
A BILL FOR AN ACT

RELATING TO ELECTIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the boards of
2 registration were created to provide immediate resolution of
3 voter challenges ruled on by precinct officials. However, since
4 the State transitioned to a vote-by-mail model, the number of
5 incidents requiring immediate resolution have significantly
6 declined.

7 The legislature further finds that nearly every decision
8 rendered by a board of registration has been appealed to the
9 state appellate courts. Thus, the process for appealing
10 decisions by precinct officials would be streamlined by removing
11 boards of registration.

12 The purpose of this Act is to abolish the boards of
13 registration.

14 SECTION 2. Section 11-13, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "**§11-13 Rules for determining residency.** For the purpose
17 of this title, there can be only one residence for an



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1 individual, but in determining residency, a person may treat
2 oneself separate from the person's spouse. The following rules
3 shall determine residency for election purposes only:

4 (1) The residence of a person is that place in which the
5 person's habitation is fixed, and to which, whenever
6 the person is absent, the person has the intention to
7 return;

8 (2) A person does not gain residence in any precinct into
9 which the person comes without the present intention
10 of establishing the person's permanent dwelling place
11 within such precinct;

12 (3) If a person resides with the person's family in one
13 place, and does business in another, the former is the
14 person's place of residence; but any person having a
15 family, who establishes the person's dwelling place
16 other than with the person's family, with the
17 intention of remaining there shall be considered a
18 resident where the person has established such
19 dwelling place;

20 (4) The mere intention to acquire a new residence without
21 physical presence at such place, does not establish



1 residency, neither does mere physical presence without
2 the concurrent present intention to establish such
3 place as the person's residence;

4 (5) A person does not gain or lose a residence solely by
5 reason of the person's presence or absence while
6 employed in the service of the United States or of
7 this State, or while a student of an institution of
8 learning, or while kept in an institution or asylum,
9 or while confined in a prison;

10 (6) No member of the armed forces of the United States,
11 the member's spouse or the member's dependent is a
12 resident of this State solely by reason of being
13 stationed in the State;

14 (7) A person loses the person's residence in this State if
15 the person votes in an election held in another state
16 by absentee ballot or in person.

17 In case of question, final determination of residence shall be
18 made by the clerk, subject to appeal to the [~~board of~~
19 ~~registration~~] intermediate appellate court under [~~part III~~] part
20 IV of this chapter."



1 SECTION 3. Section 11-20, Hawaii Revised Statutes, is
2 amended by amending subsection (c) to read as follows:

3 "(c) A voter may contest the transfer on or before
4 election day by presenting evidence that the voter actually
5 resides at the old address which, if found valid by the clerk
6 ~~[or the board of registration]~~, shall entitle the voter to be
7 returned to the old voting list."

8 SECTION 4. Section 11-22, Hawaii Revised Statutes, is
9 amended by amending subsection (b) to read as follows:

10 "(b) In any case where the clerk refuses to correct the
11 register, the person may appeal to the ~~[board of registration
12 and the register shall be changed upon a written order of the
13 board of registration, setting forth the reasons for the change.
14 The order shall be directed to the clerk. The clerk, upon
15 receipt of any order from the board of registration, shall
16 correct the register according to the terms of the order, making
17 on the register a reference to the order.]~~ intermediate
18 appellate court."

19 SECTION 5. Section 11-23, Hawaii Revised Statutes, is
20 amended to read as follows:



1 "~~§11-23~~ **Changing register; striking names of disqualified**
2 **voters.** Whenever the clerk receives from the department of
3 health or any informing agency, information of the death, loss
4 of voting rights of a person sentenced for a felony as provided
5 in section 831-2, adjudication as an incapacitated person under
6 the provisions of chapter 560, loss of citizenship, or any other
7 disqualification to vote, the clerk may accept the reported
8 information as prima facie evidence to maintain and update the
9 general register. Any person whose name is removed from the
10 register of voters under this section may reregister to vote or
11 appeal in the manner provided by [~~sections 11-26 and~~] section
12 11-51, and the proceedings shall be had upon the appeal as in
13 other appeals under these sections."

14 SECTION 6. Section 11-24, Hawaii Revised Statutes, is
15 amended by amending subsection (a) to read as follows:

16 "(a) At 4:30 p.m. on the tenth day before each election,
17 but if the day is a Saturday, Sunday, or holiday then at 4:30
18 p.m. on the first working day immediately thereafter, the
19 general county register shall be closed to registration for
20 persons seeking to vote and remain closed to registration until
21 after the election, subject to change only as provided in



1 sections 11-15.2, 11-21(c), 11-22, 11-25, [~~11-26,~~] and this
2 section."

3 SECTION 7. Section 11-25, Hawaii Revised Statutes, is
4 amended as follows:

5 1. By amending subsection (a) to read:

6 "(a) Any registered voter may challenge the right of a
7 person to be or to remain registered as a voter in any precinct
8 for any cause not previously decided by the [~~board of~~
9 ~~registration~~] intermediate appellate court or the supreme court
10 in respect to the same person. The challenge shall be in
11 writing, setting forth the grounds upon which it is based, and
12 be signed by the person making the challenge. The challenge
13 shall be delivered to the clerk who shall immediately serve
14 notice thereof on the person challenged. The clerk shall, as
15 soon as possible, investigate and rule on the challenge."

16 2. By amending subsection (c) to read:

17 "(c) If neither the challenger nor the challenged voter
18 appeals the ruling of the clerk, then the voter shall either be
19 allowed to vote or be prevented from voting in accordance with
20 the ruling. If an appeal is taken to the [~~board of~~
21 ~~registration,~~] intermediate appellate court, the challenged



1 voter shall be allowed to vote; provided that the ballot is
2 placed in a sealed envelope to be later counted or rejected in
3 accordance with the ruling on appeal. The chief election
4 officer shall adopt rules in accordance with chapter 91 to
5 safeguard the secrecy of the challenged voter's ballot."

6 SECTION 8. Chapter 11, Hawaii Revised Statutes, is amended
7 by the title of part IV to read as follows:

8 "PART IV. APPEAL FROM ~~[BOARD OF REGISTRATION]~~ CLERKS"

9 SECTION 9. Section 11-51, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "§11-51 Appeal from [board-] clerks. Any affected
12 person~~[7]~~ or political party, ~~[or any of the county clerks,7]~~ may
13 appeal to the intermediate appellate court, subject to chapter
14 602, in the manner provided for civil appeals from the circuit
15 court; provided that the appeal is brought no later than 4:30
16 p.m. on the tenth day after the ~~[board]~~ clerk serves its
17 ~~[written]~~ adverse decision, including findings of fact and
18 conclusions of law, upon the appellant. This ~~[written]~~ adverse
19 decision of the ~~[board]~~ clerk shall be a final appealable order.
20 ~~[The board shall not consider motions for reconsideration.~~
21 Service] In cases where the clerk rules on a challenge, prior to



1 election day, or refuses to register an applicant, or refuses to
2 change the register under section 11-22, service of the adverse
3 decision upon the appellant shall be made personally or by
4 registered mail, which shall be deemed complete upon deposit in
5 the mails, postage prepaid, and addressed to the appellant's
6 last known address."

7 SECTION 10. Section 11-53, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "**§11-53 Decision, notice; action on.** Immediately upon
10 rendering a final decision upon any appeal, the court shall
11 notify the [~~board of registration~~] clerk from which the appeal
12 was taken; and if the decision reverses the decision of the
13 [~~board,~~] clerk, the [~~board~~] clerk shall immediately [~~order~~]
14 correct the register to [~~be corrected to~~] conform with the
15 decision[-], and when necessary, the clerk shall notify the
16 voter service center officials of the change in the register."

17 SECTION 11. Section 11-54, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "**§11-54 Status pending appeal.** In case of an appeal from
20 a decision of any [~~board of registration~~] clerk, the name of the
21 person shall be placed or remain upon the register pending the



1 decision of the appellate courts concerning the same. If the
2 person so registered votes at any election before the appeal is
3 decided and acted upon, the ballot of such voter shall be
4 handled in accordance with section 11-25(c)."

5 SECTION 12. Section 11-96, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§11-96 Records prima facie evidence.** Every record made
8 pursuant to law by [~~a board of registration of voters, or the~~
9 ~~precinct officials,~~] the clerk, shall be a prima facie evidence
10 of the facts therein set forth, and shall be received as such in
11 any court or tribunal in which the same is offered in evidence."

12 SECTION 13. Section 14-22, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§14-22 Contested nominations of presidential electors and**
15 **alternates.** (a) If more than one certificate of choice and
16 selection of presidential electors and alternate electors of the
17 same political party or group is filed with the chief election
18 officer, as chairperson of the contested presidential electors'
19 committee hereby constituted, the chief election officer shall
20 notify the state comptroller and attorney general, who are the
21 remaining members of the committee, of the date, time, and place



1 of the hearing to be held for the purposes of making a
2 determination of which set of electors and alternative electors
3 were lawfully chosen and selected by the political party or
4 group. Notice of the hearing shall be given to the chairperson
5 of the state central committee of each political party and the
6 chairperson of each party or group qualified under section 11-
7 113, contestants for the positions of electors and alternate
8 electors by written notice, and to all other interested parties
9 by public notice at least once. A determination shall be made
10 by the committee by majority vote not later than 4:30 p.m. on
11 October 30 of the same year and the determination shall be
12 final. Notice of the results shall be given to the nominees
13 duly determined to have been chosen.

14 (b) The committee shall have ~~[all]~~ the following powers
15 ~~[enumerated in section 11-43.]~~ and authority for:

- 16 (1) The summoning and examining of witnesses and the
17 maintenance of order, including the power to punish
18 for contempt and award witness fees in accordance with
19 section 621-7, by law given to circuit courts; and
20 (2) The administering of oaths in all cases in which oaths
21 are by law authorized."



1 SECTION 14. Section 19-6, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§19-6 Misdemeanors.** The following persons shall be
4 guilty of a misdemeanor:

5 (1) Any person who offers any bribe or makes any promise
6 of gain, or with knowledge of the same, permits any
7 person to offer any bribe or make any promise of gain
8 for the person's benefit to any voter to induce the
9 voter to sign a nomination paper, and any person who
10 accepts any bribe or promise of gain of any kind as
11 consideration for signing the same, whether the bribe
12 or promise of gain be offered or accepted before or
13 after the signing;

14 (2) Any person who wilfully tears down, destroys, or
15 defaces any election proclamation, poster, notice,
16 facsimile ballot, or election signage issued or posted
17 by authority of law;

18 (3) Any person printing or duplicating or causing to be
19 printed or duplicated any ballot, conforming as to the
20 size, weight, shape, thickness, or color to the



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- 1 official ballot so that it could be cast or counted as
2 an official ballot in an election;
- 3 (4) Every person who is disorderly or creates a
4 disturbance [~~whereby any meeting of the board of~~
5 ~~registration of voters during an election is disturbed~~
6 ~~or interfered with; or~~] whereby any person who intends
7 to be lawfully present at any [~~meeting or~~] election is
8 prevented from attending; or who causes any
9 disturbance at any election; and every person
10 assisting or aiding or abetting any disturbance;
- 11 (5) Every person who, either in person or through another,
12 [~~in any manner breaks up or prevents, or endeavors to~~
13 ~~break up or prevent, the holding of any meeting of the~~
14 ~~board of registration of voters, or~~] in any manner
15 breaks up or prevents, or endeavors to break up or
16 prevent, the holding of any election;
- 17 (6) Any person, other than those designated by section 11-
18 132, who remains or loiters within the area set aside
19 for voting as set forth in section 11-132 during the
20 time appointed for voting;



- 1 (7) Any person, including candidates carrying on any
2 campaign activities within the area described in
3 section 11-132 during the period of time starting one
4 hour before voting opens and ending when voting closes
5 for the purpose of influencing votes. Campaign
6 activities shall include the following:
- 7 (A) Any distribution, circulation, carrying, holding,
8 posting, or staking of campaign cards, pamphlets,
9 posters, and other literature;
- 10 (B) The use of public address systems and other
11 public communication media;
- 12 (C) The use of motor caravans or parades; and
- 13 (D) The use of entertainment troupes or the free
14 distribution of goods and services;
- 15 (8) Any person who opens a return envelope containing:
- 16 (A) An absentee ballot voted under chapter 15 other
17 than those persons authorized to do so under
18 chapter 15; or
- 19 (B) A ballot voted by mail under part VIIA of chapter
20 11 other than those persons authorized to do so
21 under part VIIA of chapter 11;



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- 1 (9) Any unauthorized person found in possession of any
2 voting machine or keys thereof;
- 3 (10) Any person other than the postal service or the clerk
4 as authorized in section 11-109, who sponsors,
5 establishes, or displays a collection receptacle for
6 the purpose of receiving voted mail ballots or ballot
7 return envelopes in an election; and
- 8 (11) Every person who wilfully violates or fails to obey
9 any of the provisions of law, punishment for which is
10 not otherwise specified in this chapter."

11 SECTION 15. Chapter 11, part III, Hawaii Revised Statutes,
12 is repealed.

13 SECTION 16. Section 11-26, Hawaii Revised Statutes, is
14 repealed.

15 [~~"§11-26 Appeal from ruling on challenge; or failure of~~
16 ~~clerk to act. (a) In cases where the clerk, or voter service~~
17 ~~center officials, rules on a challenge on election day, the~~
18 ~~person ruled against may appeal from the ruling to the board of~~
19 ~~registration of the person's county for review under part III.~~
20 ~~The appeal shall be brought before the challenger and challenged~~
21 ~~party leave the voter service center. If an appeal is brought,~~



1 ~~both the challenger and the challenged voter may be parties to~~
2 ~~the appeal.~~

3 ~~(b) In cases where the clerk rules on a challenge, prior~~
4 ~~to election day, or refuses to register an applicant, or refuses~~
5 ~~to change the register under section 11-22, the person ruled~~
6 ~~against may appeal from the ruling to the board of registration~~
7 ~~of the person's county. The appeal shall be brought within ten~~
8 ~~days of service of the adverse decision. Service of the~~
9 ~~decision shall be made personally or by registered mail, which~~
10 ~~shall be deemed complete upon deposit in the mails, postage~~
11 ~~prepaid, and addressed to the aggrieved person's last known~~
12 ~~address. If an appeal from a decision on a challenge prior to~~
13 ~~election day is brought, both the challenger and the challenged~~
14 ~~voter may be parties to the appeal.~~

15 ~~(c) If the appeal is sustained, the board shall~~
16 ~~immediately certify that finding to the clerk, who shall~~
17 ~~thereupon alter the register to correspond to the findings of~~
18 ~~the board, and when necessary, the clerk shall notify the voter~~
19 ~~service center officials of the change in the register."]~~



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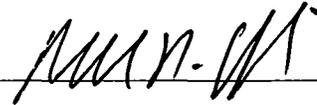
1 SECTION 17. This Act does not affect rights and duties
2 that matured, penalties that were incurred, and proceedings that
3 were begun before its effective date.

4 SECTION 18. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 19. This Act shall take effect on July 1, 2024.

7

INTRODUCED BY: _____



By Request



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Report Title:

Elections; Boards of Registration; Abolish

Description:

Abolishes the boards of registration.

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