STAND. COM. REP. NO. 696

Honolulu, Hawaii

## FEB 1 8 2025

RE: S.B. No. 780

Honorable Ronald D. Kouchi President of the Senate Thirty-Third State Legislature Regular Session of 2025 State of Hawaii

## Sir:

Your Committee on Judiciary, to which was referred S.B. No. 780 entitled:

"A BILL FOR AN ACT RELATING TO ELECTIONS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- Specify that election ballots issued by the Chief Election Officer or county clerk shall exclude any candidate, excluding candidates for federal office, who is disqualified by a constitutional or statutory provision;
- Provide for a process for challenging an inclusion or (2) exclusion of a candidate from a ballot;
- (3) Include a candidate's disqualification as grounds for an election contest complaint; and
- (4)Specify that electors of presidential and vice presidential candidates shall not be individuals who are disqualified by a constitutional or statutory provision.

Your Committee received testimony in support of this measure from the League of Women Voters of Hawaii, and two individuals.

Your Committee received testimony in opposition to this measure from Hawaiian Islands Republican Women, New Hope Maui, and forty-one individuals.

Your Committee finds that citizens of this State have the right to expect that public servants be people of integrity, and not people who have committed actions that threaten democracy or undermine the vote of the people. Section 3 of the Fourteenth Amendment to the United States Constitution, and article XVI, section 3, of the Hawaii State Constitution, are two mechanisms by which candidates may be found ineligible to hold public office. Your Committee further finds that although the United States Supreme Court held in Trump v. Anderson, 601 U.S. 100, 144 S. Ct. 662, 218 L. Ed. 2d 1 (2024), that Congress enjoys exclusive power to enforce section 3 of the Fourteenth Amendment of the United States Constitution with respect to federal offices, the court reiterated that states retain the authority to enforce that section with respect to state offices. Therefore, this measure will codify the Legislature's authority to disqualify persons holding or attempting to hold state office, while leaving the disqualification of candidates for federal office to the United States Congress as required by Trump v. Anderson.

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 S.B. No. 780 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

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

KARL RHOADS, Chair

## The Senate Thirty-Third Legislature State of Hawai'i

## Record of Votes Committee on Judiciary JDC

| Bill / Resolution No.:*  | Committee Referral: |     |          | Date:                                 |         |
|--|---------------------|-----|----------|---------------------------------------|---------|
| SB 780   | JDC                 |     |          | 1/31/25                               |         |
| The Committee is reconsidering its previous decision on this measure.  If so, then the previous decision was to: |                     |     |          |                                       |         |
|  |                     |     |          |                                       |         |
| The Recommendation is:   |                     |     |          |                                       |         |
| Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313  |                     |     |          |                                       |         |
| Members  |                     | Aye | Aye (WR) | Nay                                   | Excused |
| RHOADS, Karl (C)   |                     |     |          |                                       |         |
| GABBARD, Mike (VC)   |                     |     |          |                                       |         |
| CHANG, Stanley   |                     |     |          |                                       |         |
| SAN BUENAVENTURA, Joy A.   |                     |     |          |                                       |         |
| AWA, Brenton   |                     |     |          |                                       |         |
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|  |                     | 11. | _        |                                       |         |
| TOTAL  |                     | 4   |          |                                       |         |
| Recommendation:  Adopted  Not Adopted  |                     |     |          |                                       |         |
| Chair's or Designee's Signature:   |                     |     |          |                                       |         |
| Distribution: Original File with Committee Re  | Yellow Pink         |     |          | Goldenrod<br>ency Committee File Copy |         |

\*Only one measure per Record of Votes