

Election Statute Navigator: Hawaii

The Election Law Program prepared this Election Law Navigator to highlight state election statutes particularly relevant to the 2020 cycle. The Election Law Navigator is updated as of October 19, 2020. Please contact elect@wm.edu with questions or suggestions. To access COVID-specific legal information impacting this state's election process, please use this link: <https://ebenchmark.org/hawaii/covid/#tracker>.

Voter Registration

- Voter permitted to register up to and including Election Day (aka Same Day Registration)
 - **§11-15.2**
- Voters registering prior to Election Day deadlines
 - Primary: July 9, 2020
 - General: October 5, 2020
 - [Hawaii registration website](#)
- Online registration available **§11-15 and §11-15.3**
 - [Hawaii online registration website](#)
- Registration via mail available
 - [Hawaii registration website](#)
- In-Person registration available
 - [Hawaii registration website](#)
- Automatic Voter Registration **§11-12(b)**
 - Hawaii law allows qualified individuals to pre-register at sixteen (16) years of age. Upon reaching eighteen (18) years of age, they will be automatically registered.
- Preregistration allowed **§11-12**
 - 16-year-olds may preregister, and 17-year-olds may register but not vote
- Residency requirements **§11-13**
- Prior conviction eligibility
 - A person sentenced for a felony, from the time of the person's sentence until the person's final discharge, may not vote in an election, but if the person is placed on probation or the person is paroled after commitment to imprisonment, the person may vote during the period of the probation or parole.
 - See Hawaii State Constitution Article II, Section 2, and HRS §831-2.
- Voters judged mentally incompetent for a mental disability cannot vote **§11-23(a)**



- A person who is incapacitated to the extent that the person lacks sufficient understanding or capacity to make or communicate responsible decisions concerning voting, or has lost voting rights pursuant to section 831-2, or has lost citizenship, is disqualified for any other reason to vote.
- Other:
 - **§11-14.5:** Confidentiality of residence address

State Absentee, Early, and Mail Voting

- All elections shall be conducted by mail **§11-101**
- Who may vote by absentee ballot **§15-2**
- Absentee ballot request deadline
 - Primary: August 1, 2020
General: October 27, 2020
 - [Hawaii registration website](#)
- Absentee ballot registration deadline **§15-4**
 - Any person registered to vote who is unable to receive a ballot at the person's voter registration address of record may request an absentee ballot in writing from the clerk at any time but no later than 4:30 p.m. on the seventh day before the election.
- Absentee ballot application is verified
 - Should you wish to verify your voter registration status, contact us at (808) 453-VOTE (8683) or toll free at 1-800-442-VOTE (8683).
 - [Hawaii registration website](#)
- Permanent absentee voting options
 - **§11-15:** An application to register to vote shall include a space to request a permanent absentee ballot
- Absentee ballot verification details **§15-9**
- State allows voters to correct signature discrepancies **§11-106(3)**
 - The voter shall have five business days after the date of the election to cure the deficiency. The chief election officer may adopt rules regarding requirements and procedures for correcting deficient return identification envelopes.
- Deadline by which election official must receive absentee ballots **§15-9(a)**
 - (1) Mailed and must be received by the clerk issuing the absentee ballot no later than the closing hour on election day in accordance with section 11-131; or



(2) Delivered other than by mail to the clerk issuing the absentee ballot, or to a voter service center no later than the closing hour on election day in accordance with section 11-131.

- State is required to provide secrecy sleeve for absentee/mail ballot **§15-6, §11-102**
- Absentee ballot processing and counting procedures **§15-9, §15-10, §11-152**
- Spoiling and replacement ballot restrictions **§11-140, §11-105**
- Other:
 - **§15-3**: If ineligible to qualify as a voter in the state to which the voter has moved, any former registered voter of Hawaii may vote an absentee ballot in any presidential election occurring within twenty-four months after leaving Hawaii by requesting an application form and returning it properly executed to the county of the voter's prior Hawaii residence
 - **§15-6.5**: The mailed distribution and return of absentee ballots shall be at no cost to the voter. The State and counties shall share in the cost of all postage associated with the distribution and return of absentee ballots pursuant to sections 11-182 and 11-183, if the costs are not covered by the federal government.
 - **§15-11**: Any person having voted an absentee ballot pursuant to this chapter shall not be entitled to cast a ballot at the polls on election day
 - **§11-104**: Ballot return instructions

In-Person Voter ID

- Photo ID requirements not specified by election statute

Provisional Voting

- Provisional ballot availability
 - [Hawaii provisional voting website](#)
- Time allotted to determine the status of provisional ballot **§11-174.5**
 - Twenty days
- Provisional ballot rejection reasons
 - **Haw. Admin. Rules § 3-172-140**

Polling Place

- Polling Place availability and requirements **§11-109**



- Campaigning must not be closer than **200** feet to the entrance of the polling place **§11-132**
- Rules governing poll observers **§16-45**
- Poll watcher qualifications **§11-77**

State Emergency Rules and How Elections are Affected

- Explicit remedies in election statute **§11-92.3**
- All can vote by mail in state of emergency **§15-2.5**
 - Voting by mail in district affected by natural disasters. (a) If the chief election officer and clerk of a county affected as a result of a natural disaster determine that the opening of a designated voter service center will adversely affect the health and safety of voters or precinct officials, the chief election officer and county clerk, by written order, may require the registered voters of any district to vote by mail as provided in part VIIA of chapter 11.
- Other:
 - **§11-92.1(c)**: Pursuant to section 15-2.5, the clerk is not required to establish voter service centers for districts affected by natural disasters, as provided in section 15-2.5.

Counting Rules

- Voting system requirements **§16-12**
- Counting procedures **§16-25**

Contest/Protest, Recount Rules

- Voter protesting **§11-172**
 - Any thirty voters of any election district, may file a complaint in the supreme court.
- Candidate protesting **§11-172**
 - Any candidate, or qualified political party directly interested may file a complaint in the supreme court.
- Contest filing guidelines **§11-173.5, §11-174.5**
- Challenging a candidate **§12-8**
- Challenging a voter **§11-25**
- Automatic recount **§11-158**



- Other:
 - **§11-14.5(d)**: If the voter registration of a person covered by this section is challenged, the clerk shall release the residence address of that person to the challenger pursuant to rules established by the chief election officer.
 - **§11-25**: Appeal from ruling on challenge; or failure of clerk to act.

