

Honolulu, Hawaii

MAR 03 2017

RE: S.B. No. 334
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committee on Ways and Means, to which was referred S.B. No. 334, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ELECTIONS,"

begs leave to report as follows:

The purpose and intent of this measure is to increase voter participation by reforming Hawaii's elections laws.

Specifically, the measure:

- (1) Requires all elections statewide to be conducted by mail, beginning with the 2020 primary election;
- (2) Establishes an election by mail system, including requirements for ballots, replacement ballots, the return of ballots submitted in a deficient manner, the electronic transmission of ballots under certain conditions, ballot counting, and election expenses and responsibilities;
- (3) Establishes voter service centers that would remain open from the tenth business day preceding an election through the day of the election to receive personal delivery of ballots, accommodate voters with special needs, offer same-day registration and voting, and provide other election services;



- (4) Authorizes additional places of deposit for the personal delivery of mail-in ballots;
- (5) Makes conforming amendments to existing elections law to reflect and implement the foregoing provisions of this measure;
- (6) Provides that in the case of a tie between two or more candidates, the tie shall be decided by lot;
- (7) Extends the deadline by which a candidate in a primary or special primary election contest or county election contest held concurrently with a regularly scheduled primary or special primary election must file a complaint to contest the election from the sixth day after the election to the thirteenth day after the election;
- (8) Appropriates funds for the preparation, implementation, and administration of the elections by mail; and
- (9) Requires the Office of Elections to submit a report to the Legislature before the convening of each Regular Session from 2019 to 2023 regarding the implementation and administration of the election by mail program.

Your Committee received testimony in support of this measure from the Office of Elections; the Office of the City Clerk, City and County of Honolulu; the Office of the County Clerk, County of Maui; Hawaii Kai Neighborhood Board No. 1; Americans for Democratic Action; League of Women Voters of Hawaii; Common Cause Hawaii; and four individuals.

Your Committee received written comments on this measure from the Office of the County Clerk, County of Kauai.

Your Committee finds that an increasing number of Hawaii voters are already submitting their votes by mail. For example, in 2016, the number of votes cast before election day exceeded the number of votes cast at polling places on election day, except in one county. Your Committee believes that Hawaii's conversion to



elections by mail would significantly reduce the logistical issues related to conducting elections at polling places.

Your Committee has amended this measure by:

- (1) Inserting language to provide that any election before the 2020 primary election may be conducted by mail, in whole or in part, as determined by the chief election officer for state or federal elections or the county clerk for county elections;
- (2) Repealing language that would have had the inadvertent effect of requiring any person registering to vote at a voter service center before or on election day to affirm that the person will not vote in that election; and
- (3) Inserting language to clarify that only the chief election officer or a designee of the chief election officer may authorize the removal of a ballot from a voter service center.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 334, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 334, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,



JILL N. TOKUDA, Chair



The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* SB 334, SDI	Committee Referral: SDL, WAM	Date: 2/21/17		
<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
TOKUDA, Jill N. (C)	✓			
DELA CRUZ, Donovan M. (VC)				✓
ENGLISH, J. Kalani				✓
GALUTERIA, Brickwood	✓			
HARIMOTO, Breene	✓			
INOUYE, Lorraine R.	✓			
KAHELE, Kaiali'i				✓
RIVIERE, Gil	✓			
SHIMABUKURO, Maile S.L.	✓			
TANIGUCHI, Brian T.	✓			
WAKAI, Glenn	✓			
TOTAL	8			3
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