

JAN 28 2009

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# A BILL FOR AN ACT

RELATING TO VOTING.

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

1           SECTION 1. The legislature finds that the citizens of  
2 Hawaii do not have an absolute constitutional right to vote.  
3 The state constitution allows a citizen to vote if that citizen  
4 is a voter registered as provided by law. In the United States,  
5 voting is a privilege granted to citizens through the enactment  
6 of laws.

7           The legislature further finds that citizens have an  
8 inherent right to vote as part of their responsibility as  
9 citizens of the State and this right should not be hindered  
10 without just cause. The right to vote is necessary to enable  
11 citizens to govern through a representative form of government.  
12 Therefore, the legislature finds that barriers to the exercise  
13 of this right should be removed and citizens should be  
14 encouraged to exercise this right.

15           One of the barriers to voting is the thirty-day voter  
16 registration requirement. Voter-friendly initiatives, such as  
17 election-day voter registration, should be implemented.



1 Election-day voter registration permits eligible voters to  
2 register on primary and general election days and vote.

3 Election-day voter registration has been adopted in at  
4 least six states, including Idaho, Maine, Minnesota, New  
5 Hampshire, Wisconsin, and Wyoming. Analysis of election-day  
6 voter registration program data indicates that:

7 (1) The six states with election-day voter registration  
8 procedures consistently lead the nation in voter  
9 turnout. In 2004, an average of seventy-four per cent  
10 of eligible voters turned out to vote in states with  
11 election-day voter registration compared to sixty per  
12 cent in states without election-day voter  
13 registration; and

14 (2) In Minnesota, seventy-seven per cent of eligible  
15 voters voted in the 2004 presidential election.  
16 Wisconsin and Maine, which also have election-day  
17 voter registration programs, finished second and  
18 third, respectively, in voter turnout.

19 A 2000 survey among non-voters ranked election-day voter  
20 registration as the most popular voter reform that would make  
21 voters more likely to vote.



1           The purpose of this Act is to allow election-day voters to  
2 register on the day of an election.

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

6           "§11-     Election-day voter registration. (a)

7 Notwithstanding any law to the contrary, an individual who is  
8 eligible to vote may register on the day of an election by:

- 9           (1) Appearing in person at the polling place for the  
10           precinct in which the voter maintains a residency;  
11           (2) Completing a voter registration application;  
12           (3) Making an oath on a form prescribed by the chief  
13           election officer; and  
14           (4) Providing proof of residency.

15           (b) An individual may prove residency for purposes of this  
16 section by presenting:

- 17           (1) A valid Hawaii driver's license or Hawaii state  
18           identification card; or  
19           (2) Any documentation approved by the chief election  
20           officer.



1 (c) No precinct official shall receive the vote of any  
2 individual who is not registered pursuant to subsection (a) or  
3 section 11-15.

4 (d) The chief election officer or a designee of the chief  
5 election officer shall maintain a record of the number of  
6 individuals who attempted to register on election day, but who  
7 were unable to provide proof of residency pursuant to subsection  
8 (b). The record shall be included with the election returns for  
9 each precinct.

10 (e) The chief election officer shall establish rules  
11 pursuant to chapter 91, as necessary to carry out this section."

12 SECTION 3. New statutory material is underscored.

13 SECTION 4. This Act shall take effect upon its approval.

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**Report Title:**

Voter Registration; Election Day Registration

**Description:**

Allows election-day voter registration.

