

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/illinois/covid/#tracker>.

Voter Registration

- Voter permitted to register up to and including Election Day (aka Same Day Registration) **§ 5-50**
- Voters (other than above) register prior to Election Day **§ 4-6**
 - Deadlines: Twenty-eight days before an election; 16 days before if registering online; Same-day registration is permitted from 27 days before the election and on Election Day.
- Online registration available **§ 1A-16.5**
- Registration via mail available **§ 1A-16**
- In-Person registration available **§ 1A-16**
 - Locations: libraries, schools, and local government offices
- Automatic Voter Registration **§ 1A-16.1, § 1A-16.2, § 1A-16.7**
 - Participating Agencies: DMV and other designated automatic voter registration agencies
- Preregistration allowed **§ 3-6**
 - For the purposes of this Code, an individual who is 17 years of age and who will be 18 years of age on the date of the general or consolidated election shall be deemed competent to execute and attest to any voter registration forms.
- Residency requirement **§ 3-1**
 - Every person (i) who has resided in this State and in the election district 30 days next preceding any election therein, or (ii) who has resided in and is registered to vote from the election district 30 days next preceding any election therein and has moved to another election district in this State within said 30 days and has made and subscribed to the affidavit provided in paragraph (b) of Section 17-10 of this Act, or (iii) who has resided in and is registered to vote from the election district 30 days next preceding any election therein and has not moved to another residence but whose address has changed as a result of implementation of a 9-1-1 emergency telephone system and has made and subscribed to the affidavit provided in subsection (a) of Section 17-10, and who is a citizen of the United



States, of the age of 18 or more years is entitled to vote at such election for all offices and on all propositions.

- Prior conviction eligibility – See state code for specifics: **§ 3-5**

State Absentee, Early, and Mail Voting

- Early voting allowed **§ 19A-15**
 - 40th day before election for temporary polling locations and 15th day before election for permanent locations
- No-excuse absentee voting **§ 19-1**
- Absentee ballot application is verified **§ 19-4**
- Absentee ballot verification details **§ 19-8**
 - The election judge or official shall compare the voter's signature on the certification envelope of that vote by mail ballot with the signature of the voter on file in the office of the election authority. If the election judge or official determines that the signatures do not match, or that the vote by mail voter is not qualified to cast a vote by mail ballot, then without opening the certification envelope, the judge or official shall mark across the face of the certification envelope the word "Rejected" and shall not cast or count the ballot. If a vote by mail ballot is rejected, the election authority informs the voter within two days after the rejection. The notice informs the voter of the reasons that the ballot was rejected. The voter may then appear before the election authority on or before the 14th day after the election to present evidence supporting the contention that the ballot should be counted. The election authority appoints a panel of two election judges, from different political parties, to review the evidence submitted and make a final determination as to the validity of the contested vote-by-mail ballot.
- State allows voters to correct signature discrepancies **§ 19-8**
- Someone other than the voter can return an absentee or mail ballot on behalf of the voter **§ 19-6**
- Deadline by which election official must receive absentee/mailed ballots **§ 19-8**
 - Each vote by mail voter's ballot that is mailed to an election authority and postmarked no later than election day, but that is received by the election authority after the polls close on election day and before the close of the period for counting provisional ballots cast at that election, shall be endorsed by the receiving authority with the day and hour of receipt and shall be counted at the central ballot counting location of the election authority during the period for counting provisional ballots.



- State accepts postmarked ballots that arrive after election day **§ 19-8**
- Absentee/Mail ballot processing and counting procedures **§ 19-8**

In-Person Voter ID

- No document required to vote

Provisional Voting

- Provisional ballot availability **§ 18A-5**
 - (1) The person's name does not appear on the official list of eligible voters for the precinct in which the person seeks to vote and the person has refused an opportunity to register at the polling location or another grace period registration site. The official list is the centralized statewide voter registration list established and maintained in accordance with Section 1A-25;
 - (2) The person's voting status has been challenged by an election judge, a pollwatcher, or any legal voter and that challenge has been sustained by a majority of the election judges;
 - (3) A federal or State court order extends the time for closing the polls beyond the time period established by State law and the person votes during the extended time period;
 - (4) The voter registered to vote by mail and is required by law to present identification when voting either in person or by early voting ballot, but fails to do so;
 - (5) The voter's name appears on the list of voters who voted during the early voting period, but the voter claims not to have voted during the early voting period;
 - (6) The voter received a vote by mail ballot but did not return the vote by mail ballot to the election authority; or
 - (7) The voter attempted to register to vote on election day, but failed to provide the necessary documentation.
- Time allotted to determine the status of provisional ballot **§ 18A-15**
 - Fourteen days following the election.
- Provisional ballot rejection reasons: **§ 18A-15**
 - Information available to the election authority from five specifically-identified sources opposes registration status. If a conflict exists among the information available, the election authority shall make a determination by a totality of the circumstances
 - The affidavit executed by the voter fails to contain the voter's first and last name, house number and street name and signature or mark



- The voter is determined to have voted by mail in the election concerned; or
- The voter does not provide the election authority with the necessary registration documentation (ID) within 7 days of the election

Polling Place

- Electioneering or campaigning must not be closer than 100 feet to the entrance of the polling place **§ 17-29(a)**
- Rules governing poll observers **§ 7-34**
- Poll watcher qualifications **§ 17-23**
 - Registered to vote in the state; must be affiliated with the political party or organization that appoints him or her; the parties and candidates can each appoint two per precinct; organizations that are concerned with the election and nonpartisan civic organizations can appoint one per precinct provided they register with the elections authority 40 days before the election; there can be no more than two people from nonpartisan civic organizations at a polling place at a given time.
- Curbside voting **§ 2B-35**

State Emergency Rules and How Elections are Affected

- Governor or executive director of the state board of elections has authority to set rules and procedures (after declaring “election emergency”) **§ 20-25**
- Listed triggers for Emergency Rules
 - If the armed forces are deployed or there is a state of emergency declared by the president or governor
- Other:
 - **§ 7-47.2:** If an emergency requires the use of a precinct that is not handicap accessible, then 2 election judges will meet handicap voters outside to assist with voting.

Counting Rules

- Voting system requirements **§ 24C-1**
- Counting procedures **§ 24B-15, § 24C-15**

Contest/Protest, Recount Rules

- Contest filing guidelines **§ 23**

