

ACT 156

H.B. NO. 3410

A Bill for an Act Relating to Voter Registration Lists.

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

SECTION 1. The purpose of this Act is to limit access to voter registration information for election or governmental purposes only. This Act also provides special protection for the voter registration information of law enforcement personnel who show good cause that a life threatening circumstance exists to the law enforcement person or a member of the law enforcement person's household.

SECTION 2. Chapter 11, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§11- Residence address; confidentiality. (a) If a life threatening circumstance exists to a law enforcement person or to the law enforcement person's family, that law enforcement person may apply to the county clerk to keep confidential the information relating to residence address and telephone number contained in the affidavit of registration of that law enforcement person, or any list or register prepared therefrom.

(b) Upon good cause shown, the clerk shall determine whether to grant confidentiality in accordance with procedures established by the clerk, and the clerk's decision shall be final.

(c) If the voter registration of a law enforcement person covered by this section is challenged, the clerk shall release the residence address of the law enforcement person to the challenger pursuant to procedures established by the clerk. If an appeal is taken relating to the challenge, the residence address shall also be released to the appropriate appellate body.”

SECTION 3. Chapter 11, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§11- Access to voter registration affidavits, lists, and register; prohibited use. (a) No person other than the affiant shall have access to the affiant's voter registration affidavit or any list or register prepared therefrom except for election or government purposes pursuant to this section.

(b) The clerk shall not allow the release, rental, or sale of a voter registration affidavit or any list or register prepared therefrom except for the following election or government purposes:

- (1) For release pursuant to a challenge to the affiant's voter registration.
- (2) For rental to candidates, political parties, committees, and service bureaus as defined in section 11-1; or
- (3) For release, rental, or sale to federal, state, or county agencies requiring such information for a public purpose.

(c) The following conditions shall be met before voter registration information may be released:

- (1) The applicant shall obtain the written permission of the clerk or the clerk's designated representative;
- (2) The applicant shall agree in writing that the applicant shall use the information for election or government purposes only;

- (3) The applicant shall agree in writing that the applicant will not sell or otherwise release the information to any commercial firm, or use or permit the use of the information for any commercial purpose, provided that service bureaus may charge a fee for furnishing data processing services where such services are rendered solely for election or government purposes; and
- (4) In the case of a rental of a voter registration tape by a nongovernmental agency, the clerk shall require the person renting the voter registration tape to agree in writing to return the tape no later than the date specified by the clerk.

(d) It shall be unlawful for any person to use, print, publish, or distribute in any manner whatsoever not provided by law, any voter registration information acquired directly or indirectly from the voter registration affidavits or any list prepared therefrom. Any person who violates this section shall be guilty of a misdemeanor.”

SECTION 4. Section 11-1, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:
““Service bureau” means a firm registered to do business in the State and whose principal business is furnishing data processing services.”

SECTION 5. Section 11-14, Hawaii Revised Statutes, is amended to read as follows:

“§11-14 General county register; restrictions in use. (a) The clerk of each county shall register all the voters in the clerk’s county in the general county register. The register shall contain the name and address of each voter[.] unless such address is deemed confidential pursuant to section 11- . Additional information required by section 11-15 may be included in the register at the discretion of the clerk. The voter’s name shall be maintained alphabetically in the register and be capable of segregation by precinct and representative district. The clerk shall keep the original or photographic copy of the affidavit of registration required by section 11-15. The general county register shall[, at all times during business hours, be open to public inspection, and shall be a public record.] be available for election or government purposes only in accordance with section 11- .

(b) The affidavits filed under section 11-15 and the general county register may be copied, and the clerk may release voter lists and tabulating cards or computer tapes containing data furnished in the affidavit[, pursuant to ordinances promulgated by the respective county councils.]; provided that information furnished in the affidavits, register, voter lists, cards, or tapes, shall be copied or released for election or government purposes only in accordance with section 11- .

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

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

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

“(d) If the clerk is satisfied that the applicant is entitled to be registered as a voter, the applicant shall then affix the applicant’s signature to the affidavit. In the case where an applicant is unable to write for reason of illiteracy, blindness, or other physical disability the clerk shall enter “Unable to sign” and the reason in the space for the applicant’s signature. A voter having once been registered shall not be required to register again for any succeeding election, except as hereinafter provided. [The affidavits so] Affidavits approved or accepted by the clerk shall thereupon be numbered appropriately, filed by the clerk and kept [in some convenient place so as to be open to public inspection and examination.] available for election or government purposes in accordance with procedures established by section 11-_____.”

SECTION 7. 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 if such 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 such primary, special primary or special election and remain closed to such registration until after the election, subject to change only as provided in sections 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 if such 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 election next following, subject to change only as provided in sections 11-22, 11-25, and 11-26.

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

SECTION 8. Section 11-97, Hawaii Revised Statutes, is amended to read as follows:

“**§11-97 Records open to inspection.** The register of voters and all records appertaining to the registry of voters, or to any election, in the possession of the board of registration, the precinct officials, the chief election officer, or the clerk shall, at all reasonable times, be open to the inspection of any voter only for election or government purposes in accordance with section 11-_____, with the following exception: the voted ballots and other sealed election materials shall not be open to the inspection of any voter until after the end of the contest period unless opened upon order of the court.”

SECTION 9. Statutory material to be repealed is bracketed. New statutory material is underlined.¹

ACT 156

SECTION 10. This Act shall take effect upon its approval.
(Approved June 15, 1990.)

Note

1. Edited pursuant to HRS §23G-16.5.