

Honolulu, Hawaii

MAR 04 2011

RE: S.B. No. 1080
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 1080 entitled:

"A BILL FOR AN ACT RELATING TO THE UNIFORM MILITARY AND
OVERSEAS VOTERS ACT,"

begs leave to report as follows:

The purpose and intent of this measure is to apply the
Uniformed and Overseas Citizens Absentee Voting Act (UCAVA),
codified at Title 42 United States Code Sections 1973ff et seq.,
to state and county elections.

Your Committee received testimony in support of this measure
from the Commission to Promote Uniform Legislation. Your
Committee received testimony in opposition to this measure from
the Office of Elections. Your Committee received comments on this
measure from the Office of the City Clerk of the City and County
of Honolulu.

Your Committee finds that on October 28, 2009, the National
Defense Authorization Act for Fiscal Year 2010 (NDAA) was signed
into law. Subtitle H of the NDAA amended various parts of the
UCAVA. Among these requirements was a provision requiring states
to transmit absentee ballots to uniformed and overseas voters no
later than forty-five days prior to a federal election. Shortly
after the NDAA was passed, the Office of Elections adopted
administrative rules that addressed all mandatory parts of the
NDAA. Additionally, the Legislature passed H.B. No. 2397, H.D. 1,
S.D. 1, C.D. 1 (2010), enacted as Act 126, which moved the date of



the primary election to the second Saturday of August, in order to comply with the forty-five day time period mandated by the NDAA.

While the NDAA was intended to remedy obstacles faced by military personnel and overseas civilians that make it difficult to exercise their right to vote, it has not been entirely successful in accomplishing this goal due to procedural differences between the new federal requirements and state and local elections that are not covered by the federal law. Additionally, there is little consistency among jurisdictions regarding how these state and local elections are conducted. In response, the National Conference of Commissioners on Uniform State Laws developed the Uniform Military and Overseas Voters Act, with the aims of applying the federal statutes to state and local elections and creating uniformity and consistency among jurisdictions. This measure is the product of those efforts.

While the intent of this measure is laudatory, practically speaking, it creates inconsistencies within Hawaii's election laws and requirements that are not necessary to enfranchise uniformed and overseas voters, according to testimony submitted by the Office of the City Clerk. Concerns were raised that this measure will require changes to county ordinances and charters and to state law to address conflicting requirements. Your Committee notes that the Commission to Promote Uniform Legislation and the Office of the City Clerk have been working together to reach a workable compromise on these issues.

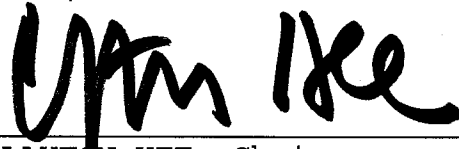
Your Committee has amended this measure by:

- (1) Inserting an effective date of July 1, 2050, to allow for further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1080, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1080, S.D. 1, and be placed on the calendar for Third Reading.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,




CLAYTON HEE, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB1080	Committee Referral: JDL	Date: 2/7/11		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile (VC)	✓			
GABBARD, Mike				✓
IHARA, Jr., Les	✓			
SLOM, Sam	✓			
TOTAL	4	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes