

JAN 18 2012

A BILL FOR AN ACT

RELATING TO VOTER REGISTRATION.

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

1 SECTION 1. Chapter 11, Hawaii Revised Statutes, is amended
2 by adding a new section to part II to be appropriately
3 designated and to read as follows:

4 "§11- Application to register electronically. (a)
5 Notwithstanding any other provision of law, the county clerk may
6 permit a person who has valid government issued identification
7 that is capable of electronic confirmation to submit an
8 application to register to vote electronically, in lieu of a
9 traditional signed application by mail or in person.

10 (b) The electronic application to register to vote shall
11 be substantially similar in content to the application to
12 register found in section 11-15, and require the applicant to
13 provide substantially similar information.

14 (c) The applicant's utilization of the electronic
15 application to register shall constitute assent to obtain
16 confirmatory information regarding the applicant from the
17 government database, associated with the government issued
18 identification, including the applicant's signature.



1 (d) The applicant's signature obtained from the government
2 database may be utilized by election officials to validate and
3 confirm a voter's identity in any election related matter in
4 which a signature is necessary.

5 (e) The online registration system may capture additional
6 information from registrants, such as security questions to
7 authenticate any future voter registration transactions by the
8 registrant."

9 SECTION 2. Section 11-14, Hawaii Revised Statutes, is
10 amended to read as follows:

11 **"§11-14 General county register; restrictions in use. (a)**
12 The clerk of each county shall register all the voters in the
13 clerk's county in the general county register. The register
14 shall contain the name and address of each voter unless the
15 voter's address is deemed confidential pursuant to section 11-
16 14.5. Additional information required by section 11-15 may be
17 included in the register at the discretion of the clerk. [The
18 ~~voter's name shall be maintained alphabetically in the register~~
19 ~~and be capable of segregation by precinct and representative~~
20 ~~district. The clerk shall keep the original or photographic~~
21 ~~copy of the affidavit of registration required by section 11-~~



1 ~~15.]~~ The general county register shall be available for election
2 or government purposes only in accordance with section 11-97.

3 (b) The affidavits filed under section 11-15 and the
4 general county register may be copied, and the clerk may release
5 voter lists [~~and tabulating cards~~] or [~~computer tapes~~
6 ~~containing~~] data [~~furnished in the affidavit~~]; provided that
7 information furnished in the affidavits [~~, register, voter lists,~~
8 ~~cards, or tapes,~~] shall be copied or released for election or
9 government purposes only in accordance with section 11-97.

10 (c) Voter registration information that is collected and
11 maintained by the clerk of each county may be transmitted to a
12 central file for the purpose of correlating registration data to
13 prevent or detect duplicate voter registrations and for the
14 compilation of election reports.

15 [~~(d) The clerk of each county shall maintain records by~~
16 ~~computer tape or otherwise of office of Hawaiian affairs~~
17 ~~registered voters to facilitate their identification as a~~
18 ~~separate category of voters.]~~

19 [~~(e)~~] (d) Unless authorized under section 11-97, it shall
20 be unlawful for any person to use, print, publish, or distribute
21 any voter registration information acquired directly or
22 indirectly from the voter registration affidavits or any list



1 prepared therefrom. Any person who is designated by the clerk
2 to register voters and collect voter registration affidavits
3 shall be advised of the provisions of this subsection. Any
4 person who violates this subsection shall be guilty of a
5 misdemeanor."

6 SECTION 3. Section 11-15, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "§11-15 Application to register. (a) Any person
9 qualified to and desiring to register as a voter in any county
10 shall make and subscribe to an application in the form of an
11 affidavit.

12 The affidavit shall contain the following information:

- 13 (1) Name;
- 14 (2) Social security number;
- 15 (3) Date of birth;
- 16 (4) Residence, including mailing address;
- 17 (5) That the residence stated in the affidavit is not
18 simply because of the person's presence in the State,
19 but that the residence was acquired with the intent to
20 make Hawaii the person's legal residence with all the
21 accompanying obligations therein; and
- 22 (6) That the person is a citizen.



1 An application to register to vote shall include a space to
2 request a permanent absentee ballot.

3 ~~[(b) Any person qualified to and desiring to register as a
4 voter for the election of members of the board of trustees of
5 the office of Hawaiian affairs shall make and subscribe to an
6 application in the form of an affidavit which shall state that
7 the person is Hawaiian and which shall contain the information
8 required under subsection (a). The affidavit shall also apply
9 to all elections, primary, special primary, general, special
10 general, special, or county, held in the State, under all voting
11 systems used within the State, so far as applicable and not
12 inconsistent with this title.]~~

13 ~~[(e)]~~ (b) The applicant shall swear to the truth of the
14 allegations by self-subscribing ~~[oath]~~ affirmation in the
15 affidavit on application for voter registration or other form
16 prescribed by the chief election officer. Unless contested by a
17 qualified voter, the clerk may accept, as prima facie evidence,
18 the allegation of the applicant in information required in the
19 affidavit in subsection (a) (5) ~~[, and the allegation of the
20 applicant that the applicant is Hawaiian required in subsection
21 (b)].~~ In any other case where the clerk shall so desire or
22 believe the same to be expedient, the clerk may demand that the



1 applicant furnish substantiating evidence to the allegations of
2 the applicant's application.

3 ~~[(d)]~~ (c) The applicant shall then affix the applicant's
4 signature to the affidavit. In the case where an applicant is
5 unable to write for the reason of illiteracy, blindness, or
6 other physical disability the applicant's mark shall be
7 witnessed by another person who shall sign the affidavit in the
8 space provided. A voter having once been registered shall not
9 be required to register again for any succeeding election,
10 except as provided in this chapter. Affidavits approved by the
11 clerk shall thereupon be numbered appropriately, filed by the
12 clerk and kept available for election or government purposes in
13 accordance with procedures established by section 11-97.
14 Approved voter registration transactions captured by the online
15 voter registration system shall be assigned a transaction number
16 that is substantially similar to the numbering of affidavits.

17 ~~[(e)]~~ (d) The clerk may designate a subordinate or
18 subordinates to act in the clerk's place and stead in all
19 matters covered by this section, except that no candidate shall
20 be eligible to serve as a subordinate."

21 SECTION 4. Section 11-24, Hawaii Revised Statutes, is
22 amended to read as follows:



1 "~~§11-24 Closing register[, list of voters]~~". (a) At 4:30
2 p.m. on the thirtieth day prior to each primary, special
3 primary, or special election (but if the day is a Saturday,
4 Sunday, or holiday then at 4:30 p.m. on the first working day
5 immediately thereafter), the general county register shall be
6 closed to registration for persons seeking to vote at the
7 primary, special primary or special election and remain closed
8 to registration until after the election, subject to change only
9 as provided in sections 11-21(c), 11-22, 11-25, 11-26, and this
10 section.

11 (b) Notwithstanding the closing of the register for
12 registration to vote at the primary or special primary election,
13 the register shall remain open for the registration of persons
14 seeking to vote at the general or special general election,
15 until 4:30 p.m. on the thirtieth day prior to the general or
16 special general election (but if the day is a Saturday, Sunday,
17 or holiday then at 4:30 p.m. on the first working day
18 immediately thereafter), at the end of which period the general
19 county register shall be closed to registration and remain
20 closed until after the general or special general election next
21 following, subject to change only as provided in sections 11-
22 21(c), 11-22, 11-25, and 11-26.



1 ~~[(c) Immediately upon the closing of the general county~~
2 ~~register, the clerk shall proceed to prepare a list of all~~
3 ~~registered voters in each precinct, separately. The list shall~~
4 ~~contain, in alphabetical order, without designation of the race~~
5 ~~or age of voters, the names of all voters so registered in each~~
6 ~~precinct, and the residence of each unless such residence is~~
7 ~~deemed confidential pursuant to section 11-14.5. The list shall~~
8 ~~be available for inspection at the office of the county clerk~~
9 ~~prior to election day. On election day the precinct officials~~
10 ~~shall post the list at the precinct polling place.] "~~

11 SECTION 5. There is appropriated out of the general
12 revenues of the State of Hawaii the sum of \$500,000 or so much
13 thereof as may be necessary for fiscal year 2012-2013 for the
14 purpose of planning and designing an online voter registration
15 system. Additionally, any remaining funds may be used toward
16 the implementation of the online voter registration system.

17 The sum appropriated shall be expended by the office of
18 elections for the purposes of this Act.

19 SECTION 6. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.



S.B. NO. 2051

Report Title:

Voter Registration; Appropriation; Office of Elections Package

Description:

Updates voter registration laws, including authorizing the acceptance of electronic applications to register to vote and the development of an online voter registration system that will cross-check the contents of the application with data associated with previously issued government identification. Makes an appropriation.

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

