

Honolulu, Hawaii

FEB 14 2013

RE: S.B. No. 854

S.D. 1

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Seventh State Legislature  
Regular Session of 2013  
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred  
S.B. No. 854 entitled:

"A BILL FOR AN ACT RELATING TO ELECTIONS,"

begs leave to report as follows:

The purpose and intent of this measure is to require all  
state residents to vote by mail in all elections. Specifically,  
this measure:

- (1) Requires the Office of Elections to develop and  
implement a statewide voting modernization program that  
requires all registered voters to vote by mail starting  
in 2016 for all elections held in the State;
- (2) Requires the Office of Elections to determine the  
sufficient number of polling places to be made available  
on election day to accommodate voters without a  
permanent address, provide for election day voter  
registration and voting, and receive ballots that are  
deposited by voters in lieu of mail delivery;
- (3) Requires the Office of Elections to submit a written  
report to the Legislature prior to the convening of the  
2014 Regular Session regarding the status of program  
implementation, any operational problems, and any  
proposed legislation; and



- (4) Appropriates a specified sum for fiscal years 2013-2014 and 2014-2015 to be expended by the Office of Elections to implement a statewide voting modernization program.

Your Committee received testimony in support of this measure from the League of Women Voters, American Civil Liberties Union of Hawaii, and two private individuals. Testimony in opposition to this measure was submitted by five private individuals. Your Committee received comments on this measure from the Office of Elections; Office of the County Clerk, County of Hawai'i; Office of the County Clerk, County of Maui; and Office of the County Clerk, County of Kaua'i.

Your Committee finds that Hawaii has a hybrid voting system, whereby voting in person and voting by mail are allowed. This measure would require voters to vote by mail for all elections held in the State, while still providing certain means for people who cannot vote by mail, choose not to return their ballots by mail, or are not registered to vote as of election day to vote on election day. Voting by mail will encourage and increase active participation in the electoral process, especially for individuals who find it difficult to get to the polls on election day due to family, work, or other obligations.

However, your Committee notes the comments submitted by the County Clerks of Hawaii, Maui, and Kauai who indicated in written testimony that establishing a vote-by-mail process may be difficult to implement. Identifying and implementing an efficient, expeditious, and cost-effective process for handling the huge volume of outgoing and incoming mail pieces will be a challenge that may require a complete overhaul of their current operations. Furthermore, the County Clerks indicated their concerns that allowing for election day voter registration may place an additional burden on poll workers who are volunteers and may be not be experienced in resolving issues regarding voter residency. Lastly, the Office of the County Clerk of the County of Hawaii questioned whether the specified appropriation amount is sufficient to hire personnel and acquire the processing space and equipment necessary to implement voting by mail statewide for all elections beginning in 2016.

Therefore, your Committee believes that this measure is cost prohibitive and has serious concerns about whether it is feasible to implement a statewide mail-in voting program without sufficient funding and limited resources. However, your Committee believes



that the dialogue regarding funding feasibility should be continued by your Committee on Ways and Means if that Committee chooses to schedule this measure for a hearing.

Accordingly, your Committee has amended this measure by inserting an effective date of July 1, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 854, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 854, 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  
Labor,



CLAYTON HEE, Chair



The Senate  
Twenty-Seventh Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:* <b>SB 854</b>	Committee Referral: <b>JDL, WAM</b>	Date: <b>2/8/13</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
<b>Members</b>	<b>Aye</b>	<b>Aye (WR)</b>	<b>Nay</b>	<b>Excused</b>
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
GABBARD, Mike				✓
IHARA, Jr., Les	✓			
SLOM, Sam			✓	
<b>TOTAL</b>	<b>3</b>		<b>1</b>	<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report   Clerk's Office   Drafting Agency   Committee File Copy				

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