JAN 2 2 2010

A BILL FOR AN ACT

RELATING TO ELECTIONS.

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

1	SECTION 1. Section 11-1.6, Hawaii Revised Statutes, is
2	amended as follows:
3	1. By amending subsection (b) to read:
4	(b) The person appointed to be chief election officer
5	shall be a citizen of the United States, a resident of the
6	State, [and] a registered voter of the State, and have not less
7	than years of experience operating or assisting in
8	operating a statewide election system."
9	2. By amending subsection (g) to read:
10	"(g) The chief election officer may be removed by the
11	elections commission at any time for good cause [-]; provided
12	that if based on the findings and recommendations of a
13	performance evaluation under section 11-7.5, the removal may be
14	imposed only if prior to the removal:
15	(1) The elections commission notifies the chief election
16	officer of the findings and recommendations of the
17	performance evaluation and the elections commission's

1		decision to remove the chief election officer due to
2		poor performance;
3,	(2)	The elections commission affords the chief election
4		officer six months from the notification under
5		paragraph (1) to improve performance in accordance
6		with the findings and recommendations of the
7		performance evaluation; and
8	(3)	Upon expiration of the six-month period under
9		paragraph (2), the elections commission conducts a
10		follow-up review and evaluation, and concludes that
11		the chief election officer's removal due to poor
12		performance is still warranted."
13	SECT	ION 2. Section 11-7.5, Hawaii Revised Statutes, is
14	amended to	o read as follows:
15	"[[]	§11-7.5[+] Duties of the elections commission. The
16	duties of	the elections commission are to:
17	(1)	Hold public hearings;
18	(2)	Investigate and hold hearings for receiving evidence
19		of any violations and complaints;
20	(3)	Adopt rules pursuant to chapter 91;

S.B. NO. 2376

1	(4)	Employ, without regard to chapter 76, a full-time	
2		chief election officer, pursuant to section 11-1.6;	
3		[and]	
4	(5)	Advise the chief election officer on matters relating	
5		to elections [-];	
6	<u>(6)</u>	Review and evaluate the performance of the chief	
7		election officer after the first year of employment,	
8		and biennially thereafter; provided that each	
9		performance evaluation shall be included in the	
10	•	findings and recommendations of the biennial	
11		evaluation conducted and submitted to the legislature	
12		under section 11-8.5; and	
13	(7)	Take an active oversight role in the operations and	
14		management of the office of elections."	
15	SECT	ION 3. Section 11-8.5, Hawaii Revised Statutes, is	
16	amended to read as follows:		
17	"[+] §11-8.5[+] Elections review program. The elections		
18	commission shall develop and implement an elections review		
19	program to	o: Ping to the company of the compan	
20	(1)	Review the operation and performance of elections;	
21	(2)	Review and evaluate the performance of the chief	
22		election officer;	

2010-0209 SB SMA.doc

S.B. NO. 2376

1	[(2)]	(3) Make recommendations to the chief election
2		officer on methods to improve elections;
3	[(3)]	(4) Establish policies for the administration of an
4	•	elections observer program, to include ensuring the
5		validity and reliability of election results;
6	[-(4)]	(5) Conduct a biennial evaluation of the operation of
7		elections;
8	[(5)]	(6) Submit the findings and recommendations from the
9		biennial evaluation to the legislature, not less than
10		twenty days prior to the convening of each regular
11		session held in odd-numbered years; and
12	[(6)]	(7) Adopt rules in accordance with chapter 91 to
13		carry out the purposes of this section."
14	SECT	ION 4. Statutory material to be repealed is bracketed
15	and stric	ken. New statutory material is underscored.
16	SECT	ION 5. This Act shall take effect upon its approval.
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Report Title:

Chief Election Officer; Elections Commission

Description:

Requires the elections commission to evaluate the performance of the chief election officer and to report to legislature; provides guidelines for evaluation; requires elections commission to take active oversight role in operations and management of office of elections.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.