



**WRITTEN TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTY-FIRST LEGISLATURE, 2021**

ON THE FOLLOWING MEASURE:

S.B. NO. 551, PROPOSING AN AMENDMENT TO ARTICLE II, SECTION 1, OF THE HAWAII STATE CONSTITUTION TO CHANGE THE AGE QUALIFICATION FOR VOTING IN STATE OR LOCAL ELECTIONS.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY

DATE: Friday, February 5, 2021 **TIME:** 9:30 a.m.

LOCATION: State Capitol, Via Videoconference

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**
(For more information, contact Lori N. Tanigawa,
Deputy Attorney General, at 586-0618)

Chair Rhoads and Members of the Committee:

The Department of the Attorney General (Department) provides the following comments.

The purpose of the bill is to amend article II, section 1 of the Hawai'i Constitution to allow individuals who are seventeen years of age but will be eighteen years of age on or before the next state or local general election to vote at the state or local primary election immediately preceding the state or local general election by which the citizen will attain the age of eighteen.

The Department understands that this bill is intended to effect the Constitutional amendment upon which SB 550, Relating to Voting, is contingent. The Department further understands that the intent of SB 550 is to allow individuals who are seventeen years of age but will be eighteen years of age on or before the next state or local general election to register and vote for state or local offices in the primary election immediately preceding the general election by which the person will attain the age of eighteen years; provided that the voting age for elections involving federal offices will remain at eighteen years of age. In light of SB 550, the Department recommends that the bill be amended to clarify that the voting age for elections involving state and county

offices is being lowered and that the voting age for elections involving federal offices will remain at eighteen years of age.

In addition, the Department notes that, while a durational residency requirement of thirty days is acceptable, a durational residency requirement of one year has been held to be unconstitutional. *Dunn v. Blumstein*, 405 U.S. 330 (1972). We therefore recommend that the bill be amended to provide for a durational residency requirement of thirty days in order qualify to vote in elections involving state and county offices.

In particular, we recommend that page 2, lines 5 to 18, of the bill be amended as follows:

“Section 1. Every citizen of the United States who has attained the age of eighteen years, has been a resident of this State not less than one year next preceding election and is a voter registered as provided by law, shall be qualified to vote in any state or local election involving federal, state, and county offices; provided that every citizen of the United States who is seventeen years of age but will attain the age of eighteen years by the date of the next state or local general election, has been a resident of this State not less than ~~[one year]~~ thirty days immediately preceding the next state or local general election and is a voter registered as provided by law, shall be qualified to vote for state or county offices beginning with the state or local primary election immediately preceding the state or local general election by which the citizen will attain the age of eighteen years.”

We further recommend that page 3, lines 1 to 9, of the bill be amended as follows:

“Shall a United States citizen who is seventeen years of age but will attain the age of eighteen years by the date of the next state or local general election, has been a resident of this State not less than ~~[one year]~~ thirty days immediately preceding the next state or local general election and is a voter registered as provided by law, be qualified to vote for state or county offices beginning with the state or local primary election immediately preceding the state or local general election by which the citizen will attain the age of eighteen years[?]; provided that the qualifying age for voting for federal offices shall remain eighteen years of age?”

Thank you for the opportunity to provide comments.



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COMMITTEE ON JUDICIARY

FRIDAY, February 5, 2021, 9:30 a.m., Via Videoconference

SB 550 RELATING TO VOTING and SB 551 PROPOSING AN AMENDMENT TO ARTICLE II, SECTION 1, OF THE HAWAII STATE CONSTITUTION TO CHANGE THE AGE QUALIFICATION FOR VOTING IN STATE OR LOCAL ELECTIONS

TESTIMONY

Janet Mason, Legislative Committee, League of Women Voters of Hawaii

Chair Rhoads, Vice-Chair Keohokalole and Committee Members:

The League of Women Voters of Hawaii supports SB 550 and SB 551, its companion proposal for a Constitutional Amendment, to allow individuals who are seventeen years of age but will be eighteen years of age on or before the next state or local general election to register to vote and then vote beginning with the state or local primary election immediately preceding the state or local general election by which the citizen will attain the age of eighteen.

To us, this bill is compelling, because a major improvement in historically low youth turnout seems to be underway among young voters of both major political parties. In the 2020 presidential election 52-55% of eligible people ages 18-29 voted.¹ League hopes this high turnout could be sustained to keep younger citizens engaged in the voting process. Allowing for voting in the primary could be considered the first step of a general election when the voter is eighteen and is otherwise eligible. In fact, a third of states allow those who are 17 but will be eighteen by the general election to vote in primaries.²

It is true that young people move often but allowing voter registration and voting simultaneously as called for in these measures should go a long way toward keeping address records accurate for the first voting experience. In preparation for mailing ballots County Clerks could still send Hawaii's yellow "registration notification postcard" to these seventeen-year-olds when they send it to other voters. But part of the first registration experience for the new voter would be learning

¹ <https://circle.tufts.edu/latest-research/election-week-2020#youth-voter-turnout-increased-in-2020>

² <https://www.ncsl.org/research/elections-and-campaigns/primaries-voting-age.aspx>



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about the importance of keeping one's voter registration and address information current going forward.

The League has previously supported preregistration for 16- and 17-year-olds. As with preregistration only, these bills would require County Clerks to flag their voter registration records to indicate the seventeen-year-olds described in the measures would not yet be eligible to vote in Federal elections. This would require certain investment, but the population of "late seventeen" eligible people in Hawaii would be relatively small. Likewise, a modified ballot that does not include Federal races would need to be available for seventeen-year-old voters in the primary election immediately preceding the one where they have not attained 18. Lessons can be learned from other states.

We presume these bills do not go further to simply lower the voting age to 17 because the 26th Amendment to the U.S. Constitution speaks to voting rights only for those who are 18 years of age or older. Nevertheless, the bills would be a step forward so that those who are nearly 18 could be better prepared to vote in *all* elections, not just state and local. Voting is a habit that can be acquired early in life.

More 17-year-olds than older voters do not yet have a driver's license. However, other forms of identification are acceptable under our state's voter registration laws. We do support having the affidavit for registrants who are under 18 co-signed by a parent.

Should voters approve SB551 (the proposed Constitutional amendment) in 2022, it should be easy to publicize this new opportunity for Hawaii's young people. Isn't there an app for that?

Thank you for the opportunity to submit testimony.



Young Progressives Demanding Action
P.O. Box 11105
Honolulu, HI 96828

February 3, 2021

TO: Senate Committee on Judiciary
RE: Testimony in support of SB551

Dear Senators,

Young Progressives Demanding Action (YPDA) supports SB550, which would fix a small loophole in our current policy of allowing 17-year-olds who will turn 18 by the general election to begin the process of participating in our democratic process by registering early.

In creating this policy, the state recognized that allowing teens who will be 18 years old by the general election to register early increases the likelihood that they will vote. The state further recognized that this increase in civic participation among young people is a benefit to society.

However, currently a 17-year-old that turns 18 before the general election, but whose birthday happens to fall between the primary election and general election, cannot vote in the primary election. This bill, in conjunction with SB550, closes this loophole by allowing these 17-year-olds to fully take part in the election process—including the primary.

Particularly in Hawai'i, which is close to a single-party state, the primary election is incredibly important and often offers a more diverse set of choices between stances on issues. Some county races are also decided in the primary alone if no runoff is triggered. It makes no sense to bar this group of teens from half the election process.

Encouraging participation in democracy through voting, as well as through this legislative process, is a good thing. Studies show that the earlier a person begins participating in civics—the act of taking ownership over and responsibility for the society in which we live—the more likely that person is to remain a lifelong active citizen and participant in democracy.

That kind of participation is an integral and sustaining force within a system of democracy. Archibald MacLeish, who served as Congressional Librarian under F.D.R., and was the first chief of the Office of Facts and Figures, famously said: “Democracy is never a thing done. Democracy is always something that a nation must be doing.” MacLeish said that in 1939 in response to Nazi propaganda that, he recognized, was already targeting the United States and doing harm to our democracy a full two years before we officially entered World War II.

History repeats itself. Today, we are again seeing a rise in white supremacy and fascism around the world. And once again, the spread of this hate is fueled by propaganda. Our democracy is still under threat from the corrosive effects of this toxic disinformation. Millions of people around the world, including here in Hawai‘i, believe in a web of dangerous Internet conspiracy theories that has seeped into the real world and become a terrifying and self-replicating simulacra.

The best, and only, defense against this threat is to make our government transparent, accountable, and accessible. Give young people a chance to take ownership over their futures. Welcome them into the legislative and democratic process. Trust them to act responsibly when given the truth. They will not let you down.

Mahalo for the opportunity to testify,

Will Caron
Board President & Secretary (2020–21)
action@ypdahawaii.org

SB-551

Submitted on: 2/3/2021 1:12:18 PM

Testimony for JDC on 2/5/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dyson Chee	Testifying for Vote16HI	Comments	No

Comments:

Aloha Chair Rhoads, Vice-chair Keohokalole, and members of the JDC Committee,

My name is Dyson Chee, I am 18 years old, and I am testifying on behalf of Vote16HI. Vote16HI is a coalition of youth, adult allies, and organizations that support lowering the voting age to 16 in Hawai'i.

We would like to provide comments on both SB550 and SB551, which would lower the voting age to 17. One of the primary goals of lowering the voting age is to give high schoolers the opportunity to vote at least once before they graduate. There are studies which show that people develop habits at a young age, closer to the age of 16 rather than 18. In addition, it is common knowledge that voting is habitual. In Hawai'i, because our elections occur every two years, in order to achieve this goal, mathematically speaking, the voting age needs to be lowered to 16, since by lowering the voting age to 17 half of all students will never have the opportunity to vote while in high school.

However, we still greatly appreciate the intent behind SB550 and SB551 in expanding the right to vote, and we hope that it will be extended to 16-year-olds as many other nations and municipalities have done so already. By lowering the voting age to 16 rather than 17, every high schooler in Hawai'i will have the opportunity, should they choose it, to vote at least once and build that habit of voting before they leave for the chaos of college.

Mahalo for the opportunity to testify,

Dyson Chee, Vote16HI

Statement Before The
SENATE COMMITTEE ON JUDICIARY

Friday, February 5, 2021

9:30 AM

Via Videoconference

in consideration of

SB 551**PROPOSING AN AMENDMENT TO ARTICLE II, SECTION 1, OF THE HAWAII STATE CONSTITUTION TO CHANGE THE AGE QUALIFICATION FOR VOTING IN STATE OR LOCAL ELECTIONS.**

Chair RHOADS, Vice Chair KEOHOKALOLE, and Members of the Senate Judiciary Committee

Common Cause Hawaii provides comments on SB 551, which (1) proposes a constitutional amendment to allow individuals who are seventeen years of age but will be eighteen years of age on or before the next state or local general election to vote at the state or local primary election immediately preceding the state or local general election by which the citizen will attain the age of eighteen.

Common Cause Hawaii is a nonprofit, nonpartisan, grassroots organization dedicated to reforming government and strengthening democracy through voting modernization efforts that increase civic engagement, voter turnout, and voter participation in our democratic processes.

Studies have shown that voting is a habit, which develop over repetition and can become strongly ingrained if developed early. SB 551 will allow people to vote starting at age seventeen. SB 551 is an important bill to allow young people to vote and continue to vote their entire lives, leading to a strong and vibrant democracy. "We do not have government by the majority. We have government by the majority who participate." Thomas Jefferson.

Thank you for the opportunity to comment on SB 551. If you have further questions of me, please contact me at sma@commoncause.org.

Very respectfully yours,

Sandy Ma
Executive Director, Common Cause Hawaii

SB-551

Submitted on: 2/1/2021 2:27:15 PM

Testimony for JDC on 2/5/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Brendan Ajolo	Individual	Oppose	No

Comments:

Raise age to 21

SB-551

Submitted on: 2/3/2021 4:12:23 PM

Testimony for JDC on 2/5/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dara Carlin, M.A.	Individual	Oppose	No

Comments:

No, they can wait until they turn 18 like the rest of us did.

SB-551

Submitted on: 2/3/2021 4:48:11 PM

Testimony for JDC on 2/5/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Julia Dunville	Individual	Support	No

Comments:

It's important to allow easy and fair access to voter registration, and especially important to incentivize young potential voters to register and be a part of the political process. Allowing registration and same-day primary voting to those on the cusp of eligibility will encourage young people to more actively participate in the political system and feel as if their voices are heard.

SB-551

Submitted on: 2/3/2021 5:07:22 PM

Testimony for JDC on 2/5/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Michal Fentin Stover	Individual	Support	No

Comments:

I support SB551 because it would encourage more newly eligible young persons to vote.

SB-551

Submitted on: 2/3/2021 5:44:46 PM

Testimony for JDC on 2/5/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Van Wishingrad	Individual	Support	No

Comments:

In strong support.

SB-551

Submitted on: 2/3/2021 6:47:37 PM

Testimony for JDC on 2/5/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sam Small	Individual	Support	No

Comments:

support

SB-551

Submitted on: 2/3/2021 9:40:40 PM

Testimony for JDC on 2/5/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Greg Puppione	Individual	Support	No

Comments:

This seems like a logical and fair expansion of voting rights, and a great way to get young voters in the habit of voting a little bit sooner. Please support.

SB-551

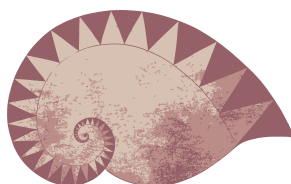
Submitted on: 2/4/2021 7:27:39 AM

Testimony for JDC on 2/5/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Colby Takeda	Individual	Support	No

Comments:

We must find ways to get more young people civically involved in society. Please support this bill.



Pono Hawai'i Initiative

LATE

Patrick Shea - Treasurer • Lena Mochimaru - Secretary
Nelson Ho • Summer Starr

Friday, February 5, 2021

Relating to Voting
Testifying in Support

Aloha Chair and members of the committee,

The Pono Hawai'i Initiative (PHI) **supports SB551 Proposing an Amendment to Article II, Section 1, of the Hawaii State Constitution to Change the Age Qualification for Voting in State or Local Elections**, which proposes a constitutional amendment to help expand voting access to those individuals who are 18 by the time of the general election but are 17 at the time of the primary election.

Whatever we can do as a State to make voting accessible and encourage civic participation we should do. It seems only natural to let these individuals participate in the primary if they turn 18 before the general since the primary simply narrows the field before the final round of voting in the general election. Let's encourage voter turnout not delay it.

For all these reasons, we urge you to vote in favor of this measure.

Mahalo for the opportunity,
Gary Hooser
Executive Director
Pono Hawai'i Initiative

LATE

SB-551

Submitted on: 2/4/2021 2:26:22 PM

Testimony for JDC on 2/5/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Meredith Buck	Individual	Support	No

Comments:

I support this bill and the effort to expand the youth vote.