

ACT 115

S.B. NO. 1076

A Bill for an Act Relating to Elections.

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

SECTION 1. In accordance with section 9 of article VII of the Hawaii State Constitution and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriations contained in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ and this Act will cause the state general fund expenditure ceiling for fiscal year 2023-2024 to be exceeded by \$1,063,938,615 or 11.0 per cent. This current declaration takes into account general fund appropriations authorized for fiscal year 2023-2024 in H.B. No. 300, H.D. 1, S.D. 1, C.D. 1,¹ and this Act only. The reasons for exceeding the general fund expenditure ceiling are that:

- (1) The appropriation made in this Act is necessary to serve the public interest; and
- (2) The appropriation made in this Act meets the needs addressed by this Act.

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

“§11- Digital voter information guide. (a) The office of elections shall:

- (1) Prepare a digital voter information guide, which shall be posted on the office of elections website in a screen reader-accessible format for voters with special needs who are unable to read standard print due to disability;
 - (2) Provide a translation of the digital voter information guide in Olelo Hawaii on its website; and
 - (3) Provide printed copies of the digital voter information guide to all public libraries for viewing by the public.
- (b) The digital voter information guide shall include:
- (1) A photograph and short statement of less than one hundred fifty words for each candidate running for public office, to be prepared by the candidate; provided that the office of elections may uniformly

- limit the number of words for the candidate statement by applicable public office;
- (2) The explanation drafted by the department of the attorney general of each state constitutional amendment that will be proposed to voters in the next general election pursuant to section 11-118.5(b); provided that the department of the attorney general shall transmit the materials required by this paragraph to the office of elections no later than seventy-five days before the general election;
 - (3) A clear and concise explanation, drafted by the appropriate county corporation counsel, for each proposed county charter amendment, proposed initiative, and proposed referendum issue; provided that the respective corporation counsel shall:
 - (A) Translate the explanation into Olelo Hawaii and any other languages required under the federal Voting Rights Act, as specified by the office of elections; and
 - (B) Transmit the materials required by this paragraph to the office of elections no later than seventy-five days before the general election; and
 - (4) Information regarding mailing deadlines, places of deposit locations, same day voter registration, accessible voting locations, and opening hours of voter service centers.
- (c) The office of elections shall prepare and mail with each ballot for a primary election a notice to voters that a digital voter information guide is available on the office of elections website. The notice shall be sent by electronic mail to all voters with special needs who have registered to receive alternate format ballots.
- (d) Information made available over the Internet pursuant to this section shall meet or exceed the most current, ratified standards under section 508 of the federal Rehabilitation Act of 1973 (29 U.S.C. 794d), as amended, and the Web Content Accessibility Guidelines 2.0 adopted by the World Wide Web Consortium for accessibility.”

SECTION 3. Section 11-118.5, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The attorney general ~~[-in]~~ shall:

- (1) In consultation with the legislative reference bureau, ~~[shall]~~ prepare a statement in English and ~~[Hawaiian]~~ Olelo Hawaii for each proposed constitutional amendment in language that is clear and that indicates the purpose, limitations, and effects of the proposed amendment~~[-The attorney general shall distribute];~~²
- (2) Translate the statement into other languages required under the federal Voting Rights Act, as specified by the office of elections; and
- (3) Distribute each statement, including the translations, to the state office of elections pursuant to section 11- (b) and all county clerks for further distribution.

The office of elections and county clerks shall make the statement available to the public at all polling places in the State and on ~~[a website operated by]~~ the office of elections~~[-] website pursuant to section 11- .”~~

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$171,248 or so much thereof as may be necessary for fiscal year 2023-2024 for the office of elections to prepare and mail a notice to voters that a digital voter information guide may be found on the office of elections website.

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The sum appropriated shall be expended by the office of elections for the purposes of this Act.

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.³

SECTION 6. This Act shall take effect on July 1, 2023.

(Approved June 23, 2023.)

Notes

1. Act 164.
2. Should be underscored.
3. Edited pursuant to HRS §23G-16.5.