

ACT 215

S.B. NO. 2875

A Bill for an Act Relating to Absentee Voting.

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

SECTION 1. Chapter 15, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§15- Absentee voting in precinct affected by natural disasters. (a) If the chief election officer and clerk of a county affected as a result of a natural disaster determine that the opening of a designated polling place will adversely affect the health and safety of voters or precinct officials, the chief election officer and county clerk, by written order, may require the registered voters of any precinct to vote by absentee ballot; provided that if there are not enough absentee ballots for all voters of the precinct, the chief election officer or the clerk shall use other official ballots to make up the difference.

(b) Within thirty days after the issuance of such an order, the chief election officer and county clerk shall notify all registered voters in the affected precinct of the issuance of the order.

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

(d) The chief election officer shall adopt rules pursuant to chapter 91 to implement this section.”

SECTION 2. Section 11-92.1, Hawaii Revised Statutes, is amended to read as follows:

“§11-92.1 Election proclamation[:]; establishment of a new precinct. (a) The chief election officer shall issue a proclamation whenever a new precinct is established in any representative district. The chief election officer shall provide a

suitable polling place for each precinct. Schools, recreational halls, park facilities, and other publicly owned or controlled buildings [shall], whenever possible and convenient, shall be used as polling places. The chief election officer shall make arrangements for the rental or erection of suitable shelter for this purpose whenever public buildings are not available and shall cause these polling places to be equipped with the necessary facilities for lighting, ventilation, and equipment needed for elections on any island. This proclamation may be issued jointly with the proclamation required in section 11-91.

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

(c) Notwithstanding subsection (a), and pursuant to section 15- , the chief election officer is not required to establish polling places for precincts affected by natural disasters, as provided in section 15- .”

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

“§11-92.3 Consolidated precincts[:]; natural disasters; postponement; absentee voting required; special elections. (a) In the event of a flood, tsunami, earthquake, volcanic eruption, high wind, or other natural disaster, occurring prior to an election [which], that 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 require the registered voters of the affected precinct to vote by absentee ballot pursuant to section 15- and may postpone the conducting of an election in [a] the affected precinct[, district, or county] for no more than [seven] twenty-one 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, or requirement to vote by absentee ballot, in the affected county or precinct prior to the opening of the precinct polling place by whatever possible news or broadcast media are available. Precinct officials and workers affected by any consolidation shall not forfeit their pay.

(b) In the event the chief election officer or the county clerk in a county election determines that the number of candidates or issues on the ballot in a special, special primary, or special general election does not require the full number of established precincts, such precincts may be consolidated for the purposes of the special, special primary, or special general election into a small number of special, special primary, or special general election precincts. A special, special primary, or special general election precinct shall be considered the same as an established precinct for all purposes, including precinct official requirements provided in section 11-71. Not later than 4:30 p.m. on the tenth day prior to the special, special primary, or special general election, the chief election officer or the county clerk shall give public notice, in a newspaper of general circulation in the area in which the special, special primary, or special general election is to be held, of the special, special primary, or special general election precincts and their polling places. Notices of [such] the consolidation also shall [also] be posted on election day at the established precinct polling places, giving the location of the special, special primary, or special general election precinct polling place.”

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.¹

SECTION 5. This Act shall take effect upon its approval.

(Approved June 17, 1996.)

Note

1. Edited pursuant to HRS §23G-16.5.