



# ***A Short Guide to Helping Voters Register Under Hawaii Law***

## **WHO IS ELIGIBLE TO VOTE?**

An individual may register to vote in Hawaii if he or she:

- Is at least seventeen years old and will be at least 18 years old on Election Day;<sup>1</sup>
  - A person who is otherwise qualified to register to vote and is at least 16 years old may pre-register to vote upon satisfactory proof of age. Pre-registrants must be automatically registered to vote upon reaching 18 years of age.<sup>2</sup>
- Is a U.S. citizen;<sup>3</sup>
- Is a legal resident of Hawaii;<sup>4</sup>
  - A person does not gain residence in any precinct into which the person comes without the present intention of establishing the person's permanent dwelling place within such precinct.<sup>5</sup>
  - If a person is homeless, he or she must provide a description of the location of a residence "sufficient to ascertain a voting district and precinct" and a mailing address in Hawaii where he or she is legally entitled to and does in fact receive mail in order to satisfy this requirement.<sup>6</sup>
  - If a registrant's residency is called into question, final determination of residency must be made by the county clerk, subject to appeal to the Board of Registration.<sup>7</sup>
- Has not been judged incapacitated;<sup>8</sup> and
- Has not been sentenced for a felony to a term of imprisonment that has not been finally discharged, except that persons may vote while on probation or parole.<sup>9</sup>

## **WHAT CONSTITUTES A COMPLETE VOTER REGISTRATION APPLICATION?**

Federal law requires that voter registration applications include check boxes for the applicant to indicate U.S. citizenship status and age.<sup>10</sup>

Federal law authorizes states to require only identifying information that "is necessary to enable the appropriate State election official to assess the eligibility of the applicant and to administer voter registration and other parts of the election process."<sup>11</sup>

Hawaii law requires the following information, without which applications must be rejected:<sup>12</sup>

- Name
- Social Security Number
- Date of birth
- Residence address (or description of the location of the residence)
- Mailing address, if different
- A statement that the registrant's residence was acquired with the intent to make Hawaii his or her legal residence
- A statement that the registrant is a U.S. citizen
- A statement that the registrant is at least 16 years old<sup>13</sup>
- Signature affirming that the information in the application is true
  - If the applicant is unable to write due to illiteracy, blindness or another physical disability, his or her mark must be witnessed by another person, who must sign the registration form in the space provided.<sup>14</sup>



## WHAT IS THE DEADLINE FOR SUBMITTING REGISTRATION APPLICATIONS?

Registration forms must be submitted by 4:30 P.M. on the 30<sup>th</sup> day prior to Election Day.<sup>15</sup> If this falls on a Saturday, Sunday or holiday, registration forms must be submitted by 4:30 P.M. on the first working day immediately thereafter.<sup>16</sup>

Postmarked applications are timely if sent directly to the clerk and postmarked no later than the registration closing day. If the postmark is illegible, an otherwise acceptable voter registration form is effective for an upcoming election if the voter registration form is executed on or before the close of registration for that election and is received by the clerk by mail no later than the second business day after the close of registration for that election.<sup>17</sup>

## WHAT ARE THE STATE RULES GOVERNING VOTER REGISTRATION DRIVES?

### BEFORE THE DRIVE

- A. Does the state require organizations conducting voter registration drives to register or file other information detailing its voter registration activities?**

No.

- B. Does the state require any training in order to conduct voter registration drives?**

No.

- C. Does the state have restrictions on who may help others register to vote, or other rules regarding voter registration forms?**

Hawaii law does not restrict who may help others register, however, if reproduced, voter registration forms may not be included in, attached to, or affixed to any campaign or informational literature unrelated to voter registration.<sup>18</sup>

- D. Does the state have restrictions on whether workers may be paid?**

No.

- E. Can canvassers or the voter registration drive offer something of value to a person in exchange for completing a voter registration application?**

Federal law states that whoever "pays or offers to pay or accepts payment either for registration to vote or for voting shall be fined not more than \$10,000 or imprisoned not more than five years."<sup>19</sup> At least one federal appellate court has interpreted "payment" as "intended to include forms of pecuniary value offered or given directly to an individual voter, and indicated the value should be based on "an assessment of the monetary worth of an item from the perspective of the voter receiving the item." That case held that food vouchers could be "payment."<sup>20</sup>

Another example is California's Secretary of State's interpretation of the federal law to mean that "Any type of incentive is considered 'payment,' even things as seemingly innocent as cookies or admission to an entertainment event."<sup>21</sup>

### DURING THE DRIVE

- A. Are there special rules requiring the registration drive worker to sign her name to the completed voter registration application?**

No, except that if the applicant is unable to write due to illiteracy, blindness or another physical disability, his or her mark must be witnessed by another person, who must sign the registration form in the space provided.<sup>22</sup>



**B. Are voter registration groups prohibited from putting identifying marks on completed voter registration applications?**

Hawaii law does not address this issue.

**C. Are there restrictions on copying completed voter registration applications prior to submitting them to the registrar?**

Hawaii law does not explicitly address pre-submission copies; however, the law states that it is unlawful for any person to use, print, publish or distribute voter registration information acquired directly or indirectly from the voter registration affidavits or any list prepared from them. This law requires that any person designated by the clerk to register voters and collect voter registration affidavits must be informed of this rule. Additionally, a voter's full name, district/precinct designation, and voter status must be public; but all other personal information, as provided on the voter registration affidavit, must be confidential except for election or government purposes in accordance with rules adopted by Hawaii's Chief Election Officer.<sup>23</sup> The relevant rule provides that a voter's full name is public information, and that the remainder of the information, except for the Social Security Number and date of birth, is available for listed election or government purposes, which include to support or encourage voter registration or the voting process.<sup>24</sup> Anyone who violates this law is guilty of a misdemeanor.<sup>25</sup>

The law also provides that *filed* affidavits may be copied for the same election purposes described above.<sup>26</sup>

**D. Are voter registration groups subject to time limits for submitting the voter registration applications they have collected?**

No; however, applications must be submitted by 4:30 pm on the 30<sup>th</sup> day prior to the election, or by the first working day immediately thereafter if that day is a Saturday, Sunday, or legal holiday, in order for the applicant to be able to vote in that election.<sup>27</sup>

**E. What are the consequences for failing to submit voter registration applications on time?**

Hawaii law does not address this issue.

**F. How are completed voter registration forms tracked?**

Upon receipt of a completed voter registration form, the county clerk must assign a number to the registration form and enter the name of the voter in the general county register.<sup>28</sup>

Applicants whose registrations are approved will be sent a Notice of Voter Registration and Address Confirmation Card.<sup>29</sup>

If a registrant wishes to appeal a ruling denying registration made by the county clerk or precinct officials prior to Election Day, he or she must appeal to the Board of Registration within 10 days of service by mail or personal delivery of the adverse decision.<sup>30</sup> If the appeal is sustained, the Board of Registration must immediately certify its finding to the county clerk, who must alter the register to correspond with the Board of Registration's findings.<sup>31</sup>

**G. Who is responsible for investigating and enforcing the state rules?**

The chief election officer is appointed by the elections commission and is responsible for maximizing registration and adopting rules regarding elections.<sup>32</sup> Each board of registration is given all of the powers and authority for the summoning and examining of witnesses and the maintenance of order, including the power to punish for contempt and award witness fees, by law given to circuit courts.<sup>33</sup>



## WHAT ARE THE RULES FOR CORRECTING INCOMPLETE APPLICATIONS?

- A. If a voter registration application is incomplete, may the voter registration drive write the missing information on the application with the consent of the applicant?**

Hawaii law does not address this issue.

- B. How may an applicant correct an incomplete application after it has been submitted to county election officials?**

Hawaii law does not address this issue.

## WEB PAGE WITH STATUTE

[http://www.capitol.hawaii.gov/hrscurrent/Vol01\\_Ch0001-0042F/HRS0011/HRS\\_0011-.htm](http://www.capitol.hawaii.gov/hrscurrent/Vol01_Ch0001-0042F/HRS0011/HRS_0011-.htm)

For more information, contact:

### Project Vote

805 15th Street NW, Suite 250

Washington, DC 20005

(202) 546-4173

[www.projectvote.org](http://www.projectvote.org)

Last Revised 02/2014

## DISCLAIMER

The information contained in this document is for general guidance only. It should not be used as a substitute for consultation with professional legal or other competent advisers. Project Vote is not responsible for any errors or omissions, or for the results obtained from the use of this information.

---

<sup>1</sup> Haw. Rev. Stat. §§ 11-11, 11-12

<sup>2</sup> Haw. Rev. Stat. § 11-12

<sup>3</sup> Haw. Const. Art. 2 § 1

<sup>4</sup> WikiWiki Voter Registration & Permanent Absentee Application Guide (last updated March 2012)

[http://hawaii.gov/elections/forms/voter\\_pab\\_application\\_english.pdf](http://hawaii.gov/elections/forms/voter_pab_application_english.pdf),

<sup>5</sup> Haw. Rev. Stat. § 11-13(2)

<sup>6</sup> Haw. Admin. R. § 3-172-25(a)(3)

<sup>7</sup> Haw. Rev. Stat. § 11-13

<sup>8</sup> Haw. Rev. Stat. § 11-23; Haw. Const. Art. 2 § 2

<sup>9</sup> Haw. Rev. Stat. § 831-2; Haw. Const. Art. 2 § 2

<sup>10</sup> Help America Vote Act of 2002 (HAVA) §§ 303(a), 303(b)

<sup>11</sup> National Voter Registration Act of 1993 (NVRA), 42 U.S.C. § 1973gg-7(b)

<sup>12</sup> Haw. Rev. Stat. § 11-15(a); Haw. Admin. R. §§ 3-172-20(a), 3-172-24. A copy of Hawaii's voter registration application can be found at [http://hawaii.gov/elections/forms/voter\\_pab\\_application\\_english.pdf](http://hawaii.gov/elections/forms/voter_pab_application_english.pdf)

<sup>13</sup> Haw. Admin. R. § 3-172-20(a)

<sup>14</sup> Haw. Rev. Stat. § 11-15(c)

<sup>15</sup> Haw. Rev. Stat. § 11-24(a)

<sup>16</sup> Haw. Rev. Stat. § 11-24(a)

<sup>17</sup> Haw. Admin. R. § 3-172-22



---

<sup>18</sup> Haw. Admin R. § 3-172-23

<sup>19</sup> 42 U.S.C. § 1973i(c).

<sup>20</sup> *United States v. Garcia*, 719 F.2d 99, 102-03 (5th Cir. 1983).

<sup>21</sup> California Secretary of State, *Guide to Voter Registration Drives* 10 (last revised March 2013), available at <http://www.sos.ca.gov/elections/guides/guide-to-vr-drives.pdf>.

<sup>22</sup> Haw. Rev. Stat. § 11-15(c)

<sup>23</sup> Haw. Rev. Stat. §§ 11-14(d), 11-97

<sup>24</sup> Haw. Admin. R. § 3-172-31(c)

<sup>25</sup> Haw. Rev. Stat. § 11-14(d)

<sup>26</sup> Haw. Rev. Stat. § 11-14(b)

<sup>27</sup> Haw. Rev. Stat. § 11-24(a)

<sup>28</sup> Haw. Admin. R. § 3-172-24(d)

<sup>29</sup> WikiWiki Voter Registration & Permanent Absentee Application Guide (last updated March 2012)

[http://hawaii.gov/elections/forms/voter\\_pab\\_application\\_english.pdf](http://hawaii.gov/elections/forms/voter_pab_application_english.pdf)

<sup>30</sup> Haw. Rev. Stat. § 11-26(b)

<sup>31</sup> Haw. Rev. Stat. § 11-26(c)

<sup>32</sup> Haw. Rev. Stat. §§ 11-1.6, 11-2

<sup>33</sup> Haw. Rev. Stat. § 11-43(a)