

JAN 18 2013

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# A BILL FOR AN ACT

RELATING TO ELECTIONS.

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

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**PART I**

SECTION 1. The legislature finds that the citizens of the State of Hawaii do not have a constitutional right to vote. The constitution allows a citizen to vote if that person is a "voter registered as provided by law". In Hawaii and all other states, and on the federal level, voting is a privilege granted to citizens at the discretion of government through the enactment of laws.

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

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

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

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



1 may be adopted to be narrowly tailored to produce efficient and  
2 honest elections."

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

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

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

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

21 "(a) Any person registered to vote may request an absentee  
22 ballot in person, online, or in writing from the clerk not



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

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

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

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



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

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

12 **PART II**

13 SECTION 6. The legislature finds that in 2008, the  
14 nomination process for elective office ended in chaos and  
15 controversy. When a last minute candidacy in the Honolulu  
16 mayoral campaign was announced, it resulted in an available city  
17 council seat. In the race to file nomination papers for the  
18 city council seat, a state representative seat was made  
19 available just before the filing deadline. News accounts told  
20 of people obtaining nomination papers for the state  
21 representative seat within thirty minutes of the filing  
22 deadline. Candidates scrambled to find signatures for



1 nomination papers and the elections office was in such upheaval  
2 that state Democratic party leaders intervened to persuade  
3 officials to allow candidates to collect signatures and file  
4 nomination papers as the filing deadline was imminent. The  
5 State's chief election officer later invalidated the candidacy  
6 for the city council seat that was one of the major causes of  
7 the confusion. After that candidacy was invalidated, the city  
8 clerk felt compelled to seek the advice and counsel of the city  
9 ethics commission to improve procedures and ensure that the  
10 clerk's office remains in compliance with the applicable laws  
11 and standards of conduct.

12 On September 24, 2008, in response to the controversy  
13 resulting from this confusing and chaotic nomination period, the  
14 Honolulu city council adopted a resolution urging the  
15 legislature to require that nomination papers for elective  
16 office be obtained at least twenty-four hours prior to the  
17 filing deadline.

18 The purpose of this part is to establish a statutory  
19 deadline by which a person seeking candidacy for elective office  
20 shall obtain nomination papers in order to ensure that elections  
21 proceed in a fair and orderly fashion.



1 SECTION 7. Section 12-2.5, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§12-2.5 **Nomination papers; when available.** (a)  
4 Nomination papers shall be made available from the first working  
5 day of February in every even-numbered year; provided that in  
6 the case of a special primary or special election, nomination  
7 papers shall be made available at least ten days prior to the  
8 close of filing.

9 (b) Nomination papers shall not be made available in the  
10 twenty-four hour period that precedes the close of filing for  
11 any elective office; provided that if the close of filing  
12 deadline falls on a Monday, no nomination papers shall be made  
13 available after the Friday that immediately precedes the Monday  
14 filing deadline."

15 PART III

16 SECTION 8. Section 11-115, Hawaii Revised Statutes, is  
17 amended to read as follows:

18 "§11-115 **Arrangement of names on the ballot.** (a) The  
19 names of the candidates shall be placed upon the ballot for  
20 their respective offices in alphabetical order [~~except~~];  
21 provided that:



1        (1) Prior to each election cycle, the chief election  
2        officer shall select a letter of the alphabet by lot;  
3        and

4        (2) For primary, general, and special elections during  
5        each election cycle, candidates whose last names begin  
6        with the letter selected pursuant to paragraph (1)  
7        shall be placed first upon the ballot and the names of  
8        other candidates shall follow in alphabetical order,  
9        beginning with the letter that follows the letter  
10       selected by lot.

11       (b) In addition to the requirement of subsection (a),  
12       arrangement of candidate names on a ballot shall be:

13       (1) As provided in section 11-118;

14       (2) ~~[For]~~ Subject to the limitations of the voting system  
15       in use; and

16       (3) ~~[For]~~ In the case of the candidates for vice president  
17       and lieutenant governor in the general election  
18       ~~[whose],~~ the names of those candidates shall be placed  
19       immediately below the name of the candidate for  
20       president or governor of the same political party.

21       ~~[(b)]~~ (c) In elections using the paper ballot or  
22       electronic voting systems where the names of the candidates are





1 printed and the voter records the voter's vote on the face of  
2 the ballot, the following format shall be used: A horizontal  
3 line shall be ruled between each candidate's name and the next  
4 name, except between the names of presidential and vice  
5 presidential candidates and candidates for governor and  
6 lieutenant governor of the same political party in the general  
7 election. In such case the horizontal line shall follow the  
8 name of the candidates for vice president and lieutenant  
9 governor of the same political party, thereby grouping the  
10 candidates for president and vice president and governor and  
11 lieutenant governor of the same political party within the same  
12 pair of horizontal lines.

13 [~~(e)~~] (d) Immediately to the left of (before) or to the  
14 right of (after) the candidate name or names, according to the  
15 requirements of the voting system, two vertical lines shall be  
16 ruled, so that in conjunction with the horizontal lines, a box  
17 shall be formed to the left of or to the right of the name and  
18 its equivalent, if any.

19 [~~(d)~~] (e) In case of the candidates for president and vice  
20 president and governor and lieutenant governor of the same  
21 political party, only one box shall be formed opposite their set  
22 of names. The boxes shall be of sufficient size to give ample



1 room in which to designate the choice of the voter in the manner  
 2 prescribed for the voting system in use. All of the names upon  
 3 a ballot shall be placed at a uniform distance from the left  
 4 edge and close thereto, and shall be of uniform size and print  
 5 subject to section 11-119."

6 SECTION 9. The chief election officer is directed to  
 7 establish procedures to implement the purpose of this part,  
 8 which shall apply to the first full two year election cycle next  
 9 following the effective date of this part.

PART IV

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

13 SECTION 11. This Act shall take effect upon its approval.

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INTRODUCED BY:

*[Handwritten signature]*  
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*Shiranne Chun Oakland*  
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*[Handwritten signature]*  
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*[Handwritten signature]*  
*Michelle Armani*  
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**Report Title:**

Elections; Citizens' Right to Vote; Nomination Papers; Ballot; Arrangement of Names

**Description:**

Establishes citizens' statutory right to vote. Requires high schools, colleges, and universities in the State to provide voter registration forms to their students. Allows people to request an absentee ballot online. Requires absentee polling places to be established at sites designated by the clerk, subject to rules adopted by the chief election officer and funding. Establishes a twenty-four hour cut off of the availability of nomination papers prior to the close of filing for any elective office. Requires the chief election officer to establish procedures to select a letter of the alphabet by lot and arrange candidate names on ballots in alphabetical order of the last names, beginning with the randomly selected letter.

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

