



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-EIGHTH LEGISLATURE, 2015**

ON THE FOLLOWING MEASURE:

H.B. NO. 15, H.D. 1, PROPOSED S.D. 1, RELATING TO ELECTIONS.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY AND LABOR

DATE: Tuesday, March 24, 2015 **TIME:** 9:00 a.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): WRITTEN COMMENTS ONLY. For more information, call
Deputy Attorney General Valri Lei Kunimoto, 586-1274

Chair Keith-Agaran and Members of the Committee:

H.B. No. 15 creates a statewide standard for the distribution of absentee ballots. Proposed S.D. 1 amends the House draft of H.B. No. 15 by including revisions to section 11-7, Hawaii Revised Statutes (HRS), regarding the terms of the members and chairperson of the Elections Commission. The Department has no legal objections to the amendments but offers the following comments.

Presently, the Commission is not subject to section 26-34, HRS, regarding senatorial confirmation of its members. (Section 11-7(e), HRS). Proposed S.D. 1, on page 2, lines 19-21, states the Commission shall not be subject to *any* of the provisions of section 26-34, HRS. However, the process specified in section 26-34(b), HRS, should be retained and repeated in proposed S.D. 1 to avoid any unintended vacancies on the Commission when the term of the chairperson or a member expires and an appointment has not been made.

Section 26-34(b), HRS, provides, "Any member of a board or commission whose term has expired and who is not disqualified for membership under subsection (a) may continue in office as a holdover member until a successor is nominated and appointed; provided that a holdover member shall not hold office beyond the end of the second regular legislative session following the expiration of the member's term of office." The Department recommends that this wording be included in proposed S.D. 1 as a new subsection to section 11-7, HRS.

Thank you for the opportunity to testify on this matter.



49 South Hotel Street, Room 314 | Honolulu, HI 96813
www.lww-hawaii.com | 808.531.7448 | voters@lwwhawaii.com

SENATE COMMITTEE ON JUDICIARY AND LABOR
Tuesday, March 24, 2015, 9:00 a.m., Room 016

HB 15, PROPOSED SD1, RELATING TO ELECTIONS

REVISED TESTIMONY
Janet Mason, Co-Chair, Legislative Committee, League of Women Voters of Hawaii

Chair Keith-Agaran, Vice-Chair Shimabukuro, and Committee Members:

The League of Women Voters of Hawaii opposes HB15, Proposed SD1. The original bill created a statewide standard for distribution of absentee ballots. This is a good idea, which we supported. But the Proposed SD1 added an entirely new section having to do with removal of the Chair of the Elections Commission. Both subjects worthy of consideration? Yes, definitely.

Hawaii is moving toward voting by mail. Under these circumstances standards for handling absentee ballot transmission are very important. Likewise, Election Commission governance procedures concern the League as they do any citizen interested in oversight of our elections.

With the Proposed SD1, the bill's new subject may pass the Legislature without adequate consideration by the House, which originated the bill.

Thank you for the opportunity to submit testimony.