

ACT 15

H.B. NO. 1542

A Bill for an Act Relating to Voter Registration.

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

SECTION 1. Voting is a fundamental right for persons with disabilities as protected by the Federal Voting Rights Act of 1965, as amended, by the Voting Accessibility for the Elderly and Handicapped Act of 1984, and by the Americans with Disabilities Act. Section 11-23, Hawaii Revised Statutes, regarding elections is a violation of federal law and a violation of the civil rights of people with mental retardation. The legislature finds that the law must be changed to recognize the rights and dignity of people with retardation.

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SECTION 2. Section 11-23, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Whenever the clerk receives from the department of health or any informing agency, information of the death, loss of voting rights of a person sentenced for a felony as provided in section 831-2, adjudication as an incapacitated person under the provisions of chapter 560, [~~a mentally retarded person under the provisions of chapter 333,~~] loss of citizenship, or any other disqualification to vote, of any person registered to vote in that county, or who the clerk has reason to believe may be registered to vote therein, the clerk shall thereupon make such investigation as may be necessary to prove or disprove the information, giving the person concerned, if available, notice and an opportunity to be heard. If after the investigation the clerk finds that the person is dead, or incapacitated to the extent that the person lacks sufficient understanding or capacity to make or communicate responsible decisions concerning voting, or has lost voting rights pursuant to section 831-2, or has lost citizenship, or is disqualified for any other reason to vote, the clerk shall remove the name of the person from the register.”

SECTION 3. Statutory material to be repealed is bracketed and stricken.

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

(Approved April 12, 2002.)