

Implementing Elections by Mail

November 18, 2021

This report has been prepared by the Office of Elections pursuant to Act 136, Session Laws of Hawaii 2019.

For additional information or questions, please contact the Office of Elections by emailing elections@hawaii.gov or by calling (808) 453-VOTE (8683) or toll-free 1-800-442-VOTE (8683).

2022 ELECTIONS CALENDAR

Thursday, February 24	File petition to form a political party, party rules, and officers with the Office of Elections (HRS §11-62)
Tuesday, March 1	Pick up nomination paper from the Office of Elections or County Elections Division (HRS §12-2.5)
Wednesday, March 16	File party rules with the Office of Elections (HRS §11-63)
Thursday, March 24	File political party objections with the Office of Elections (HRS §11-62)
Saturday, May 14	File party officers with the Office of Elections (HRS §11-64)
Tuesday, June 7	Last day to file nomination papers with the Office of Elections or County Elections Division (HRS §12-6)
Wednesday, June 8	Submit a request to withdraw from the Primary Election for any reason to the Office of Elections or County Elections Division (HRS §11-117)
Tuesday, June 14	File written objections to nomination paper with the Office of Elections, County Elections Division, or Circuit Court (HRS §12-8)
Friday, June 24	Submit a request to withdraw from the Primary Election for reasons of ill health to the Office of Elections or County Elections Division (HRS §11-117)
Wednesday, June 29	Mail Primary Election ballots to overseas voters (52 USC §20302 & HRS §15D-9)

Saturday, July 23	Submit names of voter service center watchers for the Primary Election to the County Elections Division (HRS §11-77)
Tuesday, July 26	Voters start receiving Primary Election mail ballot packets at least 18 days prior to the election (HRS §11-102). Places of deposit may open as early as the mailing of ballots, as determined by the County Elections Division (HRS §11-109)
Monday, August 1	Open voter service centers and same day voter registration for the Primary Election (HRS §§11-15.2 & 11-109)
Wednesday, August 3	Deadline to submit paper Voter Registration Application for the Primary Election to the County Elections Division. (HRS §11-24). Paper applications must be postmarked to your County Elections Division by this date. After this date, applicants may continue to register for the Primary Election using the Online Voter Registration System or at a voter service center (HRS §11-15.2)
Saturday, August 6	Last day to request an absentee mail ballot for the Primary Election from the County Elections Division (HRS §15-4)
Saturday, August 13	PRIMARY ELECTION (HRS §12-2) Voter service centers and places of deposit close. Voted ballots must be received by the County Elections Division by 7:00 p.m. (HRS §§11-104 & 11-131)
Thursday, August 25	Submit Constitutional Amendment questions, County Charter Amendment questions, and County Initiative questions to the Office of Elections (HRS §11-119)

Friday, August 26	File complaint on contests for cause in the Primary Election with the Hawaii State Supreme Court (HRS §11-173.5)
Monday, September 19	Submit a request to withdraw from the General Election for reasons of ill health to the Office of Elections or County Elections Division (HRS §11-117)
Friday, September 23	Mail General Election ballots to overseas voters (52 USC §20302 & HRS §15D-9)
Wednesday, October 19	Submit names of voter service center watchers for the General Election to the County Elections Division (HRS §11-77)
Friday, October 21	Voters start receiving General Election mail ballot packets at least 18 days prior to the election (HRS §11-102). Places of deposit may open as early as the mailing of ballots, as determined by the County Elections Division (HRS §11-109)
Tuesday, October 25	Open voter service center and same day voter registration for the General Election (HRS §§11-15.2 & 11-109)
Monday, October 31	Deadline to submit paper Voter Registration Application for the General Election to the County Elections Division. (HRS §11-24). Paper applications must be postmarked to your County Elections Division by this date. After this date, applicants may continue to register for the General Election using the Online Voter Registration System or at a voter service center (HRS §11-15.2).
Tuesday, November 1	Last day to request an absentee mail ballot for the General Election from the County Elections Division (HRS §15-4)

Tuesday, November 8

GENERAL ELECTION (State Constitution, Article II, Section 8)

Voter service centers and places of deposit close.
Voted ballots must be received by the County Elections Division by 7:00 p.m. (HRS §§11-104 & 11-131)

Monday, November 28

File complaint on contests for cause in the General Election with the Hawaii State Supreme Court (HRS §11-174.5)

Wednesday, March 8, 2023

Determine political party disqualifications (HRS §11-65)

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INTRODUCTION

The mission of the Office of Elections is to provide secure, accessible, and convenient election services to all citizens statewide. Our goals and objectives are to 1) conduct honest and efficient elections; 2) encourage participation in the electoral process; 3) protect voter rights; and 4) promote elections. We conduct candidate filing; print, count, and tabulate ballots; and provide voter education.

On June 25, 2019, Act 136, Session Laws of Hawaii (SLH) 2019, was signed into law by Governor David Ige. This law transitioned the state to elections by mail from a polling place model. While elections by mail builds from the prior foundation of absentee mail, absentee walk locations, special elections by mail, and other election administration processes, this transition has involved a significant change in the administration of elections. As such, Section 59 of this Act required the submission of a report to the Legislature prior to it convening in 2020, 2021, 2022, 2023, and 2024 addressing the following:

- (1) The office's progress in implementing this Act;
- (2) A summary of the office's discussions with the county clerks to determine areas of joint implementation of this Act;
- (3) A summary of the expenditures required to implement this Act and a comparison of those expenditures with the expenditures required to conduct elections or election-related activities before the enactment of this Act;
- (4) Any additional resources the county clerks or the office may require to implement this Act;
- (5) Any developments in assistive technology that may be implemented by the State, the counties, or nonprofit associations to ensure that persons with disabilities are not, on the whole, disadvantaged by implementation of this Act, including the costs associated with such technology;

- (6) Any difficulties encountered in the implementation of this Act;
- (7) Specific steps taken and recommendations necessary to prevent fraud and ensure the integrity of the election process; and
- (8) Any other findings and recommendations, including any proposed legislation necessary to clarify and make consistent chapters 11, 12, 15, 15D, 16, and 19, Hawaii Revised Statutes, in light of the transition to statewide elections by mail.

The *Implementing Elections by Mail* reports dated November 6, 2019, December 31, 2019, and November 20, 2020, in addressing the above requirements, provided, in part, the following: 1) an extensive background on the history of voting in our state; 2) a statutory review of Act 136, SLH 2019; 3) a discussion of the planned implementation of elections by mail, including the sharing of responsibilities with the counties and fiscal matters; 4) a summary of the execution of elections by mail, against the backdrop of the COVID-19 pandemic, for the 2020 Elections; and 5) other legislative recommendations to improve on the system.

While these reports addressed the foundation of the election infrastructure for elections by mail, there will always remain the need for ongoing adjustments to this model, in the same way that the prior polling place model could always be improved upon or new unforeseen circumstances required the model to be revised. With that said, the present report builds off of these past reports and is focused on addressing the implementation of a new voting and vote counting system and ancillary services contract against the backdrop of various legislative changes that were recently enacted.

VOTING AND VOTE COUNTING SYSTEM AND ANCILLARY SERVICES CONTRACT

As noted in our prior report, *Implementing Elections by Mail (November 20, 2020)*, the 2020 Elections occurred during the final election cycle of the State's contract with its voting system vendor for ballot printing, voting equipment, and ancillary professional support services to execute the elections. Given the changes in the law, we had to work

with the existing voting equipment at the time that was originally procured for a polling place model to have it fit an elections by mail model.

However, the timing of the change of the law did allow us to incorporate the requirements of elections by mail into the State's procurement for Voting and Vote Counting System and Ancillary Services for the 2022 through 2026 Elections. The result was that we have entered into a contract that is tailored to meet out elections by mail needs. It provides us with sufficient ballots, voting equipment, and ancillary services for the voter service centers and counting centers. Additionally, it provides ancillary services to address various matters, including: 1) election programming; 2) ballot printing and mailing; 3) voting equipment maintenance, operation, testing, training, troubleshooting, and storage; 4) accumulation, transmission, and production of election reports; and 5) consumables in sufficient quantities to support the system during the term of the contract.

1. VOTING AND VOTE COUNTING SYSTEM

The contract was awarded to Hart InterCivic, the same vendor we had since the 2008 Elections. Its Verity system that they offered in their proposal reflects the latest technology and had been tested and certified to comply with applicable federal voting system guidelines. In terms of voter service centers and counting centers, the contract continues with the structure of eight voter service centers and four counting centers.

With the migration to a new voting system, there was a significant amount of work that the Office of Elections and the county clerks spent on developing new procedures and training. The initial stage of this process culminated in the conduct of a mock election involving the Office of Elections, county election divisions, and voting system vendor at the end of August 2021. The next stage, which will occur next year, following our normal election year process, is to conduct statewide testing and deployment of the voting system.

In the interim, the system will be used in the County of Kauai Special Elections that resulted from a vacancy in the office of county prosecutor. Specifically, a Special Primary Election will be held on Saturday, December 18, 2021, and a Special General Election will be held on Saturday, February 26, 2022. These elections will use the new

voting system and will prove to be a valuable opportunity to use the voting system in advance of the regularly scheduled elections in 2022.

2. CONSOLIDATION OF BALLOT PRINTING AND MAILING

Consistent with HRS § 11-119 that requires election officials to consider the consolidation of ballot printing and ballot package mailing, the contract requires the vendor to handle both matters, similar to what occurred for the 2020 Elections. As such, the Office of Elections has been coordinating with the county clerks and the vendor on fine tuning that process with lessons learned from the 2020 Elections. Additionally, we are expanding this process to include ballot tracking services that the public can access. Again, with the existence of the Kauai special elections, there will be an early opportunity to implement new features, such as ballot tracking services for the public.

3. IMPLEMENTATION OF THE CONTRACT WITH LEGISLATIVE CHANGES

The original procurement incorporated by reference the elections by mail laws that existed at that time. These laws were relevant for purposes of determining various factors including the timeline for mailing house services and the processing of voted ballots. As will be discussed later in this report, *Legislative Changes to Elections by Mail*, changes were made regarding the mailing date for ballots and how early ballots could be processed before each election. This has required us to coordinate with the vendor and the counties to outline the process that we will follow for the upcoming election cycle.

VOTER EDUCATION

During the 2020 Elections, the Office of Elections used CARES Act funds to partner with a marketing company to assist with its voter education program. The vendor was helpful in the development and branding of our statewide voter education program. The program was successful in educating voters and was positively received. With this in mind, we have elected to again use federal funds, this time in the form of Help America Vote Act funds, to issue and award a procurement for similar services this year. We expect the vendor to play an integral role in providing their subject matter expertise in marketing, advertising, production, and media buying for the upcoming 2022 Elections.

EXPENSES AND RESOURCES

As discussed in our last report, *Implementing Elections by Mail (November 20, 2020)*, the implementation of elections has involved a significant shift in the expenses that election officials must be concerned about. The main cost drivers are now mailing house costs, postage, and the voting and vote counting system.

The table below reflects the expenditures to conduct the 2018 Elections, the last elections before the enactment of elections by mail, the actual cost of the 2020 Elections, which included CARES Act funding, and our projected cost for the 2022 Elections. The cost of facilities has dropped significantly, as we anticipate using the State Capitol going forward. Previously, due to social distancing concerns, CARES Act funds were used for the 2020 Elections to lease the Hawaii State Convention Center to serve as the statewide counting center.

	2018 Elections Actual Expense	2020 Elections Actual Expense	2022 Elections Projected Expense
Early Voting	219,072	269,306	332,500
Election Day Officials	527,510	179,958	224,500
Facilities	59,640	1,110,330	67,000
Mailing Services & Envelopes	143,349	479,670	245,000
Places of Deposit	0	228,754	12,200
Postage	415,662	1,615,429	1,700,000
Proclamations	70,200	20,475	50,000
Shipping & Delivery	225,657	10,429	38,000
Staffing	1,414,838	1,398,838	1,819,060
Supplies & Equipment	192,549	168,363	617,500

Voting & Vote Counting System Contract	3,209,000	2,990,000	3,099,000
Total	\$6,477,477	\$8,471,552	\$8,204,760

As it relates to implementing this Act, the Office of Elections and the county clerks required no additional resources beyond their current operating budgets, as supplemented by the Legislature through the original appropriations in Sections 57 and 58 of the Act.

LEGISLATIVE CHANGES TO ELECTIONS BY MAIL

Following the 2020 Elections, various election laws were passed. These ranged from housekeeping changes to more substantive changes to the implementation of elections by mail and the related matters of voter registration and reapportionment. Below is a summary of each bill and its impact on our preparations with the voting system vendor and the counties for the 2022 Elections.

1. RELATING TO ELECTION PROCLAMATIONS

HRS § 11-91 Proclamation

HRS § 11-92.1 Election proclamation; voter service centers and places of deposit; changes to district boundaries

Act 7, SLH 2021 repealed the requirement that election proclamations contain a statement of the time and places where an election is to be held and specifies that the county clerk, not the chief election officer, shall issue the election proclamation listing information on voter service centers and places of deposit. This is consistent with the statutory authority the county clerks already had to operate the voter service centers and places of deposit. Additionally, it permits the county clerks to promptly inform voters of any changes to the voting and ballot drop box locations, especially in the case of a natural disaster when time is of the essence, as opposed to requesting the Office of Elections issue a county-specific proclamation. We do not envision any implementation issues with this new law.

2. RELATING TO STATE GOVERNMENT (REAPPORTIONMENT)

HRS § 1-28.5 Publication of notice

HRS § 12-2.5 Nomination papers; when available

HRS § 25-2 Duties (Reapportionment)

Part II of Act 14, SLH 2021 addressed reapportionment. Specifically, the statutory provision regarding public notices was amended to address the content of short form notices relating to reapportionment. The provision allowed the notice to include information on where the public could view the reapportionment plans both online and in person, as opposed to within the notice itself. HRS § 1-28.5. Additionally, Act 14, SLH 2021 addressed the delay in the conducting of reapportionment that was caused by a delay in U.S. Census Bureau data due to the pandemic. It did this by changing the opening of candidate filing from the first working day of February to the first working day of March, solely for the 2022 Elections. HRS § 12-2.5. Finally, it clarified the process of determining the "permanent resident" population for reapportionment purposes. HRS § 25-2.

3. RELATING TO VOTING (AUTOMATIC VOTER REGISTRATION)

HRS § 11-__ Automatic registration.

HRS § 286-A Voter registration.

HRS § 286-B Voter registration.

HRS § 286-108 Examination of applicants.

HRS § 286-111 Application for license, provisional license, instruction permit, limited purpose driver's license, limited purpose provisional driver's license, or limited purpose instruction permit; fees.

HRS § 286-303 Application for identification card.

HRS § 286-311 Custody and use of records; confidential information.

Act 126, SLH 2021 established automatic voter registration. Hawaii will follow procedures similar to California and Delaware so that an applicant must indicate if they would like to register to vote or decline before their application for a driver license or state identification card can be processed. The bill also established the electronic transmission of voter registration data from the Department of Transportation's database for driver licenses and state IDs to the statewide voter registration system.

Driver licensing officials have incorporated automatic voter registration procedures into how they process driver license and state identification card applications. However, the electronic transmission of applications has been delayed as we continue to work with

their driver license and our statewide voter registration system vendors. In the interim, applications are being physically delivered by driver licensing officials to the county clerks.

We are expecting that automatic voter registration may have two direct impacts on elections by mail. The first is that it may increase the number of registered voters and correspondingly the number of ballots that will need to be mailed out and possibly how many voted ballots are returned. Our contract with our voting system vendor can accommodate such an increase. However, postage is not covered by the contract. As such, any increase above our current budget for postage will need to be shared equally with the counties, consistent with the provisions of HRS §11-110. The second impact is that the increase in voter registration transactions will not be limited to first time registrants but will also include currently registered voters updating or confirming the accuracy of their registration. This should increase the accuracy of the rolls and reduce the number of voters who are flagged for having an out-of-date address, as they will now update their address as part of the driver license process.

4. RELATING TO ELECTIONS BY MAIL

Act 213, SLH 2021 made various changes to elections by mail. These changes were focused on: 1) facilitating voting for voters with special needs; 2) reestablishing the distinction between precincts and districts; 3) extending the voter registration deadline to expand access to the ballot; 4) clarifying the interaction between elections by mail and existing laws for absentee, military, and overseas voters; 5) expanding the time frame for the receipt and processing of ballots; 6) improving the administration of voter service centers and places of deposit; 7) requiring those on parole or probation to be informed of their right to vote and to be provided voting information; and 8) housekeeping matters to conform state statutes to federal law regarding list maintenance.

Facilitating Voting for Voters with Special Needs

HRS § 11-___ Statewide voters with special needs advisory committee

HRS § 11-___ County voters with special needs advisory committees

HRS § 11-15 Application to register (Ability to request an electronic ballot for voters unable to read standard print due to a disability)

HRS § 11-107 Electronic transmission under certain circumstances

Act 213, SLH 2021 established a statewide special needs advisory committee. The committee members are appointed by the Governor and make recommendations to the Office of Elections relating to election procedures, services, and technology and access to information. HRS § 11-____. We expect to factor its recommendations into our operations. At this point we are monitoring for appointments by the Governor and will provide administrative support as needed to this committee.

Additionally, county special needs advisory committees were established. Members of these committees are appointed by the mayor of each county. Similar to the statewide special needs advisory committee, these committees make recommendations to the Office of Elections relating to election procedures, services, and technology and access to information. HRS § 11-____. Similar to the state committee, we expect to factor the recommendations of these county committees into our operations.

While these committees are positioned to make recommendations, Act 213, SLH 2021 also put in place specific changes now that will benefit voters with special needs. For example, HRS § 11-15 was amended to provide that those who cannot read standard print due to a disability may request an electronic ballot be sent to them as a part of a voter registration application. While this option was available to voters to request an electronic ballot separately due to a disability, this provision should streamline the process for those voters whose disability does not allow them to read standard print.

Paper voter registration applications with the new language have already been printed and distributed. Additionally, the applications for automatic voter registration used by driver license officials and the online voter registration system have both been updated to reflect the required language.

In terms of the electronic transmittal of ballots, we have made the necessary changes to the statewide voter registration system to track which voters have requested an electronic ballot and to transmit the ballot for the upcoming elections. We expect that this may increase the amount of returned electronic ballots that we will need to duplicate

onto tabulation-ready ballots, but we will assign an appropriate number of election officials to address the task.

In addition to addressing the initial electronic transmission of ballots to voters, Act 213, SLH 2021 also makes changes to HRS § 11-107 to address the return of those ballots by the same voters. As background, before Act 213, SLH 2021, HRS § 11-107 provided for the electronic transmission of ballots to voters with special needs, along with those who did not receive their ballot by the fifth day prior to an election or needed a replacement within that time frame, to be able to request that a ballot be electronically transmitted to them. However, the same law required a waiver of secrecy to be signed.

The amendments to HRS § 11-107 allow any voter with an electronic ballot to return their ballot without a waiver of secrecy if they return it in a signed ballot returned envelope. As such, a voter who received a ballot in the mail but who cannot mark it can choose to request an electronic ballot, fill it out, enclose it in the original return envelope, sign the affirmation on the envelope, and then return it by mail or in person at place of deposit, voter service center, or at the office of the county clerk.

Additionally, HRS § 11-107 includes a provision limited to voters with special needs that allows them to return their ballot without a need for a secrecy waiver. Specifically, the statute authorizes the voter with special needs to use "a means of electronic authentication that does not include the voter's handwritten signature or a waiver of secrecy." With this in mind, we have worked with our vendor to provide a voter with special needs a means of electronic authentication. This will permit the voter to return their ballot consistent with the statute.

Reestablishing the Distinction between Precincts and Districts

HRS § 11-1 Definitions

HRS § 11-__ Minimum number of precincts

HRS §§ 11-15.2, 11-17, 11-21, 11-22, 11-25, 11-26, 11-92.1, 11-92.3, 11-101, 11-117, 11-138, 11-153, 11-172, 11-174.5, 15-2.5, 15-11, 15D-10, 16-23, 16-26, and 16-28 (Housekeeping Changes)

The definitions used in the administration of elections are found in HRS § 11-1. Four new definitions (i.e., ballot summary, closing hour of voting, precinct, and provisional ballot) were added, and two definitions were amended (i.e., ballot and district) in the statute. These were primarily housekeeping amendments that conform to the standard administration of elections.

The most notable of these was that the statute reestablished the "precinct" and "district" distinction. Specifically, "precinct" resumed its definition of being "the smallest subdivision established by law," and "district" was defined as referring to the "district of political representation associated with a state representative." A "precinct" in practice is a unique subdivision of overlapping boundaries of various congressional, state senatorial, state representative, and council districts (i.e., everyone in the "precinct" is eligible to vote on a unique combination of contests that is reflected on the ballot associated with the precinct). For organizational purposes, "precincts" are designated by having the state representative district they are associated with precede the number of the precinct (e.g., DP 07-02).

The return to standard election terminology, which is used by both polling place and elections by mail jurisdictions, will facilitate ensuring the proper conduct and execution of elections. Consistent with this change, housekeeping changes were also made to revert to the term "precinct" in HRS §§ 11-1, 11-15.2, 11-17, 11-21, 11-22, 11-25, 11-92.1, 11-92.3, 11-153, and 15-2.5. On a related note, Act 126, SLH 2021 changed "polling places" to "voter service centers" (i.e., HRS §§ 11-26, 11-117, 15-11, and 15D-10). There were also references to "precinct officials" that were changed to "voter service center officials" (i.e., HRS §§ 11-26, 11-138, 11-172, 11-174.5, 16-23, 16-26, and 16-28).

With the reestablishment of precincts, Act 213, SLH 2021 added HRS § 11-___ that requires that "there shall be a minimum of four precincts in each district; provided that each inhabited island with at least one hundred residents shall include at least one precinct." We envision no issues with implementing this provision, which will facilitate logistical work and the reporting of results. Once we receive the final reapportionment plan from the 2021 Reapportionment Commission, we will redraw the precinct lines to meet this provision.

Extension of Voter Registration Deadline and Its Impact on the Mailing of Ballots

HRS § 11-15.2 Same day in-person registration

HRS § 11-24 Closing register

HRS § 11-102 Procedures for conducting elections by mail

A combination of statutory changes in Act 213, SLH 2021 has expanded the opportunity of individuals to register to vote and extended the deadline for mailing ballots to those individuals.

As a starting point, HRS § 11-24(a) was amended to provide that the close of registration will be on the tenth day prior to each election, as opposed to the thirtieth. The statutory language of "but if the day is a Saturday, Sunday, or holiday then at 4:30 p.m. on the first working day immediately thereafter" remains. As the General Election is on a Tuesday, the tenth day prior to it will be a Saturday. The present language would result in the deadline being moved to the Monday thereafter, which is eight days prior to the General Election. In regard to the Primary Election, the tenth day falls on a Wednesday and will not be impacted.

Additionally, HRS § 11-24(b) was amended to provide that the clerk may accept an application on the tenth day if it was received electronically in accordance with HRS § 11-15.3, as part of a driver license transaction, or if postmarked by the tenth day prior to the election. As HRS § 11-24(b) makes no reference to a 4:30 p.m. deadline, we understand that online voter registration applications will be able to be received until the end of the day (i.e., up to 11:59 p.m.).

While, as noted above, there is a voter registration deadline that provides for in-person registration, mailed applications, and online applications up to the tenth day prior to the election, there was a provision for late registration in HRS § 11-15.2 that allowed individuals to register in person and vote at a voter service center. This statute was amended to provide that one could register to vote online, in addition to in person at a voter service center, after the closing of the general register under HRS § 11-24. Voter service centers, as provided for in HRS § 11-109, are open from the tenth business day preceding the election through the close of voting on election day.

The result of these statutory changes is that there will be more individuals being authorized to vote in close proximity to the election. At that point, whether these voters will be mailed a ballot or will need to vote in person will be impacted by amendments to HRS § 11-102(b) concerning the mailing of ballots that also occurred in Act 213, SLH 2021.

Specifically, this statute was amended to provide that "[t]he 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 election." Additionally, "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 packages before the election."

Appropriate changes to the online voter registration system have been made to permit registration through the day of the election. Additionally, we have coordinated with our vendor to ensure that the mailing house is able to handle the additional ballots that will be authorized by the county clerks to be mailed to voters who register in this manner and who have complied with applicable deadlines for the mailing of ballots.

Interaction Between Elections by Mail and Chapters 15 and 15D, HRS Concerning Absentee, Military, and Overseas Voters

HRS §§ 11-101, 11-102, 11-106, 15-9, and 15D-10 (Housekeeping Changes)

When elections by mail was implemented for the 2020 Elections, it was understood that the provisions of Chapters 15 and 15D, HRS concerning absentee voters and military and overseas voters were still in effect and should be read in conjunction with elections by mail. Act 213, SLH 2021 confirms this and makes a variety of housekeeping changes.

As a starting point, HRS § 11-101 was amended to make it clear that "[a] voter in an election conducted by mail shall not be precluded from voting by absentee ballot under chapter 15 or 15D, if the voter complies with the applicable requirements." Additionally, HRS § 11-102 was amended to provide that the responsibilities of the clerk or chief election officer for not only Chapter 15D, HRS, military and overseas voters, but also

Chapter 15D, HRS, absentee voters, should not be understood to have been changed by the enactment of elections by mail.

To the extent things in common between elections by mail and Chapters 15 and 15D, HRS could be made uniform, Act 213, SLH 2021 made the necessary amendments to reflect that the same procedures related to return, receipt, processing, and treatment would apply to all returned ballot envelopes. HRS §§ 11-106, 15-9, and 15D-10.

Expanding the Time Frame for the Receipt and Processing of Ballots

HRS § 11-102 Procedures for conducting elections by mail

HRS § 11-108 Counting of mail-in ballots; validity; ballots included in recounts; certification of final tabulation

HRS § 11-109 Voter service centers; places of deposit

Prior to Act 213, SLH 2021, ballots were to be mailed so they would be received approximately eighteen days prior to the election. HRS § 11-102(b). Additionally, places of deposit were to be opened five business days prior to the election. HRS § 11-109(d). Finally, ballot processing was to begin no earlier than the tenth day prior to the election. HRS § 11-108.

Act 213, SLH 2021 changed these provisions to provide that ballots are to be received *at least* eighteen days before the election, places of deposit may be opened *as early as the mailing of ballots*, and the processing of ballots could *begin no sooner than* the eighteenth day before the election. HRS §§ 11-102, 11-108, and 11-109.

We expect that these changes will be beneficial in ensuring that ballots can continue to be processed in a timely manner as the number of voted ballots increases.

Improving the Administration of Voter Service Centers and Places of Deposit

HRS § 11-109 Voter service centers; places of deposit

HRS § 19-6 Misdemeanors

Section 47, Act 213, SLH 2021 (Determination of Optimal Number and Placement of Voter Service Centers and Places of Deposit)

As previously noted, places of deposit will now be opened as early as the mailing of ballots as opposed to the tenth day prior to the election. HRS § 11-109. Given the significant role of government authorized places of deposit in our elections, our criminal laws were amended to make it a misdemeanor to privately sponsor, establish, or display a collection receptacle for receiving ballots. HRS § 19-6.

As for voter service centers, the counties will have the flexibility to open "additional voter service centers with varying days or hours of operation to service the voters of particular areas that otherwise could not support the operation of a voter service center for ten business days or the same times statewide." HRS § 11-109.

Section 47 of Act 213, SLH 2021 required the Office of Elections and county clerks to make a determination of the optimal number and placement of voter service centers and places of deposit. In making this determination, election officials were directed to consider a variety of factors. These factors were consistent with the factors typically used to determine the location of government services and were used by the county clerks to determine the location of voter service centers and places of deposit for the 2020 election cycle.

In considering these factors and voting patterns in 2020, it has been preliminarily determined that there will be no reduction in the number or placement of voter service centers and places of deposit as they continue to be appropriate. However, the counties will continue to review these factors and voting patterns in deciding whether an increase will be appropriate. A final determination will be made by proclamation no later than May 28, 2022, which is the tenth day before the close of candidate filing. HRS § 11-92.1.

While each county has its own analysis for its determination as to the optimal number of and placement of vote services centers and places of deposit, a few general observations can be made about voting patterns for the 2020 Elections and how they impact decisions regarding the 2022 Elections.

As a starting point, the elections by mail model was built off of the premise that voters would primarily vote by mail. The United States Postal Service (USPS) is a ubiquitous presence in nearly every voter's life. This is reflected by its presence in Article I, Section 8 of the United States Constitution (i.e., "To establish Post Offices and post Roads" and

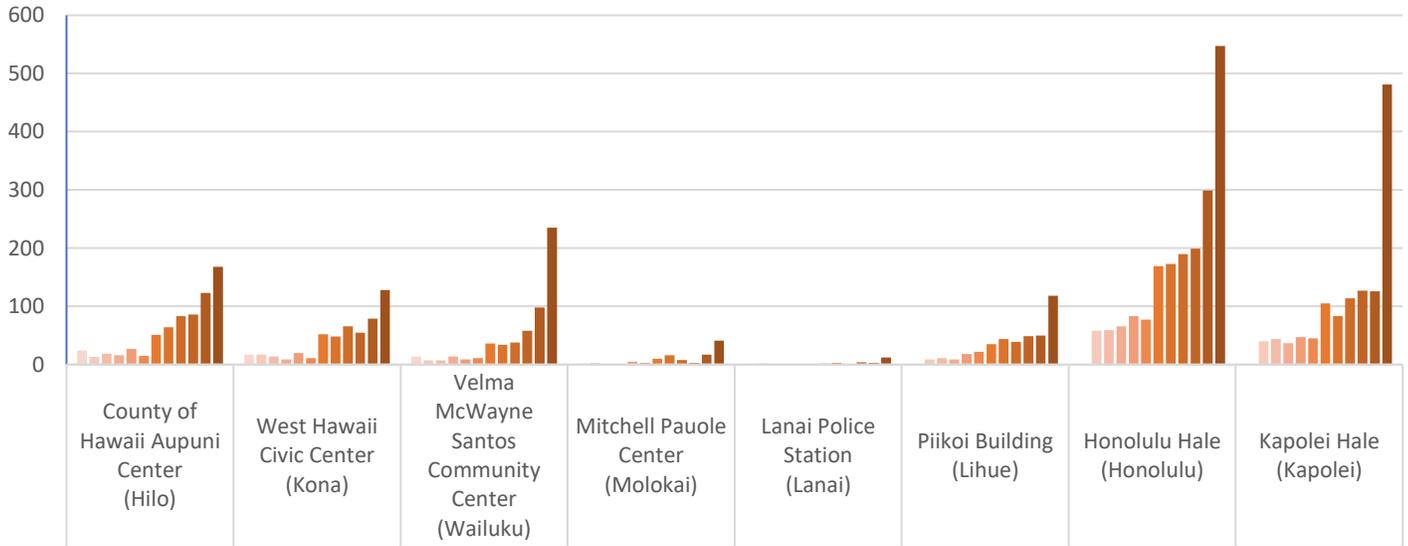
“To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers”) and the resulting federal laws outlining its universal service obligation. There is no dispute about the importance of the postal system or its obligations that cover a variety of matters, such as geographic coverage and access to services and facilities. 39 USC §§ 101 and 403.

Ballots were made available to voters approximately 18 days prior to each of the 2020 Elections. HRS § 11-102(b). Unlike other jurisdictions that have voters pay for return postage, our state provided return postage. HRS § 11-102(a)(2). The last election cycle reflects that the majority of voters voted by returning their ballot using the postal service.

What remains is the mechanism for voters who are not able to return their ballot by mail due to it being too close in time to the election and outside of the return window recommended by USPS. This is reflected by places of deposit and, to a lesser extent, voter service centers. The counties are not aware of any issue with the adequacy of its places of deposit and voter service centers to receive voted ballots.

Voter service centers are open from the tenth business day prior to the election and serve an important role in addressing the needs of last-second new voters, through same-day voter registration, and voters with disabilities who need accessible voting equipment. HRS §§ 11-1, 11-15.2, and 11-109.

Voter Service Center Daily Totals 2020 Primary Election



	County of Hawaii Aupuni Center (Hilo)	West Hawaii Civic Center (Kona)	Velma McWayne Santos Community Center (Wailuku)	Mitchell Pauole Center (Molokai)	Lanai Police Station (Lanai)	Piikoi Building (Lihue)	Honolulu Hale (Honolulu)	Kapolei Hale (Kapolei)
7/27	24	17	14	2	0	0	0	0
7/28	13	17	7	3	2	9	58	40
7/29	19	14	7	0	0	11	59	44
7/30	16	9	14	1	0	9	66	37
7/31	27	20	9	5	0	18	83	47
8/1	15	11	11	3	0	22	77	45
8/3	51	52	36	10	2	35	169	105
8/4	64	48	34	16	3	44	173	83
8/5	83	66	38	8	1	39	190	114
8/6	86	55	58	3	4	49	199	127
8/7	123	79	98	17	3	50	299	126
8/8	168	128	235	41	12	118	547	481

Voter Service Center Daily Totals 2020 General Election



	County of Hawaii Aupuni Center (Hilo)	West Hawaii Civic Center (Kona)	Velma McWayne Santos Community Center (Wailuku)	Mitchell Pauole Center (Molokai)	Lanai Police Station (Lanai)	Piikoi Building (Lihue)	Honolulu Hale (Honolulu)	Kapolei Hale (Kapolei)
10/20	127	177	235	16	4	97	454	471
10/21	101	124	195	12	1	111	406	400
10/22	78	120	135	8	3	88	371	334
10/23	101	121	202	10	2	98	434	368
10/24	68	92	182	4	0	68	526	566
10/26	93	174	245	6	4	117	464	494
10/27	120	187	227	6	3	146	534	477
10/28	101	164	259	22	2	129	528	454
10/29	105	154	235	8	5	135	499	461
10/30	153	197	332	20	5	179	660	510
10/31	82	90	246	11	2	142	600	617
11/2	289	326	511	36	17	304	1145	907
11/3	594	701	1212	111	23	736	2519	2914

The usage of these voter service centers was manageable during the days leading up to election day. However, the day of the General Election, voter service centers received a significant influx of voters. While many things were learned from that experience, there is nothing to show that additional locations on the day of the General Election would have made a significant difference.

Specifically, a voter service center must service everyone in the county regardless of where they live, as opposed to a polling place that restricts itself to voters in specific geographic area. In other words, additional voter service centers do not necessarily result in significant load management. Instead, it compromises the overall system by stretching and diverting those resources to multiple locations that may have varying unknown amounts of need that would only be realized on election day.

In addition to reflecting on voting trends in 2020, we also considered the various election law changes that occurred this year and their impact on voter service centers and places of deposit. One change was that ballots must be received "at least eighteen days before the election," as opposed to "approximately eighteen days before the election." HRS § 11-102. This expands the time that voters can mail their ballot with USPS as opposed to needing to drop their ballot off at a place of deposit or voter service center. Additionally, the law now facilitates the ability of voters with special needs to request and return their ballot electronically, thus possibly reducing the need to use a place of deposit or voter service center. HRS §§ 11-15 & 11-107. Finally, counties now have the flexibility to authorize additional voter service centers with varying days and hours of operation. HRS § 11-109.

This is a dynamic situation, and the counties will continue to review the matter and receive input from interested parties. Having said that, for planning purposes, there is agreement that the number of places of deposit and voter service centers that existed for the 2020 Elections will be the minimum that will be operated for the 2022 Elections.

The County of Hawaii will continue to operate voter service centers at the County of Hawaii Aupuni Center and West Hawaii Civic Center, which corresponds to the main division of government services in that county. The places of deposit will continue to be spread across the county at a minimum of nine locations that make use of established

government facilities that serve the public. The locations of the places of deposit during the 2020 Elections included:

- Waimea Police Station
- County of Hawaii Aupuni Center
- Hawaii County Building
- Pahoia Police Station
- Naalehu Police Station
- Rodney Yano Hall
- West Hawaii Civic Center
- North Kohala Police Station
- Laupahoehoe Police Station

The County of Maui will continue to operate a voter service center on each of its main islands to afford all of its voters access to in-person voting. The voter service centers for the 2020 Elections were located at the Mitchell Pauole Center, Lanai Police Station, and Velma McWayne Santos Community Center. The places of deposit will continue to make use of a variety of locations. A ballot drop box was positioned at the following locations for the 2020 Elections:

- Mitchell Pauole Center
- Lanai Police Station
- Kalana O Maui County Building
- Velma McWayne Santos Community Center
- Kahului Fire Station
- Paia Community Center
- Haiku Community Center
- Aloha Aina Center
- Makawao Fire Station
- Kula Fire Station
- Hana Fire Station
- Wailea Fire Station
- Kihei Fire Station
- Lahaina Civic Center

- Napili Fire Station

The County of Kauai will continue to operate its voter service center at its seat of government in Lihue that is the main location for the provision of government services. For the 2022 Elections, the voter service center will be located in the basement of the Historic County Annex Building. Minor adjustments will be made to select places of deposit, but all sites will continue to utilize notable and easily accessible locations around the island. For the 2022 Elections, ballot drop boxes will be secured at the following locations:

- Hanalei Neighborhood Center
- Princeville Public Library
- Kilauea Neighborhood Center
- Waipouli Town Center
- Office of the County Clerk, Elections Division Room 101
- Office of the County Clerk, Elections Division (front of building facing Rice Street)
- Koloa Neighborhood Center
- Kalaheo Neighborhood Center
- Hanapepe Neighborhood Center
- Waimea Neighborhood Center

The City and County of Honolulu will continue to operate voter service centers at the Honolulu Hale and Kapolei Hale, which corresponds to the main division of government services in that county. The places of deposit will continue to use government facilities, with an emphasis on public parks. The locations used as places of deposit in 2020 were:

- Kahuku District Park
- Kaneohe District Park
- Hawaii Kai Park and Ride
- Honolulu Hale
- Neal S. Blaisdell Park
- Kapolei Hale
- Waianae District Park
- Mililani Park and Ride
- Kailua District Park

- Kalihi Valley District Park
- Kanewai Community Park
- Bill Balfour Jr. Waipahu District Park

As with the 2020 Elections, an interactive map using GIS technology will be posted on the Office of Elections' website to allow voters to easily find a voter service center, place of deposit, or even one of the hundreds of USPS blue collection boxes across the state. Additionally, the voter education campaign will emphasize returning ballots early and voters knowing their options for returning their ballot.

Notification of Eligibility to Vote to Individuals on Parole or Probation

A new statute, HRS § 353C-____, was established, which requires the Department of Public Safety (DPS) to "notify individuals on parole or probation of their eligibility to vote and provide them with information on how to register and vote." We have reached out to DPS to let them know it can access us as a resource for the voter registration and voting information they are required to provide under the statute.

Housekeeping Matters to Conform State Statutes to Federal Law Regarding List Maintenance

HRS § 11-17 Removal of names from register; when; reregistration

HRS § 11-23 Changing register; striking names of disqualified voters

HRS § 11-24 Closing register

The National Voter Registration Act of 1993 (NVRA) controls various aspects of voter registration, including list maintenance. With the passage of the NVRA, election officials were required to follow the provisions of federal law. Our state statutes at the time regarding list maintenance were unenforceable as they conflicted with the federal law. The changes in Act 213, SLH 2021 essentially conforms the state law to federal law. As such, there has been no significant impact on day-to-day list maintenance operations.

CONCLUSION

While the transition to elections by mail was a significant undertaking for the 2020 Elections, it was not the end of the process. The present year has reflected that there will be continued fine tuning of the elections by mail process that we, as election administrators, will need to address as part of our mission to provide secure, accessible, and convenient election services to all citizens statewide. For example, while our messaging that “Hawaii Votes by Mail” appeared successful, more work needs to be done to ensure voters do not think voting by mail was just for 2020 in response to COVID-19.