

STAND. COM. REP. NO.

1344

Honolulu, Hawaii

MAR 24, 2021

RE: S.B. No. 981
S.D. 2
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 981, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Restrict the maximum amount of public funds available in each election to a candidate for Board of Trustees of the Office of Hawaiian Affairs to fifteen percent of the expenditure limit, rather than \$1,500;
- (2) Set qualifying contributions for the Office of Hawaiian Affairs at \$5,000, rather than \$1,500; and
- (3) Require that the names of candidates for the Board of Trustees of the Office of Hawaiian Affairs be grouped on the ballot by residency requirement or lack thereof, and within those groupings, be placed in random order.

Your Committee received testimony in support of this measure from the League of Women Voters of Hawaii, Common Cause Hawaii, LGBT Caucus of the Democratic Party of Hawai'i, Hawaiian Affairs

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Caucus of the Democratic Party of Hawai'i, and six individuals. Your Committee received comments on this measure from the Office of Elections, Office of Hawaiian Affairs, and Campaign Spending Commission.

Your Committee finds that under existing law, names of candidates for the Board of Trustees of the Office of Hawaiian Affairs are placed on the ballot in alphabetical order. Your Committee further finds that the ordering of candidate names on a ballot has been shown to give an undue advantage to those listed higher on the ballot. Your Committee believes it is necessary to prioritize the mitigation of any advantage that may arise from the order of candidate names on the ballot. Your Committee finds that S.B. No. 238, S.D. 2 (Regular Session of 2021), a substantially similar measure heard at the same public hearing as this measure, would accomplish this goal.

Accordingly, your Committee has amended this measure by deleting its contents and inserting the contents of S.B. No. 238, S.D. 2, a substantially similar measure that:

- (1) Requires the names of the candidates for the Office of Hawaiian Affairs Board of Trustees to be placed on the ballot grouped by residency and non-residency requirements and to randomize the order of candidate names within those groupings; and
- (2) Takes effect upon approval.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 981, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 981, S.D. 2, H.D. 1, and be referred to your Committee on Finance.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,


MARK M. NAKASHIMA, Chair



Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: SB 981, SD2	Committee Referral: JHA, FIN	Date: 3-16-21		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. NAKASHIMA, Mark M. (C)	✓			
2. MATAYOSHI, Scot Z. (VC)	✓			
3. ICHIYAMA, Linda	✓			
4. KOBAYASHI, Dale T.				✓
5. LoPRESTI, Matthew S.	✓			
6. LOWEN, Nicole E.	✓			
7. McKELVEY, Angus L.K.	✓			
8. NAKAMURA, Nadine K.	✓			
9. TAKUMI, Roy M.	✓			
10. TODD, Chris	✓			
11. TOKIOKA, James Kunane	✓			
12. WARD, Gene	✓			
TOTAL (12)	11	0	0	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: _____				
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