

SB654



**STATE OF HAWAII
OFFICE OF ELECTIONS**

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**TESTIMONY OF THE
CHIEF ELECTION OFFICER, OFFICE OF ELECTIONS
TO THE SENATE COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS
ON SENATE BILL NO. 654
RELATING TO VOTING**

February 11, 2009

Chair Taniguchi and members of the Senate Committee on Judiciary and Government Operations, thank you for the opportunity to testify on Senate Bill No. 654. The purpose of this bill is to allow election-day registration.

Under current law, if a person does not register to vote at least thirty (30) days before an election, he or she cannot vote in that election.

Under Senate Bill No. 654, if it becomes law, a person who does not register to vote timely can register and vote on election day as long as the person shows proof of residency.

This is a policy issue for the legislature to determine. Its decision will be respected. The Office of Elections makes the following observations.

Presently, nine (9) states have some form of election day registration. They are:

- Wisconsin (1971)
- Maine (1973)
- Minnesota (1974)
- Idaho (1994)
- Wyoming (1994)
- New Hampshire (1996)
- Montana (2006)
- North Carolina (2007)
- Iowa (2008)

Additionally, Connecticut has election day registration, but only for votes cast for president, and North Dakota has "no voter registration." Connecticut's limited and North Dakota's unlimited election day registration systems would not be a good model for Hawaii in our view.

Previous discussions regarding election day registration have considered the issue of voter fraud. This has to be a concern under any election day registration system. This can become very serious as were the voter fraud claims that arose in the city of Milwaukee, Wisconsin, during the 2006 elections.

Hawaii's voting system, however, has built-in checks and balances to mitigate fraud on election day. For example, any registered voter, rightfully in the polling place on election day, may challenge the right of a person to be, or to remain registered as a voter in any precinct, pursuant to section 11-25, Hawaii Revised Statutes (HRS), on the basis that:

- The voter is not the person he/she claims to be; or
- The voter is not a resident; and
- Therefore not entitled to vote in that precinct.

Voters who may be challenged have the right to appeal to the Board of Registration (section 11-26, HRS) and ultimately to the Intermediate Appellate Court (section 11-51, HRS).

The right to challenge a voter's registration promotes and enhances the integrity of the election process by ensuring that only qualified individuals are allowed to register and vote in our state.

Another example would be SB 654 that, if enacted, will require individuals seeking to register on election day to provide identification proving they reside in the precinct and are eligible to vote.

Finally, it is important to note that SB 654, if enacted, will necessarily create administrative and financial issues to resolve. Implementing same day voter registration will most likely require establishing separate teams to register new voters at each polling place, creating the need for additional volunteer recruitment efforts, training new officials, and developing additional procedures and manuals. If adopted, same day voter registration will also require an additional appropriation to pay for the added cost to implement such a program that is not budgeted now. Finally, and perhaps equally important, the proposal creates another variable for human error in voting and thereby, risks to the election.

Increasing voter registration among eligible individuals might be more easily accomplished without risk of same day voter registration by increasing voter education funding to further raise public awareness and encourage participation in voting and elections.

Thank you for the opportunity to testify on House Bill No. 654.

Respectfully Submitted

Kevin B. Cronin



THE LEAGUE OF WOMEN VOTERS OF HAWAII

TESTIMONY ON SB 654 RELATING TO VOTING

Committee on Judiciary and Government Operations
Wednesday, February 11, 2009
9:00 a.m.
Conference Room 016

Testifier: Jean Aoki, LWVHI Legislative Liason

Chair Taniguchi, Vice Chair Takamine, members of JGO Committee,

The League of Women Voters of Hawaii strongly supports SB 654 which provides for Election Day Registration.

Section 1 of this bill gives good reasons for enacting this bill. As it states, citizens of this State do not have an absolute right to vote. Even the U.S. Constitution does not guarantee citizens the right to vote. It is implied in the federal constitution in different amendments. Amendment XV . Section one states that the right of citizens to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude. Amendment XIX states: "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex. But nowhere does the Constitution explicitly give all citizens the right to vote.

This was glaringly illustrated in the 2000 and the 2004 Elections, when because of the tight presidential race, the Florida vote was the crucial determining vote. With the media spotlight aimed nonstop during the weeks when all of the problems of the Florida electoral process were exposed, a very distressing revelation was that of thousands of citizens purged from the voter rolls because their names were so similar to the names of felons or ex-felons. These citizens went to the polls on Election Day only to be turned away.

With Election Day Registration, this injustice would have been corrected instantly.

The Hawaii State Constitution states in Article I, Bill of Rights, Section 1, "All political power of this

State is inherent in the people and the responsibility for the exercise thereof rests with the people. All government is founded on this authority. "

But that political power of the people must have an avenue for expression if it is to be realized. That avenue is through the inherent right to vote as expressed by our constitution – the right to elect our representatives to government at both the legislative and executive levels---those representatives that best represent our interests. Without the power of the vote, we cannot exercise our political power nor our responsibilities as citizens of this state.

Section 1 of this bill states that "this right to vote should not be hindered without just cause," and goes further to state that barriers to the exercise of this right should be removed and citizens encouraged to exercise this right.

One of the barriers, it states, is the 30-day voter registration requirement. This, according to some, should really not be considered a barrier because citizens are given ample opportunity to register and it is their responsibility to register and not wait till it is too late. But who really understands all of the stresses that people experience in their lives. These are not ordinary times. If anyone expresses their desire to vote because of any sudden interest in the current election, why not give them the opportunity. We may have started them on the path to a more active citizenship.

As I have stressed in all my testimonies of former years, fraud arising from opening up registration opportunities is a minor problem where individual fraud is concerned. Organized fraud involving individual campaigns and other groups are more easily detected. The fear of fraud used as an excuse in tightening up registration laws is often aimed at disenfranchising certain groups to take away their rights to vote for representatives to government of their own choice or to keep them from voting on certain ballot measures.

We urge the passage of SB 654, the Election Day Registration Bill.

Thank you for this opportunity to testify in support of this bill.



BY EMAIL: JGOTestimony@Capitol.hawaii.gov

Committee: Committee on Judiciary and Government Operations
Hearing Date/Time: Wednesday, February 11, 2009, 9:00 a.m.
Place: Room 016
Re: *Testimony of the ACLU of Hawaii in Support of S.B. 654, Relating to Election Day Registration*

Dear Chair Taniguchi and Members of the Committee on Judiciary and Government Operations:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in support of S.B. 654, which seeks to allow election-day voter registration.

Election-day registration is one of the most effective things the Legislature can do to increase voter participation. Election-day registration offers voters a chance to exercise their most fundamental right and responsibility as citizens by making it easier for them to participate in elections.

The last month of campaigning is the period when individuals become most motivated and engaged in elections because of the heightened awareness of issues and mobilization of efforts in competitive races. Voters that would otherwise have been denied the opportunity to vote, including new voters or people who have recently moved, will be enfranchised by election-day registration and thus will increase voter turnout.

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for over 40 years.

Thank you for this opportunity to testify.

Sincerely,

Laurie A. Temple
Staff Attorney
ACLU of Hawaii

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