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**TESTIMONY OF THE
CHIEF ELECTION OFFICER, OFFICE OF ELECTIONS
TO THE SENATE COMMITTEE ON JUDICIARY AND LABOR
ON SENATE BILL NO. 1298
RELATING TO CONSTITUTIONAL AMENDMENTS**

February 9, 2015

Chair Keith-Agaran and members of the Senate Committee on Judiciary and Labor, thank you for the opportunity to testify on Senate Bill No. 1298. The purpose of this bill is to appropriate funds for duties needed to be undertaken to enable the people to vote at the 2016 General Election on amendments to the Hawaii State Constitution proposed by the legislature.

The Office of Elections supports the intent of this bill because it is important for the electorate to have the opportunity to understand measures before them. However, we would ask for clarification to the "duties needed to be undertaken to enable the people to vote". If the intent of this bill is to produce educational materials to voters, it is not within the scope or mission of this office to interpret constitutional amendments proposed by the legislature. As such, we believe that educational materials would be better produced by subject matter experts.

Prior to the amendment of HRS § 11-2 in 2003, the Office of Elections was statutorily responsible for distributing educational materials produced by the Legislative Reference Bureau based on its interpretation of proposed constitutional amendments, including valid arguments for and against ratification. We propose the following based on the prior language of HRS § 11-2.

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

"§11- Proposed constitutional amendments. Upon the certification of any bill that sets forth a question for vote by the electorate, the chief election officer shall coordinate the preparation of appropriate voter education materials with the _____. The _____ shall be responsible for the interpretation of the bill and shall submit to the chief election officer, not later than ninety days prior to the general election, the following items in final form:

- (1) A summary, factsheet, and digest of the proposed constitutional amendment, which includes the purpose and intent of the proposed constitutional amendment, and ramifications of the proposed constitutional amendment if ratified by the electorate; and
- (2) Arguments for and against ratification of the proposed constitutional amendment.

Thank you for the opportunity to testify on Senate Bill No. 1298.