

Honolulu, Hawaii

**March 3**, 2016

RE: H.B. No. 2773  
H.D. 1

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Eighth State Legislature  
Regular Session of 2016  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2773 entitled:

"A BILL FOR AN ACT RELATING TO VOTING,"

begs leave to report as follows:

The purpose of this measure is to help incarcerated individuals remain aware of the issues that are important to society by allowing those individuals who were Hawaii residents immediately prior to incarceration to vote in Hawaii elections, but only by absentee ballot.

The Office of Hawaiian Affairs, a Councilmember of the Maui County Council, American Civil Liberties Union of Hawaii, Hawaii Friends of Restorative Justice, Ho'omana Pono, LLC, We Are One, Inc., The CHOW Project, LGBT Caucus of the Democratic Party of Hawaii, Ka Lahui Hawaii Political Action Committee, and many concerned individuals testified in support of the measure. The Center for Hawaiian Sovereignty Studies testified in opposition. The Department of the Attorney General, Department of Public Safety, and a concerned individual provided comments.

Your Committee has amended this measure by:

- (1) Specifying that voting by incarcerated persons shall be by absentee mail in ballots only;
- (2) Specifying that a person may not vote if incarcerated for class A felonies; class B felonies; or class C



felonies for one or more violent crimes or voter fraud offenses;

- (3) Specifying that a person placed on probation or parole after commitment to imprisonment, during the period of probation or parole, may vote unless sentenced for voter fraud;
- (4) Specifying that a person may not vote if incarcerated for concurrent sentences for a class A felony; class B felony; or class C felony for one or more violent crimes or voter fraud offenses; and
- (5) Making technical, nonsubstantive amendments for clarity, consistency, and style.

Your Committee notes that voting can be an opportunity for incarcerated persons to engage in civic education and prepare for reintegration into society. Allowing certain incarcerated persons to retain their right to vote, but only by absentee mail in ballot, will benefit the State by helping inmates remain aware of the issues that are important to society so that they may participate more fully in their communities upon release.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2773, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2773, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,



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KARL RHOADS, Chair



