

**STATE OF HAWAII
OFFICE OF ELECTIONS**

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PEARL CITY, HAWAII 96782
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SCOTT T. NAGO
CHIEF ELECTION OFFICER

**TESTIMONY OF THE
CHIEF ELECTION OFFICER, OFFICE OF ELECTIONS
TO THE SENATE COMMITTEE ON JUDICIARY AND LABOR
ON HOUSE BILL NO. 124, HD 2
RELATING TO ELECTIONS**

March 24, 2015

Chair Keith-Agaran and members of the Senate Committee on Judiciary and Labor, thank you for the opportunity to testify in support of House Bill No. 124, HD 2. The purpose of this bill is to require the Office of Elections to implement all-mail elections by 2020.

The Office of Elections believes all-mail elections will streamline the administration of elections. Currently, elections consist of three systems: (1) absentee walk sites; (2) election day polling places; and (3) absentee mail. The vast majority of voters either vote at election day polling places or by absentee mail. As such, it may be more efficient to focus our resources on absentee mail, with a significantly smaller election day presence limited to voters obtaining a replacement ballot package, or voting on a direct recording electronic voting machine; as well as some variation of absentee walk. With that in mind, we have a variety of technical concerns regarding this bill.

We support the implementation of all-mail over three election cycles, as drafted. This implementation plan is consistent with other states, such as Oregon and Washington, which incrementally transitioned to elections by mail on a county-by-county basis. This allows election officials to determine in a methodical manner issues that need to be addressed, and how implementation can be improved going forward. We propose beginning with the County of Kauai, as they have the smallest population and with any new system there is a learning curve. The following is the implementation schedule for all-mail elections:

Year	Description
2015	<p>Negotiate with the voting system vendor the implementation of all-mail for the County of Kauai.</p> <p>Discussions with County of Kauai regarding seasonal staff for all-mail processing.</p> <p>Develop an all-mail voter education program.</p>
2016	Implement all-mail for the County of Kauai.
2017	Adjust administrative rules, county/state staffing, and contractor equipment and professional services based on experiences in 2016 for the County of Kauai.
2018	Implement all-mail for the County of Hawaii, County of Maui, and County of Kauai.
2019	<p>Adjust administrative rules, county/state staffing, and contractor equipment and professional services based on experiences in 2018 for the County of Hawaii, County of Maui, and County of Kauai.</p> <p>Develop and issue a RFI for statewide all-mail system.</p>
2020	Implement all-mail statewide.
2021	<p>Adjust administrative rules, county/state staffing, and contractor equipment and professional services based on experiences in 2020 for the County of Hawaii, County of Maui, County of Kauai, and City and County of Honolulu.</p> <p>Issue RFP and award by the end of the year.</p>
2022	Conduct all-mail statewide under a new contract.

The bill includes amendments to HRS § 11-91.5, in Section 6, which would allow the Office of Elections to conduct elections by mail in whole or in part, including designating specific precincts or counties for elections by mail. We believe additional language is necessary to clarify the division of responsibilities and costs between the state and counties. Using the proposed language, the counties will continue to be responsible for absentee walk sites, and they would additionally be responsible for any absentee walk sites that are open on election day. The state would assume responsibility for the mailing of the ballots. We propose the following to direct the transition to elections by mail:

HRS § 11-91.5. Federal, state, and county elections by mail. (a) Any federal, state, or county election [~~held other than on the date of a regularly scheduled primary or general election~~] may be conducted by mail, in whole or in part. This includes the ability to designate specific precincts or counties that will be conducted by mail, in whole or in part.

(b) The chief election officer shall determine whether a federal [~~or state election, other than a regularly scheduled primary or general election,~~] election, state election, or an election involving state and county offices, may be conducted by mail [~~or at~~], polling places, or a combination of mail and polling places.

(c) The county clerk shall determine whether a solely county election, held other than on the date of a regularly scheduled primary or general election, may be conducted by mail [~~or at~~], polling places, or a combination of mail and polling places. An election by mail in the county shall be under the supervision of the county clerk.

(d) Any ballot cast by mail under this section shall be subject to the provisions applicable to absentee ballots under sections 11-139 and 15-6.

(e) Voters may vote by absentee ballot at an absentee walk polling place. For purposes of an election by mail, at least one absentee walk polling place shall be designated by the county clerk to be open on the day of the election. In the event of a state or federal only mail election, the chief election officer shall designate at least one absentee walk polling place to be open on the day of the election.

(f) Election expenses in mail elections shall be shared and set forth as follows:

(1) Expenses related to mail elections involving both state and county offices, or federal and county offices, unrelated to voter registration and absentee walk polling places shall be divided in half between the State and the counties. Each county will pay a proration of expenses as a proportion of the registered voters at the time of the general election. The counties will separately be responsible for expenses associated with voter registration and absentee walk polling places.

(2) All expenses for county mail elections, which do not involve state or federal offices, shall be borne by the county and paid out of such appropriations as may be made by the council.

(3) All expenses for state or federal mail elections, which do not involve county offices, shall be borne by the State and paid out of such appropriations as may be made by the legislature. Expenses attributable to registration of voters by the county clerk, for said state or federal elections, which do not involve county offices, shall be borne by the State and paid out of such appropriations as may be made by the legislature.

(g) Election responsibilities in mail elections shall be shared and set forth as follows:

(1) In mail elections involving both state and county offices, or federal and county offices, the counties will continue to be responsible for voter registration and absentee walk polling places, while the State will be responsible for the mailing, receipt, processing, and tabulation of ballots. Any responsibilities not enumerated above shall be assigned to the counties or the state by the chief election officer.

(2) The county will be responsible for mail elections involving only county offices.

(3) For mail elections involving only state or federal offices, the counties will continue to be responsible for voter registration and absentee walk voting, while the State will be responsible for the mailing, receipt, processing, and tabulation of ballots. Any

responsibilities not enumerated above shall be assigned to the counties or the state by the chief election officer.

~~[(d)]~~ (h) The chief election officer shall adopt rules pursuant to chapter 91 to provide for uniformity in the conduct of federal, state, and county elections by mail.

In reviewing the bill, we have determined that additional language may be required to accommodate incremental implementation of elections by mail and the current election model. We wish to note the following operational issues and offer recommendations.

Section 11-B(d) provides for an important safeguard for all-mail voters who do not receive their ballots in a timely manner to vote and return them by election day, as they are out-of-state, or are otherwise physically not able to get to a voter service center on election day. As this provision only applies to all-mail elections, we believe that a corresponding change should be made to HRS § 15-5 for counties that have yet to implement elections by mail. We propose the following:

SECTION __. Section 15-5, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) If mailed absentee ballots are not received by the voter within five days of an election, or a voter otherwise requires a replacement ballot within five days of an election, a ~~[covered]~~ voter ~~[under chapter 15D]~~ may request that absentee ballots be forwarded by ~~[facsimile]~~ electronic transmission. Upon receipt of such a request and confirmation that proper application was made, the clerk may transmit appropriate ballots ~~[by facsimile]~~ together with a form requiring the affirmations and information required by section 15-6, and a form containing a waiver of the right to secrecy, as provided by section 11-137. The voter may return the voted ballot and executed form by ~~[facsimile]~~ electronic transmission or mail; provided that they are received by the issuing clerk no later than the close of polls on election day. Upon receipt, the clerk shall verify compliance with the requirements of section 15-9(c), and prepare the ballots for counting pursuant to section 15-10. The clerk shall determine, prior to an election, which form or forms of electronic transmission shall be authorized for the initial transmission of ballots to voters and the return transmission of ballots by voters. The forms of electronic transmission authorized

for the initial transmission of ballots may differ from those authorized for the return of ballots by voters. For purposes of this subsection, "electronic transmission" may include facsimile transmission, electronic mail delivery, or the utilization of an online absentee ballot delivery and return system."

Section 11-B(f) states that a ballot may be returned to a place of deposit no later than the time provided in HRS § 11-131 on the date of the election. In determining places of deposit, not all locations may be able to be secured until the close of polls on election day and we may need to close those at an earlier date or time. We believe that the definition of places of deposit in Section 2 of the bill, should be amended to state that the dates and hours of operation of the places of deposit may differ from those of voter service centers.

In Section 7 and 8 of the bill, regarding the election proclamation and consolidation of precincts, respectively, we propose additional language to address the implementation of elections by mail while simultaneously operating the current system. We propose the following:

§11-92.1 Election proclamation; establishment of a new precinct. (a) In counties not implementing all-mail elections, [The] the chief election officer shall issue a proclamation whenever a new precinct is established in any representative district. The chief election officer shall provide a suitable polling place for each precinct. Schools, recreational halls, park facilities, and other publicly owned or controlled buildings, whenever possible and convenient, shall be used as polling places. The chief election officer shall make arrangements for the rental or erection of suitable shelter for this purpose whenever public buildings are not available and shall cause these polling places to be equipped with the necessary facilities for lighting, ventilation, and equipment needed for elections on any island. This proclamation may be issued jointly with [the] any other proclamation required [in section 11-91] by this title.

(b) In a county implementing all-mail elections, the county clerk shall issue a proclamation listing all places of deposit and voter service centers established by the county clerk. The county clerk shall have the authority to make adjustments to places of deposit and voter services centers, as circumstances may require. In such circumstances, the county clerk may give notice by whatever possible news or broadcast media are available. This proclamation

may be issued jointly with any other proclamation required by this title.

~~[(b)]~~ (c) No change shall be made in the boundaries of any precinct later than 4:30 p.m. on the tenth day prior to the close of filing for an election.

~~[(e)]~~ (d) Notwithstanding subsection (a), and pursuant to section 15-2.5, the chief election officer is not required to establish polling places for precincts affected by natural disasters, as provided in section 15-2.5.

“§11-92.3 Consolidated precincts; natural disasters; postponement; absentee voting required; special elections.

(a) In the event of a flood, tsunami, earthquake, volcanic eruption, high wind, or other natural disaster, occurring prior to an election, that makes a precinct inaccessible, the chief election officer or county clerk in the case of county elections may consolidate precincts within a representative district. If the extent of damage caused by any natural disaster is such that the ability of voters, in any precinct, district, or county, to exercise their right to vote is substantially impaired, the chief election officer or county clerk in the case of county elections may require the registered voters of the affected precinct to vote by absentee ballot pursuant to section 15-2.5 and may postpone the conducting of an election in the affected precinct for no more than twenty-one days; provided that any such postponement shall not affect the conduct of the election, tabulation, or distribution of results for those precincts, districts, or counties not designated for postponement. The chief election officer or county clerk in the case of county elections shall give notice of the consolidation, postponement, or requirement to vote by absentee ballot, in the affected county or precinct prior to the opening of the precinct polling place by whatever possible news or broadcast media are available. Precinct officials and workers affected by any consolidation shall not forfeit their pay.

(b) In the event of a natural disaster occurring in a county that utilizes all-mail elections, the county clerk shall have the same duties and responsibilities stated in subsection (a) that the chief election officer would otherwise have to consolidate voter service centers and places of deposit, establish alternate locations, or to

otherwise postpone the election and establish alternative means of voting.

(c) In the event the chief election officer or the county clerk in a county election determines that the number of candidates or issues on the ballot in a special, special primary, or special general election does not require the full number of established precincts, the precincts may be consolidated for the purposes of the special, special primary, or special general election into a small number of special, special primary, or special general election precincts.

A special, special primary, or special general election precinct shall be considered the same as an established precinct for all purposes, including precinct official requirements provided in section 11-71. Not later than 4:30 p.m. on the tenth day prior to the special, special primary, or special general election, the chief election officer or the county clerk shall give public notice, in the area in which the special, special primary, or special general election is to be held, of the special, special primary, or special general election precincts and their polling places. Notices of the consolidation also shall be posted on election day at the established precinct polling places, giving the location of the special, special primary, or special general election precinct polling place.

In regard to Section 15 of the bill, we believe that the migration to all-mail for the County of Kauai in 2016 would require additional ballots, envelopes, and postage, as well as a high-speed scanner sorter to process the return envelopes. As such, we would request an appropriation of \$50,000 in fiscal year 2015-2016 and the same amount in fiscal year 2016-2017.

Finally, in order to implement all-mail elections, there needs to be a recognition that the accuracy and integrity of our voter registration rolls, including the timely updating of these rolls are critical, as a ballot will be mailed to every active voter in our statewide voter registration system. We propose the following language to ensure that we can receive timely new voter registration applications and updates under the National Voter Registration Act from the examiner of drivers. These changes would permit us to validate the accuracy of the information of voters in our statewide voter registration system against the records of those same voters in the driver license and state identification card databases.

SECTION __. Chapter 11, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§11-__ Electronic Accessibility of Voter Registration

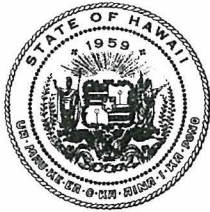
Applications Associated with the Examiner of Drivers. (a) The examiner of drivers of each county shall ensure that the contents of the affidavit on application for voter registration provided by applicants in conjunction with their driver license and civil identification card application are electronically stored in their databases.

(b) The examiner of drivers of each county shall provide the respective county clerk with the voter registration information set forth in the affidavit on application for voter registration electronically. This information shall include a digital copy of the applicant's signature.

(c) Upon receipt of the electronic information, the county clerk shall treat it as constituting an application to register under section 11-15.

(d) Databases maintained by the counties and the state department of transportation containing driver license and civil identification card information shall be electronically accessible by the statewide voter registration system, so as to permit the timely processing of voter registration applications made in conjunction with driver license and civil identification cards, to facilitate verification of information provided by online voter registration applicants under section 11-15.3, and to otherwise ensure the integrity of the voter registration rolls."

Thank you for the opportunity to testify in support of House Bill No. 124,
HD 2.



DISABILITY AND COMMUNICATION ACCESS BOARD

919 Ala Moana Boulevard, Room 101 • Honolulu, Hawaii 96814
Ph. (808) 586-8121 (V/TDD) • Fax (808) 586-8129

March 24, 2015

TESTIMONY TO THE SENATE COMMITTEE ON JUDICIARY AND LABOR

House Bill 124, House Draft 2 – Relating to Elections

The Disability and Communication Access Board (DCAB) supports House Bill 124, House Draft 2 Relating to Elections. The purpose of this bill is beginning with the primary election in 2016, to require the Office of Elections to implement elections by mail in a county with a population less than 100,000. In 2018, elections by mail will be held in one or more counties of similar size. Thereafter requires all federal, state, and county primary, special primary, general, special general, and special elections to be conducted by mail. Establishes voter service centers for the counties, in lieu of traditional polling places. Requires voter service centers to provide services such as voter registration. The bill also appropriates funds.

DCAB worked cooperatively with the Office of Elections when the Help America Vote Act (HAVA) of 2002 was initially passed. We housed the Election Specialist position for the first three (3) years of the HAVA grant by providing technical assistance related to disability and accessibility issues as they related to voting. DCAB assisted the Office of Elections with surveying polling places to ensure the facilities were accessible and in selecting accessible voting equipment to ensure individuals with disabilities could vote independently and privately. The Election Specialist has since relocated to the Office of Elections to provide disability-related expertise as part of the elections staff.

DCAB continues to support efforts of the Office of Elections by providing technical assistance related to accessibility so that voters with disabilities can continue to exercise their right to vote independently at polling places. We have no objection to phasing in all-mail elections or offering open voter service centers on Election Day as long as the site is accessible. We defer to the Office of Elections regarding the amount of funding necessary to transition to an all-mail voting process.

Thank you for the opportunity to testify.

Respectfully submitted,

BARBARA FISCHLOWITZ-LEONG
Chairperson
Legislative Committee

FRANCINE WAI
Executive Director



HB124 HD2
RELATING TO ELECTIONS
Senate Committee on Judiciary and Labor

March 24, 2015

9:00 a.m.

Room 016

The Office of Hawaiian Affairs (OHA) **SUPPORTS** HB124 HD2, which reduces barriers to voting and increases voter participation opportunities, by allowing future elections to be held by mail.

It is well known that Hawai'i has historically suffered from low voter turnout. Hawai'i consistently ranks lower than the national average for voter participation among those eligible to vote in the presidential election.¹ In response to historical data also reflecting the underrepresentation of Native Hawaiians in the polls, during the past two election seasons OHA has implemented a "Hawaiian Voice, Hawaiian Vote: I Mana Ka Leo" campaign to increase Native Hawaiian voter registration, education, and turnout.

During the course of these campaigns, many potential Native Hawaiian voters expressed ambivalence toward taking time off of work to visit polls, or taking the necessary steps to complete the absentee voter registration process. HB124 HD2 would reduce such hurdles for voter participation by automatically giving citizens the opportunity to vote at their own convenience, from the comfort of their own home. This will ultimately result in a more accessible election process and facilitate higher voter turnout rates.

Evidence indicates that the people of Hawai'i generally would also likely benefit from the modernized voting process envisioned by HB124 HD2. For example, Washington and Oregon, the two states that already conduct elections-by-mail, rank among the top four states in the nation for voter turnout, with marked increases in voter turnout after implementing their mail-in voting systems.² Notably, these states have not found that holding elections by mail complicates election administration, or leads to increased voter fraud.³ Implementing such a system for Hawai'i would not only mean that every voter could vote at their own convenience, but also that voters would have a much longer time

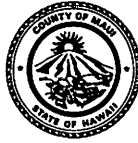
¹ Editorial Board, *The Worst Voter Turnout in 72 Years*, THE NEW YORK TIMES, Nov. 11, 2014, available at <http://www.nytimes.com/2014/11/12/opinion/the-worst-voter-turnout-in-72-years.html>.

² New York Times, Graphic: Voting by Mail (Oct. 6, 2012), http://www.nytimes.com/interactive/2012/10/07/us/voting-by-mail.html?_r=0.

³ Allison Terry, *Voter turnout: the 6 states that rank highest, and why*, CHRISTIAN SCIENCE MONITOR, November 6, 2012, available at <http://www.csmonitor.com/USA/Elections/2012/1106/Voter-turnout-the-6-states-that-rank-highest-and-why/Oregon>.

with ballots in their hands, giving them ample time to consider issues and candidates and make more informed decisions.

Given the potential to greatly bolster Hawai'i's low voter turnout rate, including the turnout of Native Hawaiian voters, OHA urges the Committee to **PASS** HB124 HD2. Mahalo for the opportunity to testify on this important measure.



OFFICE OF THE COUNTY CLERK

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TESTIMONY OF DANNY A. MATEO

COUNTY CLERK, COUNTY OF MAUI

TO THE SENATE COMMITTEE ON JUDICIARY AND LABOR

ON HOUSE BILL NO. 124, H.D. 2

RELATING TO ELECTIONS

MARCH 24, 2015

Chair Keith-Agaran and members of the Senate Committee on Judiciary and Labor, thank you for the opportunity to offer comments on House Bill No. 124, H.D. 2. The purpose of this bill, beginning with the primary election in 2016, requires the office of elections to implement elections by mail in a county with a population less than 100,000. In 2018, elections by mail will be held in one or more counties with a population of more than 100,000. Thereafter requires all federal, state, and county primary, special primary, general, special general, and special elections to be conducted by mail. It also establishes voter service centers for the counties and islands, instead of traditional polling places and requires voter service centers to provide voter registration services.

The Office of the County Clerk, County of Maui, would like to provide comments on the proposed bill.

In this bill, the definition of an election-by-mail ballot packet states "...that shall be provided to eligible voters in any county where elections by mail have been implemented." With that in mind, the references to absentee ballot or permanent absentee ballot are unnecessary and confusing since all registered voters will receive an "election-by-mail ballot packet". Currently, all absentee and permanent absentee voters receive an official ballot, a pre-paid postage return identification envelope, a secrecy envelope, and instructions (§15 HRS). These materials are already provided, and such differentiation between absentee, permanent absentee, and election-by-mail recipients creates unnecessary confusion. The exception would be for a voter requesting to have their ballot mailed to an address other than their mailing address on their voter registration record (i.e. college student).

March 24, 2015

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§15-10 HRS provides for the tabulation of absentee ballots. Our office supports the proposed bill's intent to allow early tabulation of mail in ballots. However, if the legislature intends to have a clear and distinct separation between absentee mail ballots and election-by-mail ballots, our office would request that §15-10 HRS also be amended to allow early tabulation of absentee ballots to be consistent across mailed ballot types.

The proposed bill says the State shall be responsible for preparing, mailing, receiving, processing, and tabulating mail ballots. Our office supports centralized statewide mailing, processing and counting center operations, instead of separation between the counties and State in all mail elections to utilize economies of scale and keep costs lower for all parties.

This bill implements elections by mail in a county with a population of less than 100,000 in 2016. The county of Kalawao falls into the category of a county with a population of less than 100,000, but is already covered in HRS §15-4(b) for all mail elections. We recommend that the county of Kalawao be clearly excluded from this bill.

This proposed bill also requires establishing places of deposit in each district in each county. As far as our office is aware, other counties (such as Multnomah County in Oregon) that conduct all mail elections provide places of deposit in other areas because they do not provide return postage. Providing return postage to each registered voter essentially turns every mailbox into a place of deposit. Our office requests that places of deposit be allowed, but that no minimum number by district be required and instead allow the respective Clerks to determine the best situation for each county.

In addition, there are substantial costs involved for both the County of Maui and the State to retrieve ballots from places of deposit on election days. In order to expeditiously retrieve ballots and transmit results in a timely fashion, two charter planes are used to fly between Lanai, Molokai and Maui, and Hana and Kahului. In the 2014 elections, our office experienced significant obstacles in obtaining a company to fly at night between these areas, due to the compensation, tax and other procurement requirements, and dangerous conditions. Our County has experienced significant chartered and commercial plane crashes that have resulted in loss of lives. We respectfully request that, at the very least, you eliminate the requirement for us to collect ballots from places of deposit on Molokai, Lanai, and Hana on election days so that safer and more cost conscious methods can be used to provide election results.

Thank you for the opportunity to provide comments on House Bill No. 124, H.D. 2.

RICKY R. WATANABE
County Clerk

Telephone: (808) 241-4800
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JADE K. FOUNTAIN-TANIGAWA
Deputy County Clerk

Facsimile: (808) 241-6207
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**ELECTIONS DIVISION
OFFICE OF THE COUNTY CLERK**
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**TESTIMONY OF JADE K. FOUNTAIN-TANIGAWA
DEPUTY COUNTY CLERK, COUNTY OF KAUA'I
TO THE SENATE COMMITTEE ON JUDICIARY AND LABOR
ON HOUSE BILL NO. 124, HOUSE DRAFT 2
RELATING TO ELECTIONS**

March 24, 2015

Chair Keith-Agaran and Committee Members:

Thank you for the opportunity to testify in support of House Bill No. 124, HD 2. This Bill proposes implementing elections-by-mail in a county with a population of less than 100,000 beginning with the 2016 Primary Election, expands elections-by-mail to one or more counties with a population of more than 100,000 in 2018, and thereafter requires all elections statewide to be conducted by mail. The Bill also establishes voter service centers and appropriates funds.

We support elections-by-mail and the Bill in general but have concerns with several sections and offer the following comments and recommendations for your consideration.

Page 1 (Section 11-A, lines 5-8).

In addition to Kaua'i county, it appears that the County of Kalawao (Kalaupapa) would also be required to implement applicable portions of sections 1 and 10 of the Bill beginning in 2016 since it also has a population of less than 100,000.

Page 1 (Section 11-A, lines 15-17).

Elections-by-mail will replace the permanent absentee process since it permanently provides all properly registered voters a mailed ballot package. Continued references to "permanent absentee ballot" is confusing since it gives the appearance that there is a separate process for obtaining a mail ballot on a permanent basis.

Please consider language that defines and clearly references a "seasonal absentee ballot" and application. The seasonal absentee ballot application would provide the applicant a mail ballot package only for elections the applicant specifies, and would only be valid for the year the application was submitted.

Page 2 (Section 11-B).

Please consider specifying that a ballot package shall automatically be mailed to the mailing address contained in a voter's registration record, unless a separate application is submitted requesting that the ballot package be temporarily mailed to an alternate address.

In item c, please consider requiring a voter to apply to have a replacement ballot package mailed to an address different from that of the initial ballot package. This would document that the replacement ballot package was mailed to an alternate address at the voter's request.

Finally, please consider specifying that any application to temporarily mail a ballot to an alternate address shall be valid only for elections occurring in the year that the application was processed.

Page 5 (Section 11-D, lines 12-15).

Please consider removing language which specifies that voter service centers shall be established at the office of the respective county clerks, and in its place consider providing the county clerks with the flexibility to establish voter service centers in alternate areas/facilities that they deem appropriate.

Page 18 (Section 11-91.5, lines 3-6).

This section would make the State (Office of Elections) responsible for preparing, mailing, receiving, and processing ballots received by mail. The Counties are currently responsible for these functions (the State is responsible for tabulating mail ballots). By shifting these responsibilities to the State, is it the intent of the Legislature to consolidate these functions to a central location on O'ahu, or will the State establish a presence on the neighbor islands?

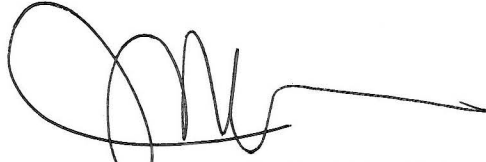
General Comment.

Elections-by-mail requires a major overhaul of the State of Hawai'i election statutes. As such, if possible, we ask that the Legislature eventually consider a complete re-write of Hawai'i election laws to ensure that language is clear and removes any possible conflicts with earlier statutes. During discussions with Oregon election officials, they noted that should they have taken the time to do this, it would have greatly eased their transition to elections-by-mail.

If properly implemented, elections-by-mail will right-size operations and extend actual voting services to every registered voter in the State. With more voters opting to vote by mail in each succeeding election, we believe that the time is right to entirely transition to elections-by-mail and respectfully request your support of this Bill.

Testimony for HB 124, HD 2
Relating to Elections
March 24, 2014
Page 3

Thank you for this opportunity to testify in support of House Bill No. 124, HD 2.

A handwritten signature in black ink, consisting of a large loop followed by several smaller loops and a long horizontal stroke extending to the right.

JADE K. FOUNTAIN-TANIGAWA
Deputy County Clerk



OFFICE OF THE CITY CLERK

CITY AND COUNTY OF HONOLULU
530 SOUTH KING STREET, ROOM 100
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GLEN TAKAHASHI
ACTING CITY CLERK

WRITTEN TESTIMONY ONLY

TESTIMONY OF GLEN TAKAHASHI
ACTING CITY CLERK, CITY AND COUNTY OF HONOLULU
TO THE SENATE COMMITTEE ON JUDICIARY AND LABOR
ON HOUSE BILL NO. 124 H.D. 2
RELATING TO ELECTIONS

March 24, 2015

Chair Keith-Agaran and Committee members:

Thank you for the opportunity to testify on House Bill No. 124 H.D. 2. The purpose of this bill is to require the Office of Elections and counties to implement all-mail elections.

The Office of the City Clerk is in favor of transitioning to a vote by mail election scheme. Since its inception, absentee voting has been increasing steadily and in 2014 a majority of the votes cast were by absentee ballot before election day. We feel that resources and effort should reflect the shift toward this trend and toward a single election scheme instead of a hybrid scheme comprised of in person voting and mail voting over various locations and times. The election scheme should be intuitive with clear and practical voter deadlines and responsibilities that facilitate participation to avoid confusion.

With that being said, we offer comments concerning this bill.

There appears to be an ambiguity with regard to who is responsible for implementing the vote by mail scheme. Section 1, §11-B (a) states: "Between eighteen and twenty-two days...the **county clerk shall mail** an election-by-mail ballot packet by nonforwardable mail..." However, the bill goes on to state in Section 6, HRS §11-91.5 section (g)(2) "The **State shall be responsible** for preparing, **mailing**, receiving, processing, and tabulating mail ballots..." This needs to be clarified to define the role of each election office in each process.

Additionally, while it is likely assumed that vote by mail ballot return deadlines will be similar to the current absentee mail deadlines, we could not

locate a ballot return deadline within the bill. Also omitted is any mention of any signature verification process for returned vote by mail envelopes to authenticate the signature.

The terms “voter service center”, “absentee polling place”, “precinct”, and “polling place” also require clarification. References to “polling place” within section 4 of the bill might imply that polling sites must still be made available on election day. We would oppose this requirement as vote by mail schemes typically exclude any polling place other than one at the County Clerk’s office. We would recommend the repeal of HRS §11-15.2(a)(2) for purposes of technical clarity and any other section of law within Chapter 11 HRS that infers or requires that a polling place (in the traditional sense) be open on election day.

With regard to the establishment of voter service centers, compliance with the requirements would be challenging. While the intent of providing a several service centers is laudable, securing the use of a school, recreational hall, or park facility for the amount of time prescribed in the bill may be disruptive for regular users and obtaining approval for use would be unlikely. When considering commercially available locations, property owners are also be reluctant to lease space for short periods and a six month lease (between July and November) would also undoubtedly increase administrative costs tremendously.

Experience in the States of Washington and Oregon reveal that a single voter service center located at the county office is more than sufficient under an efficient vote by mail scheme. For example, King County, Washington with a population of 1.9 million and over 2,115 square miles has a single voter service center located in Renton near the airport. Both of these counties do provide “places of deposit” or drop sites as noted with HB124 HD2 and we applaud the authors for contemplating the provision of the service.

We note that with newly acquired mail scanning technology, the Office of the City Clerk is presently capable of processing the volume of vote-by-mail envelopes for all registered voters of the City and County of Honolulu. However, we defer to the Office of Elections on the transition timeline as ballot tabulation also needs to be considered. The Office of the City Clerk also requests a reasonable transition time that allows for adequate planning and budgeting. Finally, we note that while it may appear logical to phase in vote by mail from small counties to the largest, the ability to implement a vote by mail scheme is also dependent upon each county having a complete signature image database (for comparing signatures on envelopes) and we defer to the other counties as to whether those resources are presently available.

Thank you for this opportunity to testify on HB 124 H.D. 2



Senate Judiciary and Labor Committee
Chair Gilbert Keith-Agaran, Vice Chair Maile Shimabukuro

Tuesday 03/24/2015 at 9:00 AM in Room 016
HB 124 HD 2 Relating to Elections

TESTIMONY OF SUPPORT
Carmille Lim, Executive Director, Common Cause Hawaii

Dear Chair Keith-Agaran, Vice Chair Shimabukuro, and members of the Committee:

Common Cause Hawaii supports HB124 HD2, which would essentially require the Office of Elections to implement a system of elections by mail by “phasing” its application to different counties, then expanding to all counties in 2018 to cover all federal, state, and county primary, general, and special elections.

Common Cause believes that increased citizen participation in the electoral process is a crucial component of a maintaining a successful democracy, and believes that vote-by-mail provides people more time to exercise their right to vote.

VOTING TRENDS

Vote-by-Mail (VBM) was successfully utilized in Hawaii during the 2010 1st Congressional District special election for Neil Abercrombie’s vacated seat, and continues to prove its effectiveness. According to figures provided by the Office of Elections, trends show a leaning of basic voter preference for VBM with 83% of the early voters from the 2014 Hawaii primary election opting to do so by mail-in absentee ballot.

POTENTIAL COST SAVINGS

Tax dollars can also be saved by the reduced need for as many walk-in polling places that accompany the current “hybrid” voting system. Estimates from the Office of Elections show that after an initial technology investment, the state would save at least \$874,000 per election cycle.

For years, Common Cause Hawaii has supported a VBM system because of its potential cost-savings. There are significant expenses under the current “hybrid” model, in which half of the elections are conducted via absentee ballot, and the other half is conducted at in-person polling places. These expenses include staffing needs (i.e., part time staff and Election Day “volunteers”) and renting facilities for use as polling places. We believe that scaling back these expenses can occur when we transition to a VBM system.

VOTER ACCESS + TURNOUT

While vote-by-mail may make it more convenient to cast a vote, there is no conclusive evidence that VBM alone will encourage or increase voter turnout. A VBM system must complement and protect recently enacted reforms such as Online Voter Registration and Election Day Registration (otherwise known as “Late Voter Registration”). Should Hawaii have a VBM system that coexists with Online Voter Registration, Election Day Registration, and Ranked Choice Voting, our state could be considered as a “model state” for voting reform.

In addition to the individual and collective benefits that voting by mail provides to the public, tangible solutions to significant logistical obstacles accompany the intent of this bill. For example, given the frequency of storms and the potential for hurricanes and other natural disasters, all of which pose a substantial threat to an electoral system which relies heavily on holding elections on a single day, vote-by-mail seems the obvious choice by allowing people more time to exercise their right to vote.

ADDITIONAL COMMENTS

Common Cause Hawaii has the following suggestions to strengthen the bill:

- **Place of deposit** (pg. 9, lines 3-5)
 - Recommendation: Suggest using “ballot drop boxes” instead of “place of deposit” in lines 3-5 and all sections within the bill. Definition of “ballot drop box” would be “a secure receptacle designated by the chief election officer for the purpose of receiving return identification envelopes in an election conducted by mail pursuant to.
- **Rules and regulations** (pg. 10-11, lines 15-11)
 - Comments: Propose adding a requirement that the Chief Elections Officer establish procedures to track and confirm the receipt of voted vote by mail ballots and procedures to make this information available by means of online access using the State’s Elections Web site or a toll-free telephone number that may be used to confirm the date a voted vote by mail ballot was received. (See “ballot tracking” below)
- **Concerns on implementation date:** (pg. 32, section 18)
 - Comments: We ask that the effective date be changed to July 1, 2018.
- **Preserving Late Voter Registration**
 - Comments: Common Cause Hawaii strongly believes that the strongest type of Vote-by-Mail system includes Late Voter Registration, and that attempts to repeal Late Registration is an act of limiting voter access. Late Registration is the failsafe to “catch” any final eligible voters who want to participate in our elections — particularly those who have moved and need to update their voting address so that they may vote in the new precinct they live in. These people tend to be already particularly engaged with our electoral process, and it would be detrimental to intentionally exclude them in the electoral process. Implementing a model which combines VBM and Late Voter Registration is not only a best practice, but will propel Hawaii to become one of the “model states” when it comes to voting modernization.
- **Ballot tracking**
 - We believe that a successful vote-by-mail system would include a ballot-tracking mechanism on absentee ballots – similar to what postal services have to allow customers to track mailed packages. Ballot tracking can be included in the “rules” portion of HB124, as we have indicated above. Adding a tracking mechanism would:
 1. Allow voters to check the status of their ballot through a platform the Office of Elections determines, such as a website and/or a text-message update
 2. Reduce the number of instances when voters call the county clerks’ offices to check the on the status of their absentee ballot. This will allow the clerks to focus on other areas of voting administration.

Thank you for the opportunity to testify on HB124 HD2.



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SENATE COMMITTEE OF JUDICIARY AND LABOR

March 24, 2015, 9:00 AM, Conference Room 016

HB 124, HD 2, RELATING TO ELECTIONS

Chair Senator Keith-Agaran, Vice Chair Senator Shimabukuro and Committee Members:

The League of Women Voters strongly supports HB 124, HD 2, which would require the Office of Elections to implement a system of elections by mail throughout Hawai'i while preserving voters right to late registration and Election Day Registration as established by the Legislature last year.

We are relieved to learn our legislators recognize voting by mail as proposed in this bill is not a trade-off for the late registration voting rights guaranteed in Act 166. The purpose of late registration and same day registration is to improve voter turnout, enabling those eligible to vote but unregistered to register and vote for the first time. This is a qualitatively different goal than voting by mail. Flexibility in registration dates also provides a reasonable level of service for address change and name change transactions.

Hawaii has already successfully held all-mail elections, such as the 2010 special election for Congressional District 1. Colorado is a model for how to both conduct elections by mail and provide same-day registration. Here they open voter service centers before and on Election Day, and allow voters to register and vote at these centers. This system is working well for Colorado and could be a model for implementation in Hawai'i.

The phased in approach outlined in HB 124 is appropriate. The bill calls for vote-by-mail in counties of less than 100,000 population in 2016, in one or more counties with a population of over 100,000 in 2018 and full state implementation in 2020. To prevent any confusion regarding the County of Kalawao, it would be more appropriate to state that vote-by-mail elections will be implemented in Kaua'i County in 2016, adding Maui, Hawai'i and Honolulu counties in 2018 with full implementation in 2020.

The bill establishes "Voter Service Centers" in lieu of traditional polling places, and requires that there be a voter service center located in the office of each county clerk. The clerk may establish additional voter service centers as needed and factors that should be considered in selecting centers are specified. This approach to the number and location of centers is good; without it achieving the estimated cost-saving of more than \$875,000 per election cycle projected by the Office of Elections is not possible.

The establishment of voter service centers is necessary to ensure that voters who have lost, damaged or did not receive a mail ballot are able to vote. In addition these centers will allow voters who wish to, to vote in person, and ensure that Hawai'i is in compliance with federal law by having accessible voting equipment available at these centers.



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The success of voting by mail will depend on a well-organized distribution system for sending ballots to voters and receiving voted ballots from voters. Section 11-B contains procedures for conducting elections by mail, and properly provides for replacement ballots under certain circumstances. It would be a good idea to have timing standards for requesting a replacement ballot and deadlines for returning the replacement ballot. We suggest the following: "A request for a replacement ballot under this section shall be made before 4:30 p.m. on the day of the election, and the ballot must be returned no later than 6p.m. on the day of the election." The request could be received relatively late in the day and still fulfilled, because HB 124 properly permits electronic transmission of the ballot to the voter and return of the ballot by electronic transmission.

We should not underestimate that all-mail voting is a major process change for voters, and we are happy to learn that the Office of Elections plans a voter education program to support this purpose. To complement this effort and ease the transition, we hope the Office of Elections and County Clerks will establish procedures for permitting a voter to track his voted ballot. This is especially important because there could be about a week between the time a voter returns the ballot by mail and when the voter service center opens. In the interim a voter may reasonably ask for verification that his ballot was received.

Once completed ballots are received by County Clerks this bill allows for the processing and counting of ballots beginning seven days before an election, which is appropriate as it will allow for timely processing of the thousands of ballots that will be received by mail. However, vote totals should not be accessible to anyone prior to the conclusion of voting on Election Day. We think the current language in Section 11-C of the bill requiring that tabulations, printouts or other disclosures "shall be kept confidential and shall not be disclosed to the public until voting for the election has concluded" could be stronger. We suggest adding language indicating that no vote totals are viewed prior to the close of polls. As an example California election law allows clerks to begin processing voted ballots 10 business days before the election but California Elections Code section 15101 states, in part, "under no circumstances may a vote count be **accessed** or released until 8 p.m. on the day of the election."

Section 6 provides for a fair and clear distribution of responsibilities and expenses between the State and the Counties, and we support this formula. The bill allows for an appropriation which is appropriate. We depend on the office of elections and county clerks to articulate how large an appropriation is needed to conduct elections by mail. We recommend that adequate funding be made available to conduct voter education efforts and acquire needed equipment to implement this important voting change in Hawai'i.

Taken as a whole this bill reinforces Hawaii's commitment to voter empowerment, and we urge that you pass the measure. Thank you for the opportunity to submit testimony.



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