

ACT 64

S.B. NO. 2206-84

A Bill for an Act Relating to Voter Registration.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 11-20, Hawaii Revised Statutes, is amended to read as follows:

“§11-20 Transfers; name changes; initiated by clerk. (a) The clerks shall use all reliable and pertinent information to keep the general register up to date. The county clerks may request information from, but are not limited to, the following sources:

- (1) The office of the lieutenant governor for any change of name;
- (2) Courts for any changes of name, divorces, separations, or other changes affecting voter status;
- (3) The department of health for marriages, deaths, or other changes affecting voter status;
- (4) Utility companies concerning commencement or changes of service;
- (5) Residential apartments, cooperative apartments, and condominiums as to changes of occupancy.

In requesting [such] the information the clerk shall give reasonable notice and time for furnishing the information.

(b) If the clerk has evidence indicating that a voter's registration should be transferred, [then not later than 4:30 p.m. on the ninetieth day prior to the primary] the clerk shall notify the person by first-class mail [and not later than 4:30 p.m. on the third day thereafter publish in a newspaper of general circulation notice] of the intent to transfer registration. [Notice by mail shall be sent to the address shown on the current voter list and any alleged new address.]

The [notifications] notification shall include:

- (1) Any evidence that the clerk may have indicating why a transfer or change should be made;
- (2) The residence, precinct, and district of the voter according to current registration lists;
- (3) [The] Any alleged new address, precinct, and district;
- (4) A reply form which shall contain a space for the voter's agreement or objection to the transfer, [and] the reasons for the objection[;] and space for the voter's signature;
- (5) Notice that unless the completed form is returned not later than 4:30 p.m. on the fifteenth day after mailing, [the voter shall be subject to challenge at the polls under the terms of section 11-25 on the basis of not being registered in the precinct where he resides.] the transfer shall be processed.

[If no response is received by the clerk by 4:30 p.m. on the fifteenth day after mailing, a second notification shall be made not later than 4:30 p.m. on the sixtieth day prior to the primary, by telephone or personal contact. A record shall be maintained of all the phone calls or attempted personal contacts noting the date, time, person calling, person called, and reply received.

If, on the basis of the evidence available the clerk has good reason to believe that the voter does actually reside at some address other than the one carried on the registration list, the clerk shall transfer the voter to such new address. A list of those transferred, and the precinct to which they were moved, will be available at the old precinct on election day.]

(c) A voter may contest [such] the transfer on or before election day by presenting evidence that [he] the voter actually resides at the old address which, if found valid by the clerk or the board of registration, shall entitle the voter to be returned to the old voting list [by executive order].

[A list of all voters with questionable addresses who fail to respond to notification attempts of the clerk, but who have not been transferred, shall be posted at the precinct wherein he is registered on election day and shall be made available to the public not later than 4:30 p.m. on the forty-fifth day prior to the primary election.]”

SECTION 2. Section 11-21, Hawaii Revised Statutes, is amended to read as follows:

“**§11-21 Change of name, transfer on election day.** (a) The county clerk may designate a registration clerk, who may be an election official, at any of the polling places in [his] the county on the day of the election.

(b) These registration clerks shall take applications for change of name from voters who have been married or who have had their names changed since the last election.

(c) Any person whose residence has changed since the last election, and who the county clerk has not transferred under section 11-20, may apply at [his] the person's old polling place on the day of the election for transfer of [his] registration to the precinct of [his] the new residence.

(d) Where a person was incorrectly placed on a list of voters of a precinct in which [he] the person does not actually reside, [he] the person may correct [his] the registration.

(e) No person shall be prevented from voting at the election in the precinct in which [his] the person's name appears on the voters list due to a change of name, change of registration, or other correction made under this section. However any voter registered in the wrong precinct who shall refuse to [correct his] make the correction of registration may be challenged in accordance with law.

(f) Any person changing [his] name or transferring shall receive a copy of the change or transfer form.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored.

SECTION 4. This Act shall take effect upon its approval.

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(Approved April 18, 1984.)