

FACTSHEET
VOTING INFORMATION
CARE FACILITY ADMINISTRATION AND RESIDENTS

THE RIGHT TO VOTE

The United States Constitution provides that each citizen has the right to vote. The Constitution of the State of Hawaii states that anyone who is properly registered may vote in any election. Your party preference and your vote are secret.

A person who is imprisoned for a felony or a person declared by a court of law to be mentally incompetent may have their right to vote revoked. All others who are U.S. citizens; 18 years of age; and a resident of the state may register and vote in the elections conducted by the State and Counties in Hawaii.

RESPECT VOTER RIGHTS

Residents of care home facilities are eligible to vote. To ensure the security and integrity of election related activities at care facilities, staff members are discouraged from participating directly with a voter in the process of registering and/or voting absentee. Staff may assist only upon receiving specific authorization from the resident (voter).

In accordance with Hawaii Revised Statutes §11-139, any voter who requires assistance to vote because of physical disability and/or difficulty in reading or writing may ask any person of his or her choice, as long as the person is not the voter's employer, employer's agent, or union's agent.

If a resident of a care facility requests voting assistance from care facility personnel the following guidelines should protect the voter's rights:

1. *Family Involvement*

It may be advisable to involve the resident's family in the process of application and voting.

2. *Voter Registration*

Confirm that the resident is properly registered to vote.

To register, one must be a citizen of the United States; at least 18 years of age; and a resident of the State of Hawaii. *The Affidavit On Application For Voter Registration* (Wikiwiki Voter registration) must be completed and delivered or mailed directly to the appropriate office of the city or county clerk by the registration deadline by the applicant. (Hawaii Administrative Rules §2-51-29).

A person who has moved or changed their name must update his/her registration prior to voting.

3. *Absentee Voting By Mail*

Hawaii Revised Statutes §15-2 allows any registered person to vote using an absentee ballot. A voter who is unable to vote at the polls on election day may request an absentee mail ballot from the city or county clerk in the county of residence. The clerk will mail an absentee ballot and voting instructions upon receipt of the application from the voter.

Use the *Application For Absentee Voter Ballot* (Wikiwiki Absentee Application) to request a ballot. The *application* must be signed by each respective applicant and sent to the clerk of the county of residence. If the signature is a mark, a witness must also sign (Hawaii Revised Statutes §15-4).

4. *Service For Incapacitated Voter*

Hawaii Revised Statutes §15-5 provides that an incapacitated voter may send a representative to obtain the voter's ballots pursuant to rules.

Hawaii Administrative Rules §2-53-2(c) states that any voter who is unable to vote at the polls on election day may, by written request, authorize the clerk to deliver the ballot through an intermediary other than the voter's employer or agent of that employer or officer/agent of the voter's union. The request shall contain the same information required of any voter who requests an absentee ballot.

5. *Voting Assistance*

When asked by a voter to render assistance, a family member should be encouraged to provide the assistance. If assistance is provided by the care facility, the staff must remain nonpartisan and have at least two people **NOT** of the same political party present. This will ensure that the rights of the residents requesting assistance are protected and may eliminate the appearance of wrong-doing by the care facility or its staff.

6. *Prohibited Uses*

An individual or organization may not duplicate, copy, or otherwise make use of any information provided on the vote registration forms. (Hawaii Administrative Rules §2-51-29(6)).

It is unlawful for any person to use, print, publish, or distribute information acquired directly or indirectly from the voter registration form. A voter's registration form may be released for election or government purposes only.

7. *Voter and Election Fraud*

Pursuant to Hawaii Revised Statutes §19-3 the following actions constitute election fraud.

- a person who directly or indirectly offers to give valuable consideration and/or offer money to any voter to induce that voter to vote or refrain from voting or refraining to vote for any particular person; or
- a person who directly or indirectly, personally or through another person, threatens, forces, or intimidates a voter to refrain from voting, or to vote for any particular person or party at any election; or
- a person who votes or attempts to vote in the name of any other person, living or dead, or in some fictitious name; or
- a person who has already voted and knowingly attempts to vote again; or
- a person who knowingly gives or attempts to give more than one ballot for the same office at the time of voting.

Pursuant to Hawaii Revised Statutes §19-3.5, any person who knowingly furnishes false information on the *Affidavit on Application for Voter Registration* and/or *Application for Absentee Voter Ballot* may be guilty of a Class C Felony, punishable by up to 5 years imprisonment and/or \$10,000 fine.

This Factsheet is intended for informational purposes only and should not be used as an authority on the Hawaii election law and deadlines. Requirements and/or deadlines may change pending changes in legislation. Consult the Hawaii Revised Statutes and other sources for more detailed and accurate requirements.

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