

STATE OF HAWAII
DEPARTMENT OF DEFENSE

TESTIMONY ON HOUSE BILL 878
A BILL RELATING TO THE MILITARY

PRESENTATION TO
THE HOUSE COMMITTEE ON JUDICIARY

BY
BRIGADIER GENERAL ARTHUR J. LOGAN
ADJUTANT GENERAL
AND DIRECTOR OF THE HAWAII EMERGENCY MANAGEMENT AGENCY
February 26, 2015

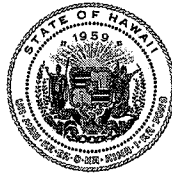
Chair Rhoads, Vice Chair San Buenaventura and Members of the House Committee Judiciary:

I am Brigadier General Arthur J. Logan, the Adjutant General and the Director of the Hawaii Emergency Management Agency. I am providing comments for House Bill 878.

The opportunity to serve in elective office is one of the corner stones of our democracy. This measure will allow deployed members of the Hawaii National Guard and reservists to complete their nomination papers and take oaths using registered or certified mail with a return receipt.

The Senate Committee on Public Safety, Intergovernmental and Military Affairs heard a similar bill, SB633 during their February 5, 2015 hearing. The Chief Elections Officer submitted testimony that the process detailed in that measure could be done under existing statutes. The Committee deferred the bill.

Thank you for allowing me to provide comments on House Bill 878.



**STATE OF HAWAII
OFFICE OF ELECTIONS**

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SCOTT T. NAGO
CHIEF ELECTION OFFICER

**TESTIMONY OF THE
CHIEF ELECTION OFFICER, OFFICE OF ELECTIONS
TO THE HOUSE COMMITTEE ON JUDICIARY
ON HOUSE BILL NO. 878
RELATING TO THE MILITARY**

February 26, 2015

Chair Rhoads and members of the House Committee on Judiciary, thank you for the opportunity to provide comments on House Bill No. 878. The purpose of this bill is to require the Office of Elections to allow reservists and national guard members on active duty who desire to run for office to file their nomination papers and oaths by mail.

Currently, there is no requirement that a candidate file their nomination paper, or take their oath in-person, as long as the nomination paper is properly completed and received by the filing deadline. This issue is already addressed in the candidate's manual. Attached is an excerpt of the *2014 Candidate's Manual*.

We would also note, members of the military on active duty may not be candidates for office if they are active for more than 270 days. Department of Defense Directive 1344.10 regarding Political Activities by Members of the Armed Forces provides, in part, the following:

4.2.2. A regular member, or a retired regular or Reserve Component member on active duty under a call or order to active duty for more than 270 days, may not be a nominee or candidate for the offices described in subparagraph 4.2.1., except when the Secretary concerned grants permission.

Thank you for the opportunity to testify on House Bill No. 878.

Frequently Asked Questions

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1. Do I have to pick up my nomination paper in person?

No. The candidate may authorize someone to pick up the nomination paper. The authorized person must be able to provide specific information about the candidate such as, legal name, date of birth, social security number, home and mailing address, telephone numbers, and a contact person's name and phone number.

Once a nomination paper is issued, no alterations or changes will be made. If the information is incorrect, the nomination paper will not be accepted for filing.

2. Why should I pick up my nomination paper in person?

When picking up a nomination paper, the person issuing the papers will explain the filing process and answer any questions you may have. As the candidate, you are responsible for complying with the filing requirements and understanding the applicable laws regardless of who picks up the nomination paper. If you are a first time candidate, we strongly recommend that you pick up your nomination paper in person.

3. What should I do if I lose my nomination paper?

If you lose your nomination paper, contact the office of issuance immediately. You must still acquire the required signatures and meet the filing deadline and requirements.

4. What should I do if I decide to run for a different office or under a different political party?

If you wish to make any change on the nomination paper, you must request a new set. Do not alter any of information on the nomination paper. A nomination paper that has been altered in any way will not be accepted for filing.

5. Can someone other than myself file my nomination paper or can I mail them in?

Our laws do not prohibit a candidate from having another person file his/her nomination paper or from filing through the mail. However, we strongly recommend that you file your nomination paper in person to ensure that you fulfill all of the requirements. The nomination paper submitted by mail must be received by the candidate filing deadline (not post-marked).

Each candidate is required to sign many documents in the nomination process. If any document is incomplete, the problem can be easily rectified when a candidate files in person. For example, a candidate must subscribe to an Oath of Loyalty/Affirmation before a notary public or public official authorized to issue oaths. All of the candidate filing offices have a notary (or have access to one) or officials authorized to issue oaths. As such, it is much easier for a candidate to file in person and have the

oath/affirmation administered at the time the candidate files his/her nomination paper.

6. What do I need when I come in to file my nomination paper?

You will need the following items when you come in to file your nomination paper:

- Your original nomination paper containing at least the minimum signatures required;
- Your filing fee in the form of cash, money order, or certified/cashier's check. Personal or campaign checks will not be accepted;

✍ *Candidates for federal or state office filing in the Counties of Hawaii, Maui, or Kauai are required to pay by money order, or certified/cashier's check.*

- A notarized filed copy of the *Affidavit to Voluntarily Agree with Campaign Expenditure Limits* from the Campaign Spending Commission if you wish to qualify for the discounted filing fee; and
- A current identification containing your picture and signature (such as driver's license or State I.D.) is required when you take the Oath of Loyalty/Affirmation.

7. What happens if some of the people who sign my nomination paper are not registered voters, or do not live within the district I seek to represent?

Signatures of persons who are not properly registered to vote or who do not reside in the correct district will not be counted. The Office of Elections, or the Office of the City/County Clerk, will verify that the people who sign your nomination paper are properly registered and eligible to sign your nomination paper before you file the nomination paper.

We strongly recommend that you obtain more signatures than required and file your nomination paper early to avoid the consequence of insufficient signatures. If you wait until the last day to file your nomination paper and the number of signatures, for any reason, is insufficient, you may not qualify to be a candidate. If you file early, and the number of valid signatures on your nomination paper is insufficient, you will have an opportunity to obtain additional signatures before the deadline.

8. What happens if my nomination paper does not have the required number of signatures or are incomplete in any way?

State law prohibits the chief election officer or city/county clerk from accepting or filing any nomination paper that is incomplete or does not have the required number of valid signatures.

9. If I am running as a partisan candidate, by what date do I have to be a member of the political party?

You must be a member of the political party from which you seek office before you file your nomination paper. Our state law requires that you sign a certification, by self-subscribing oath, which states that you are a member of the specific party when you

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Submitted By		Organization	Testifier Position	Present at Hearing
Shawna L. Kaanaana		Individual	Support	No

Comments: