



EXECUTIVE CHAMBERS  
HONOLULU

NEIL ABERCROMBIE  
GOVERNOR

**GOV. MSG. NO. 1269**

June 30, 2014

The Honorable Donna Mercado Kim,  
President  
and Members of the Senate  
Twenty-Seventh State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

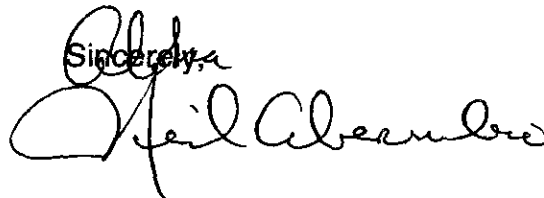
The Honorable Joseph M. Souki,  
Speaker and Members of the  
House of Representatives  
Twenty-Seventh State Legislature  
State Capitol, Room 431  
Honolulu, Hawaii 96813

Dear President Kim, Speaker Souki, and Members of the Legislature:

This is to inform you that on June 30, 2014, the following bill was signed into law:

HB2590 HD1 SD2 CD1

RELATING TO ELECTIONS  
**ACT 166 (14)**

Sincerely,  


NEIL ABERCROMBIE  
Governor, State of Hawaii

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# A BILL FOR AN ACT

RELATING TO ELECTIONS.

**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 be appropriately designated and to  
3 read as follows:

4 "§11- Late registration. (a) Notwithstanding the  
5 closing of the general county register pursuant to section  
6 11-24, a person who is eligible to vote but is not registered to  
7 vote may register by appearing in person:

8 (1) Prior to the day of the election, at any absentee  
9 polling place established pursuant to section 15-7 in  
10 the county associated with the person's residence; or

11 (2) On the day of the election, at the polling place in  
12 the precinct associated with the person's residence.

13 (b) The county clerk shall designate a registration clerk,  
14 who may be an election official, at each of the absentee polling  
15 places in the county established pursuant to section 15-7, prior  
16 to the day of the election and at each of the polling places in  
17 the county on the day of the election.



1        (c) The registration clerk shall process applications for  
2 any person not registered to vote who submits a signed affidavit  
3 in accordance with section 11-15, which shall include a sworn  
4 affirmation:

- 5            (1) Of the person's qualification to vote;  
6            (2) Acknowledging that the person has not voted and will  
7            not vote at any other polling place for that election  
8            and has not cast and will not cast any absentee ballot  
9            pursuant to chapter 15 for that election; and  
10           (3) Acknowledging that providing false information may  
11           result in a class C felony, punishable by a fine not  
12           exceeding \$1,000 or imprisonment not exceeding five  
13           years, or both.

14        (d) The registration clerk may accept, as prima facie  
15 evidence, the allegation of the person in the application  
16 regarding the person's residence in accordance with section 11-  
17 15(b), unless the allegation is contested by a qualified voter.  
18 The registration clerk may demand that the person furnish  
19 substantiating evidence to the other allegations of the person's  
20 application in accordance with section 11-15(b).

21        (e) Registration may be challenged in accordance with  
22 section 11-25.



1       (f) Notwithstanding subsection (a), registration pursuant  
2 to this section may also be used by a person who is registered  
3 to vote but whose name cannot be found on the precinct list for  
4 the polling place associated with the person's residence.

5       (g) The clerk of each county shall add persons who  
6 properly register under this section to the respective general  
7 county register. Within thirty days of registration at the  
8 polling place, the county clerk shall mail to the person a  
9 notice including the person's name, current street address,  
10 district and precinct, and date of registration. A notice  
11 mailed pursuant to this subsection shall serve as prima facie  
12 evidence that the person is a registered voter as of the date of  
13 registration."

14       SECTION 2. Section 11-25, Hawaii Revised Statutes, is  
15 amended by amending subsections (a) and (b) to read as follows:

16       "(a) [~~Challenging prior to election day.~~] Any registered  
17 voter may challenge the right of a person to be or to remain  
18 registered as a voter in any precinct for any cause not  
19 previously decided by the board of registration or the supreme  
20 court in respect to the same person; provided that in an  
21 election of members of the board of trustees of the office of  
22 Hawaiian affairs the voter making the challenge must be



1 registered to vote in that election. The challenge shall be in  
2 writing, setting forth the grounds upon which it is based, and  
3 be signed by the person making the challenge. The challenge  
4 shall be delivered to the clerk who shall forthwith serve notice  
5 thereof on the person challenged. The clerk shall, as soon as  
6 possible, investigate and rule on the challenge.

7 (b) [~~Challenging on election day.~~] Any voter rightfully  
8 in the polling place, including absentee polling places  
9 established pursuant to section 15-7, may challenge the right to  
10 vote of any person who comes to the precinct officials for  
11 voting purposes. The challenge shall be on the grounds that the  
12 voter is not the person the voter alleges to be, or that the  
13 voter is not entitled to vote in that precinct; provided that  
14 only in an election of members of the board of trustees of the  
15 office of Hawaiian affairs, a person registered to vote in that  
16 election may also challenge on the grounds that the voter is not  
17 Hawaiian. No other or further challenge shall be allowed. Any  
18 person thus challenged shall first be given the opportunity to  
19 make the relevant correction pursuant to section 11-21. The  
20 challenge shall be considered and decided immediately by the  
21 precinct officials and the ruling shall be announced."



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

3 "§15-7 Absentee polling place[-]; registration at absentee  
4 polling place. (a) Absentee polling places shall be  
5 established at the office of the respective clerks, and may be  
6 established at [~~such~~] other sites as may be designated by the  
7 clerk under the provisions prescribed in the rules adopted by  
8 the chief election officer. Section 11-21 relating to changes  
9 and transfers of registration shall apply to the absentee  
10 polling place as though it were the precinct at which a person's  
11 name properly appears on the list of registered voters.

12 (b) The absentee polling places shall be open no later  
13 than ten working days before election day, and all Saturdays  
14 falling within that time period, or as soon thereafter as  
15 ballots are available; provided that all absentee polling places  
16 shall be open on the same date statewide, as determined by the  
17 chief election officer.

18 (c) A person who is eligible to vote but is not registered  
19 to vote may register by appearing in person at the absentee  
20 polling place for the county in which the person maintains  
21 residence.



1       (d) The county clerk shall designate a registration clerk,  
2 who may be an election official, at each of the absentee polling  
3 places established in the county.

4       (e) The registration clerk shall process applications for  
5 any person not registered to vote who submits a signed affidavit  
6 in accordance with section 11-15, which shall include a sworn  
7 affirmation:

8           (1) Of the person's qualification to vote;

9           (2) Acknowledging that the person has not voted and will  
10 not vote at any other polling place for that election  
11 and has not cast and will not cast any absentee ballot  
12 pursuant to chapter 15 for that election; and

13           (3) Acknowledging that providing false information may  
14 result in a class C felony, punishable by a fine not  
15 exceeding \$1,000 or imprisonment not exceeding five  
16 years, or both.

17       (f) The registration clerk may accept, as prima facie  
18 evidence, the allegation of the person in the application  
19 regarding the person's residence in accordance with section 11-  
20 15(b), unless the allegation is contested by a qualified voter.  
21 The registration clerk may demand that the person furnish



1 substantiating evidence to the other allegations of the person's  
2 application in accordance with section 11-15(b).

3 (g) Registration may be challenged in accordance with  
4 section 11-25.

5 (h) Notwithstanding subsection (c), registration pursuant  
6 to this section may be used by a person who is registered to  
7 vote but whose name cannot be found on the precinct list for the  
8 polling place associated with the person's residence.

9 (i) The clerk of each county shall add persons who  
10 properly register at an absentee polling place to the respective  
11 general county register. Within thirty days of registration at  
12 an absentee polling place, the county clerk shall mail to the  
13 person a notice including the person's name, current street  
14 address, district and precinct, and date of registration. A  
15 notice mailed pursuant to this subsection shall serve as prima  
16 facie evidence that the person is a registered voter as of the  
17 date of registration."

18 SECTION 4. There is appropriated out of the general  
19 revenues of the State of Hawaii the sum of \$100,000 or so much  
20 thereof as may be necessary for fiscal year 2014-2015 for the  
21 counties to implement this Act, which may include upgrading the  
22 registration process by purchasing electronic poll books.





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

3           SECTION 5. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5           SECTION 6. This Act shall take effect on July 1, 2014;  
6 provided that:

7           (1) Section 3 of this Act shall take effect on January 1,  
8           2016; and

9           (2) Section 1 of this Act shall take effect on January 1,  
10           2018.

APPROVED this 30 day of JUN, 2014

  
GOVERNOR OF THE STATE OF HAWAII

