

JAN 19 2007

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# A BILL FOR AN ACT

RELATING TO ELECTIONS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that in the 2006  
2 elections, absentee voters were significantly confused due to  
3 ballot design and unclear instructions. Voter experience in  
4 other states indicate that clarity in ballot design is important  
5 to avoid confusion and ambiguity. The legislature finds that  
6 the voting process should be clear to ensure that voters'  
7 preferences are accurately expressed, and to provide a  
8 satisfying experience for voters in fulfilling their civic duty.

9           Although the office of elections has occasionally convened  
10 meetings of an ad hoc elections advisory council to provide  
11 input informally, the elections advisory council is not a  
12 statutory body.

13           The purpose of this Act is to establish:

- 14           (1) The elections advisory council in statute; and  
15           (2) Provide a ballot design review process.



1 SECTION 2. Chapter 11, Hawaii Revised Statutes, is amended  
2 by adding a new part to be appropriately designated and to read  
3 as follows:

4 "PART . ELECTION ADVISORY COUNCIL

5 §11- Election advisory council; creation; composition.

6 (a) There is established an election advisory council under the  
7 office of elections to be appointed by the chief election  
8 officer.

9 (b) The elections advisory council shall be composed of  
10 representatives from the following entities, who shall be  
11 selected by the entity:

- 12 (1) Alu Like;
- 13 (2) Association of Clerks and Elections Officers of  
14 Hawaii;
- 15 (3) Association of Information Technology Professionals;
- 16 (4) Chamber of Commerce of Hawaii;
- 17 (5) Common Cause of Hawaii;
- 18 (6) Hawaii Newspaper Agency;
- 19 (7) Hawaii Society of Certified Public Accountants;
- 20 (8) Hawaii State Bar Association;
- 21 (9) Honolulu Community - Media Council;
- 22 (10) Information Systems Audit and Control Association;



- 1 (11) League of Women Voters;
- 2 (12) Office of Hawaiian Affairs;
- 3 (13) Auditor;
- 4 (14) Office of Ombudsman;
- 5 (15) Democratic Party of Hawaii;
- 6 (16) Hawaii Green Party;
- 7 (17) Libertarian Party of Hawaii;
- 8 (18) Natural Law Party of Hawaii; and
- 9 (19) Republican Party of Hawaii;

10 provided that the chief election officer appoint other entities  
11 to be represented on the election advisory council, if the chief  
12 election officer determines that another entity is be  
13 appropriate and would contribute to the work of the council.  
14 Any appointed entity may relinquish its membership by written  
15 notice to the chief election officer.

16 Section 26-34 shall not apply to this section. The members  
17 shall serve without compensation but shall be reimbursed for  
18 expenses, including travel expenses, necessary for the  
19 performance of their duties.

20 (c) Members of the election advisory council shall serve  
21 temporarily for each primary and general election, and shall  
22 dissolve on the day after the general election.



1           §11-     Duties of the election advisory council. The  
2 election advisory council shall serve as an advisory group to  
3 assist the chief election officer, as follows:

4           (1) Provide the chief election officer with comments and  
5                 recommendations on matters pertaining to federal,  
6                 state, and county elections;

7           (2) Provide the chief election officer with comments and  
8                 recommendations on adopting rules and procedures;

9           (3) Serve as the core group of the official elections  
10                observer team to watch over the counting center team  
11                activities to ensure adherence rules and procedures on  
12                election day;

13           (4) Conduct logic and accuracy tests to verify that the  
14                ballot counting program is making accurate counts; and

15           (5) Observe other election related activity, as authorized  
16                by the chief election officer or designated  
17                representative."

18           SECTION 3. Section 11-112, Hawaii Revised Statutes, is  
19 amended by amending subsection (c) to read as follows:

20           "(c) Prior to an election, the chief election officer  
21 shall prepare a draft ballot and draft ballot instruction for  
22 use in the upcoming election in consultation with a graphic



1 design expert, after which the draft ballot and draft ballot  
 2 instruction shall be submitted to the election advisory council  
 3 and the general public for comment. Upon the recommendation of  
 4 the election advisory council, the chief election officer may  
 5 redesign the ballot or redraft the ballot instruction into a  
 6 final form, if necessary, with the assistance of a graphic  
 7 design expert.

8 At the chief election officer's discretion, the ballot may  
 9 have a background design imprinted onto it."

10 SECTION 4. New statutory material is underscored.

11 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: *[Signature]*  
*Theranne Chun Adelland*  
*Anril Yde*  
*Randy de Boh*  
*Gary L. Hosen*  
*Clarence Erickson*



**Report Title:**

Election Advisory Council

**Description:**

Establishes the election advisory council to advise the chief election officer. Requires a ballot design review process.

