

Honolulu, Hawaii

APR 04 2016

RE: H.B. No. 27  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Eighth State Legislature  
Regular Session of 2016  
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred  
H.B. No. 27 entitled:

"A BILL FOR AN ACT RELATING TO ELECTIONS,"

begs leave to report as follows:

The purpose and intent of this measure is to repeal the  
prohibition against willfully exhibiting one's own ballot or  
unvoted ballots in a special primary or primary election.

Your Committee received testimony in support of this measure  
from one individual. Your Committee received comments on this  
measure from the Office of Elections.

Your Committee finds that the prevalence of electronic mobile  
devices and social media applications and platforms increases the  
opportunities for people to display their ballots via social  
media, which are commonly known as "ballot selfies". This measure  
clarifies that voters may exhibit their own ballots, which  
includes the dissemination of ballot images electronically or  
digitally.

Your Committee notes the comments from the Office of  
Elections that it may not be appropriate to amend section 11-137,  
Hawaii Revised Statutes (HRS), because this section relates to the  
operation of a polling place. This measure would exempt a voter  
from the prohibitions against willfully exhibiting the voter's own  
ballot in the polling place and leaving the polling place with the  
voter's own ballot before casting the ballot. The Office of



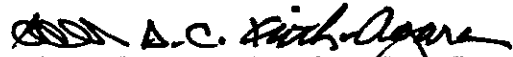
Elections testified that these prohibitions are meant to prevent voters from declaring at the polling place how they voted and to prevent the encouragement of others in the polling place to vote in the same way.

Accordingly, your Committee has amended this measure by deleting its contents and inserting the contents of S.B. No. 2242, S.D. 1 (Regular Session of 2016), a substantially similar measure that adopts the language suggested by the Office of Elections, which adds a new section to chapter 11, HRS, to:

- (1) Allow a voter to distribute or share an electronic or digital image of the voter's own marked ballot via social media or other means; and
- (2) Establish that distributing or sharing the image of a voter's own marked ballot is not a defense for any election offense.

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 H.B. No. 27, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 27, 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,

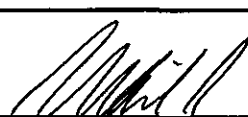


GILBERT S.C. KEITH-AGARAN, Chair



The Senate  
 Twenty-Eighth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:* <b>HB 27</b>	Committee Referral: <b>JDL</b>	Date: <b>3/23/16</b>		
<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
KEITH-AGARAN, Gilbert S.C. (C)	/			
SHIMABUKURO, Maile S.L. (VC)	/			
GABBARD, Mike	/			
KAHELE, Kaiali'i				/
KIM, Donna Mercado	/			
THIELEN, Laura H.	/			
SLOM, Sam	/			
<b>TOTAL</b>	<b>6</b>			<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; margin-top: 10px;">  </div>				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes