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GOVERNOR



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AARON S. FUJIOKA  
ADMINISTRATOR

**STATE OF HAWAII  
STATE PROCUREMENT OFFICE**

P.O. Box 119  
Honolulu, Hawaii 96810-0119  
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**TESTIMONY  
OF  
AARON S. FUJIOKA  
ADMINISTRATOR  
STATE PROCUREMENT OFFICE**

**TO THE  
HOUSE COMMITTEE  
ON  
JUDICIARY**

January 22, 2010

2:00 P.M.

HB 1901

**RELATING TO PROCUREMENT OF VOTING SYSTEM EQUIPMENT.**

Chair Karamatsu, Vice-Chair Ito and committee members, thank you for the opportunity to testify on HB 1901.

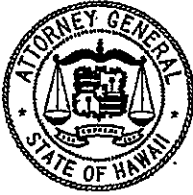
The State Procurement Office (SPO) does not support the language to amend HRS Chapter 16, for an alternative procurement process allowing the chief election officer an exemption from chapter 103D, the Hawaii Public Procurement Code (Code) when procuring voting equipment systems.

The SPO does not support statutorily exempting specific agencies from the Code, as it is not in the best interest of government, the business community, and the general public. The Code establishes a time-tested, fair, and reliable set of rules and processes for award of contracts. The competitive procurement processes of the Code are to insure that all potential providers are afforded the opportunity to compete for the required services. To the extent agencies may need specific purchases to be exempted from Code requirements, the Code provides an exemption process.

The Code should not be viewed as an obstacle to a purchasing agency's mission, but rather as the single source of public procurement policy to be applied equally and uniformly. It was the legislature's intent for the Code to be a single source of public procurement policy. If individual agencies are exempted and allowed to develop their own individual processes, it becomes problematic and confusing to vendors, contractors and service providers that must comply with a variety of different processes and standards. Fairness, open competition, a level playing field, and government disclosure and transparency in the procurement and contracting process are vital to good government. For this to be accomplished, we must participate in the process with one set of statutes and rules.

In conclusion, there is no advantage in independence gained by exempting the chief elections officer from the code since the code already provides independence and flexibility in the procurement process.

Thank you.



## TESTIMONY OF THE STATE ATTORNEY GENERAL TWENTY-FIFTH LEGISLATURE, 2010

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 1901, RELATING TO PROCUREMENT OF VOTING SYSTEM EQUIPMENT.

**BEFORE THE:**

HOUSE COMMITTEE ON JUDICIARY

**DATE:** Friday, January 22, 2010 **TIME:** 2:00 PM

**LOCATION:** State Capitol, Room 325

**TESTIFIER(S):** Mark J. Bennett, Attorney General  
or Russell A. Suzuki, Deputy Attorney General

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Chair Karamatsu and Members of the Committee:

The Department of the Attorney General strongly supports this bill.

The purpose of this bill is to provide an alternative to, and not an exemption from, the procurement process of chapter 103D for the selection of voting equipment. Past history has shown that the present procurement process set forth under chapter 103D, Hawaii Revised Statutes, is unworkable. There are only a few companies that specialize in this area and, in fact, the number of companies is getting even smaller. For example, Election Systems & Software, Inc. is attempting to acquire Premier Election Solutions Inc., the voting machine division of one of its competitors, thus reducing the competition in this lucrative market. Because of the intense and competitive nature of this business, procurement protests and appeals have been frequently used, thereby disrupting and delaying the selection of election equipment and creating great uncertainty about the ability to put on a timely election. 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 bill provides for a fair and timely procurement process that involves a selection committee composed of the county clerks or their designees, a representative of the Office of Elections, a representative of the disabled community and representatives of the Legislature and the Governor. This selection process uses a broad-based committee that is representative of the community and the process is transparent and objective. The bill also provides a right to request reconsideration by the Chief Election Officer but no further appeal.

Thank you for the opportunity to provide this testimony.

LINDA LINGLE  
GOVERNOR

AARON S. FUJIOKA  
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