



GOV. MSG. NO. 868

EXECUTIVE CHAMBERS  
HONOLULU

LINDA LINGLE  
GOVERNOR

July 8, 2008

The Honorable Colleen Hanabusa, President  
and Members of the Senate  
Twenty-Fourth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

I am transmitting herewith SB156 SD2 HD2 CD1, without my approval, and with the statement of objections relating to the measure.

SB156 SD2 HD2 CD1

A BILL FOR AN ACT RELATING TO VOTING.

Sincerely,



LINDA LINGLE

EXECUTIVE CHAMBERS

HONOLULU

July 8, 2008

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 156

Honorable Members  
Twenty-Fourth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval Senate Bill No. 156 entitled "A Bill for an Act Relating to Voting."

The purpose of this bill is to authorize permanent absentee voting for registered voters who request an absentee ballot for the current election. The voter will be a permanent absentee voter unless he or she requests termination in writing, dies, registers in another jurisdiction, fails to vote, or the ballot comes back as undeliverable.

This bill is objectionable because it opens the voting process to potential abuses without demonstrating that the current absentee voting system is not working.

First, as noted by the clerks of the respective counties and the Office of Elections, this bill places additional burdens and duties on them without adequate time to change the voting registration regulations and without appropriate resources to do so. While the bill appropriates federal funds from the Help America Vote Act (HAVA), insofar as a permanent absentee voter program is not part of the State's approved election plan, under 42 U.S.C. section 15404(b)(2), HAVA funds cannot be used for this purpose.

Second, while this bill provides that the voter shall be responsible for informing the county clerks of changes in the

STATEMENT OF OBJECTIONS  
SENATE BILL NO. 156  
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voter's personal information, it does not establish a means for verifying or confirming the information. Given Hawaii's mobile population, relying solely on voters to assume this responsibility is unrealistic. Nor is it clear how the county clerk is notified if the voter moves, particularly if the individual does not register to vote in another jurisdiction and does not notify the county clerk of his or her new address. Additionally, there are no penalties provided in this bill for those who fraudulently use the permanent absentee ballot of another individual.

Absentee voting has increased significantly during the last three election cycles. There is no evidence to indicate that the current requirement to request an absentee ballot prior to each election has unduly hindered any population subgroup from participating and casting its ballot. I commend the work of the Office of Elections in providing technologies that allow those who are handicapped or aged to cast their ballots when they choose to come to the polling place on election day. I also believe they are fairly and appropriately administering current laws which allow for absentee ballots, while providing important safeguards to ensure that the voter still resides within his or her voting district and is eligible to cast a vote in the coming election.

For the foregoing reasons, I am returning Senate Bill No. 156 without my approval.

Respectfully,



LINDA LINGLE  
Governor of Hawaii

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## A BILL FOR AN ACT

RELATING TO VOTING.

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

1           SECTION 1. Section 15-4, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "§15-4 Request for absentee ballot. (a) Any person  
4 registered to vote may request an absentee ballot in person or  
5 in writing from the clerk not earlier than on the sixtieth day  
6 and not later than 4:30 p.m. on the seventh day prior to the  
7 election. Any mailed requests for an absentee ballot shall be  
8 mailed by the person directly to the clerk. The clerk may waive  
9 any or all of the foregoing requirements in special cases as  
10 provided in the rules adopted by the chief election officer.

11           The request shall include information such as the person's  
12 social security number, date of birth, and the address under  
13 which the person is registered to vote. The request shall also  
14 include the address to which the person wishes the requested  
15 ballot forwarded. The request, when made for any primary or  
16 special primary election, may include an additional request for  
17 an absentee ballot to be voted at any election immediately



1 following the primary or special primary; provided the person so  
2 indicates in the person's request.

3 Subsequent to the closing of registration for each  
4 election, the clerk may mail a request form for an absentee  
5 ballot to each voter in a remote area who has not already made  
6 such a request. The request form shall be accompanied by:

7 (1) A stamped, self-addressed envelope; and

8 (2) Instructions regarding the manner of completing and  
9 returning the request form.

10 (b) Notwithstanding subsection (a), the clerk shall mail  
11 an absentee ballot for each primary, special primary, special,  
12 general, and special general election to each registered voter  
13 who resides in the county of Kalawao. The chief election  
14 officer may adopt rules to carry out this subsection.

15 (c) When a registered voter requests an absentee ballot,  
16 the voter also may include an additional request to receive  
17 absentee ballots permanently. After receiving a request for  
18 permanent absentee voter status, the clerk shall mail to the  
19 voter who requested permanent absentee voter status an absentee  
20 ballot for all subsequent elections conducted in that precinct.

21 (d) The chief election officer shall inform voters of the  
22 option of applying for permanent absentee voter status and shall



1 provide any necessary form to request the permanent absentee  
2 ballot option to any registered voter requesting an absentee  
3 ballot.

4 (e) A permanent absentee voter shall be responsible for  
5 informing the clerk of any changes to personal information,  
6 including changes to the voter's forwarding address.

7 (f) A voter's permanent absentee voter status shall be  
8 terminated if any of the following conditions apply:

- 9 (1) The voter requests in writing that such status be  
10 terminated;  
11 (2) The voter dies, loses voting rights, registers to vote  
12 in another jurisdiction, or is otherwise disqualified  
13 from voting;  
14 (3) The voter's absentee ballot, voter notification  
15 postcard, or any other election mail is returned to  
16 the clerk as undeliverable for any reason; or  
17 (4) The voter does not return a voter ballot by 6:00 p.m.  
18 election day in both the primary and general election  
19 of an election year.

20 (g) If a voter's permanent absentee voter status has been  
21 terminated due to one or more of the conditions specified in  
22 subsection (f), the voter shall be responsible for again



1 requesting permanent absentee status as specified in subsection  
2 (c)."

3 SECTION 2. Section 15-11, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "§15-11 Voting by absentee voter at polls prohibited. Any  
6 person having voted an absentee ballot pursuant to this  
7 ~~[section]~~ chapter shall not be entitled to cast a ballot at the  
8 polls on election day. An absentee voter who does cast a ballot  
9 at the polls shall be guilty of an election offense under  
10 section 19-3(5)."

11 SECTION 3. There is appropriated from federal funds,  
12 received pursuant to the federal Help America Vote Act of 2002,  
13 the sum of \$575,000 or so much thereof as may be necessary for  
14 fiscal year 2008-2009 for the purpose of implementing and  
15 administering the permanent absentee voter program.

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

18 SECTION 4. There is appropriated out of the general  
19 revenues of the State of Hawaii the sum of \$35,000 or so much  
20 thereof as may be necessary for fiscal year 2008-2009 to provide  
21 the five per cent state matching fund requirement needed to  
22 qualify for \$575,000 in federal funds to be used by the office



1 of elections to fulfill the requirements of the federal Help  
2 America Vote Act of 2002.

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

5 SECTION 5. Statutory material to be repealed is bracketed  
6 and stricken. New statutory material is underscored.

7 SECTION 6. This Act shall take effect on July 1, 2008.

