

JAN 21 2011

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 the
7 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 a
13 representative form of government. The legislature, therefore,
14 believes that a statutory right to vote should be established,
15 that barriers to the exercise of this right should be removed,
16 and that government should encourage citizens to exercise this
17 right.

18 The purpose of this Act is to:



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

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

15 "§11- Citizens' right to vote. All persons residing in
16 Hawaii who are United States citizens and eighteen years of age
17 or older shall have the right to vote in any primary, general,
18 or special election held in the State. No state agency or
19 political subdivision shall deny such a citizen the right to
20 vote; provided that laws may be enacted and administrative rules
21 may be adopted to be narrowly tailored to produce efficient and
22 honest elections."



1 SECTION 3. Section 11-15.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[+]§11-15.5[+] Duties of all state agencies; voter
4 registration. (a) Each state agency that deals with the public
5 shall make available to each member of the public eighteen years
6 of age or older an application in the form of an affidavit for
7 voter registration pursuant to section 11-15. The application
8 shall be available by mail or in person depending on the manner
9 in which the agency's services are requested by the person. The
10 form of the application may be identical to that described and
11 found in public telephone directories.

12 (b) Every high school in the State shall provide voter
13 registration forms to its students who are qualified to register
14 prior to graduation. All colleges and universities in the State
15 shall provide voter registration forms to their students who are
16 qualified to register during course registration."

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

19 "(a) Any person registered to vote may request an absentee
20 ballot in person, online, or in writing from the clerk not
21 earlier than on the sixtieth day and not later than 4:30 p.m. on
22 the seventh day prior to the election. Any mailed requests for



1 an absentee ballot shall be mailed by the person directly to the
2 clerk. The clerk may waive any or all of the foregoing
3 requirements in special cases as provided in the rules adopted
4 by the chief election officer.

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

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

- 18 (1) A stamped, self-addressed envelope; and
19 (2) Instructions regarding the manner of completing and
20 returning the request form."

21 SECTION 5. Section 15-7, Hawaii Revised Statutes, is
22 amended by amending subsection (a) to read as follows:



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

10 SECTION 6. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 7. This Act shall take effect upon its approval.

13

INTRODUCED BY:



Report Title:

Elections; Citizens' Right to Vote

Description:

Establishes citizens' statutory right to vote. Requires high schools, colleges, and universities in the State to provide voter registration forms to their students.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

