



House Judiciary Committee  
Chair Karl Rhoads, Vice Chair Sharon Har

Tuesday 02/11/2014 at 02:00PM in Room 325  
HB2590 - Relating to Elections

TESTIMONY OF SUPPORT  
Carmille Lim, Executive Director, Common Cause Hawaii

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Dear Chair Rhoads, Vice Chair Har, and members of the Committee:

**Common Cause Hawaii supports HB2590.** This bill would establish a process that would enable eligible voters to register to vote at absentee polling places in 2016, and allow for late voter registration on election day at polling places in 2018.

Our current voter registration method is archaic and burdensome for citizens, and excludes many eligible voters from participating in our democracy. The current registration system favors those who are highly motivated, very interested in politics early on in the election/campaign season, plan far in advance to ensure that they are registered to vote, and does not allow residents who have moved to vote unless they have re-registered to vote. For others, the voter registration system is a major hurdle. The 30-day registration deadline makes it more difficult for those who are less involved in politics, unfamiliar with the voter registration process and its associated deadlines, or have recently moved residences. We need to stake strides in voting modernization, and create a system that empowers all eligible citizens to vote -- enacting late voter registration, including Election Day Registration, is one step we can take to modernize our voting system.

As a state with the lowest voter turnout in the nation, we must take action to encourage citizen participation in the voting process. Late Registration would help to diffuse confrontations three scenarios that many voter precinct workers and eligible voters have expressed to us:

- 1) When voters' names are missing from registration lists for that particular precinct, they are instructed to commute to a different precinct.
- 2) When eligible voters have moved and did not renew their "voting address" (i.e., re-register to vote), they are not allowed to cast a ballot. Often, they did not know that they had to re-register to vote "just because" they've moved.
- 3) When eligible voters -- and many times would-be-first-time-voters—who have not had a history of participating in politics and government, show up to the polls not realizing that: 1) they need to register to vote prior to voting 2) not knowing what the voting registration deadlines were

In all three scenarios, eligible voters have expressed frustration, a loss of confidence in our voting systems, and a disinterest in attempting to participate in future elections.

We urge the Committee to pass this HB2590 and ask all the Committee members to champion this and other efforts for improving voter participation in Hawaii.

**Thank you for the opportunity to testify in support of HB2590.**

**HB2590**

Submitted on: 2/10/2014

Testimony for JUD on Feb 11, 2014 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joseph Heaukulani	Individual	Support	No

Comments: As someone who actually went door to door to register people to vote with Kanu Hawaii in 2012, people were grateful that we came through their neighborhood to make it easier to vote. I think we should make the voting process simpler and more accessible to encourage civic participation especially with the technology we have available today.

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**HB2590**

Submitted on: 2/9/2014

Testimony for JUD on Feb 11, 2014 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ronnie Perry	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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**LATE**



**STATE OF HAWAII  
OFFICE OF ELECTIONS**

802 LEHUA AVENUE  
PEARL CITY, HAWAII 96782  
[www.hawaii.gov/elections](http://www.hawaii.gov/elections)

SCOTT T. NAGO  
CHIEF ELECTION OFFICER

TESTIMONY OF THE  
CHIEF ELECTION OFFICER, OFFICE OF ELECTIONS  
TO THE HOUSE COMMITTEE ON JUDICIARY  
ON HOUSE BILL NO. 2590  
RELATING TO ELECTIONS  
February 11, 2014

Chair Rhoads and members of the House Committee on Judiciary, thank you for the opportunity to testify in support of House Bill No. 2590. The purpose of this bill is to provide for opportunities to register and vote at an absentee polling place or on election day.

The Office of Elections is in support of this bill, as any qualified member of the public wishing to vote should be able to register and vote. Presently, if a citizen does not register by the voter registration deadline, which is the thirtieth day prior to the election, that person cannot vote in that election. House Bill No. 2590 would allow a person to register and vote on election day or at an absentee polling place.

In previous discussions regarding election day registration, the issue of voter fraud has been raised. In response, it has been noted by election officials that our laws provide that any person rightfully in the polling place on election day, may challenge the right of a person to be, or to remain registered as a voter in any precinct, on the bases that: (1) the voter is not the person he/she claims to be; or (2) the voter is not a resident and therefore not entitled to vote in that precinct. HRS § 11-25(b).

The decision can then be appealed to the relevant Board of Registration, whose decision can subsequently be appealed to the Intermediate Court of Appeals. HRS §§ 11-26 & 11-51. Given this appeal process, the voter at the polling place is permitted to vote a challenged ballot, which is placed in a sealed

envelope, to be subsequently counted or rejected depending on the resolution of the matter.

As the bill makes reference to absentee polling places, we would recommend that HRS § 11-25(b) be amended to include an additional statement that says the following: "Notwithstanding any law to the contrary, all references to an election day voter registration challenge being permitted in a polling place, shall include any such challenge being permitted in an absentee polling place."

In Section 1 of the bill, as it relates to which polling places that an individual will be permitted to register to vote and vote and what documentation will be required, we had a few administrative comments.

First, we believe that the reference to "any absentee polling place established pursuant to section 15-7" in subsection (a)(1) should be changed to "any absentee polling place established at the office of the county clerk pursuant to section 15-7 or any other absentee polling site that the clerk has specifically designated as being able to permit the registration of voters in addition to absentee voting." Such language, addresses the administrative reality that there may be reasons why a particular location that a clerk may be considering for absentee voting cannot accommodate voter registration. Otherwise, the current language might discourage the expanded use of absentee polling place sites.

Second, the bill should clarify that an individual can only vote in the voting polling place corresponding to where they legally reside, as opposed to any polling place within the county. This is critical as the contests that a voter is eligible to vote on will differ, depending on the specific boundaries of the precinct associated with where the voter resides. HRS §§ 11-11 & 11-12.

As such, we would recommend that subsection (a)(2) be changed from "at the polling place for the county in which the individual maintains residence" to "at the polling place associated with the individual's legal residence." Administratively this would mean that individuals would call the Office of Elections or the county clerk's office to determine which polling place was associated with their legal residence and then they would go to that specific polling place to register and vote.

Third, consistent with our recommendations in subsection (a)(1), we would recommend that the first sentence of subsection (b) be amended to say the following: "The county clerk shall designate a registration clerk, who may be an election official, at the absentee polling place located at the office of the county clerk pursuant to section 15-7, or any other absentee polling site that the clerk

has specifically designated as being able to permit the registration of voters in addition to absentee voting, and at each of the polling places in the county on the day of the election.”

Fourth, the bill makes reference to “proof of residence” being required as opposed to “proof of identity.” We wish to clarify that while most of the items referenced in subsection (b)(2) are similar to what is required in the Help America Vote Act, those items in that law are meant to help establish the identity of the applicant as opposed to their residence. As such, we would recommend that subsection (b)(2) be reworded to say “Proof of identity, which shall include:” and that subsection (b)(2)(C) be changed to “Any other document that is approved by the office of elections as sufficient proof of identify.” Subsection (b)(2)(F) should be removed, unless the bill intends for an applicant to be able to sign an affidavit attesting to their identity.

Residency is determined by the rules stated in HRS § 11-13. Generally speaking, the statement of residency on the voter registration application is taken as prima facie evidence of residency unless there is a challenge to the ability to the person to be registered voter. HRS § 11-15(b). It is then litigated as a question of fact through the previously stated voter registration challenge process in HRS §§ 11-25, 11-26, and 11-51.

The documents stated in subsection (b)(2) do not necessarily resolve such disputes, as individuals can have their driver’s license, state identification card, bank statement, utility bill, and so forth, display a post office box or similar non-resident address. Many individuals on the neighbor islands live in areas that have non-standard addresses and may use post office boxes to receive their mail. Additionally, even those with standard resident addresses may for their own reason choose a different mailing address. Finally, as some types of documents, such as a driver’s license, do not have to be renewed for several years, there is a possibility that the address on the license is not current. Under these circumstances, the previously stated items that help to establish identity may not resolve residency questions.

In Section 2 of the bill, related to absentee polling places, we would recommend that HRS § 15-7(b) be amended to state the following:

The absentee polling places established at the office of the respective clerks shall be open no later than ten working days before election day, [and all Saturdays falling within that time period], or as soon thereafter as ballots are available; provided that [all absentee polling places shall be open on the same date statewide, as determined by the chief election

officer] the day immediately prior to an election, absentee polling places may not be open and that day will not be considered a working day. For purposes of this section, a working day includes Saturday. Absentee polling places established at other locations may follow a different schedule.

This would address the previously stated concern that there may be administrative or logistical issues why certain locations could not handle voter registration, in addition to absentee voting, or that there may be issues regarding the particularly availability of the site. As it relates to the day immediately prior to the election, staff is focused on preparations for election day and there needs to be accounting of who has already voted by absentee ballot, so as to be able to update the election day poll books to reflect who has already voted and as such will not be permitted to vote on election day.

Additionally, the language concerning “proof of residence” needs to be changed to “proof of identity.” Given this, we would recommend that subsection (d)(2) be changed to “Proof of identity, which shall include:” and that (d)(2)(C) be changed to “[a]ny other document that is approved by the office of elections as sufficient proof of identity.” Subsection (d)(2)(F) should be removed, unless the bill intends for an applicant to be able to sign an affidavit attesting to their identity.

As it relates to Section 3, we recommend that the reference to federal funds be changed to state general funds, given that Help America Vote Act (HAVA) funds may only be used for limited purposes that comply with the mandates of the law and are consistent with the state’s HAVA plan.

A review of HAVA, the state implementation plan, and audit decisions by the Inspector General of the U.S. Election Assistance Commission (EAC), reflects that it is not clear that the funds can be earmarked for the proposed voter registration activities. Also, the unspecified amount of funds involved puts at risk what has been earmarked to accomplish various parts of the state’s implementation plan. The state’s implementation plan served as its justification to the EAC that it would use any grants toward the purposes of HAVA.

Resolution over whether the funds could be used for the purposes of the bill would require first a determination of how much in funds would be used and second a determination as to whether the activity was consistent with HAVA and the state plan. Normally this would involve a request to the EAC for an advisory opinion. However, the EAC has informed at least one jurisdiction recently that it cannot provide advisory opinions, as it currently lacks a quorum of its commission due to vacancies in its membership which have not been filled.

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More importantly, the implementation of this bill will require more than a one time expenditure of funds. This will be an ongoing expense, which must be accounted for.

Thank you for the opportunity to testify in support of House Bill No. 2590.



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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-     Automatic Voter Registration. (a) Notwithstanding  
5 the closing of the general county register pursuant to section  
6 11-24, an individual who is eligible to vote but is not  
7 registered to vote may register by appearing in person:

8           (1) Prior to the day of the election, at any absentee  
9 polling place established at the office of the county clerk  
10 pursuant to section 15-7 or any other absentee polling site that  
11 the clerk has specifically designated as being able to permit the  
12 registration of voters in addition to absentee voting.

13           (2) On the day of the election, at the polling place  
14 associated with the individual's legal residence.

15           (b) The county clerk shall designate a registration clerk,  
16 who may be an election official, at the absentee polling place  
17 located at the office of the county clerk pursuant to section 15-

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1 7, or any other absentee polling site that the clerk has  
2 specifically designated as being able to permit the registration  
3 of voters in addition to absentee voting, an at each of the  
4 polling places in the county on the day of the election. The  
5 registration clerk shall process registration applications for  
6 individuals not registered to vote and shall require each  
7 individual to submit:

8 (1) A signed affidavit in accordance with section 11-15,  
9 which shall include an affirmation of qualification to vote and a  
10 statement acknowledging that the individual:

11 (A) Has not voted and will not vote at any other  
12 polling place for that election; and

13 (B) Has not cast or will not cast any absentee ballot  
14 pursuant to chapter 15 for that election; and

15 (2) Proof of identity, which shall include:

16 (A) A valid driver's license, state identification  
17 card, or employee identification card showing the  
18 individual's current address;

19 (B) A document that contains the name and address of  
20 the individual, such as: a bank statement,  
21 paycheck, government check, residential lease,

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1                   current utility bill, current telephone bill, or  
2                   any other government document or card;

3           (C) Any other document that is approved by the office  
4           of elections as sufficient proof of residence;

5           (D) A student identification card, fee statement, or  
6           registration card from a post-secondary educational  
7           institution in the State or other document from a  
8           post-secondary educational institution that  
9           verifies the individual's current address;

10          (E) Verification by an administrator, or the  
11          administrator's designee, of a nursing home or  
12          similar facility where the individual resides; or

13          (c) Registration may be challenged in accordance with  
14          section 11-25.

15          (d) Notwithstanding subsection (a), late registration  
16          pursuant to this section may also be used by an individual who is  
17          registered to vote but whose name cannot be found on the precinct  
18          list for the polling place corresponding to the individual's  
19          address.

20          (e) The clerk of each county shall add individuals who  
21          properly register under this section to the respective general  
22          county register. Within thirty days of registration at the

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1 polling place, the county clerk shall mail to the individual a  
2 notice that shall include the individual's name, address,  
3 district and precinct, and date of registration. A notice mailed  
4 pursuant to this subsection shall serve as prima facie evidence  
5 that the individual is a registered voter as of the date of  
6 registration."

7 SECTION 2. Section 11-25, Hawaii Revised Statutes, is  
8 amended to read as follows:

9 "**§11-25 Challenge by voters; grounds; procedure.** (a)  
10 Challenging prior to election day. Any registered voter may  
11 challenge the right of a person to be or to remain registered as  
12 a voter in any precinct for any cause not previously decided by  
13 the board of registration or the supreme court in respect to the  
14 same person; provided that in an election of members of the board  
15 of trustees of the office of Hawaiian affairs the voter making  
16 the challenge must be registered to vote in that election. The  
17 challenge shall be in writing, setting forth the grounds upon  
18 which it is based, and be signed by the person making the  
19 challenge. The challenge shall be delivered to the clerk who  
20 shall forthwith serve notice thereof on the person challenged.  
21 The clerk shall, as soon as possible, investigate and rule on the  
22 challenge.

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1           (b) Challenging on election day. Any voter rightfully in  
2 the polling place may challenge the right to vote of any person  
3 who comes to the precinct officials for voting purposes. The  
4 challenge shall be on the grounds that the voter is not the  
5 person the voter alleges to be, or that the voter is not entitled  
6 to vote in that precinct; provided that only in an election of  
7 members of the board of trustees of the office of Hawaiian  
8 affairs, a person registered to vote in that election may also  
9 challenge on the grounds that the voter is not Hawaiian. No  
10 other or further challenge shall be allowed. Any person thus  
11 challenged shall first be given the opportunity to make the  
12 relevant correction pursuant to section 11-21. The challenge  
13 shall be considered and decided immediately by the precinct  
14 officials and the ruling shall be announced. Notwithstanding any  
15 law to the contrary, all references to an election day voter  
16 registration challenge being permitted in a polling place shall  
17 include any such challenge being permitted in an absentee polling  
18 place.

19           (c) If neither the challenger nor the challenged voter  
20 shall appeal the ruling of the clerk or the precinct officials,  
21 then the voter shall either be allowed to vote or be prevented  
22 from voting in accordance with the ruling. If an appeal is taken

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1 to the board of registration, the challenged voter shall be  
2 allowed to vote; provided that ballot is placed in a sealed  
3 envelope to be later counted or rejected in accordance with the  
4 ruling on appeal. The chief election officer shall adopt rules  
5 in accordance with chapter 91 to safeguard the secrecy of the  
6 challenged voter's ballot.

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

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

18 (b) The absentee polling places established at the office  
19 of the respective county clerks shall be open no later than ten  
20 working days before election day[, ~~and all Saturdays falling~~  
21 ~~within that time period~~], or as soon thereafter as ballots are  
22 available; provided that [~~all absentee polling places shall be~~

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1 ~~open on the same date statewide, as determined by the chief~~  
2 ~~election officer.]~~the day immediately prior to an election,  
3 absentee polling places may not be open and that day will not be  
4 considered a working day. For purposes of this section, a  
5 working day includes Saturday. Absentee polling places  
6 established at other locations may follow a different schedule.

7 (c) An individual who is eligible to vote but is not  
8 registered to vote may register by appearing in person at the  
9 absentee polling place for the county in which the individual  
10 maintains residence.

11 (d) The county clerk shall designate a registration clerk,  
12 who may be an election official, at each of the absentee polling  
13 places established in the county. The registration clerk shall  
14 process registration applications for individuals not registered  
15 to vote and shall require each individual to submit:

16 (1) A signed affidavit in accordance with section 11-15,  
17 which shall include an affirmation of qualification to vote and a  
18 statement acknowledging that the individual:

19 (A) Has not voted and will not vote at any other  
20 polling place for that election; and

21 (B) Has not cast or will not cast any absentee ballot  
22 pursuant to chapter 15 for that election; and

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- 1           (2) Proof of identity, which shall include:
- 2           (A) A valid driver's license, state identification  
3           card, or employee identification card showing the  
4           individual's current address;
- 5           (B) A document that contains the name and address of  
6           the individual, such as: a bank statement,  
7           paycheck, government check, residential lease,  
8           current utility bill, current telephone bill, or  
9           any other government document or card;
- 10          (C) Any other document that is approved by the office  
11          of elections as sufficient proof of residence;
- 12          (D) A student identification card, fee statement, or  
13          registration card from a post-secondary  
14          educational institution in the State or other  
15          document from a post-secondary educational  
16          institution that verifies the individual's current  
17          address;
- 18          (E) Verification by an administrator, or the  
19          administrator's designee, of a nursing home or  
20          similar facility where the individual resides; or
- 21          (e) Registration may be challenged in accordance with  
22          section 11-25.



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1        (f) Notwithstanding subsection (c), absentee polling place  
2 registration pursuant to this section may be used by an  
3 individual who is registered to vote but whose name cannot be  
4 found on the precinct list for the polling place corresponding to  
5 the individual's address.

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

15        SECTION 4. There is appropriated out of the general  
16 revenues of the State of Hawaii the sum of \$\_\_\_\_\_ or so much  
17 thereof as may be necessary for fiscal year 2014-2015, and the  
18 sum of \$\_\_\_\_\_ or so much thereof as may be necessary for  
19 fiscal year 2015-2016 to implement this act.

20        The sums appropriate shall be expended by the office of  
21 elections for the purposes of this Act.

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

3           (1) Section 3 of this Act shall take effect on January 1,  
4           2016, and shall be repealed on December 31, 2017, and  
5           section 15-7, Hawaii Revised Statutes, shall be  
6           reenacted in the form in which it read on the day  
7           immediately prior to the effective date of this Act;  
8           and

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

11

12

INTRODUCED BY: \_\_\_\_\_

**RICKY R. WATANABE**  
County Clerk

Telephone: (808) 241-4800  
TTY: (808) 241-5116

**LATE**



**JADE K. FOUNTAIN-TANIGAWA**  
Deputy County Clerk

Facsimile: (808) 241-6207  
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**ELECTIONS DIVISION  
OFFICE OF THE COUNTY CLERK**  
4386 RICE STREET, SUITE 101  
LĪHU'E, KAUA'I, HAWAI'I 96766-1819

**TESTIMONY OF RICKY R. WATANABE  
COUNTY CLERK, COUNTY OF KAUA'I  
TO THE HOUSE COMMITTEE ON JUDICIARY  
ON HOUSE BILL NO. 2590  
RELATING TO ELECTIONS**

February 11, 2014

Chair Rhoads and Committee Members:

Thank you for the opportunity to testify on House Bill No. 2590. This Bill would allow voter registration at absentee polling places beginning in 2016 and late voter registration on Election Day at polling places beginning in 2018.

We support the intent of the Bill but have concerns regarding some of its provisions and offer some thoughts on its impact to our office and operations, and to voters and other election stakeholders.

Implementing a late registration process is much more complicated than it appears. To simply allow someone to register and vote on the same day is easy, the real issue is to ensure that the established process is not overly burdensome for voters and poll workers, yet is sound enough to ensure the overall integrity of the voting process.

We are particularly concerned with the additional burden being placed on poll workers or the "registration clerk" as noted in the Bill. Though the late registration process for most voters should be fairly straightforward, situations involving questionable voter residency and related issues frequently occur, and are often quite difficult to resolve.

If the Bill is approved as initially drafted, each registration clerk would need fairly extensive training on voter registration laws and administrative rules. Additionally, we would prefer that each polling place be connected to the Statewide Voter Registration System (SVRS) so each registration clerk would also need to be trained to use the SVRS. We understand that equipping each polling place with SVRS access will be costly and logistically difficult but prefer this approach because it will greatly improve a registration clerk's ability to: 1) accurately determine the voting status of each late registrant, and 2) correctly place the individual in the proper voting district and precinct.

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Offering late registration during early voting could be somewhat simpler since the Counties already have SVRS access and can directly oversee the operations. However, the additional work created by late registrants will require at least two (2) additional staff persons so personnel and equipment costs for the County will increase.

In closing we wish to note that regardless of where late registration is implemented, there will be added costs for the Counties which require a sustained funding commitment. Anything less would eventually require a reallocation of resources to late registration and a corresponding reduction in services elsewhere.

Thank you for this opportunity to testify on House Bill No. 2590.

A handwritten signature in blue ink, appearing to read "Ricky R. Watanabe".

RICKY R. WATANABE  
County Clerk



**BERNICE K.N. MAU**  
CITY CLERK

**LATE**

# **ELECTIONS**

OFFICE OF THE CITY CLERK  
530 SOUTH KING STREET, ROOM 100  
HONOLULU, HAWAII 96813-3077  
TELEPHONE: (808) 768-3800

Committee on Judiciary  
2:00 p.m. February 11, 2014  
HB2590 Relating to Elections  
Written Comments Only

Chairman Rhoads and members of the Committee:

The Office of the City Clerk provides comments on the above measure. Our comments below are limited to an Oahu implementation and we defer to the neighbor island counties on matters that specifically impact them.

We have previously expressed our concerns with "same day" voter registration schemes and our belief that despite the best planning, procedures, and training, servicing an additional unknown quantity of voters will undoubtedly have an impact upon the voting experience for the remainder of voters.

Our main comment with this bill concerns the "registration clerks" (noted in Section 1) that would be recruited, trained, and assigned to polling places by the Offices of the County Clerks.

Statutorily, the Office of Elections is responsible for election day polling place operations. On Oahu, the effort occurs directly, on neighbor islands, it may occur with the assistance of the County Clerks.<sup>1</sup>

While the County Clerks are statutorily responsible for voter registration processing, we believe that recruiting, training, and assigning a dedicated volunteer official for each polling place (that reports directly to Office of the Clerk) runs counter to existing statutory responsibilities and the chain of command on election day.

This new requirement would be a significant fiscal mandate for the counties for recurring expenses such as equipment, payment of volunteer stipends, phone support center costs, and for the full time staff member that would be hired to coordinate the effort.

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<sup>1</sup> In 2012, the State Office of Elections rescinded delegation of general election polling place operations from the County of Hawaii, Office of the County Clerk.

At this time, we do not have a firm cost estimate for this 'voter registration official' operational component, but believe it would run in excess of \$190,000 each election cycle. However, this issue could be addressed by removing the following reference "*and at each of the polling places...*" from page 1, lines 16-17 of the bill.

Alternatively, facilitating the election day registration process might be accomplished by "piggybacking" upon the State Office of Election's existing operations. However, please note that this approach would also be challenging as polling places routinely run at less than the full complement of staff on election day. We defer to the Office of Elections for their specific comment and assessment of the risks associated with this approach.

There is also the cost of roughly \$35,000 for administering the same day registration early voting activities. If the 'sunset' provision for the amendments to Chapter 15 is not intended as a repeal of same day early voting activities after the 2016 elections, this new mandate would also need to be made a reimbursable expense under HRS §11-184 to address the recurring costs to the counties.

Please note, that while we are providing comments at this time, we would likely oppose the measure if a solution cannot be crafted to address any new fiscal mandates for the City and County of Honolulu.

Finally, while we appreciate the author's effort to seek a funding source for the counties to meet the requirements of this measure, to our knowledge, Help America Vote Act funds may not be utilized for this purpose and an ongoing source of general funds would likely be required.

Thank you for the opportunity to comment.

STEWART MAEDA  
*County Clerk*



MAILE DAVID  
*Deputy County Clerk*

*OFFICE OF THE COUNTY CLERK*

**Elections Division**  
*County of Hawaii*

*Hawaii County Building  
25 Aupuni Street  
Hilo, Hawaii 96720*

**LATE**

TESTIMONY OF STEWART MAEDA  
COUNTY CLERK, COUNTY OF HAWAI'I  
TO THE HOUSE COMMITTEE ON JUDICIARY  
ON HOUSE BILL NO. 2590  
RELATING TO ELECTIONS  
February 11, 2014

Chair Rhoads and Members of the Committee:

Thank you for the opportunity to testify on House Bill No. 2590. This bill would allow voter registration at absentee polling places beginning 2016 and late voter registration on Election Day at polling places beginning in 2018.

The office of the County Clerk, County of Hawai'i, would like to offer the following comments on the Bill.

Election Day Registration although well intended poses serious concerns. The responsibility of voter registration and absentee voting are statutory responsibilities of the counties. These functions are currently the responsibility of permanent staff in the County Elections Office.

The election staff has access to all of the necessary information and tools that is needed to place voters in their correct district/precinct. Many of the addresses in the County of Hawai'i are non-standard addresses and require follow up work with the Real Property Tax Office and/or the Planning Department.

This bill makes it mandatory to assign this duty to a "registration clerk". The "registration clerk" will be required to determine what an acceptable form of voter identification is, what an acceptable residence address is, and most importantly assigning the voter to their correct district/precinct. Placing these responsibilities on a volunteer could be daunting.

Maximizing voter registration is one of the most important functions of our office. It is equally important that we maintain the integrity of the voter registration list.

Thank you for the opportunity to comment on House Bill 2590.







**LATE**

49 South Hotel Street, Room 314 | Honolulu, HI 96813  
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## JUDICIARY COMMITTEE

Tuesday, February 11, 2014, 2:00 p.m. Conference Room 325  
HB 2590 RELATING TO ELECTIONS.  
TESTIMONY  
League of Women Voters of Hawaii

Rep. Karl Rhoads, Chair, Rep. Sharon E. Har, Vice Chair, and Committee Members:

**The League of Women Voters of Hawaii strongly supports HB 2590, which allows late voter registration for future elections beginning in 2016 and polling place voter registration beginning in 2018.**

The League has been promoting voting and elections modernization for some time. We are excited that Act 225 passed in 2012 will permit online voter registration beginning in 2016. We also support this year's "automatic" voter registration through County driver's license and state identification card as described in SB 2380, as long as voters are permitted to "opt out" of registering to vote if they do not wish to do so.

Online voter registration and automatic voter registration are very efficient "automated approaches" toward voter registration. We believe these will greatly reduce the demand for in-person registration. Nevertheless some people do not drive and other people wait until an election is imminent to register to vote.

We believe by 2016, our hard-working County Clerks could devise a system for permitting people to register to vote at absentee polling places. Our understanding is that by 2016, the State Office of Elections will have upgraded their statewide database in accordance with Act 225, making it relatively easy for a clerk to check whether a person is already registered to vote and also to check that a registered voter has not already voted. Other procedures for processing registration applications are also already in place.

Regarding late voter registration at polling places, we think 2018 is a realistic date for planning this change, which we wholeheartedly support because of the likely bump up in voter turnout (however modest). Prior to 2006 in the six states that permitted voters to register on election day plus North Dakota (which has no voter registration), turnout is 10 percent to 17 percent higher than the national average. Minnesota estimates that registrations that occur on election day account for five percent to ten percent of voter turnout.<sup>1</sup>

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<sup>1</sup> National Conference of State Legislatures, February 19, 2013.



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[www.lwv-hawaii.com](http://www.lwv-hawaii.com) | 808.531.7448 | [voters@lwvhawaii.com](mailto:voters@lwvhawaii.com)

Experts have also projected substantial voter turnout increases in states that are considering adopting registration at polling places, including Hawaii. In a 2011 study, overall turnout here was estimated to go up by 5.3 percent. Turnout among those aged 18 to 25 could increase by 9.2 percent, and turnout for those who have moved in the last six months could increase by 7.3 percent.<sup>2</sup>

For both these changes, we rely on our County Clerks and the Office of Elections to provide information about any incremental cost to them for this improvement, and we support gradual investment in modernizing voter registration.

We urge you to pass this bill. Thank you for the opportunity to submit testimony.

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<sup>2</sup> Alvarez, R. Michael and Jonathan Nagler, "ELECTION DAY VOTER REGISTRATION IN HAWAII," Demos, February 16, 2011.

**LATE**

**HB2590**

Submitted on: 2/10/2014

Testimony for JUD on Feb 11, 2014 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Patricia Berg	Individual	Oppose	No

Comments: This bill would cause an additional burden on precinct workers and the call centers. Election day workers receive only a stipend for a very long day. This bill would require added training time and workload on poll workers making it more difficult to recruit. Since ample time and opportunity are already provided to any person desiring to register to vote, I oppose this bill. Thank you for the opportunity to testify.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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**LATE**

**HB2590**

Submitted on: 2/10/2014

Testimony for JUD on Feb 11, 2014 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Barbara Polk	Individual	Support	No

Comments: I strongly support HB 2590 to permit late voter registration. Our current system creates problems for people who move between the close of registration and the election. In addition, I believe that allowing late voter registration will be very helpful in raising the voting rate in Hawaii, since many people, especially young people, do not pay attention to politics until shortly before an election. I urge you to support HB2590.

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**LATE**

**HB2590**

Submitted on: 2/10/2014

Testimony for JUD on Feb 11, 2014 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Larry Meacham	Individual	Support	No

Comments: Testimony to the House Judiciary Committee SUPPORTING HB 2590 February 11, 2014 Thank you for the opportunity to offer testimony. Hawaii has the lowest rate of voter participation in the entire country. One reason is that voters have to register 30 days before an election, before many have focused on it. If we were to allow same-day registration at voting places, the experience in other states shows that this would increase the level of voting, give people an increased sense of participation, and increase the legitimacy of government. I strongly urge you to pass this bill. Thank you for the opportunity to offer testimony. Larry Meacham

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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LATE TESTIMONY

OPEN LAW ALLIANCE

*Democracy Under the Rule of Law is Based on Public Access*

February 11, 2014

House Judiciary Committee  
Hawai'i State Legislature

Re: H.B. 2590, Relating to Elections  
Hearing on February 11, 2014

Dear Chair Rhoads, Vice Chair Har, and Committee members:

Thank you for hearing H.B. 2590, and thank you for the opportunity to testify. We strongly **support** this measure.

The health of our democracy depends upon voter access to our election process. States that have implemented same-day registration have seen significantly increased voter turnout. The technology is available to modernize the registration process as proposed by H.B. 2590.

Please help Hawai'i join other states who have taken this important step.

Thank you,

R. Elton Johnson, III  
Open Law Alliance