
A BILL FOR AN ACT

RELATING TO ELECTION.

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

1 SECTION 1. The legislature finds that an individual's
2 voting rights are lost upon incarceration for a felony offense.
3 County clerks rely on the judiciary to inform them of whether an
4 individual may have lost voting rights. Insufficient or
5 inconsistent information makes it difficult for clerks to
6 positively identify individuals cited in the court reports and
7 to remove those individuals from the voter rolls.

8 The purpose of this Act is to standardize the information
9 provided by the judiciary and paroling authority to county
10 clerks to ensure the legitimacy of the voter rolls, and to
11 remove outdated references in the provision on the loss of
12 voting rights for felons sentenced to imprisonment.

13 SECTION 2. Chapter 353, Hawaii Revised Statutes, is
14 amended by adding a new section to be appropriately designated
15 and to read as follows:

16 "§353- Reports to county clerk. Whenever the paroling
17 authority grants or revokes parole for any citizen of eighteen
18 years of age or over, the paroling authority, in each case,



1 shall make and promptly transmit to the clerk of the county in
 2 which the citizen resides, a certificate showing the fact of the
 3 granting or revoking of parole within twenty days after the
 4 granting or revoking of parole. The certificate shall include:

- 5 (1) The name, date of birth, and social security number of
 6 the citizen and any known aliases;
 7 (2) To the extent readily ascertainable, the citizen's
 8 residence address or last known residence address; and
 9 (3) The date of the grant or revocation of parole."

10 SECTION 3. Section 806-76, Hawaii Revised Statutes, is
 11 amended to read as follows:

12 "**§806-76 Court proceedings; reports to county clerk.** (a)
 13 Whenever in any circuit court, family court, or district court
 14 any citizen of eighteen years of age or over is:

- 15 (1) Convicted of any felony~~[+]~~ and sentenced to a term of
 16 imprisonment; or
 17 ~~[-(2) By reason of insanity acquitted of any such crime; or~~
 18 ~~[-(3)]~~ (2) Adjudged insane or feeble-minded or otherwise
 19 legally incompetent,

20 the clerk of the court ~~[shall]~~, in each case ~~[within ten days~~
 21 ~~thereafter]~~, shall make and promptly transmit to the clerk of
 22 ~~[each county]~~ the county in which the citizen is located, a



1 certificate showing the fact of the conviction or adjudication
2 [~~and a sufficient identifying description of the citizen.~~]
3 within twenty days after sentencing or entry of other
4 adjudication.

5 (b) The certificate shall include the citizen's:

6 (1) Name;

7 (2) Date of birth;

8 (3) Social security number;

9 (4) Any known aliases; and

10 (5) To the extent readily ascertainable, residence address
11 or last known residence address.

12 (c) For a citizen convicted of any felony and sentenced to
13 a term of imprisonment, the clerk of the county in which the
14 citizen is located shall also be provided with copies of:

15 (1) The judgment of conviction and sentence; and

16 (2) The warrant of commitment."

17 SECTION 4. Section 831-2, Hawaii Revised Statutes, is
18 amended by amending subsection (a) to read as follows:

19 "(a) A person sentenced for a felony, from the time of the
20 person's sentence until the person's final discharge, may not:

21 (1) Vote in an election, but if [~~execution of sentence is~~
22 ~~suspended with or without~~] the defendant [~~being~~] is



1 placed on probation or the defendant is paroled after
2 commitment to imprisonment, the defendant may vote
3 during the period of the [~~suspension~~] probation or
4 parole; or

5 (2) Become a candidate for or hold public office."

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

8 SECTION 6. This Act shall take effect upon approval.

HB2539, SD1

Report Title:

Elections; Convicted Felons

Description:

Directs the judiciary and the paroling authority to notify the clerk of the county in which an adult citizen is located of certain information that is necessary to ensure the legitimacy of the voter rolls. Removes outdated references in the provision on the loss of voting rights for felons sentenced to imprisonment. (SD1)

