
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 legislature further notes, however, that the appellate
13 court may not be able to act in a timely fashion as it requires
14 multiple judges to convene. In this respect, it would be more
15 prudent for an on-call circuit judge to hear elections disputes.

16 Accordingly, the purpose of this Act is to:



- 1 (1) Allow an on-call circuit judge in the relevant circuit
2 to perform the duties of the board of registration for
3 purposes of hearing elections disputes if the board of
4 registration lacks full membership; and
- 5 (2) Require the judiciary to designate one or more on-call
6 circuit court judges in each circuit to perform the
7 duties of the board of registration for purposes of
8 hearing elections disputes.

9 SECTION 2. Section 11-1, Hawaii Revised Statutes, is
10 amended by adding a new definition to be appropriately inserted
11 and to read as follows:

12 "On-call circuit judge" means a judge of the circuit court
13 who is on call in the respective judicial circuits."

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



- 1 (1) The residence of a person is that place in which the
2 person's habitation is fixed, and to which, whenever
3 the person is absent, the person has the intention to
4 return;
- 5 (2) A person does not gain residence in any precinct into
6 which the person comes without the present intention
7 of establishing the person's permanent dwelling place
8 within such precinct;
- 9 (3) If a person resides with the person's family in one
10 place, and does business in another, the former is the
11 person's place of residence; but any person having a
12 family, who establishes the person's dwelling place
13 other than with the person's family, with the
14 intention of remaining there shall be considered a
15 resident where the person has established such
16 dwelling place;
- 17 (4) The mere intention to acquire a new residence without
18 physical presence at such place, does not establish
19 residency, neither does mere physical presence without
20 the concurrent present intention to establish such
21 place as the person's residence;



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

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

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

14 In case of question, final determination of residence shall be
 15 made by the clerk, subject to appeal to the board of
 16 registration under part III of this chapter[-], or relevant
 17 circuit court if the board of registration lacks full
 18 membership; provided that the judiciary shall designate one or
 19 more on-call circuit judges in each circuit."

20 SECTION 4. Section 11-20, Hawaii Revised Statutes, is
 21 amended by amending subsection (c) to read as follows:



1 "(c) A voter may contest the transfer on or before
2 election day by presenting evidence that the voter actually
3 resides at the old address which, if found valid by the clerk or
4 the board of registration, or relevant circuit court if the
5 board of registration lacks full membership, shall entitle the
6 voter to be returned to the old voting list[-]; provided that
7 the judiciary shall designate one or more on-call circuit judges
8 in each circuit."

9 SECTION 5. Section 11-22, Hawaii Revised Statutes, is
10 amended by amending subsection (b) to read as follows:

11 "(b) In any case where the clerk refuses to correct the
12 register, the person may appeal to the board of registration, or
13 relevant circuit court if the board of registration lacks full
14 membership, and the register shall be changed upon a written
15 order of the board of registration[-] or circuit court, setting
16 forth the reasons for the change. The order shall be directed
17 to the clerk[-]; provided that the judiciary shall designate one
18 or more on-call circuit judges in each circuit. The clerk, upon
19 receipt of any order from the board of registration[-] or
20 circuit court, shall correct the register according to the terms
21 of the order, making on the register a reference to the order."



1 SECTION 6. Section 11-25, Hawaii Revised Statutes, is
2 amended as follows:

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

4 "(a) Any registered voter may challenge the right of a
5 person to be or to remain registered as a voter in any precinct
6 for any cause not previously decided by the board of
7 registration, or relevant circuit court if the board of
8 registration lacks full membership, or [the supreme court] an
9 appellate court in respect to the same person[-]; provided that
10 the judiciary shall designate one or more on-call circuit judges
11 in each circuit. The challenge shall be in writing, setting
12 forth the grounds upon which it is based, and be signed by the
13 person making the challenge. The challenge shall be delivered
14 to the clerk who shall immediately serve notice thereof on the
15 person challenged. The clerk shall, as soon as possible,
16 investigate and rule on the challenge."

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

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



1 or relevant circuit court if the board of registration lacks
2 full membership, the challenged voter shall be allowed to vote;
3 provided that the ballot is placed in a sealed envelope to be
4 later counted or rejected in accordance with the ruling on
5 appeal[-]; provided further that the judiciary shall designate
6 one or more on-call circuit judges in each circuit. The chief
7 election officer shall adopt rules in accordance with chapter 91
8 to safeguard the secrecy of the challenged voter's ballot."

9 SECTION 7. Section 11-26, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§11-26 Appeal from ruling on challenge; or failure of**
12 **clerk to act.** (a) In cases where the clerk, or voter service
13 center officials, rules on a challenge on election day, the
14 person ruled against may appeal from the ruling to the board of
15 registration of the person's county, or relevant circuit court
16 if the board of registration lacks full membership, for review
17 under part III[-]; provided that the judiciary shall designate
18 one or more on-call circuit judges in each circuit. The appeal
19 shall be brought before the challenger and challenged party
20 leave the voter service center. If an appeal is brought, both



1 the challenger and the challenged voter may be parties to the
2 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[=], or relevant circuit court if the
8 board of registration lacks full membership; provided that the
9 judiciary shall designate one or more on-call circuit judges in
10 each circuit. The appeal shall be brought within ten days of
11 service of the adverse decision. Service of the decision shall
12 be made personally or by registered mail, which shall be deemed
13 complete upon deposit in the mails, postage prepaid, and
14 addressed to the aggrieved person's last known address. If an
15 appeal from a decision on a challenge prior to election day is
16 brought, both the challenger and the challenged voter may be
17 parties to the appeal.

18 (c) The board of registration or relevant circuit court
19 shall hear and determine the appeal as expeditiously as
20 practicable. If the appeal is sustained, the board or court
21 shall immediately certify that finding to the clerk, who shall



1 thereupon alter the register to correspond to the findings of
2 the board[-] or court, and when necessary, the clerk shall
3 notify the voter service center officials of the change in the
4 register."

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

7 "PART IV. APPEAL FROM BOARD OF REGISTRATION OR RELEVANT
8 CIRCUIT COURT"

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

11 "§11-51 Appeal from board[-] or relevant circuit court.

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



1 appellant shall be made personally or by registered mail, which
2 shall be deemed complete upon deposit in the mails, postage
3 prepaid, and addressed to the appellant's last known address."

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

6 "§11-53 Decision, notice; action on. Immediately upon
7 rendering a final decision upon any appeal, the court shall
8 notify the board of registration or relevant circuit court from
9 which the appeal was taken; and if the decision reverses the
10 decision of the board[7] or relevant circuit court, the board or
11 relevant circuit court shall immediately order the register to
12 be corrected to conform with the decision."

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

15 "§11-54 Status pending appeal. In case of an appeal from
16 a decision of any board of registration or relevant circuit
17 court, the name of the person shall be placed or remain upon the
18 register pending the decision of the appellate courts concerning
19 the same. If the person so registered votes at any election
20 before the appeal is decided and acted upon, the ballot of



1 [such] the voter shall be handled in accordance with section
2 11-25(c)."

3 SECTION 12. This Act does not affect rights and duties
4 that matured, penalties that were incurred, and proceedings that
5 were begun before its effective date.

6 SECTION 13. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 14. This Act shall take effect on July 1, 2025.



Report Title:

Elections; Boards of Registration; On-Call Circuit Judge

Description:

Allows an on-call circuit judge in the relevant circuit to perform the duties of the Board of Registration for purposes of hearing elections disputes if the Board of Registration lacks full membership. Requires the Judiciary to designate one or more on-call circuit court judges in each circuit to perform the duties of the Board of Registration for purposes of hearing elections disputes. (SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

