
A BILL FOR AN ACT

RELATING TO PROCUREMENT OF VOTING SYSTEM EQUIPMENT.

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

1 SECTION 1. Chapter 16, Hawaii Revised Statutes, is amended
2 by adding three new sections to part IV to be appropriately
3 designated and to read as follows:

4 "§16- Procurement of voting system equipment. (a)
5 Notwithstanding any law to the contrary, including chapter 103D,
6 the process described in this section shall be used to procure
7 voting system equipment. Contracts to procure voting system
8 equipment to be awarded pursuant to this section shall be exempt
9 from the requirements of chapter 103D. Nothing in this section
10 shall prevent the State from satisfying any requirement of
11 federal law. This section shall be liberally construed so as not
12 to hinder or impede the State's application for, receipt of, and
13 use of federal funds.

14 (b) The chief election officer shall solicit offers to
15 provide voting system equipment by publishing a notice statewide
16 requesting the submission of offers. Notice of the solicitation
17 for offers shall be given a reasonable time before the date set
18 forth in the solicitation for the submission of offers. The



1 chief election officer shall determine the form of the notice,
2 what constitutes a reasonable interim between the notice and the
3 deadline for submission of offers, and how the notice shall be
4 published. The solicitation shall state all requirements for
5 voting system equipment and all criteria that shall be used to
6 evaluate offers. Contracts shall be awarded on the basis of
7 which offer is the most advantageous to the State.

8 (c) Upon receipt of one or more offers, the chief election
9 officer shall convene a selection committee to evaluate the offers.

10 The selection committee shall comprise the following members:

- 11 (1) The clerk of each county, or the clerk's designee;
12 (2) One representative from the office of elections
13 selected by the chief election officer;
14 (3) One representative from the disabled community
15 selected by the chief election officer;
16 (4) One person selected by the president of the senate;
17 (5) One person selected by the speaker of the house of
18 representatives; and
19 (6) One person selected by the governor.

20 The members of the selection committee shall not be subject to
21 the requirements of section 26-34 and shall receive no
22 compensation for their services on the committee. The committee



1 shall be exempt from the requirements of chapter 91 and part I
2 of chapter 92.

3 Offers shall be opened during the evaluation process to
4 avoid any disclosure of the contents to competing offerors. The
5 committee shall review and evaluate all submissions and other
6 pertinent information, including references and reports, and
7 shall prepare a list of offerors for the provision of voting
8 system equipment. The list of offerors shall be available for
9 public inspection.

10 (d) The evaluation criteria shall be set forth in the
11 solicitation issued by the chief election officer.

12 (e) The selection committee shall evaluate the offers
13 pursuant to the evaluation criteria and any other pertinent
14 information that may be available to the office of elections.

15 The committee may conduct confidential discussions with any
16 offeror. In conducting discussions, there shall be no
17 disclosure of any information derived from any of the competing
18 offers.

19 (f) The selection committee shall rank a minimum of three
20 offers based upon the evaluation criteria and send the rankings
21 to the chief election officer; provided that if fewer than three
22 offers are submitted, then the committee shall rank all offers



1 submitted based upon the evaluation criteria and shall send the
2 rankings to the chief election officer. The committee shall
3 recommend awarding the contract to the first-ranked offeror
4 whose offer is determined to be the most advantageous to the
5 State, taking into consideration the price and the evaluation
6 criteria set forth in the solicitation.

7 (g) The chief election officer shall award the contract to
8 the first-ranked offeror. The notice of the award shall be
9 mailed or otherwise communicated to the first-ranked offeror and
10 posted on the website of the office of elections.

11 §16- Right to request reconsideration. (a) A request
12 for reconsideration of an award shall be submitted to the chief
13 election officer not later than five working days after the notice
14 of the award is posted on the office of election's website. The
15 request shall contain a specific statement of the factual and legal
16 grounds upon which reconsideration is sought.

17 (b) The chief election officer shall promptly review the
18 request for reconsideration and issue a decision within five
19 working days after the chief election officer's receipt of the
20 request for reconsideration.

21 (c) The chief election officer's decision shall be final
22 and nonappealable.



1 §16- Exclusivity of remedies. The procedures and
2 remedies provided for in this part shall be the exclusive means
3 available for persons aggrieved in connection with the award of
4 the contract to resolve their concerns."

5 SECTION 2. Section 16-41, Hawaii Revised Statutes, is
6 amended by adding a new definition to be appropriately inserted
7 and to read as follows:

8 "Voting system equipment" means any and all systems and
9 equipment used to record or count votes, including:

- 10 (1) "Voting system capital equipment" as defined in
11 section 11-181;
- 12 (2) A "voting machine system" as defined in section 16-11;
- 13 (3) A "paper ballot voting system" as defined in section
14 16-21; and
- 15 (4) An "electronic voting system" as defined in this
16 section."

17 SECTION 3. If any provision of this Act, or the
18 application thereof to any person or circumstance is held
19 invalid, the invalidity does not affect other provisions or
20 applications of the Act, which can be given effect without the
21 invalid provision or application, and to this end the provisions
22 of this Act are severable.



1 SECTION 4. The alternative procurement process of this Act
2 shall apply to any and all current or pending solicitations or
3 requests for proposals for voting system equipment issued by the
4 chief election officer or the office of elections, all requests
5 for proposals for which a contract has not yet been finalized or
6 awarded, as well as all future solicitations or requests for
7 proposals for voting system equipment issued by the chief
8 election officer or the office of elections.

9 SECTION 5. New statutory material is underscored.

10 SECTION 6. This Act shall take effect upon its approval
11 and shall be repealed on June 30, 2011.



Report Title:

Voting System Equipment; Procurement

Description:

Establishes an alternative public procurement process for the procurement of voting system equipment. Effective upon approval and repealed on June 30, 2011.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

