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# A BILL FOR AN ACT

RELATING TO ELECTIONS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 SECTION 1. Chapter 11, Hawaii Revised Statutes, is amended  
2 by adding a new section to be appropriately designated and to  
3 read as follows:

4 "§11- Late registration. (a) Notwithstanding the  
5 closing of the general county register pursuant to section 11-  
6 24, a person who is eligible to vote but is not registered to  
7 vote may register by appearing in person:

8 (1) Prior to the day of the election, at any absentee  
9 polling place established pursuant to section 15-7 in  
10 the county associated with the person's residence; or

11 (2) On the day of the election, at the polling place in  
12 the precinct associated with the person's residence.

13 (b) The county clerk shall designate a registration clerk,  
14 who may be an election official, at each of the absentee polling  
15 places in the county, established pursuant to section 15-7,  
16 prior to the day of the election and at each of the polling  
17 places in the county on the day of the election. The

18 registration clerk shall process registration applications for



1 persons not registered to vote and shall require each person to  
2 submit:

3 (1) A signed affidavit in accordance with section 11-15,  
4 which shall include an affirmation of qualification to  
5 vote and a statement acknowledging that the person:

6 (A) Has not voted and will not vote at any other  
7 polling place for that election; and

8 (B) Has not cast and will not cast any absentee  
9 ballot pursuant to chapter 15 for that election;  
10 and

11 (2) Substantiating evidence of residence to be determined  
12 in accordance with section 11-13, which shall include:

13 (A) A valid driver's license, state identification  
14 card, or employee identification card showing the  
15 person's current street address;

16 (B) A document that contains the name and current  
17 street address of the person, including a bank  
18 statement, paycheck, government check,  
19 residential lease, utility bill, telephone bill,  
20 or any other government document or card;

21 (C) Any other document that is approved by the office  
22 of elections as sufficient proof of residence;



1           (D) A student identification card, fee statement, or  
2           registration card from a post-secondary  
3           educational institution in the State or other  
4           document from a post-secondary educational  
5           institution that verifies the person's current  
6           street address;

7           (E) Verification by an administrator, or the  
8           administrator's designee, of the person's current  
9           street address at a nursing home or similar  
10           facility where the person resides; or

11           (F) A self-subscribing affidavit of residency signed  
12           under oath pursuant to section 11-15(b).

13           (c) Registration may be challenged in accordance with  
14           section 11-25.

15           (d) Notwithstanding subsection (a), late registration  
16           pursuant to this section may also be used by a person who is  
17           registered to vote but whose name cannot be found on the  
18           precinct list for the polling place associated with the person's  
19           residence.

20           (e) The clerk of each county shall add persons who  
21           properly register under this section to the respective general  
22           county register. Within thirty days of registration at the



1 polling place, the county clerk shall mail to the individual a  
2 notice that shall include the individual's name, current street  
3 address, district and precinct, and date of registration. A  
4 notice mailed pursuant to this subsection shall serve as prima  
5 facie evidence that the person is a registered voter as of the  
6 date of registration."

7 SECTION 2. Section 11-25, Hawaii Revised Statutes, is  
8 amended by amending subsections (a) and (b) to read as follows:

9 "(a) [~~Challenging prior to election day.~~] Any registered  
10 voter may challenge the right of a person to be or to remain  
11 registered as a voter in any precinct for any cause not  
12 previously decided by the board of registration or the supreme  
13 court in respect to the same person; provided that in an  
14 election of members of the board of trustees of the office of  
15 Hawaiian affairs the voter making the challenge must be  
16 registered to vote in that election. The challenge shall be in  
17 writing, setting forth the grounds upon which it is based, and  
18 be signed by the person making the challenge. The challenge  
19 shall be delivered to the clerk who shall forthwith serve notice  
20 thereof on the person challenged. The clerk shall, as soon as  
21 possible, investigate and rule on the challenge.



1           (b) [~~Challenging on election day.~~] Any voter rightfully  
2 in the polling place, including absentee polling places  
3 established pursuant to section 15-7, may challenge the right to  
4 vote of any person who comes to the precinct officials for  
5 voting purposes. The challenge shall be on the grounds that the  
6 voter is not the person the voter alleges to be, or that the  
7 voter is not entitled to vote in that precinct; provided that  
8 only in an election of members of the board of trustees of the  
9 office of Hawaiian affairs, a person registered to vote in that  
10 election may also challenge on the grounds that the voter is not  
11 Hawaiian. No other or further challenge shall be allowed. Any  
12 person thus challenged shall first be given the opportunity to  
13 make the relevant correction pursuant to section 11-21. The  
14 challenge shall be considered and decided immediately by the  
15 precinct officials and the ruling shall be announced."

16           SECTION 3. Section 15-7, Hawaii Revised Statutes, is  
17 amended to read as follows:

18           "§15-7 Absentee polling place[-]; registration at absentee  
19 polling place. (a) Absentee polling places shall be  
20 established at the office of the respective clerks, and may be  
21 established at such other sites as may be designated by the  
22 clerk under the provisions prescribed in the rules adopted by



1 the chief election officer. Section 11-21 relating to changes  
2 and transfers of registration shall apply to the absentee  
3 polling place as though it were the precinct at which a person's  
4 name properly appears on the list of registered voters.

5 (b) The absentee polling places shall be open no later  
6 than ten working days before election day, and all Saturdays  
7 falling within that time period, or as soon thereafter as  
8 ballots are available; provided that all absentee polling places  
9 shall be open on the same date statewide, as determined by the  
10 chief election officer.

11 (c) A person who is eligible to vote but is not registered  
12 to vote may register by appearing in person at the absentee  
13 polling place for the county in which the person maintains  
14 residence.

15 (d) The county clerk shall designate a registration clerk,  
16 who may be an election official, at each of the absentee polling  
17 places established in the county. The registration clerk shall  
18 process registration applications for persons not registered to  
19 vote and shall require each person to submit:

20 (1) A signed affidavit in accordance with section 11-15,  
21 which shall include an affirmation of qualification to  
22 vote and a statement acknowledging that the person:



- 1           (A) Has not voted and will not vote at any other  
2           polling place for that election; and
- 3           (B) Has not cast and will not cast any absentee  
4           ballot pursuant to chapter 15 for that election;  
5           and
- 6        (2) Substantiating evidence of residence to be determined  
7        in accordance with section 11-13, which shall include:
- 8           (A) A valid driver's license, state identification  
9           card, or employee identification card showing the  
10          person's current street address;
- 11          (B) A document that contains the name and current  
12          street address of the person, including a bank  
13          statement, paycheck, government check,  
14          residential lease, utility bill, telephone bill,  
15          or any other government document or card;
- 16          (C) Any other document that is approved by the office  
17          of elections as sufficient proof of residence;
- 18          (D) A student identification card, fee statement, or  
19          registration card from a post-secondary  
20          educational institution in the State or other  
21          document from a post-secondary educational



1 institution that verifies the person's current  
2 street address;

3 (E) Verification by an administrator, or the  
4 administrator's designee, of the person's current  
5 street address of a nursing home or similar  
6 facility where the person resides; or

7 (F) A self-subscribing affidavit of residency signed  
8 under oath pursuant to section 11-15(b).

9 (e) Registration may be challenged in accordance with  
10 section 11-25.

11 (f) Notwithstanding subsection (c), absentee polling place  
12 registration pursuant to this section may be used by a person  
13 who is registered to vote but whose name cannot be found on the  
14 precinct list for the polling place associated with the person's  
15 residence.

16 (g) The clerk of each county shall add persons who  
17 properly register at an absentee polling place to the respective  
18 general county register. Within thirty days of registration at  
19 an absentee polling place, the county clerk shall mail to the  
20 person a notice that shall include the person's name, current  
21 street address, district and precinct, and date of registration.  
22 A notice mailed pursuant to this subsection shall serve as prima





1 facie evidence that the person is a registered voter as of the  
2 date of registration."

3 SECTION 4. There is appropriated out of the federal funds  
4 awarded to the State from the Help America Vote Act of 2002 the  
5 sum of \$ or so much thereof as may be necessary for  
6 fiscal year 2014-2015 for the counties to implement this Act,  
7 which may include upgrading the registration process by  
8 purchasing electronic poll books.

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

11 SECTION 5. There is appropriated out of the general  
12 revenues of the State of Hawaii the sum of \$ or so much  
13 thereof as may be necessary for fiscal year 2014-2015 for the  
14 counties to implement this Act, which may include upgrading the  
15 registration process by purchasing electronic poll books.

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

18 SECTION 6. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.

20 SECTION 7. This Act shall take effect on July 1, 2014;  
21 provided that:



- 1           (1) Section 3 of this Act shall take effect on January 1,  
2                   2016, and shall be repealed on December 31, 2017, and  
3                   section 15-7, Hawaii Revised Statutes, shall be  
4                   reenacted in the form in which it read on the day  
5                   immediately prior to the effective date of this Act;  
6                   and  
7           (2) Section 1 of this Act shall take effect on January 1,  
8                   2018.



**Report Title:**

Voting; Late Registration; Absentee Polling Places

**Description:**

Allows late voter registration at absentee polling places beginning in 2016 and late voter registration on election day at both absentee polling and precinct polling places beginning in 2018. Appropriates funds. Effective July 1, 2014. (HB2590 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

