



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 HOUSE COMMITTEE ON JUDICIARY  
ON SENATE BILL NO. 2794, SD 1  
RELATING TO ELECTIONS

March 12, 2020

Chair Lee and members of the House Committee on Judiciary, thank you for the opportunity to testify in support of Senate Bill No. 2794, SD 1. This bill makes housekeeping amendments to elections laws to clarify the administration of elections by mail; renames districts as precincts; extends voter registration deadlines; and requires additional voter service centers on election day.

While this bill makes a variety of housekeeping amendments, we are taking this opportunity to highlight matters that are addressed by this bill.

Voter Service Centers

This bill amends HRS § 11-109(b) to authorize the Counties to have the ability to establish additional voter service centers, by permitting those additional voter service centers to operate during different days and times. Allowing additional voter service centers to operate on election day or a similar shorter period opens up the availability of private facilities and state and county buildings that have previously been available to serve as locations for voting. Additionally, opening voter service centers for a limited period provides services such as in-person voting and same day registration that voters would not otherwise have readily available. However, we would propose that any requirements to establish voter service centers exclude the island of Niihau, due to limited public access.

Validation of Ballots

This bill amends the timeline for the county clerk to determine the validity of ballots following the election. However, we would ask that the date not be

amended to maximize the time allowed to count and release the post-election results in a timely manner ahead of the deadline to file a contest for cause. Specifically, for the primary election, the contest for cause deadline is the thirteenth day following the election.

#### Sending Mail Ballot Packages to Voters Who Update Their Voter Registration

This bill replaces the fourteen-day requirement in HRS § 11-102(b) with seven days and authorizes the county clerks to continue to mail ballots, if the clerk believes there is sufficient time for the voter to receive and return their ballot, or as required by any other statute. This matches the provisions of Title 2 which provide circumstances allowing updates to voter registration records received less than fourteen days prior to an election and an associated ballot is mailed to the voter.

For example, HRS § 15-4(a) provides that a request for an absentee ballot may be made up to the seventh day prior to the election. The absentee form itself indicates that the clerk can update a voter's record, including their address, on the basis of the absentee request, pursuant to their authority under HRS § 11-20 to update an applicant's voter registration record. This seventh-day requirement is based on federal law related to presidential elections. 52 USC § 10502(d) (Voting Rights Act of 1965).

#### Class C Felonies

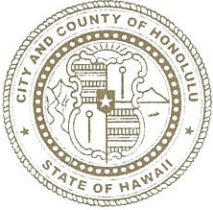
We would propose an amendment to address HRS § 11-15.2 which states that "providing false information may result in a class C felony, punishable by a fine not exceeding \$1,000 or imprisonment not exceeding five years, or both." The monetary fine should be amended to \$10,000 to match class C felonies and Chapter 19 regarding election offenses.

#### Precincts vs. Districts

Finally, the concept of a precinct is integral to the administration of elections and was previously defined as the "smallest political subdivision established by law." HRS § 11-1 (prior to Act 136, SLH 2019). This involves accounting for the intersecting boundaries associated with different offices or jurisdictions for administrative and reporting purposes. All voters in a precinct vote on the same candidates and contests.

The term "district" is ambiguous as it could be referring to a general district associated with an office, such as congressional district, state senatorial district, state representative district, county council district, and so on.

Thank you for the opportunity to testify in support of Senate Bill No. 2794, SD 1.



GLEN I. TAKAHASHI  
CITY CLERK

## OFFICE OF THE CITY CLERK

CITY AND COUNTY OF HONOLULU  
530 SOUTH KING STREET, ROOM 100  
HONOLULU, HAWAII 96813-3077  
TELEPHONE:(808)768-3810 • FAX:(808)768-3835

TESTIMONY OF THE OFFICE OF THE CITY CLERK  
CITY AND COUNTY OF HONOLULU  
TO THE HOUSE COMMITTEE ON JUDICIARY  
SENATE BILL NO. 2794 SD1  
RELATING TO ELECTIONS

March 12, 2020

Chair Lee and Committee members:

Thank you for the opportunity to testify. We have no position on the technical elements of the bill and our comments will be limited to the additional service center requirement. In summary, we recommend that any policy change requiring a minimum number of sites or placement in specific areas be planned for the 2022 elections or beyond.

We acknowledge that voting by mail represents a significant change and that every election scheme inevitably poses challenges for certain populations of voters because it is driven by the availability of services and/or voting technology.

However, we believe that a path to a successful 2020 election involves educating the electorate on the new requirements and deadlines of the mail voting process and encouraging each resident to make the most complete use of the primary election service mechanism, namely, voting by mail.

Election officials commenced with planning and implementing the 2020 elections since the enactment of Act 136 SLH 2019. For Honolulu, planning assumes implementing no more than the two voter service centers that we that have successfully operated as absentee walk-in polling sites for many years. Our planning also includes an assumption of processing 250,000 more mail ballots over the course of the year and administering eight (8) places of deposit across our Oahu community. Under the given timeline and with these assumptions in mind, we believe we have the highest potential and prospect for success in our first countywide vote by mail elections.

With specific regard to additional voter service centers, our first consideration is given to identifying suitable and available locations that have ample parking, accessibility, and most importantly, computer network connectivity. To wit, the State Office of Elections, reserved polling facilities up to 22 months before every election and the vast majority of these facilities have limited or no network connectivity that a voter service center would require.

Service center staff must also be recruited and trained to issue replacement mail ballots, facilitate election-day registration, and make residency/district determinations and updates for voters. Voter service center staff access and utilize the State's voter registration system and as such, unlike regular polling sites, the service centers would not be administered by volunteers.

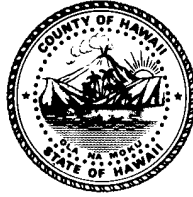
Finally, each service center location must also be capable of managing any unpredictable surges and lines as provision of services is also not limited to a geographical or district residency area.

We highlight these issues to provide an insight into the challenges of planning and implementing this first voting by mail election and the impact that any new requirements would have.

In passing Act 136 last year, the Legislature has already taken a bold step in enabling a vote by mail ballot packet to be sent to over 200,000 more Oahu residents that in all likelihood, would not have engaged the voting process. While the addition of even more opportunities and accessibility is always a goal, we are working with very real timelines, resources, staffing requirements, and external constraints during the next five and eight months leading to the elections.

Thank you for the opportunity to testify.

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 HOUSE COMMITTEE ON JUDICIARY

ON SENATE BILL NO. 2794, SD 1

RELATING TO ELECTIONS

March 12, 2020

Chair Lee and members of the House Committee on Judiciary, thank you for the opportunity to comment on Senate Bill No. 2794, SD 1. This bill makes housekeeping amendments to elections by mail. Renames districts as precincts. Extends voter registration deadlines. Requires additional voter service centers on Election Day.

While this bill makes an array of housekeeping changes, we would like to comment on the extension of the voter registration deadline from thirty days to ten days prior to each election.

In 2014, Act 166 was passed by the Hawai'i State Legislature allowing election day registration at all early voting sites for the 2016 elections and at all polling places for the 2018 elections.

With the All Mail Elections beginning in 2020, Voter Service Centers will be established 10 days prior to and on Election Day. Qualified individuals wishing to register to vote will be allowed to register and vote at any Voter Service Center throughout the state. This bill would essentially ignore the 30 day registration deadline which allows the counties the necessary time needed to make sure the database is current and updated since Voter Service Centers will be utilizing the Statewide Voter Registration System for processing voters instead of poll books.

Thank you for the opportunity to comment on Senate Bill No. 2794, SD 1.

JADE K. FOUNTAIN-TANIGAWA  
County Clerk

Telephone: (808) 241-4800  
TTY: (808) 241-5116



SCOTT K. SATO  
Deputy County Clerk

Facsimile: (808) 241-6207  
E-mail: elections@kauai.gov

**ELECTIONS DIVISION  
OFFICE OF THE COUNTY CLERK**  
4386 RICE STREET, SUITE 101  
LIHU'E, KAUAI, HAWAII 96766-1819

March 12, 2020

**LATE**

**TESTIMONY OF JADE K. FOUNTAIN-TANIGAWA  
COUNTY CLERK, COUNTY OF KAUAI  
TO THE HOUSE COMMITTEE ON JUDICIARY  
ON SENATE BILL NO. 2794, SD 1  
RELATING TO ELECTIONS**

Chair Lee and Committee Members:

Thank you for the opportunity to submit testimony in support of Senate Bill No. 2794, SD 1. This Bill would make housekeeping amendments to elections laws to clarify the administration of elections by mail, rename districts as precincts, extend voter registration deadlines, and require additional voter service centers on election day.

Senate Bill No. 2794, SD 1 will extend the voter registration period, allow the County Clerk to continue mailing ballots as long as it is determined that there is reasonable time for a voter to receive and submit the ballot package before the election, and provide voters with additional time to cure ballot deficiencies.

The Bill will also provide each County with the flexibility to establish Voter Service Centers based on the specific needs of a community. However, we respectfully request that the proposed Section 11-109 (b) be amended to specify that the clerk of any county with a population greater than 100,000 but less than 500,000 operate one additional voter service center on each island. This language would be consistent with amendments adopted for SB 2137, SD 2, Relating to Elections.

Thank you for this opportunity to submit testimony in support of Senate Bill No. 2794, SD 1.

JADE K. FOUNTAIN-TANIGAWA  
County Clerk

Statement Before The  
**HOUSE COMMITTEE ON JUDICIARY**  
Thursday, March 12, 2020  
2:31 PM  
State Capitol, Conference Room 325

in consideration of  
**SB 2794, SD1**  
**RELATING TO ELECTIONS.**

Chair LEE, Vice Chair SAN BUENAVENTURA, and Members of the House Judiciary Committee

Common Cause Hawaii supports SB 2794, SD1, with amendments, which make several housekeeping amendments to Hawaii's elections laws to clarify and improve the administration of elections by mail.

Common Cause Hawaii is a nonprofit, nonpartisan, grassroots organization dedicated to reforming government and strengthening democracy through voting modernization efforts. Act 136, Session Laws of Hawaii 2019, enacting statewide vote by mail starting in 2020, is an excellent way to improve civic engagement and voter turnout in Hawaii, but there are still avenues to strengthen this law.

One, Common Cause Hawaii supports the provision of SB 2794, SD1, which will provide a ballot summary and a voter verifiable paper audit trail (VVPAT). Every voting machine in Hawaii should generate a backup paper record of each vote. Even if voter databases and other equipment are not connected to the internet, national experts have opined said that it will still be hard to protect computer systems from cyber threats.

Two, Common Cause Hawaii is unclear about Section 15, amending Section 11-104, Hawaii Revised Statutes (HRS), subsection (a)(4), adding an affirmation stating that the voter did not receive assistance from the voter's employer or agent of the employer, agent of the voter's labor union, or any candidate listed on the ballot. Pg. 17, lines 2-10; see HRS 11-139. It does not appear that agent is defined. Agent is as "[s]omeone who is authorized to act for or in place of another; a representative". Black's Law Dictionary 10th ed. An employer, and/or labor union may have multiple agents and it may not be apparent who is the agent, especially with large and/or complex organizations. It may be prudent for SB 2794, SD1 to define agent to avoid confusion.

Three, Common Cause Hawaii suggests amending Section 18 of SB 2794, SD1 (referring to HRS § 11-107) to delete any references that ballots may be forwarded and also returned by electronic transmission, except pursuant to federal laws. The cybersecurity experts are particularly concerned that any internet connection could be vulnerable to hacking or other cyberattacks. See <https://slate.com/news-and-politics/2019/07/elections-hacking-russia-senate-intelligence-committee.html>. It is not prudent, in these fraught times, to have emailed ballots and be able to return them via email. Further, with emailed ballots, it is unclear how ballot summaries and VVPATs would detect any hacking, because ballot summaries and VVPATs would ordinarily be conducted after receipt of the emailed ballots, when the hacks have already occurred.

Four, Common Cause Hawaii does not understand the need for adding a provision stating that “[n]o ballots shall be validated beyond the tenth day following an election.” Pg. 24, lines 11-12. If a voter adhered to all the requirements set forth in statutes, there should be no arbitrary cutoff date for counting of ballots. According to the U.S. Constitution, voting is a right and a privilege. Every vote should be counted. Common Cause Hawaii suggests that this provision be deleted.

Five, Common Cause Hawaii suggests amendments to Section 19 of SB 2794, SD1 (referring to HRS § 11-109,). Starting in 2020, all Hawaii elections will be by mail; there will no longer be polling places for voters to cast their ballots. Instead, there will be a limited number of Voter Service Centers (VSCs) for people to perform in-person polling functions. VSCs will receive personal delivery of mail-in ballots, accommodate voters with special needs, offer same day registration and voting, and provide other election services.

Currently, all counties, except Kauai, will have more than one VSC and they will be open ten business days prior to election days and their hours are from Monday through Saturday, 8:00 a.m. to 4:30 p.m., and on election days from 7:00 am – 7:00 pm.

Unfortunately, SB 2794, SD1 states that “[i]n each county, **a voter service center** shall be open . . . .” Page 25, lines 1-2 (emphasis added). This means a county shall only need to open one VSC. This needs to be revised in SB 2794, SD1. One VSC per county is simply not enough.

Further, counties should **not** be able to open only one VSC and then have the unliteral ability to decide to open (or not open) “additional centers having varying days or hours of operations . . . .” Page 24, lines 5-6. While Common Cause Hawaii truly appreciates the difficulty in administrating VSCs with uniform hours of operations statewide, SB 2794, SD1 provides too much latitude to the county clerks and opens the door to having only one VSC in each county “be open from the tenth business day preceding the day of the election during regular business hours until the time provided in section 11—131 on the date of the election and at the same times statewide.” Page 25, lines 2-5. Any other VSC open in a county, under SB 2794, SD1 as presently written, may only be open for a very limited amount of time during inconvenient days and hours, rendering it an ineffectual service to voters. SB 2794, SD1 hopes to ameliorate this by having:

on election day the clerk of any county with a population less than 500,000 shall operate one additional voter service center on each island and the clerk of any county with a population of 500,000 or more shall operate three additional voter service centers, one of which shall be on the Windward side; provided further that on election day all additional voter service centers shall be open until 7:00 p.m.

Page 25, lines 9-16. However, the hours of the additional VSC on election day are vague and ambiguous. Are the additional VSCs on election day to be open from 7:00 am to 7:00 pm? Additionally, are they to be open on primary day also?



Moreover, county clerks should not have the unliteral ability to decide to open (or not open) places of deposit. Page 26, lines 14-17.

Common Cause Hawaii requests that SB 2794, SD1 provides that each county clerk must afford a minimum number of VSCs and places of deposit in a county based upon a good faith determination of the following factors, in addition to other pertinent considerations not referenced below:

**Transportation**

- Proximity to public transit
- Access to free parking
- Traffic patterns
- Proximity to communities with low rates of vehicle ownership
- Time and distance a voter must travel to reach a location

**Geography**

- Proximity to population centers
- Proximity to geographically isolated populations

**Underrepresented Voters**

- Proximity to language minority communities
- Proximity to low-income communities
- Proximity to voters with disabilities
- The need for alternate voting methods for voters with disabilities
- Proximity to communities with historically low vote by mail usage
- Proximity to communities of eligible voters that are not registered

See Best Practices: Siting Vote Centers and Drop Boxes, California Civic Engagement Project, <https://static1.squarespace.com/static/57b8c7ce15d5dbf599fb46ab/t/5d409b2d9ee54a0001483b84/1564515161760/CCEP+VCA+Brief+3+Companion+2-Pager+Siting.pdf>

Common Cause Hawaii recommends that clerks seek a hardship waiver from a third party, neutral body before varying a VSC's and a place of deposit's hours from being open during statewide times.

In summary, Common Cause Hawaii supports SB 2794, SD1's efforts to create ballot summaries and VVPATs. Common Cause Hawaii suggests amendments to SB 2794, SD1 relating to the establishment of VSCs and places of deposit and defining agent. Common Cause Hawaii suggests amendments to SB 2794, SD1 deleting the provisions permitting electronic ballots, except as required by federal laws, and not counting ballots past the tenth day after the primary or general election days.

Thank you for the opportunity to testify in support of SB 2794, SD1 with suggested amendments. If you have further questions of me, please contact me at [sma@commoncause.org](mailto:sma@commoncause.org).

Very respectfully yours,  
Sandy Ma  
Executive Director, Common Cause Hawaii



49 South Hotel Street, Room 314 | Honolulu, HI 96813  
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## COMMITTEE ON JUDICIARY

Thursday, March 12th, 2020 2:31 p.m., Room 325  
SB 2794 SD1 RELATING TO ELECTIONS

### TESTIMONY

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

Chair Lee, Vice-Chair San Buenaventura, and Committee Members:

**The League of Women Voters of Hawaii supports SB 2794 SD1, which makes administrative amendments to existing elections laws.**

Regarding voter registration, we are pleased this measure provides for extending the voter registration deadline from thirty to ten days prior to each election. We note (happily) that any doubt about accepting a registration application as part of a driver's licensing transaction is resolved in this measure. Importantly, same day in-person registration on or before election day at a voter service center remains; this is a crucial protection for voters who through no fault of their own may need to correct their registration when they cast their ballot. Regarding penalties for voter registration fraud, we have long supported raising the fine for such a felony from \$1,000 to \$10,000.

Regarding voting by mail, we are happy to see that the Clerk is now required to continue to mail ballot packages to late registrants for a longer period of time, for up to seven days before an election (instead of thirty days) for voters who register as late as ten days before an election. Also, if the Clerk finds there is a reasonable amount of time for a voter to receive and submit a ballot beyond established deadlines, the Clerk may mail the ballot package to the voter. We support the language in Section 15 (a), 4 for the voter affirmation statement, but note that this statement may need to change in 2021, should SB 2609 SD1 become law this year. Certainly, we do support prohibiting individuals working for a candidate's campaign or their campaign committee from helping voters fill out their ballots. As called for in Section 16, we also support voters be allowed to deposit their ballot up to 7:00 p.m. on election day at a place of deposit.

Regarding Section 20 of the measure, we strongly support deferring to the County Clerk to determine whether additional number voters service centers are needed, in situations or locations where the Clerk is unable to obtain a facility or requisite personnel for the days and times specified in Act 136. Voter Service Centers (VSCs) are a critical tool to help voters with any logistics problems, as well as to permit latecomers to register to vote. Having an expert to help in-person during days and times that are accessible to voters will help prevent unintentionally disenfranchising anyone.



49 South Hotel Street, Room 314 | Honolulu, HI 96813

[www.lwv-hawaii.com](http://www.lwv-hawaii.com) | 808.531.7448 | [voters@lwv-hawaii.com](mailto:voters@lwv-hawaii.com) | @LWV-Hawaii on Facebook

However, **we do not support the following requirement in Section 20: “on election day the clerk of any county with a population less than 500,000 shall operate one additional voter service center on each island and the clerk of any county with a population of 500,000 or more shall operate three additional voter service centers, one of which shall be on the Windward side.”** Instead, we defer to County Clerks to determine the appropriate number of voter service centers that would operate at the normal hours and the normal duration of days beyond what is already specified as a minimum in Act 136. After more than forty years of absentee voting, our County Clerks are experienced in operating voting by mail programs; they understand conditions (and changing conditions) in their jurisdictions and are certainly well prepared to make such decisions. We do encourage voters to constructively interact with their Clerks so the Clerks can better understand the needs of their voters when determining where and when to operate VSCs.

This measure would take effect upon its approval, which we support. However, we urge election officials to accurately and consistently advertise any administrative changes as we transition to voting by mail. Information provided to the public earlier may need to be revised.

It is important to clear up any inconsistencies before the beginning of voting by mail in the 2020 primary election. We thank the Legislature for their painstaking work on these details. Emphasis should continue to be placed on voter education to encourage as many voters as possible to vote by mail.

Thank you for the opportunity to submit testimony.



Pono Hawai'i Initiative

Josh Frost - President • Patrick Shea - Treasurer • Kristin Hamada  
Nelson Ho • Summer Starr

**LATE**

Thursday, March 12, 2020

Relating to Elections  
Testifying in Support with Amendments

Aloha Chair and members of the committee,

The Pono Hawai'i Initiative (PHI) **supports SB2794 SD1 Relating to Elections** but requests that the proposed amendments from Common Cause Hawai'i be included.

This measure makes a variety of housekeeping amendments to Hawaii's elections laws to provide clarity and improve elections by mail.

We urge you amend and pass out SB2794 SD1.

Mahalo for the opportunity,  
Gary Hooser  
Executive Director  
Pono Hawai'i Initiative



**LATE**

Thursday, March 12, 2020

Senate Bill 2794 Senate Draft 1  
Testifying in Support

Aloha Chair Lee, Vice Chair San Buenaventura, and Members of the Committee on Judiciary,

The Democratic Part of Hawai'i (The Party) **stands in support of SB2794 SD1** Relating to Elections. This bill rightly makes amendments a number of useful and, we believe, necessary amendments to election laws. Clarifying the definition of precincts, which was deleted when the Legislature created the vote-by-mail law, crucial. As is the requirement for additional voter service centers on Election Day.

This is a good bill for numerous reasons and The Party is thankful to the Committee for hearing the bill.

In particular, we are encouraged by the re-insertion of the definition of precincts and accompanying amendments. The on-going establishment of Precincts is vital to the Party's ability to organize itself in useful ways that mirrors election structures. What's more, given that precincts are the smallest organizing structure for BOTH the Office of Elections AND the Democratic Party of Hawaii, retaining the definition and existence of Precincts in the law is also, we believe, useful for elected officials and candidates to elective office as a subset of larger districts for the purposes of campaign activities.

We are also heartened to see language which provides for additional voter service centers on Election Day. Despite the fact that approximately half of all votes cast in the last election were by mailed ballot, we nonetheless expect there will be considerable confusion about the new process.

By establishing additional voter service centers, voters who do not mail their ballot in time will have more options from which to choose to return their completed ballot. The Party believes voting should be as easy and hassle-free as possible and the establishment of additional voter service centers helps ensure that is the case.

For these reasons we urge to vote favorably on this bill, with potential amendments.

Mahalo for the opportunity to testify,

Josh Frost  
Co-Chair, Legislation Committee  
Democratic Party of Hawai'i

Zahava Zaidoff  
Co-Chair, Legislation Committee  
Democratic Party of Hawai'i

**SB-2794-SD-1**

Submitted on: 3/11/2020 9:53:13 AM

Testimony for JUD on 3/12/2020 2:31:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Edward B Hanel Jr	Individual	Support	No

Comments:

Concur with CommonCause Hawaii comments

**LATE**

**SB-2794-SD-1**

Submitted on: 3/12/2020 12:33:42 AM  
Testimony for JUD on 3/12/2020 2:31:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Brodie Lockard	Individual	Support	Yes

Comments:

Election experts from the Electronic Frontier Foundation emphasized the need for a voter verifiable paper audit trail in the early 1990s. The need has never been clearer than it is in 2020.

There should be no arbitrary cutoff date for counting of ballots.

More voter service centers are imperative to keep this first statewide Vote-By-Mail election from becoming a catastrophe.

Common Cause Hawaii has identified several other parts of this bill that need clarification. Please address them and pass SB2794.

**SB-2794-SD-1**

Submitted on: 3/12/2020 5:08:41 AM

Testimony for JUD on 3/12/2020 2:31:00 PM



Submitted By	Organization	Testifier Position	Present at Hearing
Caroline Kunitake	Individual	Support	No

Comments:

Dear Chair Lee and Members of the Committee of the Judiciary,

I am writing in support of SB2794 SD1 with amendments.

- One, Common Cause Hawaii supports the provision of SB 2794, SD1, which will provide a ballot summary and a voter verifiable paper audit trail (VVPAT). Every voting machine in Hawaii should generate a backup paper record of each vote. Even if voter databases and other equipment are not connected to the internet, national experts have opined said that it will still be hard to protect computer systems from cyber threats.
- Two, Common Cause Hawaii is unclear about Section 15, amending Section 11-104, Hawaii Revised Statutes (HRS), subsection (a)(4), adding an affirmation stating that the voter did not receive assistance from the voter's employer or agent of the employer, agent of the voter's labor union, or any candidate listed on the ballot. Pg. 17, lines 2-10; see HRS 11-139. It does not appear that agent is defined. Agent is as "[s]omeone who is authorized to act for or in place of another; a representative". Black's Law Dictionary 10th ed. An employer, and/or labor union may have multiple agents and it may not be apparent who is the agent, especially with large and/or complex organizations. It may be prudent for SB 2794, SD1 to define agent to avoid confusion.
- Three, Common Cause Hawaii suggests amending Section 18 of SB 2794, SD1 (referring to HRS§ 11-107) to delete any references that ballots may be forwarded and also returned by electronic transmission, except pursuant to federal laws. The cybersecurity experts are particularly concerned that any internet connection could be vulnerable to hacking or other cyberattacks. See <https://slate.com/news-and-politics/2019/07/elections-hacking-russia-senate-intelligence-committee.html>. It is not prudent, in these fraught times, to have emailed ballots and be able to return them via email. Further, with emailed ballots, it is unclear how ballot summaries and VVPATs would detect any hacking, because ballot summaries and VVPATs would ordinarily be conducted after receipt of the emailed ballots, when the hacks have already occurred.
- Four, Common Cause Hawaii does not understand the need for adding a provision stating that "[n]o ballots shall be validated beyond the tenth day following an election." Pg. 24, lines 11-12. If a voter adhered to all the



requirements set forth in statutes, there should be no arbitrary cutoff date for counting of ballots. According to the U.S. Constitution, voting is a right and a privilege. Every vote should be counted. Common Cause Hawaii suggests that this provision be deleted.

- Five, Common Cause Hawaii suggests amendments to Section 19 of SB 2794, SD1 (referring to HRS § 11-109,). Starting in 2020, all Hawaii elections will be by mail; there will no longer be polling places for voters to cast their ballots. Instead, there will be a limited number of Voter Service Centers (VSCs) for people to perform in-person polling functions. VSCs will receive personal delivery of mail-in ballots, accommodate voters with special needs, offer same day registration and voting, and provide other election services.
- Currently, all counties, except Kauai, will have more than one (1) VSC and they will be open ten (10) business days prior to election days and their hours are from Monday through Saturday, 8:00 a.m. to 4:30 p.m., and on election days from 7:00 am – 7:00 pm.
- Unfortunately, SB 2794, SD1 states that “[i]n each county, **a voter service center** shall be open . . . .” Page 25, lines 1-2 (emphasis added). This means a county shall only need to open one VSC. This needs to be revised in SB 2794, SD1. One VSC per county is simply not enough.

Please support this bill.

Mahalo,

Caroline Kunitake