shall give  
2 public notice, in the area in which the special, special  
3 primary, or special general election is to be held, of the  
4 special, special primary, or special general election  
5 precincts[-] and their polling places. Notices of the  
6 consolidation also shall be posted on election day at the  
7 established precinct polling places, giving the location of the  
8 special, special primary, or special general election precinct  
9 polling place."

10 SECTION 20. Section 11-111, Hawaii Revised Statutes, is  
11 amended to read as follows:

12 "**§11-111 Official and facsimile ballots.** Ballots issued  
13 by the chief election officer in state elections and by the  
14 clerk in county elections are official ballots. In elections  
15 using the paper ballot and electronic voting systems, the chief  
16 election officer or clerk in the case of county elections shall  
17 have printed informational posters containing facsimile ballots  
18 that depict the official ballots to be used in the election.  
19 The precinct officials shall post the informational posters  
20 containing the facsimiles of the official ballots near the



1 entrance to the polling place where they may be easily seen by  
2 the voters before voting."

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

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

16 SECTION 22. Section 11-119, Hawaii Revised Statutes, is  
17 amended to read as follows:

18 "**§11-119 Printing; quantity.** (a) The ballots shall be  
19 printed by order of the chief election officer or the clerk in  
20 the case of county elections. In any state or county election,  
21 the chief election officer and clerk shall endeavor to



1 consolidate the printing and absentee ballot package mailing  
2 contracts where the consolidation will result in lower costs.

3 (b) Whenever the chief election officer is responsible for  
4 the printing of ballots, unless provided otherwise, the exact  
5 wording to appear thereon, including questions and issues, shall  
6 be submitted to the chief election officer no later than  
7 4:30 p.m. on the seventy-fifth calendar day before the  
8 applicable election.

9 (c) Based upon clarity and available space, the chief  
10 election officer or the clerk in the case of county elections  
11 shall determine the style and size of type to be used in  
12 printing the ballots. The color, size, weight, shape, and  
13 thickness of the ballot shall be determined by the chief  
14 election officer.

15 (d) Each precinct shall receive a sufficient number of  
16 ballots based on the number of registered voters and the  
17 expected spoilage in the election concerned. A sufficient  
18 number of absentee ballots shall be delivered to each clerk not  
19 later than 4:30 p.m. on the fifteenth day before the date of any  
20 election."



1 SECTION 23. Section 11-122, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "(b) The digital voter information guide shall include:

4 (1) A photograph and short statement of less than one  
5 hundred fifty words for each candidate running for  
6 public office, to be prepared by the candidate;  
7 provided that the office of elections may uniformly  
8 limit the number of words for the candidate statement  
9 by applicable public office;

10 (2) The explanation drafted by the department of the  
11 attorney general of each state constitutional  
12 amendment that will be proposed to voters in the next  
13 general election pursuant to section 11-118.5(b);  
14 provided that the department of the attorney general  
15 shall transmit the materials required by this  
16 paragraph to the office of elections no later than  
17 seventy-five days before the general election;

18 (3) A clear and concise explanation, drafted by the  
19 appropriate county corporation counsel, for each  
20 proposed county charter amendment, proposed





1 initiative, and proposed referendum issue; provided  
2 that the respective corporation counsel shall:

3 (A) Translate the explanation into Olelo Hawaii and  
4 any other languages required under the federal  
5 Voting Rights Act, as specified by the office of  
6 elections; and

7 (B) Transmit the materials required by this paragraph  
8 to the office of elections no later than  
9 seventy-five days before the general election; and

10 (4) Information regarding mailing deadlines, places of  
11 deposit locations, same day voter registration,  
12 accessible voting locations, and opening hours of  
13 [~~voter service centers.~~] polling places."

14 SECTION 24. Section 11-131, Hawaii Revised Statutes, is  
15 amended to read as follows:

16 "~~§11-131 [Voter service center hours.]~~ Hours of voting.

17 The hours of voting at [~~voter service centers~~] polling places on  
18 election day shall be:

19 [~~(1) Regular business hours as prescribed in section 11-109~~  
20 ~~and by the clerk; and~~



1       ~~(2) On an election day,~~ from 7:00 a.m. until the closing  
2                   hour of voting.

3       If, at the closing hour of voting, any voter is standing in line  
4       ~~[at a voter service center]~~ outside the entrance of the polls  
5       with the desire of entering and voting, but due to the ~~[voter~~  
6       ~~service center]~~ polling place being overcrowded has been unable  
7       to do so, the voter shall be allowed to vote. No voter shall be  
8       permitted to enter or join the line after the prescribed hours  
9       of voting specified in this section."

10       SECTION 25. Section 11-132, Hawaii Revised Statutes, is  
11       amended to read as follows:

12       "**§11-132 Two hundred foot radius[-]; admission within**  
13       polling place. (a) ~~[Election]~~ Precinct officials shall post in  
14       a conspicuous place, before ~~[operation of voting service centers~~  
15       ~~or places of deposit,]~~ the opening of polls, a map designating  
16       an area of two hundred feet from the perimeter of ~~[any voter~~  
17       ~~service center, place of deposit,]~~ the polling place and its  
18       appurtenances. Any person who remains or loiters within this  
19       specified area for the purpose of campaigning shall be guilty of  
20       a misdemeanor. For the purposes of this section, a ~~[voter~~



1 ~~service center, place of deposit,~~ polling place and its  
2 appurtenances shall include:

3 (1) The building in which [~~a voter service center, place~~  
4 ~~of deposit, or its appurtenances are~~] the polling  
5 place is located;

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

8 (3) The routes of access between the building and any  
9 parking lot;

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

16 (5) Any area at a [~~voter service center, place of deposit,~~  
17 ~~or its appurtenances~~] polling place designated for  
18 voters waiting to vote.

19 (b) The chief election officer may regulate other  
20 activities within the area specified in subsection (a) pursuant



1 to rules adopted by the chief election officer under chapter 91  
2 in order to ensure the safe and orderly conduct of elections.

3 (c) Admission within the [~~voter service center, place of~~  
4 ~~deposit, or appurtenances~~] polling place shall be [~~limited~~]  
5 granted only to [~~the following~~]:

- 6 (1) Election officials;
- 7 (2) Watchers, if any, pursuant to section 11-77;
- 8 (3) Candidates;
- 9 (4) Any voters actually engaged in voting, going to vote  
10 or returning from voting;
- 11 (5) Any person, designated by a voter who is physically  
12 disabled, while the person is assisting the voter;
- 13 (6) Any person or nonvoter group authorized by the chief  
14 election officer, or the clerk in county elections, to  
15 observe the election at designated precincts for  
16 educational purposes; provided that these persons  
17 conduct themselves so that they do not interfere with  
18 the election process; and
- 19 (7) [A] Any child for the purpose of observing the voting  
20 process when accompanied by an adult who is voting;



1 provided that this activity does not disrupt or  
2 interfere with normal voting procedures.

3 (d) Within the appropriate boundary as established in  
4 subsection (a), the display or distribution of campaign posters,  
5 signs, or other campaign materials for the purpose of soliciting  
6 votes for or against any person or political party or position  
7 on a ballot question is prohibited. Any voter who displays  
8 campaign material [~~in the voter service center, place of~~  
9 ~~deposit, or its appurtenances~~] shall remove or cover that  
10 material before entering the [~~voter service center, place of~~  
11 ~~deposit,~~] polling place or its appurtenances. The chief  
12 election officer may adopt rules pursuant to chapter 91 to  
13 address special circumstances regarding the display of campaign  
14 materials."

15 SECTION 26. Section 11-137, Hawaii Revised Statutes, is  
16 amended to read as follows:

17 "**§11-137 Secrecy; removal or exhibition of ballot.** No  
18 person shall look at or ask to see the contents of the ballot or  
19 the choice of party or nonpartisan ballot of any voter, except  
20 as provided in sections 11-139 and 11-132, nor shall any person  
21 attempt to influence a voter in regard to whom the voter shall



1 vote for. When a voter is in the voting booth for the purpose  
2 of voting, no other person, except as provided in sections  
3 11-139 and 11-132, shall be allowed to enter the booth or to be  
4 in a position from which the person can observe how the voter  
5 votes.

6 No person shall take a ballot out of the [~~voter service~~  
7 ~~center unless authorized by the chief election officer or a~~  
8 ~~designee of the chief election officer.~~] polling place, except  
9 as provided in section 11-N. After voting, the voter shall  
10 leave the voting booth and deliver the voter's ballot to the  
11 precinct official in charge of the ballot boxes. The precinct  
12 official shall make certain that the precinct official has  
13 received the correct ballot and no other and then shall deposit  
14 the ballot into the ballot box. No person shall look at or ask  
15 to see the contents of the unvoted ballots. If any person  
16 having received a ballot leaves the polling place without first  
17 delivering the ballot to the precinct official as provided  
18 above, or wilfully exhibits the person's ballot or the person's  
19 unvoted ballots in a special primary or primary election, except  
20 as provided in sections 11-139 and 11-132, after the ballot has  
21 been marked, the person shall forfeit the person's right to



1 vote, and the chairperson of the precinct officials shall cause  
2 a record to be made of the proceeding."

3 SECTION 27. Section 11-138, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "**§11-138 Time allowed voters.** A voter shall be allowed to  
6 remain in the voting booth for five minutes, and having voted  
7 the voter shall at once emerge and leave the voting booth. If  
8 the voter refuses to leave when so requested by a majority of  
9 [~~voter service center~~] precinct officials after the lapse of  
10 five minutes, the voter shall be removed by the [~~voter service~~  
11 ~~center~~] precinct officials."

12 SECTION 28. Section 11-139, Hawaii Revised Statutes, is  
13 amended to read as follows:

14 "**§11-139 Voting assistance.** (a) Except as otherwise  
15 provided, any voter who requires assistance may be given  
16 assistance by a person of the voter's choice. A person with  
17 disabilities may be provided assistance at a [~~voter service~~  
18 ~~center~~] polling place pursuant to any state or federal law  
19 relating to persons with disabilities. The voter's employer or  
20 agent of that employer, agent of the voter's labor union, or a  
21 candidate for any office that is listed on the ballot shall not



1 provide assistance. Written or oral instructions delivered via  
2 telephone, electronic means, or mail shall not be deemed  
3 assistance prohibited by this section; provided that the voter's  
4 employer or agent of that employer, agent of the voter's labor  
5 union, or a candidate for any office listed on the ballot is not  
6 physically present with the voter when the instructions are  
7 delivered.

8 (b) If assistance is provided pursuant to subsection (a),  
9 the precinct officials providing assistance shall enter in  
10 writing in the record book the following:

11 (1) The voter's name;

12 (2) The fact that the voter cannot read the names on the  
13 ballot, if that is the reason for requiring  
14 assistance, and otherwise, the specific physical  
15 disability which requires the voter to receive  
16 assistance; and

17 (3) The name or names of the person or persons furnishing  
18 the assistance.

19 [~~(b)~~] (c) Violation of this section by an employer or  
20 agent of that employer, agent of the voter's labor union, or a





1 candidate shall constitute election fraud as provided under  
2 section 19-3."

3 SECTION 29. Section 11-152, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "**§11-152 Method of counting.** (a) [~~For votes cast~~] In an  
6 election using the paper ballot voting system, immediately after  
7 the close of the polls, the chairperson of the precinct  
8 officials shall open the ballot box. The precinct officials at  
9 the precinct shall proceed to count the votes as follows:

- 10 (1) The whole number of ballots shall first be counted to  
11 see if their number corresponds with the number of  
12 ballots cast as recorded by the precinct officials;  
13 (2) If the number of ballots corresponds with the number  
14 of persons recorded by the precinct officials as  
15 having voted, the precinct officials shall then  
16 proceed to count the vote cast for each candidate; and  
17 (3) If there are more ballots or fewer ballots than the  
18 record calls for the precinct officials shall proceed  
19 as directed in section 11-153.

20 (b) In those precincts using the electronic voting system,  
21 the ballots shall be taken in the sealed ballot containers to



1 the counting center according to the procedure and schedule  
2 adopted by the chief election officer to promote the security of  
3 the ballots. For all votes cast in an election, in the presence  
4 of official observers, counting center employees may start to  
5 count the ballots before [~~election day, as specified in section~~  
6 ~~11-108.~~] the closing hour of voting, provided there shall be no  
7 printout by the computer or other disclosure of the number of  
8 votes cast for a candidate or on a question before the closing  
9 of the polls.

10       [~~(b)~~] (c) In an election conducted by ranked-choice  
11 voting, votes shall be counted as provided in section 11-100."

12       SECTION 30. Section 11-153, Hawaii Revised Statutes, is  
13 amended to read as follows:

14       "**§11-153 More or fewer ballots than recorded.** (a) If  
15 there are more ballots than [~~documented usage~~] the poll book  
16 indicates, this shall be an overage and if fewer ballots, it  
17 shall be an underage. The election officials or counting center  
18 employees responsible for the tabulation of ballots shall make a  
19 note of this fact on a form to be provided by the chief election  
20 officer. The form recording the overage or underage shall be  
21 sent directly to the chief election officer or the clerk in



1 county elections separate and apart from the other election  
2 records.

3 (b) If the electronic voting system is being used in an  
4 election, the overage or underage shall be recorded after the  
5 tabulation of the ballots. In an election using the paper  
6 ballot voting system, the [~~chief election officer or the chief~~  
7 ~~election officer's designee~~] precinct officials shall proceed to  
8 count the votes cast for each candidate or on a question after  
9 recording the overage or underage.

10 (c) The chief election officer or the clerk shall make a  
11 list of all precincts in which an overage or underage occurred  
12 and the amount of the overage or underage. This list shall be  
13 filed and kept as a public record in the office of the chief  
14 election officer, or the clerk in county elections[-], and the  
15 clerk's office in counties other than the city and county of  
16 Honolulu in elections involving state candidates.

17 An election contest may be brought under part XI, if the  
18 overage or underage in any precinct could affect the outcome of  
19 an election."

20 SECTION 31. Section 11-154, Hawaii Revised Statutes, is  
21 amended to read as follows:



1           "**§11-154 Records, etc.; disposition.** Precinct officials  
2 shall gather all records and supplies delivered to them and  
3 return them to the sending official, either the chief election  
4 officer or the clerk.

5           The voted ballots shall be kept secure and handled only in  
6 the presence of representatives not of the same political party  
7 or official observers in accordance with rules adopted for the  
8 various voting systems. After all the ballots have been  
9 tabulated they shall be sealed in containers. Thereafter, these  
10 containers shall be unsealed and resealed only as prescribed by  
11 rules governing elections.

12           The ballots and other election records may be destroyed by  
13 the chief election officer or clerk when all elected candidates  
14 have been certified by the chief election officer, or in the  
15 case of candidates for county offices, by the clerk and after  
16 compliance with retention schedules of applicable federal law."

17           SECTION 32. 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 in a state election, or county clerk



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

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

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



1 or underage occurred shall be attached to the certificate. The  
2 candidates to be elected who receive the most votes in any  
3 election district shall be declared to be elected; provided that  
4 candidates for offices elected by ranked-choice voting shall be  
5 declared to be elected pursuant to section 11-100. Unless  
6 otherwise provided, the term of office shall begin or end as of  
7 the close of [~~voter service centers~~] polls on election day. The  
8 position on the question receiving the appropriate majority of  
9 the votes cast shall be reflected in a certificate of results  
10 issued pursuant to section 11-156."

11 SECTION 33. Section 11-172, Hawaii Revised Statutes, is  
12 amended to read as follows:

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



1 officials or the officials at a counting center in an election  
2 using the electronic voting system. A copy of the complaint  
3 shall be delivered to the chief election officer or the clerk in  
4 the case of county elections."

5 SECTION 34. Section 11-174.5, Hawaii Revised Statutes, is  
6 amended by amending subsection (b) to read as follows:

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

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



1 special general, special, or runoff election was invalid, a  
2 certified copy thereof shall be filed with the governor, and the  
3 governor shall duly call a new election to be held not later  
4 than one hundred twenty days after the judgment is filed. If  
5 the court shall decide which candidate or candidates have been  
6 elected, a copy of that judgment shall be served on the chief  
7 election officer or county clerk, who shall sign and deliver to  
8 the candidate or candidates certificates of election, and the  
9 same shall be conclusive of the right of the candidate or  
10 candidates to the offices."

11 SECTION 35. Section 15-1, Hawaii Revised Statutes, is  
12 amended by adding a new definition to be appropriately inserted  
13 and to read as follows:

14 "Absentee polling place" means an office or other suitable  
15 facility designated by the respective clerks for the conduct of  
16 absentee voting and the processing of absentee ballots."

17 SECTION 36. Section 15-2, Hawaii Revised Statutes, is  
18 amended to read as follows:

19 **"§15-2 Who may vote by absentee ballot.** Any person  
20 registered to vote may cast an absentee ballot [~~in any election,~~  
21 ~~including an election conducted by mail,~~] in the manner provided





1 in this chapter and rules adopted by the chief election  
2 officer."

3 SECTION 37. Section 15-2.5, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "§15-2.5 [~~Voting by mail~~] Absentee voting in precinct  
6 affected by natural disasters. (a) If the chief election  
7 officer and clerk of a county affected as a result of a natural  
8 disaster determine that the opening of a designated [~~voter~~  
9 ~~service center~~] polling place will adversely affect the health  
10 and safety of voters or [~~voter service center~~] precinct  
11 officials, the chief election officer and county clerk, by  
12 written order, may require the registered voters of any precinct  
13 to vote by [~~mail as provided in part VIIA of chapter 11.~~]  
14 absentee ballot; provided that if there are not enough absentee  
15 ballots for all voters of the precinct, the chief election  
16 officer or the clerk shall use other official ballots to make up  
17 the difference.

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 precinct of the issuance  
21 of the order.



1        (c) Within ten days after the printed official absentee  
2 ballots are available for the designated precinct affected by  
3 this section, the clerk shall deliver, or cause to be delivered,  
4 by hand or mail, an absentee ballot, a return envelope, and any  
5 other appropriate material to each registered voter in the  
6 affected precinct.

7        [~~e~~] (d) The chief election officer shall adopt rules  
8 pursuant to chapter 91 to implement this section."

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

11        "**§15-4 Request for absentee ballot.** (a) Any person  
12 registered to vote [~~who is unable to receive a ballot at the~~  
13 ~~person's voter registration address of record~~] may request an  
14 absentee ballot or permanent absentee ballot in person or in  
15 writing from the clerk at any time but no later than 4:30 p.m.  
16 on the seventh day before the election. Any mailed requests for  
17 an absentee ballot or permanent absentee ballot shall be mailed  
18 by the person directly to the clerk. The clerk may waive any or  
19 all of the foregoing requirements in special cases as provided  
20 in the rules adopted by the chief election officer.



1           The request shall include information such as the last four  
2 digits of the person's social security number or the person's  
3 driver's license number, date of birth, and the address under  
4 which the person is registered to vote. The request shall also  
5 include the [temporary] address to which the person wishes the  
6 requested ballot to be forwarded. The request, when made for  
7 any primary or special primary election, may include an  
8 additional request for an absentee ballot to be voted at any  
9 election immediately following the primary or special primary;  
10 provided that the person so indicates in the person's request.  
11 [~~Upon the completion of the election or elections covered by the~~  
12 ~~voter's temporary request under this section, the clerk shall~~  
13 ~~resume mailing the voter's ballot package to the mailing address~~  
14 ~~noted within the voter's registration record.]~~

15           Subsequent to the closing of registration for each  
16 election, the clerk may mail a request form for an absentee  
17 ballot and permanent absentee ballot to each voter in a remote  
18 area who has not already made such a request. The request form  
19 shall be accompanied by:

20           (1) A stamped, self-addressed envelope; and



1       (2) Instructions regarding the manner of completing and  
2           returning the request form.

3       (b) Notwithstanding subsection (a), the respective clerk  
4       shall may conduct an absentee ballot-only election and may mail  
5       an absentee ballot for each primary, special primary, special,  
6       general, and special general election to each registered voter  
7       who resides in the county of Kalawao or on any island of a  
8       county with a population of fewer than one hundred eighty  
9       thousand, except for the island where the county seat of  
10       government is located. The chief election officer may adopt  
11       rules to carry out this subsection.

12       (c) Notwithstanding any law to the contrary, in the event  
13       there are fewer than five hundred registered voters as of the  
14       preceding general election in an area covered by a unique ballot  
15       type, the clerk shall mail an absentee ballot to each registered  
16       voter who resides in such an area, if the chief election  
17       officer, or the clerk in a county only election, determines that  
18       an election day polling place will not be established for such  
19       voters.



1        (d) For the purposes of this section, "ballot type" means  
2 the unique ballot containing the contests, questions, or issues  
3 that will be used by the voters of a specific area.

4        (e) When a registered voter requests an absentee ballot,  
5 the voter also may include an additional request to receive  
6 absentee ballots permanently. After receiving a request for  
7 permanent absentee voter status, the clerk shall mail to the  
8 voter who requested permanent absentee voter status an absentee  
9 ballot for all subsequent elections conducted in that precinct.  
10 The forwarding address for absentee ballots to be permanently  
11 mailed shall be the in-state mailing address contained in the  
12 voter's registration record. Subject to the conditions of  
13 subsection (a), a permanent absentee voter may also request from  
14 the clerk that the voter's ballot be forwarded temporarily to an  
15 address other than the permanent absentee mailing address  
16 originally requested, either in or outside of the State, for a  
17 single election or for a primary or special primary election and  
18 the election immediately following the primary or special  
19 primary election. A permanent absentee voter's request for a  
20 ballot to be forwarded temporarily shall not serve as a  
21 cancellation of the voter's permanent absentee status or as a



1 change to the voter's permanent absentee mailing address. Upon  
2 the completion of the election or elections covered by the  
3 permanent absentee voter's temporary request under this  
4 subsection, the clerk shall resume mailing the voter's ballots  
5 to the permanent absentee mailing address originally requested  
6 under subsection (a).

7       (f) The chief election officer shall inform voters of the  
8 option of applying for permanent absentee voter status and shall  
9 provide any necessary form to request the permanent absentee  
10 ballot option to any registered voter requesting an absentee  
11 ballot and any person applying to register to vote.

12       (g) A permanent absentee voter shall be responsible for  
13 informing the clerk of any changes to personal information,  
14 including changes to the voter's forwarding address.

15       (h) Except as provided in subsection (c), a voter's  
16 permanent absentee voter status shall be terminated if any of  
17 the following conditions apply:

18           (1) The voter requests in writing that the status be  
19           terminated;



1       (2) The voter dies, loses voting rights, registers to vote  
2       in another jurisdiction, or is otherwise disqualified  
3       from voting;

4       (3) The voter's absentee ballot, voter notification  
5       postcard, or any other election mail is returned to  
6       the clerk as undeliverable for any reason; or

7       (4) The voter does not return a voter ballot by 7:00 p.m.  
8       on election day in both the primary and general  
9       election of an election year.

10       (i) If a voter's permanent absentee voter status has been  
11 terminated due to one or more of the conditions specified in  
12 subsection (h), the voter shall be responsible for again  
13 requesting permanent absentee status as specified in subsection  
14 (e)."

15       SECTION 39. Section 15-6.5, Hawaii Revised Statutes, is  
16 amended to read as follows:

17       "**§15-6.5 Absentee postage.** The mailed distribution and  
18 return of absentee ballots shall be at no cost to the voter.  
19 The State and counties shall share in the cost of all postage  
20 associated with the distribution and return of absentee ballots



1 pursuant to sections 11-182 [~~and~~], 11-183, and 11-P if the costs  
2 are not covered by the federal government."

3 SECTION 40. Section 15-9, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "§15-9 Return~~[,]~~ and receipt~~[, processing, and treatment]~~  
6 of absentee ballots. [~~An absentee ballot shall be returned,~~  
7 ~~received, processed, and treated in the same manner as a return~~  
8 ~~identification envelope in an election by mail as provided by~~  
9 ~~part VIIA of chapter 11.] The return envelope shall be:~~

10 (1) Mailed and must be received by the clerk issuing the  
11 absentee ballot no later than the closing hour of  
12 voting, in accordance with section 11-131;

13 (2) Delivered other than by mail to the clerk issuing the  
14 absentee ballot, or to another election official  
15 designated by the clerk to act on the clerk's behalf,  
16 no later than the closing hour of voting, in  
17 accordance with section 11-131; or

18 (3) Delivered other than by mail to any polling place  
19 within the county in which the voter is registered and  
20 deposited by a precinct official in the ballot box





1           before the closing hour of voting, in accordance with  
2           section 11-131.

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

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

9           (1) Signature on the affirmation statement;

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

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

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



1       (e) If an absentee polling place is established at the  
2 clerk's office prior to election day, the officials of the  
3 absentee polling place shall check the return or ballot  
4 envelopes for the above requirements prior to depositing them in  
5 the correct absentee ballot box."

6       SECTION 41. Section 15-10, Hawaii Revised Statutes, is  
7 amended to read as follows:

8       "**§15-10 Counting of absentee ballots.** If the requirements  
9 in section 15-9 are met, the return and ballot envelopes may be  
10 opened and the ballot counted as prescribed by law for the  
11 voting system in use.

12       In those absentee polling places using paper ballots,  
13 counting of the absentee ballots may begin after noon of  
14 election day.

15       In those absentee polling places using the electronic  
16 voting system, the absentee ballots shall be transported to the  
17 counting center in a manner and by a schedule as provided in the  
18 rules promulgated by the chief election officer. In no case,  
19 however, shall the results of the absentee count become publicly  
20 known before the polls have officially closed.



1        Any person violating this section shall be guilty of an  
2 election offense under section 19-6."

3        SECTION 42. Section 15-11, Hawaii Revised Statutes, is  
4 amended to read as follows:

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

12        SECTION 43. Section 15-14, Hawaii Revised Statutes, is  
13 amended to read as follows:

14        "**§15-14 Ballots; where voting machines are used.** In all  
15 [~~districts~~] precincts in which voting machines are used,  
16 sections 15-1 to 15-12 shall apply; provided that the number and  
17 type of absentee ballots to be printed shall be determined at  
18 the discretion of the officer charged with printing and  
19 furnishing them. The officer may use reasonable facsimiles of  
20 the sample ballot used in voting machine precincts."



1 SECTION 44. Section 15D-3, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§15D-3 Elections covered. The voting procedures in this  
4 chapter apply to:

5 (1) A general, special, or primary election for federal  
6 office;

7 (2) A general, special, or primary election for statewide  
8 or state legislative office or state ballot measure;  
9 and

10 (3) A general, special, recall, primary, or runoff  
11 election for local government office or local ballot  
12 measure conducted under [~~part VIIA of chapter 11~~]  
13 section 11-F for which absentee voting or voting by  
14 mail is available for other voters."

15 SECTION 45. Section 15D-10, Hawaii Revised Statutes, is  
16 amended to read as follows:

17 "§15D-10 Receipt of voted ballot. A valid  
18 military-overseas ballot shall be counted if it is received by  
19 the close of the [~~voter service center~~] polls on the day of the  
20 election and meets the requirements for absentee ballots  
21 pursuant to section 15-9."



1 SECTION 46. Section 16-23, Hawaii Revised Statutes, is  
2 amended to read as follows:

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

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

13 SECTION 47. Section 16-25, Hawaii Revised Statutes, is  
14 amended to read as follows:

15 "§16-25 Order and method of counting. Each ballot shall  
16 be counted and finished as to all the candidates thereon before  
17 counting a second and subsequent ballots. [~~The~~] Except as  
18 provided in section 11-A , the ballots shall be counted by teams  
19 in the following manner only: by one [~~election~~] precinct  
20 official announcing the vote in a loud clear voice, one  
21 [~~election~~] precinct official tallying the vote, one [~~election~~]



1 precinct official watching the [~~election~~] precinct official  
2 announcing the vote and one [~~election~~] precinct official  
3 watching the [~~election~~] precinct official tallying the vote.  
4 The [~~election~~] precinct official doing the announcing or  
5 tallying and the [~~election~~] precinct official watching that  
6 official shall not be of the same political party."

7 SECTION 48. Section 16-26, Hawaii Revised Statutes, is  
8 amended to read as follows:

9 "§16-26 **Questionable ballots.** A ballot shall be  
10 questionable if:

11 (1) The ballot contains any mark or symbol whereby it can  
12 be identified, or any mark or symbol contrary to the  
13 provisions of law; or

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

18 Each ballot that is held to be questionable shall be  
19 endorsed on the back by [~~a voter service center official with~~  
20 ~~the official's~~] the chairperson of precinct officials with the  
21 chairperson's name or initials, and the word "questionable".



1 All questionable ballots shall be set aside uncounted and  
2 disposed of as provided for ballots in section 11-154."

3 SECTION 49. Section 16-27, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "**§16-27 Number of blank and questionable ballots; record**  
6 **of.** In addition to the count of the valid ballots, the [~~voter~~  
7 ~~service center~~] precinct officials shall, as to each separate  
8 official ballot, also determine and record the number of totally  
9 blank ballots and the number of questionable ballots."

10 SECTION 50. Section 16-28, Hawaii Revised Statutes, is  
11 amended to read as follows:

12 "**§16-28 Declaration of results.** When the [~~voter service~~  
13 ~~center~~] precinct officials have ascertained the number of votes  
14 given for each candidate they shall make public declaration of  
15 the whole number of votes cast, the names of the persons voted  
16 for, and the number of votes for each person."

17 SECTION 51. Section 16-43, Hawaii Revised Statutes, is  
18 amended to read as follows:

19 "**§16-43 Ballot handling.** In every case where the ballots  
20 are handled by election officials or election employee, from the  
21 time the ballots are delivered to the several precincts to the



1 time they are returned to the chief election officer, or clerk  
 2 in a county election, for disposition upon completion of the  
 3 tabulation, [~~they~~] the ballots shall be handled in the presence  
 4 of not less than two officials assigned in accordance with  
 5 sections 11-A and 11-B or section 16-45."

6 SECTION 52. Section 19-6, Hawaii Revised Statutes, is  
 7 amended to read as follows:

8 "**§19-6 Misdemeanors.** The following persons shall be  
 9 guilty of a misdemeanor:

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

19 (2) Any person who wilfully tears down, destroys, or  
 20 defaces any election proclamation, poster, notice,





- 1           list of voters, visual aid, facsimile ballot, or  
2           election signage issued or posted by authority of law;
- 3           (3) Any person printing or duplicating or causing to be  
4           printed or duplicated any ballot, conforming as to the  
5           size, weight, shape, thickness, or color to the  
6           official ballot so that it could be cast or counted as  
7           an official ballot in an election;
- 8           (4) Every person who is disorderly or creates a  
9           disturbance whereby any meeting of precinct officials  
10          or the board of registration of voters during an  
11          election is disturbed or interfered with; or whereby  
12          any person who intends to be lawfully present at any  
13          meeting or election is prevented from attending; or  
14          who causes any disturbance at any election; and every  
15          person assisting or aiding or abetting any  
16          disturbance;
- 17          (5) Every person who, either in person or through another,  
18          in any manner breaks up or prevents, or endeavors to  
19          break up or prevent, the holding of any meeting of the  
20          board of registration of voters, or in any manner



- 1 breaks up or prevents, or endeavors to break up or  
2 prevent, the holding of any election;
- 3 (6) Any person, other than those designated by section  
4 11-132, who remains or loiters within the area set  
5 aside for voting as set forth in section 11-132 during  
6 the time appointed for voting;
- 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~~] the polling place opens and  
11 ending when [~~voting~~] the polling place closes for the  
12 purpose of influencing votes. Campaign activities  
13 shall include the following:
- 14 (A) Any distribution, circulation, carrying, holding,  
15 posting, or staking of campaign cards, pamphlets,  
16 posters, and other literature;
- 17 (B) The use of public address systems and other  
18 public communication media;
- 19 (C) The use of motor caravans or parades; and  
20 (D) The use of entertainment troupes or the free  
21 distribution of goods and services;



- 1           (8) Any person who opens a return envelope containing[+  
2           ~~(A) An] an absentee ballot voted under chapter 15  
3           other than those persons authorized to do so  
4           under chapter 15; [~~or~~  
5           ~~(B) A ballot voted by mail under part VIIA of chapter~~  
6           ~~11 other than those persons authorized to do so~~  
7           ~~under part VIIA of chapter 11;]~~~~
- 8           (9) Any unauthorized person found in possession of any  
9           voting machine or keys thereof;
- 10          (10) Any person [~~other than the postal service or the clerk~~  
11          ~~as authorized in section 11-109,]~~ who sponsors,  
12          establishes, or displays a collection receptacle for  
13          the purpose of receiving [~~voted mail]~~ absentee ballots  
14          or absentee ballot return envelopes in an election;  
15          provided that this paragraph shall not apply to the  
16          postal service, the chief election officer, any clerk,  
17          or any person authorized to receive absentee ballots  
18          or absentee ballot return envelopes in an election;  
19          and



1 (11) Every person who wilfully violates or fails to obey  
2 any of the provisions of law, punishment for which is  
3 not otherwise specified in this chapter."

4 SECTION 53. Chapter 11, part VIIA, Hawaii Revised  
5 Statutes, is repealed.

6 SECTION 54. Act 136, Session Laws of Hawaii 2019, is  
7 amended by repealing section 59.

8 [~~"SECTION 59. No later than sixty days before the~~  
9 ~~convening of each of the regular sessions of 2020, 2021, 2022,~~  
10 ~~2023, 2024, and 2025, the office of elections shall submit a~~  
11 ~~report to the legislature that includes:~~

- 12 ~~(1) The office's progress in implementing this Act;~~
- 13 ~~(2) A summary of the office's discussions with the county~~  
14 ~~clerks to determine areas of joint implementation of~~  
15 ~~this Act;~~
- 16 ~~(3) A summary of the expenditures required to implement~~  
17 ~~this Act and a comparison of those expenditures with~~  
18 ~~the expenditures required to conduct elections or~~  
19 ~~election-related activities before the enactment of~~  
20 ~~this Act;~~



- 1       ~~(4) Any additional resources the county clerks or the~~  
2           ~~office may require to implement this Act;~~
- 3       ~~(5) Any developments in assistive technology that may be~~  
4           ~~implemented by the State, the counties, or nonprofit~~  
5           ~~associations to ensure that persons with disabilities~~  
6           ~~are not, on the whole, disadvantaged by implementation~~  
7           ~~of this Act, including the costs associated with such~~  
8           ~~technology;~~
- 9       ~~(6) Any difficulties encountered in the implementation of~~  
10           ~~this Act;~~
- 11       ~~(7) Specific steps taken and recommendations necessary to~~  
12           ~~prevent fraud and ensure the integrity of the election~~  
13           ~~process; and~~
- 14       ~~(8) Any other findings and recommendations, including any~~  
15           ~~proposed legislation necessary to clarify and make~~  
16           ~~consistent chapters 11, 12, 15, 15D, 16, and 19,~~  
17           ~~Hawaii Revised Statutes, in light of the transition to~~  
18           ~~statewide elections by mail.~~
- 19       ~~The counties shall coordinate with the office of elections in~~  
20       ~~providing information necessary for the preparation of the~~  
21       ~~reports required by this section." ]~~



1 SECTION 55. In codifying the new sections added by  
 2 sections 1 to 6 the revisor of statutes shall substitute  
 3 appropriate section numbers for the letters used in designating  
 4 the new sections in this Act.

5 SECTION 56. Statutory material to be repealed is bracketed  
 6 and stricken. New statutory material is underscored.

7 SECTION 57. This Act shall take effect upon its approval.  
 8

INTRODUCED BY:

~~\_\_\_\_\_~~  
 \_\_\_\_\_  
 Jim McE  
 \_\_\_\_\_  
 Dimpfheit  
 \_\_\_\_\_  
 Ken Wald  
 \_\_\_\_\_  
 Dan \_\_\_\_\_

JAN 18 2024



**Report Title:**

Government; Election Integrity; In-Person Voting; Precincts

**Description:**

Restores in-person voting at polling places as the principal method of voting in this State. Repeals the establishment of voter service centers.

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

