



GOV. MSG. NO. **1328**

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

July 05, 2012

The Honorable Shan Tsutsui, President
and Members of the Senate
Twenty-Sixth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Calvin Say, Speaker
and Members of the House
Twenty-Sixth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on July 05, 2012, the following bill was signed into law:

HB1755 HD2 SD2 CD1

RELATING TO VOTER REGISTRATION.
Act 225 (12)

Sincerely,
A handwritten signature in black ink, reading "Neil Abercrombie".

NEIL ABERCROMBIE
Governor, State of Hawaii

A BILL FOR AN ACT

RELATING TO VOTER REGISTRATION.

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

SECTION 1. Chapter 11, Hawaii Revised Statutes, is amended by adding a new section to part II to be appropriately designated and to read as follows:

"§11- Application to register electronically. (a)
Notwithstanding any law to the contrary, the clerk of each
county may permit a person who has valid government-issued
identification that is capable of electronic confirmation to
submit an application to register to vote electronically in lieu
of a traditional signed application by mail or in person.

(b) The electronic application to register to vote shall
be substantially similar in content to the application to
register pursuant to section 11-15, and shall require the
applicant to provide substantially similar information.

(c) The applicant's use of the electronic application to
register shall constitute consent for election officials to
obtain confirmatory information regarding the applicant from
government databases associated with government-issued
identification, including the applicant's signature.



1 (d) The applicant's signature obtained from the government
2 database may be utilized by election officials to validate and
3 confirm a voter's identity in any election-related matter in
4 which a signature is necessary.

5 (e) The online application system may require additional
6 information from applicants, such as security questions to
7 authenticate any future voter registration transactions by the
8 applicant."

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

11 **"§11-14 General county register; restrictions in use. (a)**

12 The clerk of each county shall register all the voters in the
13 clerk's county in the general county register. The register
14 shall contain the name and address of each voter unless the
15 voter's address is deemed confidential pursuant to section
16 11-14.5. Additional information required by section 11-15 may
17 be included in the register at the discretion of the clerk.

18 ~~[The voter's name shall be maintained alphabetically in the~~
19 ~~register and be capable of segregation by precinct and~~
20 ~~representative district. The clerk shall keep the original or~~
21 ~~photographic copy of the affidavit of registration required by~~
22 ~~section 11-15.]~~ The general county register shall be available



1 for election or government purposes only in accordance with
2 section 11-97.

3 (b) The affidavits filed under section 11-15 and the
4 general county register may be copied, and the clerk may release
5 voter lists [~~and tabulating cards or computer tapes containing~~
6 ~~data furnished in the affidavit;~~] or data; provided that
7 information furnished in the affidavits[, ~~register, voter lists,~~
8 ~~cards, or tapes,~~] shall be copied or released for election or
9 government purposes only in accordance with section 11-97.

10 (c) Voter registration information that is collected and
11 maintained by the clerk of each county may be transmitted to a
12 central file for the purpose of correlating registration data to
13 prevent or detect duplicate voter registrations and for the
14 compilation of election reports.

15 [~~(d) The clerk of each county shall maintain records by~~
16 ~~computer tape or otherwise of office of Hawaiian affairs~~
17 ~~registered voters to facilitate their identification as a~~
18 ~~separate category of voters.~~

19 ~~(e)]~~ (d) Unless authorized under section 11-97, it shall
20 be unlawful for any person to use, print, publish, or distribute
21 any voter registration information acquired directly or
22 indirectly from the voter registration affidavits or any list



1 prepared therefrom. Any person who is designated by the clerk
2 to register voters and collect voter registration affidavits
3 shall be advised of the provisions of this subsection. Any
4 person who violates this subsection shall be guilty of a
5 misdemeanor."

6 SECTION 3. Section 11-15, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "**§11-15 Application to register.** (a) Any person
9 qualified to and desiring to register as a voter in any county
10 shall make and subscribe to an application in the form of an
11 affidavit.

12 The affidavit shall contain the following information:

- 13 (1) Name;
14 (2) Social security number;
15 (3) Date of birth;
16 (4) Residence, including mailing address;
17 (5) That the residence stated in the affidavit is not
18 simply because of the person's presence in the State,
19 but that the residence was acquired with the intent to
20 make Hawaii the person's legal residence with all the
21 accompanying obligations therein; and
22 (6) That the person is a citizen.



1 An application to register to vote shall include a space to
2 request a permanent absentee ballot.

3 ~~[(b) Any person qualified to and desiring to register as a~~
4 ~~voter for the election of members of the board of trustees of~~
5 ~~the office of Hawaiian affairs shall make and subscribe to an~~
6 ~~application in the form of an affidavit which shall state that~~
7 ~~the person is Hawaiian and which shall contain the information~~
8 ~~required under subsection (a). The affidavit shall also apply~~
9 ~~to all elections, primary, special primary, general, special~~
10 ~~general, special, or county, held in the State, under all voting~~
11 ~~systems used within the State, so far as applicable and not~~
12 ~~inconsistent with this title.~~

13 ~~{e)}~~ (b) The applicant shall swear to the truth of the
14 allegations by self-subscribing ~~[oath]~~ affirmation in the
15 affidavit on application for voter registration or other form
16 prescribed by the chief election officer. Unless contested by a
17 qualified voter, the clerk may accept, as prima facie evidence,
18 the allegation of the applicant in information required in the
19 affidavit in subsection (a)(5) ~~[, and the allegation of the~~
20 ~~applicant that the applicant is Hawaiian required in subsection~~
21 ~~{b)}].~~ In any other case where the clerk shall so desire or
22 believe the same to be expedient, the clerk may demand that the



1 applicant furnish substantiating evidence to the allegations of
2 the applicant's application.

3 ~~[(d)]~~ (c) The applicant shall then affix the applicant's
4 signature to the affidavit. In the case where an applicant is
5 unable to write for the reason of illiteracy, blindness, or
6 other physical disability, the applicant's mark shall be
7 witnessed by another person who shall sign the affidavit in the
8 space provided. A voter having once been registered shall not
9 be required to register again for any succeeding election,
10 except as provided in this chapter. Affidavits approved by the
11 clerk shall thereupon be numbered appropriately, filed by the
12 clerk, and kept available for election or government purposes in
13 accordance with procedures established by section 11-97.
14 Approved voter registration transactions conducted through the
15 online voter registration system established pursuant to section
16 11- shall be assigned a transaction number in a manner that
17 is substantially similar to the numbering of affidavits.

18 ~~[(e)]~~ (d) The clerk may designate a subordinate or
19 subordinates to act in the clerk's place ~~[and stand]~~ in all
20 matters covered by this section, except that no candidate shall
21 be eligible to serve as a subordinate."



SECTION 4. Section 11-24, Hawaii Revised Statutes, is amended to read as follows:

"§11-24 Closing register[~~;~~ ~~list of voters~~]. (a) At 4:30 p.m. on the thirtieth day prior to each primary, special primary, or special election [~~but~~], but if the day is a Saturday, Sunday, or holiday then at 4:30 p.m. on the first working day immediately thereafter[~~;~~], the general county register shall be closed to registration for persons seeking to vote at the primary, special primary, or special election and remain closed to registration until after the election, subject to change only as provided in sections 11-21(c), 11-22, 11-25, 11-26, and this section.

(b) Notwithstanding the closing of the register for registration to vote at the primary or special primary election, the register shall remain open for the registration of persons seeking to vote at the general or special general election, until 4:30 p.m. on the thirtieth day prior to the general or special general election [~~but~~], but if the day is a Saturday, Sunday, or holiday then at 4:30 p.m. on the first working day immediately thereafter[~~;~~], at the end of which period the general county register shall be closed to registration and remain closed until after the general or special general



1 election next following, subject to change only as provided in
2 sections 11-21(c), 11-22, 11-25, and 11-26.

3 ~~[(c) Immediately upon the closing of the general county~~
4 ~~register, the clerk shall proceed to prepare a list of all~~
5 ~~registered voters in each precinct, separately. The list shall~~
6 ~~contain, in alphabetical order, without designation of the race~~
7 ~~or age of voters, the names of all voters so registered in each~~
8 ~~precinct, and the residence of each unless such residence is~~
9 ~~deemed confidential pursuant to section 11-14.5. The list shall~~
10 ~~be available for inspection at the office of the county clerk~~
11 ~~prior to election day. On election day the precinct officials~~
12 ~~shall post the list at the precinct polling place.]"~~

13 SECTION 5. Section 12-5, Hawaii Revised Statutes, is
14 amended by amending subsection (c) to read as follows:

15 "(c) Nomination papers for candidates for members of the
16 board of trustees of the office of Hawaiian affairs shall be
17 signed by not less than twenty-five persons registered [as
18 ~~prescribed under section 11-15(b).~~] to vote."

19 SECTION 6. The chief election officer and the clerk of
20 each county shall work collaboratively to study the feasibility
21 of using the last four digits of an individual's social security
22 number, in lieu of using that number in its entirety in voter



1 registration and record keeping, and shall submit a written
2 report of the findings and recommendations and any suggested
3 legislation to the legislature no less than twenty days prior to
4 the convening of the regular session of 2013.


5 SECTION 7. There is appropriated out of the general
6 revenues of the State of Hawaii the sum of \$500,000 or so much
7 thereof as may be necessary for fiscal year 2012-2013 for the
8 purpose of planning and designing an online voter registration
9 system. Any remaining funds may be used to implement the online
10 voter registration system.

11 The sum appropriated shall be expended by the office of
12 elections for the purposes of this Act.

13 SECTION 8. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 9. This Act shall take effect on July 1, 2012;
16 provided that sections 1 through 5 shall apply to all primary,
17 special, nonpartisan, and general elections, beginning with the
18 primary election of 2016.

APPROVED this 5 day of JUL , 2012



GOVERNOR OF THE STATE OF HAWAII

