

JAN 28 2009

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 the
2 State of Hawaii do not have an absolute constitutional right to
3 vote. The constitution allows a citizen to vote if that person
4 is a "voter registered as provided by law." In Hawaii and all
5 other states, and on the federal level, voting is a privilege
6 granted to citizens, at the discretion of government, through
7 the enactment of laws.

8 The legislature believes that citizens have an inherent
9 right to vote as part of their responsibility as citizens of the
10 State, and that this right should not be hindered without just
11 cause. The right to vote is necessary to effectuate the rule of
12 one person, one vote, and to enable citizens to govern through
13 the representative form of government. The legislature,
14 therefore, believes that a statutory right to vote should be
15 established, that barriers to the exercise of this right should
16 be removed, and that government should encourage citizens to
17 exercise this right.



- 1 The purpose of this Act is to:
- 2 (1) Establish a statutory right to vote for the citizens
 - 3 of the State of Hawaii;
 - 4 (2) Establish permanent absentee voter status;
 - 5 (3) Require high schools to provide students with voter
 - 6 registration forms prior to graduation;
 - 7 (4) Require colleges and universities to provide voter
 - 8 registration forms to students during course
 - 9 registration;
 - 10 (5) Require provision for online requests for absentee
 - 11 ballots; and
 - 12 (6) Require additional locations for early voting if
 - 13 funding is available.

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

17 "§11- Citizens right to vote. All persons residing in
18 Hawaii who are United States citizens and eighteen years of age
19 or older shall have the right to vote in any primary, general,
20 or special election held in the State. No state agency or
21 political subdivision shall deny such a citizen the right to
22 vote; provided that laws may be enacted that serve a substantial



1 public interest and administrative rules may be adopted that are
2 narrowly tailored to produce efficient and honest elections."

3 SECTION 3. Chapter 15, Hawaii Revised Statutes, is amended
4 by adding a new section to be appropriately designated and to
5 read as follows:

6 "§15- Permanent absentee voting. (a) Any registered
7 voter may apply for status as a permanent absentee voter by
8 submitting to the clerk an application in the form of an
9 affidavit that shall include the personal information required
10 in section 15-4. No registered voter granted permanent absentee
11 voter status shall be required to submit a separate request for
12 each election and shall receive an absentee ballot for each
13 election in which the voter is eligible to vote; provided that
14 the voter is granted permanent absentee voter status.

15 (b) A voter's status as a permanent absentee voter shall
16 be immediately terminated if any of the following conditions
17 apply:

- 18 (1) The voter requests in writing on a form prescribed by
19 the clerk that the status be terminated;
20 (2) The voter dies, loses voting rights, registers to vote
21 in another jurisdiction, or is otherwise disqualified
22 from voting; or



1 (3) The voter's absentee ballot or voter notification
2 postcard is returned to the county clerk as
3 undeliverable."

4 SECTION 4. Section 11-15.5, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "~~+~~§11-15.5~~+~~ **Duties of all state agencies; voter**
7 **registration.** (a) Each state agency that deals with the public
8 shall make available to each member of the public eighteen years
9 of age or older an application in the form of an affidavit for
10 voter registration pursuant to section 11-15. The application
11 shall be available by mail or in person depending on the manner
12 in which the agency's services are requested by the person. The
13 form of the application may be identical to that described and
14 found in public telephone directories.

15 (b) Every high school shall provide voter registration
16 forms to students, who are otherwise qualified to register,
17 prior to graduation. All colleges and universities shall
18 provide voter registration forms to students, who are otherwise
19 qualified to register, during course registration."

20 SECTION 5. Section 15-4, Hawaii Revised Statutes, is
21 amended by amending subsection (a) to read as follows:



1 "(a) Any person registered to vote may request an absentee
2 ballot in person, online, or in writing from the clerk not
3 earlier than on the sixtieth day and not later than 4:30 p.m. on
4 the seventh day prior to the election. Any mailed requests for
5 an absentee ballot shall be mailed by the person directly to the
6 clerk. The clerk may waive any or all of the foregoing
7 requirements in special cases as provided in the rules adopted
8 by the chief election officer.

9 The request shall include information such as the person's
10 social security number, date of birth, and the address under
11 which the person is registered to vote. The request shall also
12 include the address to which the person wishes the requested
13 ballot forwarded. The request, when made for any primary or
14 special primary election, may include an additional request for
15 an absentee ballot to be voted at any election immediately
16 following the primary or special primary; provided the person so
17 indicates in the person's request.

18 Subsequent to the closing of registration for each
19 election, the clerk may mail a request form for an absentee
20 ballot to each voter in a remote area who has not already made
21 such a request. The request form shall be accompanied by:

22 (1) A stamped, self-addressed envelope; and



S.B. NO. 1660

1 (2) Instructions regarding the manner of completing and
2 returning the request form."

3 SECTION 6. Section 15-7, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) Absentee polling places shall be established at the
6 office of the respective clerks, and [~~may~~] shall be established
7 at [~~such~~] other sites as may be designated by the clerk under
8 the provisions prescribed in the rules adopted by the chief
9 election officer[~~-~~] and as funds permit. Section 11-21 relating
10 to changes and transfers of registration shall apply to the
11 absentee polling place as though it were the precinct at which a
12 person's name properly appears on the list of registered
13 voters."

14 SECTION 7. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 8. This Act shall take effect upon its approval.
17

INTRODUCED BY: _____

~~_____~~

Will Egan

By Request

Arvid J. J.

Therese Chiu Oakland

[Signature]



Report Title:

Elections; Citizens Right to Vote

Description:

Establishes citizens right to vote. Establishes permanent absentee voting.

