

**STATE OF HAWAII
OFFICE OF ELECTIONS**

802 LEHUA AVENUE
PEARL CITY, HAWAII 96782
elections.hawaii.gov

SCOTT T. NAGO
CHIEF ELECTION OFFICER

TESTIMONY OF THE
CHIEF ELECTION OFFICER, OFFICE OF ELECTIONS
TO THE SENATE COMMITTEE ON WAYS AND MEANS
ON SENATE BILL NO. 560, SD 1
RELATING TO ELECTIONS

February 28, 2019

Chair Dela Cruz and members of the Senate Committee on Ways and Means, thank you for the opportunity to testify in support of Senate Bill No. 560, SD 1. This bill implements voting by mail statewide beginning in 2022.

The Office of Elections supports elections by mail because it is convenient and accessible for voters, and it will streamline the administration of elections. In recent elections, more than half of voters have cast their ballot prior to election day.

Additionally, elections by mail would limit logistical issues and voter confusion that may occur at polling place facilities in close proximity to the election. For example, we were notified on June 25, 2018 that the Waikele Elementary School Cafeteria would be unavailable for the Primary Election due to demolition and construction. Waikele Elementary School Cafeteria serves as a polling place for two precincts, 35-05 and 37-04. We mailed letters to these voters notifying them that their polling place had been reassigned to Waikele Community Park for voters of 35-05, and Kanoelani School for voters of 37-04. However, Election Day Officials reported that there was voter confusion as these voters have been voting at Waikele Elementary School since the early 2000s.

Thank you for the opportunity to testify in support of Senate Bill No. 560, SD 1.

SB-560-SD-1

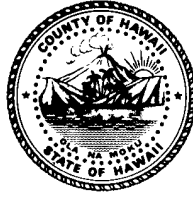
Submitted on: 2/26/2019 6:39:13 PM

Testimony for WAM on 2/28/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Testifying for O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments:

JON HENRICKS
County Clerk



AARON BROWN
Deputy County Clerk

OFFICE OF THE COUNTY CLERK

Elections Division
County of Hawai'i
Hawai'i County Building
25 Aupuni Street
Hilo, Hawai'i 96720

TESTIMONY OF JON HENRICKS

COUNTY CLERK, COUNTY OF HAWAI'I

TO THE SENATE COMMITTEE ON WAYS AND MEANS

ON SENATE BILL NO. 560, SD 1

RELATING TO ELECTIONS

February 26, 2019

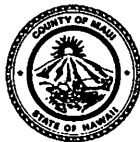
Chair Dela Cruz and members of the Senate Committee on Ways and Means, thank you for the opportunity to testify in support of Senate Bill No. 560, SD 1. This bill enacts voting by mail uniformly across all counties for all elections commencing in 2022.

Our office strongly supports the intent of the bill. Currently, elections in our state consist of absentee voting by mail, absentee walk-in sites and Election Day voting. Absentee voting was implemented to supplement Election Day polling places to allow voters more convenient and accessible ways to vote. Since 2014, individuals choosing to vote absentee has consistently increased with more than half of voters casting their ballot prior to Election Day.

We believe, transitioning to a vote by mail election would increase voter turnout by creating a more convenient voter process and could allow for financial savings.

Thank you for the opportunity to testify in support of Senate Bill No. 560, SD 1.

JOSIAH K. NISHITA
County Clerk



MARGARET C. CLARK
Deputy County Clerk

OFFICE OF THE COUNTY CLERK
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/county/clerk

TESTIMONY OF JOSIAH NISHITA
COUNTY CLERK, COUNTY OF MAUI
TO THE SENATE COMMITTEE ON WAYS AND MEANS
ON SENATE BILL NO. 560, SD 1
RELATING TO ELECTIONS
February 28, 2019

Chair Dela Cruz and members of the Senate Committee on Ways and Means, thank you for the opportunity to testify in support of Senate Bill No. 560, SD 1. This bill will enact voting by mail uniformly for all counties beginning in 2022.

We feel that elections by mail is a more efficient and effective way to reach our voters and administer elections, and we respectfully request your support of this Bill.

Thank you for the opportunity to provide testimony in support of Senate Bill No. 560, SD 1.



HAWAII APPLESEED

CENTER FOR LAW & ECONOMIC JUSTICE

Testimony of Hawai'i Appleseed Center for Law and Economic Justice
Supporting SB 560 SD1 – Relating to Elections
Senate Committee on Ways and Means
Thursday, February 28, 2019, 10:30 AM, in conference room 211

Dear Chair Dela Cruz, Vice Chair Keith-Agaran, and members of the Committee:

Thank you for the opportunity to provide testimony in **SUPPORT** of **SB 560 SD1**, which would enact voting by mail uniformly across all counties for all elections commencing in 2022, appropriate funds for the election by mail program, and require the office of elections to submit reports to the legislature regarding the implementation of the system.

According to the United States Election Project, fewer than 4 in 10 of Hawai'i's voting-eligible population voted in the 2018 general election, yet again placing us last in the nation.¹

The logistical barriers to voting are higher for our low-income neighbors, since they are less likely to get the day off to vote and/or have the flexibility in their schedules to vote. They also often work too far from their homes and polling places to be able to vote in person. Vote by Mail (VBM) would enable more registered voters, especially low-income ones, to participate in our elections.

With a VBM system, a ballot would be automatically mailed to every registered voter. The voter would be able to return their ballot via mail or at a drop-off location, or cast their vote in person at early a voting center or at a polling place on Election Day. VBM would:

- provide more flexibility and create more opportunities for citizens to vote,
- save the state money -- the Hawaii State Office of Elections estimates approximately \$800,000 would be saved in each election cycle if the state were to adopt VBM,
- alleviate pressure on poll sites and workers, as well as save time on Election Day.

We need to do more to get more than 4 in 10 of our eligible voters to vote in our elections. VBM would be a good start.

We appreciate your consideration of this testimony.

¹ <http://www.electproject.org/2018g>

The Hawai'i Appleseed Center for Law and Economic Justice is committed to a more socially just Hawai'i, where everyone has genuine opportunities to achieve economic security and fulfill their potential. We change systems that perpetuate inequality and injustice through policy development, advocacy, and coalition building.



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

COMMITTEE ON WAYS AND MEANS

Thursday, February 28, 2019, 10:30 a.m., Room 211
SB 560 SD! RELATING TO ELECTIONS

TESTIMONY

Janet Mason, Legislative Committee, League of Women Voters of Hawaii

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

The League of Women Voters of Hawaii **strongly supports SB 560 SD1, that would introduce voting by mail statewide for all elections beginning in 2022.** We acknowledge the thorough work already done by the Senate and House Judiciary Committees to craft a comprehensive, clear "Vote by Mail" bill.

The Office of Elections has already testified in the House that \$1,112,127 is needed to implement voting by mail statewide (not including \$75,450 already appropriated for the 2020 Kauai elections pilot). This is a good start on a program that will have a \$750,000 per election payback once fully implemented.

We support the effort to measure savings derived through voting by mail instead of polling place voting; this should be included in the office of elections reports to the legislature for sessions 2020 through 2025

This measure holds promise for Hawaii voters. Thank you for the opportunity to submit testimony.

SB-560-SD-1

Submitted on: 2/26/2019 1:10:11 PM

Testimony for WAM on 2/28/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Nancy Davlantes	Individual	Support	No

Comments:

TO: SENATE COMMITTEE ON WAYS AND MEANS
RE: SB 560, SD1 RELATING TO ELECTIONS.

Enacts voting by mail uniformly across all counties for all elections commencing in 2022. Establishes a limited number of 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 mail-in ballots, accommodate voters with special needs, offer same day registration and voting, and provide other election services. Allows for additional places of deposit for personal delivery of mail-in ballots. Appropriates funds for the implementation and administration of the election by mail program. Requires the office of elections to submit a report to the legislature prior to the convening of each regular session from 2020 through 2025, regarding the implementation of a vote by mail system. (SD1)

FOR HEARING ON Thursday, February 28, 2019

FROM:

Kenneth R. Conklin, Ph.D.
46-255 Kahuhipa St. Apt. 1205
Kane'ohe, HI, 96744
Tel. 808.247.7942

TESTIMONY IN OPPOSITION

Voting by mail, early voting, or absentee voting should be the exception — not the normal, routine, expected procedure. There are many reasons why.

Hawaii voters are being herded like sheep to vote by mailed absentee ballots (and eventually to vote electronically through the internet). Holding elections that way might save money, produce immediate final results the moment the "polls" close, and be extremely convenient for voters. But voter turnout has not improved in recent years despite easy mail-in of ballots and even-easier registration.

During the past several years news media editorials have repeatedly said that Hawaii's dismal voter turnout would be greatly improved by allowing

early voting, absentee voting, mail-in voting, electronic voter registration, and same-day voter registration. Since 2010 Hawaii people have been offered the even greater convenience to never again need to apply for an absentee ballot -- just mail a request one time for permanent absentee voting. But as these methods have been adopted, voter turnout has not noticeably improved. Electronic voting by internet has even been tried for neighborhood board elections on O'ahu, but voter turnout has not improved.

ABSENTEE VOTING BY MAIL MAKES IT EASY FOR LARGE NUMBERS OF VOTERS TO SELL THEIR VOTES; OR FOR CANDIDATES, UNION STEWARDS, OR CORPORATE BOSSES TO INTIMIDATE VOTERS IN LARGE NUMBERS.

In the "good old days" of in-person voting, a voter could take money and sell his vote, but could nevertheless vote for whichever candidate he wanted, because the ballot was marked in the privacy and secrecy of the voting booth. However, if a voter takes possession of an absentee ballot to be returned by mail, then someone else who buys that vote or intimidates that voter can actually watch the voter mark the ballot; can watch to be sure the ballot gets enclosed inside the official envelope and the envelope gets signed by the voter; and then can mail the envelope for the voter to be sure it gets sent in. Thus the buyer or intimidator can be absolutely certain that the vote has been cast the way the buyer or intimidator wants.

The way for a buyer or intimidator to control large numbers of votes is to demand that people apply for and receive absentee ballots to be returned by mail. Since the period for absentee voting lasts several weeks, there's plenty of time for one buyer or intimidator to control hundreds of votes. Here are a few obvious ways to do that. A candidate who "walks his district" can use the telephone to line up voters to get absentee ballots and then make appointments; and then visit each of them at home to watch them mark the ballots, seal them in the outer mailing envelope and sign the envelope; and then take the envelopes to the post office. A union steward or company boss can instruct large numbers of workers to get absentee ballots, and then organize a meeting where everyone comes to fill out the ballots and sign the envelopes together. A candidate could also do the

same thing at an assisted living facility, care home, nursing home, or hospital; meeting with a large number of absentee voters who might have painful or debilitating illnesses that distract them from paying attention; or diminished mental capacity.

These doomsday scenarios are not merely speculative. Romy Cachola was a member of Honolulu City Council. Term limits forced him out of office in 2012. He ran in the primary election on August 11, 2012 for the state House of Representatives, against first-time candidate Nicole Velasco. There are both voter narratives and statistical evidence proving that Cachola stole the election by using voter intimidation with absentee ballots. Chad Blair published articles describing what happened in Civil Beat online newspaper, on August 16

<http://www.civilbeat.com/articles/2012/08/16/16869-concerns-of-voter-intimidation-raised-in-cachola-victory/>

and August 17

<http://www.civilbeat.com/articles/2012/08/17/16880-hawaii-law-prohibits-voter-intimidation/>

Chad Blair reported "Cachola won 51 percent to 46 percent. ... But if only Election Day and early walk-in votes had been counted, Velasco would have won in a landslide, 60 percent to 36 percent. ... According to a Civil Beat analysis, more than 70 percent of those who voted for Cachola in the Democratic primary against Velasco did so via a mail-in ballot. That was by far the highest percentage in Hawaii. ... In all, 41 percent of votes cast were mail-in votes, placing Cachola's 70 percent figure in even sharper contrast. ... Civil Beat granted anonymity to a Filipino family in District 30 who says Cachola forced the grandmother of the house to complete an absentee ballot as he watched. ... "And he just like forced me to do the voting in front of him, and I did not want to. I told him, 'I have to go, I know what to do.' So I stopped what I did, then he looked at his name. I scratched it, and he watched me do it all the way until I finished." The woman said Cachola then told her to put the ballot in the state Elections Office envelope, to seal it and then give it to him to mail. He then left the house with the ballot in hand. ... The family, who supported Velasco and sign-waved on her behalf, said they told Velasco about what happened. ... There

was a similar voting pattern when Cachola first ran for the City Council in 2000. In a primary election race, he won 46 percent to 43 percent over his closest competitor, Dennis Nakasato. Among mail-in absentee voters, Cachola secured 59 percent of the vote. Among those who voted in person — either on Election Day or before it — he got only 43 percent of the vote. ..."

ABSENTEE VOTING IS NOT ALLOWED IN THE U.S. CONGRESS OR THE HAWAII LEGISLATURE. THINK ABOUT WHY.

Anyone who watches the U.S. Senate or House on C-SPAN can see that absentee voting is not allowed for either a voice vote or a roll call vote. In the House, each of the 435 representatives can vote in a roll call only from his chair on the floor by pressing a button for "aye" or "nay" or "present (but abstain)." The votes are then tallied by a central computer and the running count is publicly displayed throughout the ten or twenty minutes set aside for voting, after which the result becomes final. In a Senate roll call vote, a period of time is allowed during which each Senator must approach the clerk's desk and be recognized by the clerk who speaks the Senator's name through a publicly audible microphone. The Senator then speaks the word "aye" or "nay" or "present", and the clerk then repeats both the Senator's name and his vote. That's very 19th Century!

Wouldn't it be much more convenient if a Representative or Senator didn't have to get on the little underground train from his office building to the Capitol building? Why can't he simply watch the proceedings on TV and cast his vote from the comfort of his office? Think how much time and inconvenience could be saved. Indeed, why should a Representative or Senator who is ill or perhaps hospitalized a thousand miles away not be allowed to vote from his home or bed? There have been extremely dramatic, courageous incidents when a Member of Congress knew his vote could be decisive and made a point of coming in person to cast his vote, because otherwise he would not be allowed to vote. On July 22, 2012 Nicole Debevec of United Press International recalled that "Rep. William Natcher, D-Ky., who served until his death in 1994, holds the record for the most consecutive roll-call votes: 18,401 over 41 years, until an illness broke

the streak. Roll Call [publication] reported Natcher was wheeled onto the House floor on a hospital gurney to cast one of his final votes."
http://www.upi.com/Top_News/US/2012/07/22/Politics-2012-Of-ads-and-adages/UPI-13111342944000/#ixzz23wm0cixH

There must be very good reasons why the U.S. Congress refuses to allow absentee voting. Readers can easily figure out many of those reasons. Anytime someone suggests the Hawaii government should make elections happen entirely by absentee voting, we should demand to know why a Hawaii citizen's vote is less important than a vote by a Member of Congress. And anytime an individual voter considers whether to apply for an absentee ballot, he should think about the reasons why a Representative or Senator is required to cast every vote in person, sometimes at great inconvenience and even at the risk of losing his life to get to the "polling place."

Do-gooders think society should do everything possible to increase voter participation by making it easy and convenient to vote. But perhaps it's better to require people to go out of their way to vote. If someone has such little knowledge about the candidates, or cares so little about the election that he is unwilling to make the effort to go to the polling place on election day, then perhaps we're all better off if he does not vote. Low voter turnout is evidence that people can't find candidates they consider worthy of voting for. Personally, I don't mind if voter turnout is low, because that magnifies the effectiveness of my own vote. Ignorant or apathetic people are welcome to abstain.

The right to vote should be exercised by people who know how precious is the blood and treasure sacrificed to make it possible. The founders of our nation signed the Declaration of Independence right below its closing words "... we mutually pledge to each other our Lives, our Fortunes and our sacred Honor."

Surely we can show our respect by sacrificing a few minutes to go to the polling place on election day.

MAIL-IN BALLOTS REJECTED FOR ERRORS GET NO SECOND CHANCE

I have served as a precinct elections official in every election for 26 years (except the general election of 2000 when I was a candidate for OHA and therefore not allowed to work in the general election). For the most recent several elections we have had voting machines which detect errors and immediately kick back a bad ballot along with a message helping the voter understand what's wrong. The voter can then get a new ballot and try again.

In the primary election of 2012, and again in 2018, I spent nearly the whole time from 7 AM to 6 PM sitting at the voting machine helping voters insert their ballots and helping them understand why bad ballots got rejected. Perhaps ten percent of ballots got rejected.

The two most frequent reasons were failure to mark the box to choose a particular political party, or voting for candidates in a political party different from the one selected (For example, vote for both Linda Lingle [R] and Mazie Hirono [D] for Senate). Some voters simply didn't understand that the purpose of a primary election is for each party to choose who will be its candidate to run against the other parties' candidates in November. In a primary election a voter must pretend for that one day to be a loyal member of one political party -- the voter must first mark the ballot to identify which party that is, and then must vote only for candidates inside that particular party (plus the non-partisan OHA and county contests on the back side). A few voters also didn't realize that "non-partisan" is actually used as a party name on the front, and thought they could vote for a "non-partisan" candidate in addition to a Democrat or Republican etc. A few voters also voted for more than one candidate in the same contest (for example, both Tulsi Gabbard and Esther Kia'aina among the Democrat candidates for Second Congressional District).

The voting machine catches such errors and kicks back the ballot so the voter can get a replacement ballot and try again. But if an absentee ballot is mailed in, and has an error, the voter gets no second chance. Sometimes in-person voters get frustrated, angry, or disgusted when they make an

error and don't want to get a replacement ballot. There is a button on the machine whereby a voter can tell the machine to accept the ballot despite the error. In that case, if the error affects only one contest, then the particular contest where the error occurred is ignored by the machine, but other contests get counted. What happens with mailed-in absentee ballots that have errors? The commonsense procedure would be for an elections official to push the button to accept the ballot despite the error, so that at least the contests without any error would get counted. But I don't know whether that's how the bureaucrats handle it. In any case, the absentee voter loses out on the opportunity he would have had at the polling place to get a replacement ballot to correct whatever error he made. It would be interesting to find out how many such errors there were among the absentee ballots, and whether the number of errors in any particular contest was larger than the margin of victory and thus could have changed the outcome of the election.

SB-560-SD-1

Submitted on: 2/26/2019 8:24:37 PM

Testimony for WAM on 2/28/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
lynne matusow	Individual	Support	No

Comments:

I have been testifying in support of this measure for way too long. More people are voting absentee than showing up at the polls. It costs more to have elections at the polls than mail ballots. It is hard for the authorities to find poll workers and poll atchers. Mail is the way to go, now. Stop stalling.

I suggest you accellerate the implementation and amend the bill to make statewide voting by mail effective with the 2020 election. There is no reason to wait until 2022 except to cost the taxpayers more kala.



LATE

DISABILITY AND COMMUNICATION ACCESS BOARD

1010 Richards Street, Room 118 • Honolulu, Hawaii 96813
Ph. (808) 586-8121 (V) • Fax (808) 586-8129 • TTY (808) 586-8162

February 28, 2019

TESTIMONY TO THE SENATE COMMITTEE ON WAYS AND MEANS

Senate Bill 560, SD1 - Relating to Elections

The Disability and Communication Access Board (DCAB) supports and offers comments on Senate Bill 560, SD1 - Relating to Elections, which enacts voting by mail uniformly across all counties for all elections commencing in 2022, establishes a limited number of elections of 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 mail-in ballots, accommodate voters with special needs, offer same day registration and voting, and provide other election services. Allows for additional places of deposit for personal delivery of mail-in ballots. Appropriates funds for the implementation and administration of the election by mail program. Requires the Office of Elections to submit a report to the Legislature prior to the convening of each regular session from 2020 through 2025, regarding the implementation of a vote by mail system.

Our comments are specific to disability-related voting issues. Senate Draft 1 clarifies that "voters with special needs" may request electronic ballots at any time. There are several references in the bill to "voters with special needs," and we ask for a definition of that phrase to be included in the bill for clarification. Does "voters with special needs" refer to people with disabilities or others who may need assistance, such as people with limited English proficiency? Whichever is the case, it should be clarified in the bill. People with disabilities are not "voters with special needs" they have the same rights as other voters and may need to have access provided in a different manner compared to other voters. If "voters with special needs" means "voters with disabilities" than we request the terminology be changed to "voters with disabilities."

Thank you for this opportunity to provide comment.

Respectfully submitted,

FRANCINE WAI
Executive Director

SB-560-SD-1

Submitted on: 2/27/2019 12:35:49 PM

Testimony for WAM on 2/28/2019 10:30:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Laurie Field	Testifying for Planned Parenthood Votes Northwest and Hawaii	Support	No

Comments:

LATE

SB-560-SD-1

Submitted on: 2/27/2019 2:48:56 PM

Testimony for WAM on 2/28/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jun Shin	Individual	Support	No

Comments:

LATE

SB-560-SD-1

Submitted on: 2/27/2019 6:10:17 PM

Testimony for WAM on 2/28/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Andrea Quinn	Individual	Support	No

Comments:

Dear Honorable Committee Members:

Please support SB560, which should help reverse the pathetic voter turnout we've seen in recent elections,

Thank you for the opportunity to present my testimony.

Andrea Quinn

Kihei