

## ACT 166

H.B. NO. 2590

A Bill for an Act Relating to Elections.

*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 be appropriately designated and to read as follows:

**“§11- Late registration.** (a) Notwithstanding the closing of the general county register pursuant to section 11-24, a person who is eligible to vote but is not registered to vote may register by appearing in person:

- (1) Prior to the day of the election, at any absentee polling place established pursuant to section 15-7 in the county associated with the person's residence; or
- (2) On the day of the election, at the polling place in the precinct associated with the person's residence.

(b) The county clerk shall designate a registration clerk, who may be an election official, at each of the absentee polling places in the county established pursuant to section 15-7, prior to the day of the election and at each of the polling places in the county on the day of the election.

(c) The registration clerk shall process applications for any person not registered to vote who submits a signed affidavit in accordance with section 11-15, which shall include a sworn affirmation:

- (1) Of the person's qualification to vote;
- (2) Acknowledging that the person has not voted and will not vote at any other polling place for that election and has not cast and will not cast any absentee ballot pursuant to chapter 15 for that election; and
- (3) Acknowledging that providing false information may result in a class C felony, punishable by a fine not exceeding \$1,000 or imprisonment not exceeding five years, or both.

(d) The registration clerk may accept, as prima facie evidence, the allegation of the person in the application regarding the person's residence in accordance with section 11-15(b), unless the allegation is contested by a qualified voter. The registration clerk may demand that the person furnish substantiating evidence to the other allegations of the person's application in accordance with section 11-15(b).

- (e) Registration may be challenged in accordance with section 11-25.
- (f) Notwithstanding subsection (a), registration pursuant to this section may also be used by a person who is registered to vote but whose name cannot be found on the precinct list for the polling place associated with the person's residence.
- (g) The clerk of each county shall add persons who properly register under this section to the respective general county register. Within thirty days of registration at the polling place, the county clerk shall mail to the person a notice including the person's name, current street address, district and precinct, and date of registration. A notice mailed pursuant to this subsection shall serve as prima facie evidence that the person is a registered voter as of the date of registration."

SECTION 2. Section 11-25, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

"(a) ~~[Challenging prior to election day.]~~ Any registered voter may challenge the right of a person to be or to remain registered as a voter in any precinct for any cause not previously decided by the board of registration or the supreme court in respect to the same person; provided that in an election of members of the board of trustees of the office of Hawaiian affairs the voter making the challenge must be registered to vote in that election. The challenge shall be in writing, setting forth the grounds upon which it is based, and be signed by the person making the challenge. The challenge shall be delivered to the clerk who shall forthwith serve notice thereof on the person challenged. The clerk shall, as soon as possible, investigate and rule on the challenge.

(b) ~~[Challenging on election day.]~~ Any voter rightfully in the polling place, including absentee polling places established pursuant to section 15-7, may challenge the right to vote of any person who comes to the precinct officials for voting purposes. The challenge shall be on the grounds that the voter is not the person the voter alleges to be, or that the voter is not entitled to vote in that precinct; provided that only in an election of members of the board of trustees of the office of Hawaiian affairs, a person registered to vote in that election may also challenge on the grounds that the voter is not Hawaiian. No other or further challenge shall be allowed. Any person thus challenged shall first be given the opportunity to make the relevant correction pursuant to section 11-21. The challenge shall be considered and decided immediately by the precinct officials and the ruling shall be announced."

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

**"§15-7 Absentee polling place[-]; registration at absentee polling place.** (a) Absentee polling places shall be established at the office of the respective clerks, and may be established at ~~[such]~~ other sites as may be designated by the clerk under the provisions prescribed in the rules adopted by the chief election officer. Section 11-21 relating to changes and transfers of registration shall apply to the absentee polling place as though it were the precinct at which a person's name properly appears on the list of registered voters.

(b) The absentee polling places shall be open no later than ten working days before election day, and all Saturdays falling within that time period, or as soon thereafter as ballots are available; provided that all absentee polling places shall be open on the same date statewide, as determined by the chief election officer.

(c) A person who is eligible to vote but is not registered to vote may register by appearing in person at the absentee polling place for the county in which the person maintains residence.

(d) The county clerk shall designate a registration clerk, who may be an election official, at each of the absentee polling places established in the county.

(e) The registration clerk shall process applications for any person not registered to vote who submits a signed affidavit in accordance with section 11-15, which shall include a sworn affirmation:

(1) Of the person's qualification to vote;

(2) Acknowledging that the person has not voted and will not vote at any other polling place for that election and has not cast and will not cast any absentee ballot pursuant to chapter 15 for that election; and

(3) Acknowledging that providing false information may result in a class C felony, punishable by a fine not exceeding \$1,000 or imprisonment not exceeding five years, or both.

(f) The registration clerk may accept, as prima facie evidence, the allegation of the person in the application regarding the person's residence in accordance with section 11-15(b), unless the allegation is contested by a qualified voter. The registration clerk may demand that the person furnish substantiating evidence to the other allegations of the person's application in accordance with section 11-15(b).

(g) Registration may be challenged in accordance with section 11-25.

(h) Notwithstanding subsection (c), registration pursuant to this section may be used by a person who is registered to vote but whose name cannot be found on the precinct list for the polling place associated with the person's residence.

(i) The clerk of each county shall add persons who properly register at an absentee polling place to the respective general county register. Within thirty days of registration at an absentee polling place, the county clerk shall mail to the person a notice including the person's name, current street address, district and precinct, and date of registration. A notice mailed pursuant to this subsection shall serve as prima facie evidence that the person is a registered voter as of the date of registration."

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$100,000 or so much thereof as may be necessary for fiscal year 2014-2015 for the counties to implement this Act, which may include upgrading the registration process by purchasing electronic poll books.

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

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.<sup>1</sup>

SECTION 6. This Act shall take effect on July 1, 2014; provided that:

- (1) Section 3 of this Act shall take effect on January 1, 2016; and
- (2) Section 1 of this Act shall take effect on January 1, 2018.

(Approved June 30, 2014.)

Note

1. Edited pursuant to HRS §23G-16.5.