

Honolulu, Hawaii

MAR 19 2010

RE: H.B. No. 1901  
H.D. 2  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2010  
State of Hawaii

Madam:

Your Committee on Judiciary and Government Operations, to which was referred H.B. No. 1901, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO PROCUREMENT OF VOTING SYSTEM EQUIPMENT,"

begs leave to report as follows:

The purpose of this measure is to provide for an alternative procurement process for the procurement of voting system equipment.

Testimony in support of the measure was submitted by two state agencies. Testimony in opposition to the measure was submitted by one state agency. Written testimony presented to your Committee may be reviewed on the Legislature's website.

Your Committee finds that there are a limited number of potential vendors in Hawaii who supply voting system equipment, and the competition between vendors can be intense. The criteria used to evaluate voting system equipment are necessarily objective, and the qualitative nature of the voting experience must be balanced against the price of the equipment. Because of the competition within the market and the evaluation criteria, procurement protests and appeals have been frequently used by disappointed vendors who contend that their proposals should have received a higher score and received the contract. Under the existing procurement process, a protest can be filed for any reason, and, when one is filed, the entire process is stalled until resolved by an administrative hearings officer and can be



further delayed by an appeal to the courts. This type of delay could impede the State's ability to hold an election.

Your Committee finds that this measure creates an alternative procurement process for voting system equipment that is intended to allow the procurement of this equipment to be both fair to potential vendors and timely for the State's planning and implementation of elections.

Your Committee has amended this measure by:

- (1) Clarifying the ranking process if fewer than three offers are received;
- (2) Deleting section 1 of the measure, relating to the purpose of the measure; and
- (3) Making technical, nonsubstantive changes for purposes of consistency, style, and clarification.

As affirmed by the record of votes of the members of your Committee on Judiciary and Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1901, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1901, H.D. 2, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Government Operations,




BRIAN T. TANIGUCHI, Chair



The Senate  
Twenty-Fifth Legislature  
State of Hawaii

**Record of Votes**  
**Committee on Judiciary and Government Operations**  
**JGO**

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">HB 1901, HD2</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">JGO, WAM</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">3/12/10</div>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312         </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311         </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310         </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313         </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
TAKAMINE, Dwight Y. (VC)	✓			
BUNDA, Robert	✓			
GABBARD, Mike				✓
NISHIHARA, Clarence K.	✓			
SLOM, Sam		✓		
<b>TOTAL</b>	4	1	0	1
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <input checked="" type="checkbox"/> Adopted           <input type="checkbox"/> Not Adopted         </div>				
Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; margin-top: 10px;">  </div>				
<b>Distribution:</b> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

**\*Only one measure per Record of Votes**