



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
TWENTY-NINTH LEGISLATURE, 2017**

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 1271, PROPOSING AN AMENDMENT TO ARTICLE II, SECTION 1, OF THE HAWAII STATE CONSTITUTION TO CHANGE THE AGE QUALIFICATION FOR VOTING IN STATE AND LOCAL ELECTIONS.

**BEFORE THE:**

SENATE COMMITTEE ON JUDICIARY AND LABOR

**DATE:** Monday, February 6, 2017 **TIME:** 9:30 a.m.

**LOCATION:** State Capitol, Room 016

**TESTIFIER(S):** Douglas S. Chin, Attorney General, or  
Robyn Chun, Deputy Attorney General

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Chair Keith-Agaran and Members of the Committee:

The Department of the Attorney General submits comments reflecting a concern about this bill.

This bill proposes an amendment to article II, section 1, of the Hawai'i State Constitution to change the age qualification for voting in certain state or local primary elections to include individuals who are 17 years old and will be 18 years old on or before the next state or local general election. The amendment proposed by this bill also includes the requirement that the voter have been "a resident of this State not less than one year immediately preceding the next state or local general election". See page 2, lines 13-15.

A durational residency requirement for voting has been struck down as a violation of the equal protection clause and therefore unconstitutional. See *Dunn v. Blumstein*, 405 U.S. 330 (1972) (state law requiring that a would-be voter have been a resident for 1 year and 3 months did not further any compelling state interest and violated the 14th Amendment). The Department therefore suggests that this bill be amended to delete the durational residency requirement on page 2, lines 13-15.

Thank you for the opportunity to testify on this bill.

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [JDLTestimony](#)  
**Cc:**  
**Subject:** Submitted testimony for SB1271 on Feb 6, 2017 09:30AM  
**Date:** Friday, February 3, 2017 10:55:04 PM

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**SB1271**

Submitted on: 2/3/2017

Testimony for JDL on Feb 6, 2017 09:30AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rachel L. Kailianu	Individual	Oppose	Yes

Comments: Will we be affording these 17 year old voters the pre- adult status which at one time would allow them in drinking establishments, to purchase tobacco and alcohol? They will be ready to vote when they are 18 years old.

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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