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OFFICE OF ELECTIONS**

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TESTIMONY OF THE
CHIEF ELECTION OFFICER, OFFICE OF ELECTIONS
TO THE SENATE COMMITTEE ON JUDICIARY AND LABOR
AND
THE HOUSE COMMITTEE ON JUDICIARY
INFORMATIONAL BRIEFING

November 3, 2015

Chair Keith-Agaran and Chair Rhoads and members of the Senate Committee on Judiciary and Labor and the House Committee on Judiciary, thank you for this opportunity to provide comments on voter convenience reforms.

Historically, Hawaii has always had a history of being progressive in removing barriers to voting. This goes back to our move away from in-person registration to registering by mail; the movement from requiring an excuse to vote absentee to no-excuse absentee voting; permanent absentee voting; and online voter registration and election day registration.

The Office of Elections believes recent legislative changes such as online voter registration and Election Day registration will serve as positive tools to encourage public participation in the electoral process. We also believe there are additional tools, currently pending in various pieces of legislation, which will benefit the public and streamline the administration of elections. These include all-mail elections, electronic voting for remote and overseas voters, and automatic voter registration.

I. ONLINE VOTER REGISTRATION

Online voter registration (OLVR) was launched on August 3, 2015 in compliance with Act 225, SLH 2012. There have been 1,866 transactions through November 1, 2015, which includes new and updated registrations.

Statewide

New Registration	841
Updated Registration.....	1,025
Total Transactions.....	1,866

County of Hawaii

New Registration	124
Updated Registration.....	146
Total Transactions.....	270

County of Maui

New Registration	97
Updated Registration.....	141
Total Transactions.....	238

County of Kauai

New Registration	32
Updated Registration.....	34
Total Transactions.....	66

City and County of Honolulu

New Registration	588
Updated Registration.....	704
Total Transactions.....	1,292

A. OPERATIONAL

Users can register on the OLVR by providing a Hawaii Driver's License or State Identification, and Social Security Number. Once the information is confirmed, the user is notified if they are currently registered to vote or not. Those who are not currently registered to vote proceed as a new applicant, while those who are currently registered to vote may update their registration information (i.e. name, residence address, mailing address, language preference, and voting by mail preference).

1. NEW APPLICANTS

Users submitting a new registration application progress through the following steps:

Qualifications

New applicants must indicate that they meet the three (3) qualifications to register to vote - U.S. citizen, age, and legal resident.

Previous Registration

If an applicant is currently registered in another state, the Office of Elections provides the applicant's information to the appropriate entity to cancel their registration in that state.

Contact Information

In order to access the OLVR, applicants must provide their name as it appears on their identification card. Within the OLVR, applicants may choose to make changes to their name for election purposes. For example, an applicant might change their last name to reflect a change in marital status that is not currently reflected on their driver's license.

Next, applicants enter their legal residence address. Based on what applicants enter, the system suggests standard residence addresses that have been geocoded (i.e. specific latitude and longitude coordinates are associated with each address) to place them in the proper precinct.

Applicants may provide a separate mailing address for election purposes. We also ask applicants to provide a phone number and email address for any follow up that may be necessary.

Lastly, we ask the applicants to indicate their language preference. Voters are able to receive election materials, including their ballot, in English, Chinese, Ilocano, or Japanese, depending on the county of residence. The County of Maui provides materials in English and Ilocano; and the City and County of Honolulu provides materials in English, Chinese, Ilocano, and Japanese.

Voting by Mail (Permanent Absentee Voting)

Applicants may indicate that they would like to receive a permanent mail ballot at their in-state mailing address pursuant to Act 174, SLH 2015. Similarly, applicants may opt-out of voting by mail by indicating that they are not interested at this time. Users may

update their voting by mail preference at any time utilizing the OLVR.

Review and Summary

Before submitting the application, users review their information. Applicants may correct their contact information or voting by mail preference. Once applicants are satisfied that their information is correct, they swear or affirm that they meet the qualifications. Applicants can print or email a summary of the application for their personal records.

2. UPDATING REGISTRATION

After the user's identification information is confirmed, registered voters are able to review their information and make appropriate changes to their contact information or voting by mail preference. The user will then review the changes and submit the application.

3. ADDITIONAL FEATURES

The site has been designed to be navigated by users with visual impairments utilizing a screen reader, and it is optimized for mobile devices. Also, in compliance with the Voting Rights Act, the OLVR is available in Chinese, Ilocano, and Japanese.

B. TECHNICAL

The OLVR is part of a new statewide voter registration system that is hosted on the Hawaii State Government Private Cloud (GPC), which is operated by the Office of Enterprise Technology Services (OETS). Four (4) webservices were developed to provide data to the OLVR, including government issued identification, voter registration records, and mapping.

1. DRIVER'S LICENSE AND STATE IDENTIFICATION WEBSERVICE

In order to confirm an applicant's identity, we worked with the City Department of Information and Technology (City DIT) and the City Licensing Administrator to authorize a webservice that allows the OLVR to compare the name, date of birth, Social Security Number, and Driver's License or State Identification number with the driver's licensing/state identification database. This database is managed by the Customer Service Department, which includes the City Licensing Administrator, on behalf of the Department of Transportation and the other counties.

2. MARQUIS ID SYSTEMS WEBSERVICE

We obtained permission from the City Licensing Administrator to contract with Marquis ID Systems (MIDS) to acquire an applicant's digitized signature associated with a Driver's License or State Identification. This webservice permits the OLVR to transmit the name, date of birth, and the Driver's License or State Identification number to MIDS, and for MIDS to return the applicant's digitized signature to complete the OLVR application.

3. CONNECTING TO THE STATEWIDE VOTER REGISTRATION SYSTEM

The OLVR transfers voter registration records through a webservice to the statewide voter registration system on the City and County of Honolulu's mainframe to ensure the voter registration records are current. These transfers occur in real time. The City utilizes batch processing to transfer information from the City mainframe to the OLVR.

4. ESRI GEOCODED ADDRESS WEBSERVICE

The OLVR uses an applicant's residence address to assign them to the appropriate precinct, which determines the contests they are eligible to vote on, and their polling place. We worked with ESRI to develop a webservice that suggests valid geocoded addresses (i.e., addresses that can be found with latitude and longitude coordinates). With a fixed and objective database of addresses and locations, OLVR is able to automatically locate voters and assign them to the appropriate precincts.

C. BENEFITS OF OLVR

Online voter registration, in the states in which it has been implemented, has been heralded as increasing voter registration due to its accessibility and convenience, while ensuring accuracy of the voter registration rolls.

The Office of Elections is promoting use of the OLVR at community events where we provide registration and voter education services. It will also be part of the media campaign for the 2016 Elections, including radio and television advertisements.

II. ELECTION DAY REGISTRATION

Act 166, SLH 2014 introduces Election Day registration at absentee walk locations in 2016, and polling places in 2018. The state and counties are determining the level of substantiating evidence that election officials may request for first time registrants in order to maintain the integrity of the voter rolls.

Additionally, in order to further modernize elections, statutory changes should be made to allow for all-mail elections, electronic transmission of ballots,

electronic voter registration, and automatic voter registration as each may increase voter participation.

III. ALL-MAIL ELECTIONS

Statistics have shown that all-mail elections increase voter turnout by making a ballot available to every registered voter, as well as streamline the administration of elections. With the continuing popularity of absentee mail voting, we are experiencing challenges such as processing and scanning all ballots on Election Day. We will be proposing legislation that would allow preprocessing and scanning of mail ballots prior to Election Day to ensure the timely release of results.

IV. ELECTRONIC TRANSMISSION OF BALLOTS

The Office of Elections proposed HB 178 and its companion SB 441 to the 28th Legislature to permit electronic transmission and return of absentee ballots by voters who had not received an absentee mail ballot within five days of an election. Under the current law, voters covered by the state's Uniform Military and Overseas Voters Act (Chapter 15D, HRS) are permitted to receive blank absentee ballots by facsimile transmission, electronic mail delivery, or internet delivery, if offered by the voter's jurisdiction. HRS § 15D-9.

The proposed bills remove the requirement in HRS § 15-5 that one needs to be a covered voter under Chapter 15D, HRS, and allows any registered voter to be forwarded a ballot. Additionally, the bill expands the means of transmission and return of ballots from facsimile transmission to electronic transmission - including electronic mail and potentially an online absentee ballot delivery and return system. These systems are generally used in other jurisdictions primarily for military and overseas voters, with a notable exception being made by the State of New Jersey in 2012 to allow victims of the Hurricane Sandy to vote electronically.

Online voting systems do not count ballots, but allow ballots to be viewed and electronically marked by voters using their computers. Voters have the option of electronically submitting their ballots to election officials, who would then duplicate the electronic ballot onto a traditional ballot, in the same way that occurs for ballots voted by fax. Additionally, a voter could choose to print their ballot, vote upon it, and then fax or mail it back, if that was their preference. Again, upon receiving these ballots, election officials would duplicate it onto a traditional ballot, as is the practice with fax ballots.

V. MAINTENANCE AND ELECTRONIC TRANSMISSION OF VOTER REGISTRATION DATA BY THE EXAMINERS OF DRIVERS

Under the National Voter Registration Act (NVRA), the driver's license application serves as a simultaneous application to register to vote. In many states, the driver's licensing authority electronically records the voter registration

information from the paper applications and transmits the data electronically to election officials. This ensures registrations are added to the statewide voter registration system in a timely and accurate manner. Additionally, in some states, the driver's license process is fully electronic and paperless, generally resulting in an increase in voter registration due to its convenience (e.g. staff members ask the applicants the relevant driver's license and voter registration questions, and then types the responses into the driver's license system, which subsequently communicates with the relevant voter registration database).

We proposed HB 176 and SB 439 for consideration by the Legislature that "[w]ithin five calendar days of the completion of an application for the civil identification card or a driver's license, the examiner of drivers of each county shall provide the voter registration information set forth in the affidavit on application for voter registration, including a digital copy of the applicant's signature, electronically to the respective county clerk." These bills were submitted to improve upon the current motor voter practices in our state.

VI. AUTOMATIC VOTER REGISTRATION

Recently, the states of Oregon and California have passed automatic voter registration laws that allow driver's to opt-out within 21 days of receiving a notice from election officials.

These opt-out provisions attempt to address the NVRA requirement that driver's license applicants be given the option to decline to register to vote. As to whether administratively giving driver's license applicants the ability to opt-out or decline to register a significant time after applying initially for a driver's license complies with the NVRA is an unresolved question.

The lack of an ability to decline to register to vote, was cited by the Department of the Attorney General, in its testimony regarding HB 401 which automatically registered driver license applicants and state identification card applicants. In line with Department of the Attorney General, our office submitted HB 176 and SB 439, which provided that driver's license and state identification card applications not be processed "until the applicant clearly: (1) Indicates that the applicant declines to register to vote; or (2) Completes the application for voter registration." While such a process does not guarantee a hundred percent registration of such applicants, it does guarantee that each applicant will explicitly be given the opportunity to register to vote and the decision by an applicant to register or not register to vote will be unambiguous.

VII. CONCLUSION

We understand that to increase voter participation, all stakeholders (i.e., election officials, candidates, political parties, public interest groups, media, and the public) have an important role and responsibility to assist in this endeavor. The Office of Elections' mission is to provide secure, accessible, and convenient

elections to all citizens statewide. By upgrading the statewide voter registration system and implementing OLVR and Election Day registration, we are providing additional opportunities for the people of Hawaii to become registered voters and participate in the electoral process. By offering all-mail elections, electronic transmission of ballots, and electronic and automatic voter registration, we would be able to provide more transparent and efficient services.

Thank you again for this opportunity to testify on the voter convenience reforms that are being implemented this election cycle and that are currently pending before the Legislature.