

ACT 304

H.B. NO. 1988

A Bill for an Act Relating to Elections.

Be It Enacted by the Legislature of the State of Hawaii:

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

“§11- Petitions; withdrawal of signatures. Wherever in this chapter the signatures of registered voters are required on a petition, any voter who, after signing a petition, seeks to withdraw the voter’s signature may do so by providing notice in writing to the chief election officer any time before the filing of the petition. The notice shall include the name, social security number, address, and birthdate of the voter and must be signed by the voter with the name under which the voter is registered to vote. Upon receipt of that notice containing the information required by this section, the chief election officer shall notify the group or individual to whom the petition was issued and the signature of the individual shall not be counted.”

SECTION 2. Chapter 15, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§15- Absentee postage. The mailed distribution and return of absentee ballots shall be at no cost to the voter. The State and counties shall share in the cost of all postage associated with the distribution and return of absentee ballots pursuant to sections 11-182, 11-183, and 11-184, if the costs are not covered by the federal government.”

SECTION 3. Chapter 16, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§16- Election services, provisions, and charges. The chief election officer may make voting systems and election services available to state agencies and private entities pursuant to rules adopted in accordance with chapter 91. Reasonable fees may be charged for the provision of such systems or services.”

SECTION 4. Section 11-62, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The petition shall be subject to hearing under chapter 91, if any objections are raised by the chief election officer or any other political party. All objections shall be made not later than 4:30 p.m. on the tenth business day after the petition has been filed. If no objections are raised by 4:30 p.m. on the tenth business day, the petition shall be approved. If an objection is raised, a decision shall be rendered not later than 4:30 p.m. on the thirtieth day after filing of the petition or not later than 4:30 p.m. on the one hundredth day prior to the primary, whichever shall first occur.”

SECTION 5. Section 11-92.3, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) In the event of a flood, tsunami, earthquake, volcanic eruption, high wind, or other natural disaster occurring prior to an election which makes a precinct inaccessible, the chief election officer or county clerk in the case of county elections may consolidate precincts within a representative district. If the extent of damage caused by any natural disaster is such that the ability of voters, in any precinct, district, or county to exercise their right to vote is substantially impaired, the chief election officer or county clerk in the case of county elections may postpone the conducting of an election in a precinct, district, or county for no more than seven days; provided that any such postponement shall not affect the conduct of the election, tabulation, or distribution of results for those precincts, districts, or counties not designated for postponement. The chief election officer or county clerk in the case of county elections shall give notice of the consolidation or postponement in the affected county prior to the opening of the precinct polling place by whatever possible news or broadcast media[.] are available. Precinct officials and workers affected by [the] any consolidation shall not forfeit their pay.”

SECTION 6. Section 11-113, Hawaii Revised Statutes, is amended by amending subsections (c) and (d) to read as follows:

“(c) All candidates for [president] President and [vice president] Vice President of the United States shall be qualified for inclusion on the general election ballot under either of the following procedures:

- (1) In the case of candidates of political parties which have been qualified to place candidates on the primary and general election ballots, the appropriate official of those parties shall file a sworn application with the chief election officer not later than 4:30 p.m. on the sixtieth day prior to the general election, which shall include:
 - (A) The name and address of each of the two candidates;
 - (B) A statement that each candidate is legally qualified to serve under the provisions of the United States Constitution;

- (C) A statement that the candidates are the duly chosen candidates of both the state and the national party, giving the time, place, and manner of the selection.
- (2) In the case of candidates of parties or groups not qualified to place candidates on the primary or general election ballots, the person desiring to place the names on the general election ballot shall file with the chief election officer not later than 4:30 p.m. on the sixtieth day prior to the general election:
 - (A) A sworn application which shall include the information required under paragraph (1)(A) and (B) [above], and (C) where applicable;
 - (B) A petition which shall be upon the form prescribed and provided by the chief election officer containing the signatures of currently registered voters which constitute not less than one per cent of the votes cast in the State at the last presidential election. The petition shall contain the names of the candidates, a statement that the persons signing intend to support those candidates, the address of each signatory, the date of the signer's signature and other information as determined by the chief election officer.

Prior to being issued the petition form, the person desiring to place the names on the general election ballot shall submit a notarized statement from each candidate of that person's intent to be a candidate for [president] President or [vice president] Vice President of the United States on the general election ballot in the State of Hawaii. Such statements may be withdrawn by a prospective candidate for Vice President and an alternative candidate for Vice President be substituted anytime prior to the notification of qualification or disqualification provided in subsection (d). Any such substitutions shall be accompanied by a notice of substitution satisfying subparagraph (A), a statement of intent as required by this paragraph, and a letter by the candidate for President endorsing the substitute candidate for Vice President. Upon receipt of a notice of substitution and all other required documents, the substitute shall replace the original candidate for Vice President on the general election ballot. The petitions issued in the names of the original candidates will remain valid for the purposes of this section.

(d) Each applicant¹ and the candidates named, shall be notified in writing of the applicant's or candidate's eligibility or disqualification for placement on the ballot not later than 4:30 p.m. on the tenth business day after filing [or not later than 4:30 p.m. on the fiftieth day prior to the presidential election, whichever is less]. The chief election officer may extend the notification period up to an additional five business days, if the applicants and candidates are provided with notice of the extension and the reasons therefore."

SECTION 7. Section 11-152, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) In those precincts using the electronic voting system, the ballots shall be taken in the sealed ballot boxes to the counting center according to the procedure and schedule promulgated by the chief election officer to promote the security of the ballots. In the presence of official observers, counting center employees may start to count the ballots prior to the closing of the polls provided there shall be no printout by the computer or other disclosure of the number of votes cast for a

candidate or on a question prior to the closing of the polls. For the purposes of this section, the closing of the polls is that time identified in section 11-131 as the closing hour of voting.”

SECTION 8. Section 15-5, Hawaii Revised Statutes, is amended to read as follows:

“**§15-5 Delivery of ballots.** (a) Immediately upon receipt of a request within the time limit specified in section 15-4, the clerk shall examine the records to ascertain whether or not the voter is lawfully entitled to vote as requested. As soon as the printed official ballots are available, the clerk shall mail in a forwarding envelope or deliver in person if the voter appears at the office of the clerk, an official ballot and other materials prescribed in section 15-6 except that an incapacitated voter may send a representative to obtain the voter’s ballots pursuant to the rules promulgated by the chief election officer. All requests received upon the last day specified in section 15-4 for receipt shall be mailed to the voter requesting the same as soon as reasonably practicable, but in no event later than twenty-four hours after receipt thereof.

(b) If mailed absentee ballots are not received by the voter within five days of an election, the voter may request that absentee ballots be forwarded by facsimile. Upon receipt of such a request and confirmation that proper application was made, the clerk may transmit appropriate ballots by facsimile together with a form requiring the affirmations and information required by section 15-6, and a form containing a waiver of the right to secrecy, as provided by section 11-137. The voter may return the voted ballots and executed forms by facsimile or mail; provided that they are received by the issuing clerk no later than the close of polls on election day. Upon receipt, the clerk shall verify compliance with the requirements of section 15-9(c), and prepare the ballots for counting pursuant to section 15-10.”

SECTION 9. Section 15-7, Hawaii Revised Statutes, is amended to read as follows:

“**§15-7 Absentee polling place.** [An absentee polling place] Absentee polling places shall be established at the office of the respective clerks [or a place], and may be established at such other sites as may be designated by the clerk under the provisions prescribed in the rules [promulgated] adopted by the chief election officer. [The provisions of section] Section 11-21 relating to changes and transfers of registration shall apply to the absentee polling place as though it were the precinct at which a person’s name properly appears on the list of registered voters. The absentee polling [place] places shall be open before election day to handle the absentee voters who are voting in person.”

SECTION 10. Section 15-9, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

“(a) The return envelope shall be:

- (1) Mailed and must be received by the clerk issuing the absentee ballot not later than the closing of the polls on any election day; [or]
- (2) Delivered other than by mail to the clerk issuing the absentee ballot, or another election official designated by the clerk to act on the clerk’s behalf, not later than the closing of² polls on any election day; or
- (3) Delivered other than by mail to any polling place within the county in which the voter is registered and deposited by a precinct official in the ballot box before the closing of the polls on any election day.

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(b) Upon receipt of the return envelope from any person voting under this chapter, the clerk [or the officials of the absentee voting place shall deposit it in the correct absentee ballot box. Return envelopes which arrive after the closing of the polls shall be time stamped. The absentee ballot box shall be opened by the officials of the absentee ballot team as provided by rules adopted pursuant to chapter 91.] may prepare the ballots for counting pursuant to this section and section 15-10.”

SECTION 11. There is appropriated out of the general revenues of the State of Hawaii the sum of \$47,000, or so much thereof as may be necessary for fiscal year 1994-1995, to provide for the cost of postage associated with the mailed distribution and return of absentee ballots.³

SECTION 12. Statutory material to be repealed is bracketed. New statutory material is underscored.⁴

SECTION 13. This Act shall take effect upon its approval; provided that Section 11 shall take effect on July 1, 1993.

(Approved June 21, 1993.)

Notes

1. Prior to amendment “,” appeared here.
2. Prior to amendment “the” appeared here.
3. No expending agency designated.
4. Edited pursuant to HRS §23G-16.5.