

COMPARISON TABLE

As indicated in the notice of public hearing, the chief election officer proposes to repeal Hawaii Administrative Rules, Title 2, Chapters 50 through 54, and adopt Hawaii Administrative Rules, Title 3, Chapters 171 through 176.

This is different from proposing amendments to specific rules, as whole chapters are proposed to be repealed and adopted. Given this the reader should completely review all of the proposed rules to be repealed and the proposed rules to be adopted.

With this in mind, the following comparison table is provided for informational purposes only. The administrative rules themselves are the statement of law on each point the rule addresses. This comparison table therefore should not be used and/or cited as an authority for the proposed rules to be adopted or repealed, or any other matter related to the notice of public hearing.

<u>Title 3</u>	<u>Description</u>	<u>Title 2</u>	<u>Comments</u>
Ch. 171	<i>Adoption, Amendment or Repeal of Rules by Chief Election Officer</i>	Ch. 50	Same
3-171-1	Chief election officer initiates	2-50-1	Same
3-171-2	Petitions for the adoption, amendment, or repeal of rules	2-50-2	Same
3-171-3	Adoption, amendment, or repeal of rules	2-50-3	Same
3-171-4	Conduct of hearing	2-50-4	Same
3-171-5	Decision; taking effect of rules	2-50-5	Same
3-171-6	Emergency rule making	2-50-6	Same
3-171-7	Construction of rules	2-50-7	Same
Ch. 172	<i>Voting</i>	Ch. 51	Several
	<i>Subchapter 1 General Provisions</i>		
3-172-1	Definitions	2-51-1	<p>Removal of definitions for Ballot card, ballot holder, ballot packet, ballot selection booth, discard box, discarded ballot, Hawaiian, lid lock, punchcard ballot voting system, and secrecy ballot.</p> <p>Modification of definitions of ACRA form, ballot seal control form, ballot transport container, confirmation notice, defective ballot, direct recording electronic voting system, polling place, precinct can, precinct chairperson, RAF, self-subscribing oath, turnout, voter registration form, voting booth.</p> <p>New definition for active registered voter and secrecy sleeve.</p> <p>Modifications of definitions for absentee ballot, absentee polling place, ballot, candidate, chief election officer, designee, electronic voting system, mark, marksense</p>

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			ballot voting system, and mechanical tabulation system. New definition of voter verifiable paper audit trail.
3-172-2	Delegation of authority	***	Clarifies that chief election officer may delegate authority.
3-172-3 to 3-172-9	Reserved	2-51-2 to 2-51-9	Reserved
	<i>Subchapter 2 Voter Education</i>		
3-172-10	Purpose	2-51-10	Same
3-172-11	Voter Pamphlet	2-51-11	Addition of "in printed or web accessible form."
3-172-12	Election equipment loans	2-51-12	Removal of "ballot booths" and replacement of "schools" with "organizations"
3-172-13 to 3-172-19	Reserved	2-51-13 to 2-51-19	Reserved
	<i>Subchapter 3 Voter Registration</i>		
3-172-20	Voter registration form.	2-51-20	Removal of Appendix A.
3-172-21	Voter registration forms; distribution.	2-51-21	Same
3-172-22	Voter registration forms; collection.	2-51-22	Same
3-172-23	Voter registration form; reproduction.	2-51-23	Same
3-172-24	Clerk's approval; when voter becomes registered.	2-51-24	Same
3-172-25	Determination of residence.	2-51-25	Substitution of "dwelling" for "residence" to clarify one can only have one "residence" but several "dwellings."

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3-172-26	Confirmation of residence; questionable address procedure.	2-51-26	Same
3-172-27	Transfer or change of registration initiated by the voter.	2-51-27	Addition of "except that if the voter's name has been removed from the registry, the voter shall be required to register to voter pursuant to Chapter 11 HRS."
3-172-28	Transfer or change of registration initiated by the clerk.	2-51-28	Same
3-172-29	Reserved	2-51-29	Voter registration forms; distribution by other persons or organizations was removed.
3-172-30	Confidential registration.	2-51-30	Removal of Appendix B
3-172-31	Voter registration information; prohibited uses.	2-51-31	Substitution of "computer tapes" with "data." Removal of Appendix C and reference to misdemeanor.
3-172-32 to 3-172-39	Reserved	2-51-32 to 2-51-39	Reserved
	<i>Subchapter 4 Voter Challenges And Appeals</i>		
3-172-40	Prerequisites for challenge.	2-51-40	Same
3-172-41	Grounds for challenge.	2-51-41	Same
3-172-42	Challenge prior to election day; procedure.	2-51-42	Same
3-172-43	Appeal to the board prior to election day.	2-51-43	Minor change of Supreme Court to Intermediate Court of Appeals.
3-172-44	Challenge at the polling place on election day; procedure.	2-51-44	Same
3-172-45	Appeal to the board from decision at the polling place.	2-51-45	Same

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3-172-46	Challenge to confidential registration; special procedure.	2-51-46	Same
3-172-47	Correction of errors; appeal to the board of registration from clerk's ruling.	2-51-47	Same
3-172-48 to 3-172-49	Reserved	2-51-48 to 2-51-49	Reserved
	<i>Subchapter 5 Political Parties</i>		
3-172-50	Political parties; qualification.	2-51-50	Removal of Appendix D
3-172-51	Party petitions; issuing.	2-51-51	Removal of Appendix E
3-172-52	Party petitions; withdrawal of signatures.	2-51-52	Same
3-172-53	Party petitions; qualification of signatories.	2-51-53	Same
3-172-54	Party petitions; verification of signatories.	2-51-54	Same
3-172-55 to 3-172-59	Reserved	2-51-55 to 2-51-59	Reserved
	<i>Subchapter 6 Precinct Officials And Watchers</i>		
3-172-60	Precinct officials; selection.	2-51-60	Same
3-172-61	Precinct officials; gifts and gratuities prohibited.	2-51-61	Same
3-172-62	Precinct officials; confidentiality of voter information.	2-51-62	Same
3-172-63	Precinct officials procedure; campaign activities.	2-51-63	Same
3-172-64	Non-campaign activity within prescribed area of polling place;	2-51-64	Same

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	time, place, and manner.		
3-172-65	Poll watchers; guidelines.	2-51-65	Addition of deadline for absentee walk-in voting poll watchers.
3-172-66	Compensation for election day officials	2-51-66	Removal of Appendix F and inclusion of the ability o authorize split shifts.
3-172-67 to 3-172-69	Reserved	2-51-67 to 2-51-69	Reserved
	<i>Subchapter 7 Ballot Printing And Delivery</i>		
3-172-70	Candidate vacancies; filling of by party.	2-51-70	Same
3-172-71	Official ballots.	2-51-71	Same
3-172-72	Ballots; delivery; seal certification procedure; delivery and collection team.	2-51-72	Same
3-172-73	Ballots; transportation and receipt at polling places.	2-51-73	Same
3-172-74	Ballots; receipt by clerks; procedure.	2-51-74	Same
3-172-75	Receipt of materials other than ballots.	2-51-75	Same
3-172-76 to 3-172-79	Reserved	2-51-76 to 2-51-79	Reserved
	<i>Subchapter 8 Voting Procedures At Polling Places</i>		
3-172-80	Paper ballots voting system;	2-51-80	Clarification that the references to paper ballots is limited to the "paper

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	voting procedure at polls.		ballot voting system” as opposed to any election that happens to use paper ballot (i.e. marksense voting system). Clarification that voting position area may include a variety of shapes beyond squares.
3-172-81	Paper ballots; spoiled ballots.	2-51-81	Same
3-172-82	Demonstration ballots.	2-51-82	Minor edit of “paper ballot system” to “paper ballot voting system.”
***	Deleted	2-51-83	Punchcard ballots; voting procedure at polls.
***	Deleted	2-51-84	Punchcard ballots; spoiled ballots; primary or special primary election.
***	Deleted	2-51-85	Punchcard ballots; spoiled ballots; special, general, or special general.
3-172-83	Marksense ballot voting system; voting procedure at the polls.	2-51-85.1	Amended title to include voting system. Clarification that voting position area may include a variety of shapes and that the voting position may be on the right or left hand side of the candidate’s name.
3-172-84	Marksense ballots; spoiled.	2-51-85.2	Removal of “ballot holder” and replacement with “secrecy sleeve”
3-172-85	Direct recording electronic voting; voting procedure at the polls	***	See text of proposed rule
3-172-86	Collection of voting materials.	2-51-86	“Ballot collection” changed to “collection of voting materials” along with minor changes
3-172-87	Return of polling place materials.	2-51-87	Same
3-172-88	Postponement of elections; natural disaster.	2-51-88	Same
3-172-89	Reserved	2-51-89	Reserved

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	<i>Subchapter 9 Vote Disposition</i>		
3-172-90	Paper ballot voting system; counting ballots at precinct.	2-51-90	Insertion of words "voting system" in the title.
3-172-91	Paper ballot voting system; tally sheet; results of votes cast; ballots; and records.	2-51-91	Insertion of words "voting system" in the title.
3-172-92	Electronic voting systems; centralized and decentralized counting.	***	See text of proposed rule
3-172-93	Electronic voting systems; transmission, receipt, and tabulation of votes.	***	See text of proposed rule
3-172-94	Electronic voting systems; marksense ballot voting system results.	***	See text of proposed rule
3-172-95	Electronic voting system centralized counting; preparation of ballots at counting center.	***	See text of proposed rule
3-172-96	Electronic voting system inspection, audit, and experimental testing.	***	See text of proposed rule
3-172-97	Electronic voting system; counting center procedures.	2-51-92	Addition of memory cards and VVPATs to rule.
3-172-98	Electronic voting system centralized counting; receipt at counting center.	2-51-93	Same
***	Deleted	2-51-94	Electronic voting system centralized counting; inspection of ballot at counting center.
***	Deleted	2-51-95	Electronic voting system centralized counting; preparation of ballots at

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			counting center.
***	Deleted	2-51-96.3	Electronic voting system decentralized counting; duplication procedures.
3-172-99	Electronic voting system counting; duplication procedures.	2-51-96	Removed reference to centralized counting in order to clarify this rule applies to centralized and decentralized counting.
3-172-100	Electronic voting system decentralized counting; receipt at counting center.	2-51-96.1	Replacement of precinct counter card with memory devices.
3-172-101	Electronic voting system decentralized; preparation of uncounted voted ballots, memory cards, precinct counter keys, and zero reports.	2-51-96.2	Removal of references to precinct counters as a descriptive term for memory cards and zero reports.
***	Deleted	2-51-96.3 Version 2	Electronic voting system decentralized counting; duplication procedure.
3-172-102	Auditing.	***	See text of proposed rule
***	Deleted	2-51-98	Counting ballots at polling place. Removed due to it incorrectly utilizing the procedures for the paper ballot voting system, whose procedures are different from those used to count marksense ballots.
***	Deleted	2-51-99	Direct recording electronic [Reserved]
***	Deleted	2-51-100	[Reserved]
3-172-103	Challenged voter's ballot; disposition at counting center.	2-51-101	Same
3-172-104	Election results; certification of.	2-51-102	Same
3-172-103 to	Reserved	2-51-103 to	Same

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3-172-109		2-51-109	
	<i>Subchapter 10 Presidential Petitions</i>		
3-172-110	Presidential petitions; issuing.	2-51-110	Removal of Appendices C & H. Clarification of information to be provided.
3-172-111	Presidential petitions; withdrawal of signatures.	2-51-111	Inclusion of social security number as required HRS § 11-6.
3-172-112	Presidential petitions; qualifications of signatories.	2-51-112	Same
3-172-113	Presidential petitions; verification of signatories.	2-51-113	Same
3-172-114 to 3-172-129	Reserved	2-51-114 to 2-51-129	Reserved
	<i>Subchapter 11 Access to Government Records</i>		
3-172-130	Access to election documents; general procedures.	2-51-130	Changes to reflect charging of fees under HRS § 92-21, compliance with Chapter 92F, HRS, and determinations regarding what records may be released for public inspection.
***	Deleted.	2-51-131	Inspecting election documents in an election year.
3-172-131 3-172-139	Reserved.	***	Reserved space due to subsequent subchapter 12.
	<i>Subchapter 12</i>		

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	<i>Provisional Voting</i>		
3-172-140	Provisional voting; general procedures.	***	See text of proposed rule
Ch. 173	Primary Elections	Ch. 52	Several
3-173-1	Nomination papers; when available.	2-52-1	Removal of Appendices I and J. Clarification of form requirements.
3-173-2	Nomination papers; qualifications of signatories.	2-52-2	Same
3-173-3	Nomination papers; verification of signatures.	2-52-3	Clarification that nomination papers with less than the required amount of signatures shall be summarily rejected without verification of signatories.
3-173-4	Nomination papers; candidate name on ballot.	2-52-4	Same
3-173-5	Nomination papers; political party affiliation or nonpartisan designation.	2-52-5	Same
3-173-6	Nomination papers; Filing fee; payment of.	2-52-6	Same
Ch. 174	Absentee Voting Procedures	Ch. 53	Several
3-174-1	Definitions.	2-53-1	Addition of "ballot box" definition. Modification of "ballot/seal control form" and "overseas citizen" definitions.

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3-174-2	General provisions.	2-53-2	Removal of reference to marking in accordance with paper ballot voting rules. Removal of reference to oral request for ballots as that has been placed in a different rule.
3-174-3	Who may vote by absentee ballot.	2-53-3	Removal of requirement of voter request absentee ballot.
3-174-4	Application for absentee voter ballot; content.	2-53-4	Removal of Appendix K.
3-174-5	Application for absentee voter ballot; reproduction.	2-53-4.1	Removal of prohibition of inclusion with campaign material.
3-174-6	Waiver of requirement for an application absentee voter ballot.	***	See text of proposed rule
3-174-7	Absentee polling place.	2-53-5	Removal of reference to criminal consequences of behavior in the polling place. Clarifies that candidates shall not engage in distracting behavior in the polling place.
3-174-8	Administration and operation of the absentee polling place.	2-53-6	Clarifies that all central absentee polling places will be open at the same time for purpose of HRS § 15-7, but that other sites do not have to.
3-174-9	Accountability and security of ballots and ballot boxes.	2-53-7	Housekeeping changes regarding ballot boxes.
3-174-10	Return and receipt of mail absentee return envelopes.	2-53-8	Clarifies that absentee ballots received and validated by the clerk are deemed cast (i.e. the voter cannot change his or her mind).
3-174-11	Mail absentee return envelopes; signature validation.	2-53-9	Clarifies that if an absentee ballot is invalidated, the ballot is not considered cast, and the voter is still able to vote at a polling place or by absentee.

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3-174-12	Mail absentee return envelopes; processing of damaged, duplicate, or unidentifiable by the clerk.	2-53-10	Same
3-174-13	Mail absentee return envelope; receipt at the precincts.	2-53-11	Housekeeping changes regarding processing of absentee ballots at polling place.
3-174-14	Mail absentee return envelope; procedures after the polls close; paper ballots.	2-53-12	Same
3-174-15	Walk-in and mail absentee ballots; transfer to the counting center.	2-53-13	Housekeeping changes.
3-174-16	Absentee ballots; receipt at the counting center.	2-53-14	Same
3-174-17	Mail absentee return envelopes; processing at the counting center; electronic voting system.	2-53-15	Same
3-174-18	Absentee ballots; processing at the counting center.	2-53-16	Housekeeping changes.
3-174-19	Mail absentee ballots; replacement by facsimile transmission.	2-53-17	Housekeeping changes.
3-174-20	Federal write-in ballots, and ballots transmitted by facsimile; processing of.	2-53-18	Housekeeping changes.
3-174-21	Absentee voting in remote area.	2-53-19	Removal of deadline of 4:30 p.m. and leaves it to the clerk to decide deadline.
3-174-22	Voting, registration, and counting of absentee ballots of overseas citizens.	2-53-20	Housekeeping changes.
3-174-23	Absentee ballot for presidential	2-53-21	Same

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	election.		
Ch. 175	<i>Elections By Mail</i>	***	See text of proposed rules
3-175-1	Purpose; general applicability.	***	See text of proposed rule
3-175-2	Proclamation.	***	See text of proposed rule
3-175-3	Board of registration.	***	See text of proposed rule
3-175-4	Ballot packet; contents.	***	See text of proposed rule
3-175-5	Mailing of ballots; date.	***	See text of proposed rule
3-175-6	Absentee polling place.	***	See text of proposed rule
3-175-7	Voter procedure.	***	See text of proposed rule
3-175-8	Return of ballots; postage.	***	See text of proposed rule
3-175-9	Ballot collection sites; private collection sites prohibited.	***	See text of proposed rule
3-175-10	Ballot cast upon receipt; replacement ballot.	***	See text of proposed rule
3-175-11	Submittal of ballots; deadline.	***	See text of proposed rule
3-175-12	Extension of deadline for receiving ballots.	***	See text of proposed rule
3-175-13	Verification of affirmation signatures.	***	See text of proposed rule
3-175-14	Processing and tabulation of ballots.	***	See text of proposed rule
3-175-15	Receipt and disposition of late ballots.	***	See text of proposed rule
3-175-16	Deadline for all-mail elections.	***	See text of proposed rule

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Ch. 176	Voting Systems	Ch. 54	Various
3-176-1	Voting system requirements.	***	See text of proposed rule
3-176-2	Voting system requirements; optional requirements.	***	See text of proposed rule
3-176-3	Approval of all voting equipment, materials, and procedures.	2-54-1	Same
3-176-4	County elections; assistance.	2-54-2	Same
3-176-5	Election services; provision and charges.	2-54-3	Same
3-176-6	Testing computer program and related equipment; electronic voting systems.	2-54-4	Housekeeping changes. Removal of reference to punchcards.
3-176-7	Experimental voting systems; rules and procedure.	2-54-5	Same
3-176-8	Experimental voting systems; public information program.	2-54-6	Same

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