

ACT 166

H.B. NO. 1883

A Bill for an Act Relating to Elections.

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

SECTION 1. The legislature finds that non-English speaking voters should be adequately apprised of language translation services including when voting by mail. The legislature further finds that during the 2020 elections, voters on Oahu were provided notice on the outside of the back of the mailed ballot package that language translation services were available at the city clerk's office. This notice was provided in two languages, Ilocano and Chinese. Non-English-speaking voters who spoke another language or who lived in one of the other counties were not provided with this information, nor was the notice provided in the other official state language, Hawaiian.

The legislature additionally finds that Hawaii is the most diverse state in the country with a diversity index of seventy-six per cent. The April 2016 department of business, economic development, and tourism research and economic analysis division report on the non-English speaking population in Hawaii indicated that the number of non-English speakers at home increased by forty-four per cent from 1980 to 2014, and that Ilocano, Tagalog, and Japanese were the top three most common non-English languages spoken at home, comprising approximately half of the non-English speakers.

Further, the State's language access laws require state entities to provide written translations of vital documents to limited English proficient persons where the limited English proficient group constitutes five per cent of the population of persons or one thousand persons, whichever is less, eligible to be served or likely to be affected or encountered. Since language translation services are already required and used by the State and counties for in-person voting, requiring a brief notice on the outside mailing envelope that includes the ballot package should not be difficult to accomplish.

Accordingly, the purpose of this Act is to require the exterior of the envelope containing the ballot package for elections by mail to include instructions on how to obtain language translation services in Hawaiian and certain other non-English languages.

SECTION 2. Section 11-102, Hawaii Revised Statutes, is amended to read as follows:

“§11-102 Procedures for conducting elections by mail. (a) Ballot packages for elections by mail shall include:

- (1) An official ballot;
- (2) A return identification envelope with postage prepaid;
- (3) A secrecy envelope or secrecy sleeve; and
- (4) Instructions.

(b) To the extent practicable, the clerk shall mail a ballot package by non-forwardable mail to each registered voter in the county so as to enable voters to receive the ballot package at least eighteen days before the election; provided that the State and counties shall not be liable if the ballot package is received fewer than eighteen days before the election. The clerk shall continue mailing ballot packages to voters who register to vote no later than ten days before the date of the election and to voters who update their voter registration address no later than seven days before the date of the election and who have not yet voted; provided that the clerk may continue mailing ballot packages beyond the deadlines established by this subsection if the clerk determines that there is reasonable time for a voter to receive and submit the ballot package before the election. In determining the initial mailing date of the ballot packages, the clerk shall consider the mailing place of origin and the most recent postal service delivery standards. The clerk shall not mail a ballot package to any voter in the county register who is identified as having an outdated or non-deliverable mailing address. Nothing in this part shall be construed to change the responsibilities of the clerk or chief election officer under chapter 15 with respect to voters requesting to vote by absentee ballot or chapter 15D with respect to uniform military and overseas voters.

(c) The exterior of the envelope containing the ballot package shall include instructions on how to obtain language translation services in Hawaiian and, at a minimum, the five most utilized foreign languages by limited English proficient persons in the State.

~~[(e)]~~ (d) The clerks shall determine and provide for voter service centers and places of deposit pursuant to this part and section 11-92.1.”

SECTION 3. Nothing in this Act shall exempt or supplant the requirements of section 203 of the federal Voting Rights Act of 1965, as amended.

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

SECTION 5. This Act shall take effect upon its approval and shall apply to all elections beginning with the 2024 primary election.

(Approved June 27, 2022.)