

Honolulu, Hawaii

FEB 13 2015

RE: S.B. No. 243  
S.D. 1

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Eighth State Legislature  
Regular Session of 2015  
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred  
S.B. No. 243 entitled:

"A BILL FOR AN ACT RELATING TO ELECTIONS,"

begs leave to report as follows:

The purpose and intent of this measure is to clarify the law  
regarding elections in the event of a natural disaster by:

- (1) Clarifying that the Chief Election Officer or County Clerk in the case of county elections prior to the day of election has the authority to determine whether to postpone an election affected by the natural disaster or require voters of an affected precinct to vote by absentee ballot; and
- (2) Authorizing the Governor on the day of election and thereafter to determine whether to postpone an election affected by the natural disaster or require voters of an affected precinct to vote by absentee ballot unless the Governor is a candidate for office in that election.

Your Committee received testimony in support of this measure from Common Cause Hawaii, American Civil Liberties Union of Hawaii, League of Women Voters of Hawaii, and one individual.

Your Committee finds that existing law authorizes the Chief Election Officer or County Clerk in the case of county elections to consolidate precincts in the event of a natural disaster and,

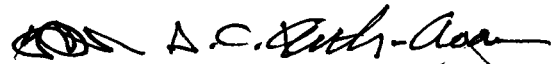


if the natural disaster causes damage that substantially impairs voters' ability to vote, to require registered voters to vote by absentee ballot or postpone the conducting of an election in the affected area for no more than twenty-one days. This authorization was recently exercised in the County of Hawaii during the 2014 primary election. The decision by the Chief Election Officer to postpone the primary election in the polling places affected by Tropical Storm Iselle resulted in litigation and raised concerns regarding the Chief Election Officer's authority under law to postpone elections. This measure clarifies how elections are to be handled in the event of a natural disaster.

Your Committee has amended this measure by inserting an effective date of January 7, 2059, 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. 243, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 243, 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,



GILBERT S.C. KEITH-AGARAN, Chair



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

\*Only one measure per Record of Votes