



THE LEAGUE
OF WOMEN VOTERS
OF HAWAII

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F A X T R A N S M I T T A L

DATE: 1/21/2010 TIME: 5:30 p.m.

FROM: Jean Aoki LWV

TO: Committee on Judiciary FAX #: 586-8494

FIRM: League of Women Voters

REMARKS: Testimony on HB 1344
Relating to Voting
Before the Committee on Judiciary
for Friday, January 22, 2010
2:00 p.m.
Conference Room 325

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TESTIMONY ON HB 1344 RELATING TO VOTING

Committee on Judiciary
House of Representatives
Friday, January 22, 2010
2:00 p.m.
Conference Room 325

Testifier: Jean Aoki

Chair Representative Karamatsu, Vice Chair Ito, members of the Judiciary Committee,

The League of Women Voters of Hawaii strongly supports the establishment of a statutory right to vote for the citizens of the State of Hawaii.

We all seem to take for granted our right to vote, but nowhere in the U.S. Constitution or the Hawaii State Constitution, are we citizens given the explicit right to vote. The 19th Amendment, for example, 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. " If I were denied the right to vote and wished to challenge that in court, I would need to prove that the vote was denied me because I am a female. That would be more difficult than to prove that I was wrongly denied the right to vote, period. Amendment XV says, "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 race, color, or previous condition of servitude," While you may be able to prove that you were wrongly denied the right to vote, it would be more difficult to prove that you were not allowed to vote because of your race, color or previous condition of servitude." While the right to vote seems implied in both of these amendments, would it hold up in court?

In a discussion on the Brennan Center website on voter disenfranchisement, I raised the question of whether an amendment to the U.S. Constitution giving all citizens the right to vote might help solve the problem. The reply was that it would, but the amendment would have to be worded in such detail so that no other interpretation would be possible, and that the process takes so much time and money, that considering all of the problems we face as a nation, it would probably not be worth the time and effort.

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When I say HB 1344, I thought, if every state were to adopt such a right, it would not be too long after that the we might be able to pass an amendment to the U.S. Constitution.

The League supports Section 4, 5 and 6 which are all aimed at encouraging registration and voting. One suggestion would be to change the phrase on page 5, Section 6, "(a) Absentee polling places " to "Early Voting Sites '.

While we take no position on Permanent absentee voting, we feel that Section 3 that begins the middle of page 3, **Permanent absentee voting**, needs some thought. I was asked to help some of the patients in a nursing home who had requested ballots to vote, and just as I had realized that one of them was in no shape to understand what she was being asked to do, her daughter wheeled her away and came back with a voted ballot. I have received complaints from others about families voting for the patients. As trivial as this may seem, anyone sending in two ballots would lose the right to vote in that election. No one is entitled to vote more than once, and this is an avenue for multiple voting. With ballots automatically coming to a residence each election, no questions asked, this seeming tiny problem could become very worrisome.

According to our State Constitution, "No person who is non compos mentis shall be qualified to vote." I am not the most proficient in the use of computers to seek information, but I have not found the statues that address the issue of disqualification of the non compos mentis. How do you determine that? Who needs to make the determination? How do you enforce this disqualification. With the aging of Hawaii residents, will this become a big problem? Can unscrupulous people take advantage of this opportunity to steal or even buy votes.? Maybe there are safeguards in our elections laws that I am not aware of. If there are no safeguards, then there needs to be a study done to see the possible effects of permanent absentee voting on the abuse of our election laws.

Thank you for this opportunity to testify on HB 1344.