

Honolulu, Hawaii

FEB 14 , 2020

RE: H.B. No. 2128
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2128 entitled:

"A BILL FOR AN ACT RELATING TO ELECTIONS,"

begs leave to report as follows:

The purpose of this measure is to make various housekeeping amendments to clarify and improve the administration of the elections by mail law.

Your Committee received testimony in support of this measure from the Office of Elections, Common Cause Hawaii, Hawaii Alliance for Progressive Action, and three individuals. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that this measure is necessary to effectively implement the administration of all elections conducted by mail in the upcoming 2020 primary election pursuant to Act 136, Session Laws of Hawaii 2019. Your Committee further finds that this measure will help address the needs of voters in certain areas where no service centers would have been established due to the lack of facilities or personnel to support the operation of a voter service center as required by law.



Your Committee also finds that in 2016, Hawaii had the lowest voter turnout in the United States. Data suggests that after an individual votes one time, that individual often becomes a voter for life. Your Committee believes that establishing a process for the automatic preregistration and registration of public school- and charter school-enrolled students who are at least sixteen years of age will empower and create lifelong voters at a young age.

Your Committee additionally finds that ranked choice voting is a method of voting that allows voters to rank their choice of candidates based on preference from favorite to least favorite. Your Committee believes that implementing ranked choice voting in certain elections will ensure fair, efficient, and diverse elections.

Your Committee further finds that if a vacancy occurs in the state Senate after the close of candidate filing, a candidate who has already filed will find themselves in a situation where they cannot withdraw and file for the special vacancy election. The ability for a candidate to withdraw for any reason is limited only to the day immediately following the close of candidate filing. Therefore, your Committee believes that the filing deadlines for candidates attempting to fill vacant state Senate seats should be amended to coincide with the close of candidate filing.

Accordingly, your Committee has amended this measure by:

- (1) Requiring at least two voter service centers in each county with a population greater than one hundred fifty thousand beginning with the 2022 primary election;
- (2) Requiring the Office of Elections to review the process for the electronic transmission of ballots, including its vulnerability to hacking or cyberattacks, and submit a report to the Legislature;
- (3) Inserting the language from H.B. No. 2126, which establishes a process for the automatic preregistration and registration of public school- and charter school-enrolled students who are at least sixteen years of age, and further amending the language to:



- (A) Require the Department of Education to collect and transmit any voter registration affidavit to the clerk of the county in which the applicant resides, as necessary; and
- (B) Authorizing the Superintendent of Education, instead of the Board of Education and Superintendent, to adopt and communicate guidelines, in consultation with the Office of Elections, as necessary to maximize and facilitate the preregistration and registration of qualifying students to vote;
- (4) Inserting the language from H.B. No. 2121, which authorizes ranked choice voting for certain federal elections and special elections for vacant seats on county councils, and further amending this language by authorizing ranked choice voting for general elections for vacant state Senate and state House of Representatives seats that are vacant for one year or longer;
- (5) Inserting the language from H.B. No. 1753, which amends the filing deadlines for candidates attempting to fill vacant state Senate seats; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2128, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2128, H.D. 1, and be referred to your Committee on Finance.



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



CHRIS LEE, Chair



