

**STATE OF HAWAII
OFFICE OF ELECTIONS**

802 LEHUA AVENUE
PEARL CITY, HAWAII 96782
www.hawaii.gov/elections

SCOTT T. NAGO
CHIEF ELECTION OFFICER

**TESTIMONY OF THE
CHIEF ELECTION OFFICER, OFFICE OF ELECTIONS
TO THE SENATE COMMITTEE ON WAYS AND MEANS
ON SENATE BILL NO. 287, SD 1
RELATING TO ELECTIONS**

February 27, 2015

Chair Tokuda and members of the Senate Committee on Ways and Means, thank you for the opportunity to testify in support of Senate Bill No. 287, SD 1. The purpose of this bill is to require the Office of Elections to implement all-mail elections by 2018.

The Office of Elections believes transitioning to all-mail elections will encourage voter turnout, streamline the administration of elections, and result in cost savings. 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.

This bill envisions that the Office of Elections will implement elections by mail in the County of Kauai (i.e. a county with a population less than 100,000) in 2016 and that the rest of the state would transition to all-mail by 2018. While we agree that an incremental implementation is the best approach for the State of Hawaii, we believe it would not be appropriate to transition the rest of the state immediately. Instead, we recommend that the County of Maui and the County of Hawaii introduce

all-mail in 2018, followed by the City and County of Honolulu, no earlier than 2020.

The bill as drafted raises a variety of operational issues that may inhibit the ability of all-mail elections to be successfully implemented. We would recommend streamlined language that makes minimal changes to our current laws but authorizes all-mail elections to be utilized for regularly scheduled elections, as opposed to our current laws that only permit all-mail elections for special elections. We propose the following:

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) 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.

(e) 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 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 voting.

(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.

(f) 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 voting, while the State will be responsible for the mailing, receipt, processing, and tabulation of ballots.

(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.

[(d)] (g) 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.

The administrative rules for all-mail elections referenced in HRS § 11-91.5 were promulgated in 2010 and can be modified as election by mail is implemented, as necessary. Additionally, the proposed language would allow the Chief Election Officer to adjust the implementation timeline depending on funding and public support for all-mail. This recommendation runs counter to Section 11 of the bill, on page 23, that removes HRS § 11-91.5 in its entirety, but we believe it would be prudent to allow the Chief Election Officer and the county clerks discretion over the timing and manner of migration, in order to address any issue that may arise.

Furthermore, we would like to address the following operational issues and provide recommendations:

In regard to the changes to “**§11-92.1 Election Proclamation; ~~establishment of a new precinct.~~ places of deposit; voter service centers**” in Section 6 of the bill on page 12, we are concerned about the requirement for at least one voter service center on each inhabited island. The island of Niihau has successfully transitioned to elections by mail and should be exempt from this requirement. Additionally, to the extent voter service centers are intended to serve as the equivalent of absentee walk sites that would be open for more than one day, we understand it may be difficult logistically to arrange for such sites on Molokai and Lanai. These logistical issues are part of the reason why HRS § 15-4(b) provides that such islands can be serviced by absentee mail as opposed to through the use of polling places.

As for Section 8, on pages 15-19 of the bill, regarding “**§11-184 Election expenses and responsibilities in combined state and county elections[-] by mail,**” we recommend a lease model of an all-mail system, similar to the lease model we have utilized since the migration to marksense voting in 1998. The lease model incorporates the professional maintenance and support, and we would continue to split the cost of the lease equally with the counties. As such, we would recommend the following language:

In a combined state and county election-by-mail, except for costs associated with voter registration, the costs 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.

However, in a county only or state only election, the costs will be not be divided.

In regard to Section 13 concerning an appropriation, we believe that for the migration of the County of Kauai in 2016 we would be looking at expenditures for 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, we believe there should be a safeguard in place for 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. We would recommend amending HRS § 15-5 authorizing the electronic transmission of blank and voted ballots by fax, electronic mail, and online ballot delivery for such voters, within 5 days of an election, if they have not received their ballot or they have spoiled their ballot. The following is our proposed language and we have also submitted a similar bill, Senate Bill No. 441, for consideration by the Legislature.

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

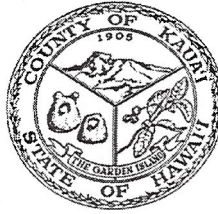
“(b) If mailed absentee ballots are not received by the voter within five days of an election, or a voter otherwise requires a replacement ballot within five days of an election, a [covered] voter [under chapter 15D] may request that absentee ballots be forwarded by [faecsimile-] electronic transmission. Upon receipt of such a request and confirmation that proper application was made, the clerk may transmit appropriate ballots [by faecsimile] 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 [faecsimile] 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.

Thank you for the opportunity to testify on Senate Bill No. 287, SD 1.

RICKY R. WATANABE
County Clerk

Telephone: (808) 241-4800
TTY: (808) 241-5116



JADE K. FOUNTAIN-TANIGAWA
Deputy County Clerk

Facsimile: (808) 241-6207
E-mail: elections@kauai.gov

**ELECTIONS DIVISION
OFFICE OF THE COUNTY CLERK
4386 RICE STREET, SUITE 101
LĪHU'E, KAUA'I, HAWAI'I 96766-1819**

**TESTIMONY OF JADE K. FOUNTAIN-TANIGAWA
DEPUTY COUNTY CLERK, COUNTY OF KAUA'I
TO THE SENATE COMMITTEE ON WAYS AND MEANS
ON SENATE BILL NO. 287, SENATE DRAFT 1
RELATING TO ELECTIONS**

February 27, 2015

Chair Tokuda and Committee Members:

Thank you for the opportunity to testify in support of Senate Bill No. 287, SD 1. This Bill proposes to establish elections-by-mail for all elections in a county with a population of less than 100,000 beginning with the 2016 Primary Election, and for all elections statewide beginning with the 2018 Election.

Although we support the Bill, we are concerned with several sections and offer the following comments and recommendations for your consideration.

Page 2 (Section 11-A, lines 18-19).

In addition to Kaua'i county, it appears that the County of Kalawao (Kalaupapa) would also be required to implement sections 2-12 of the Bill beginning in 2016 since it also has a population of less than 100,000.

Page 3 (Section 11-B, lines 12-15).

Please consider specifying that ballot packages 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. Additionally, please consider specifying that the application shall be valid only for elections occurring in the year that the application was processed.

Page 5 (Section 11-E, lines 11-12).

Please consider eliminating the application requirement for voters needing a replacement ballot, unless the voter is requesting that the replacement ballot be mailed to an address different from the initial ballot package.

This process mirrors procedures already in place, which have proven to be convenient for voters, but secure enough to maintain the integrity and security of the voting process that has occurred through mail.

Page 13 (Section 11-92.1, lines 1-2).

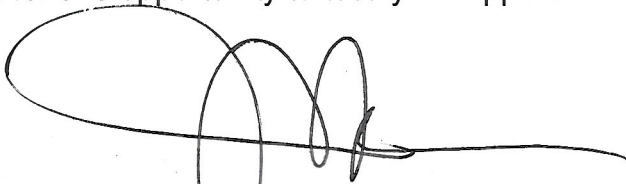
Please consider removing requirements which establish a voter service center on each inhabited island. This would require the reestablishment of a facility on the island of Ni'ihau, which has entirely voted by mail since 2010.

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 the language is clear and to remove any possible conflicts with earlier statutes. During discussions with Oregon election officials, they noted that should they have taken the time to do, it would have this would have greatly eased their transition to elections-by-mail.

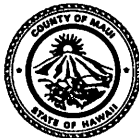
Elections-by-mail will right-size operations and extend actual voting services to every registered voter in the State. With more voters opting to vote by mail in each succeeding election, we believe that the time is right to entirely transition to elections-by-mail and respectfully request your support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

Thank you for this opportunity to testify in support of Senate Bill No. 287, SD 1.

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

JADE K. FOUNTAIN-TANIGAWA
Deputy County Clerk

DANNY A. MATEO
County Clerk



JOSIAH K. NISHITA
Deputy County Clerk

OFFICE OF THE COUNTY CLERK

COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/county/clerk

TESTIMONY OF DANNY A. MATEO

COUNTY CLERK, COUNTY OF MAUI

TO THE SENATE COMMITTEE ON WAYS AND MEANS

ON SENATE BILL NO. 287, S.D. 1

RELATING TO ELECTIONS

FEBRUARY 27, 2015

Chair Tokuda and members of the Senate Committee on Ways and Means, thank you for the opportunity to testify on Senate Bill No. 287, S.D. 1. The purpose of this bill requires the office of elections to implement elections by mail in a county with a population of less than 100,000, beginning with the 2016 primary election. By 2018, requires all federal, state, and county primary, special primary, general, special general, and special elections to be conducted by mail. Provides places of deposit for personal delivery of mail-in ballots and ensures a limited number of voter service centers in each county to remain open on the day of election to allow voters with special needs to vote and receive personal delivery of absentee, permanent absentee, and mail-in ballots.

The Office of the County Clerk, County of Maui, supports with technical comments Senate Bill No. 287, S.D. 1.

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.

In several sections of this bill it is unclear why there are references requesting an absentee ballot or permanent absentee ballot since every registered voter will be mailed an elections by mail ballot package pursuant to §11-B(b) of the proposed bill. We suggest that references to absentee ballot or permanent absentee ballot be removed to avoid confusion since all registered voters will receive an elections by mail packet. The exception would be if a voter is requesting their ballot be mailed to an address other than their mailing address on their voter registration record (i.e. college student).

We also suggest that you consider removing the application requirement for voters needing a replacement ballot. We already have replacement ballot procedures in place which are convenient for the voters and yet maintain security for our mail voting process.

February 27, 2015

Page 2

In addition, there are substantial costs involved for both the County of Maui and the State to retrieve ballots if we had places of deposit or voter service centers on inhabited islands. 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.

Our office supports the State providing funding for all upfront costs related to establishing centralized statewide mailing, tabulation, and processing of ballots related to all mail elections. Centralizing these operations would allow the State and counties to utilize economies of scale and reduce costs for all parties involved.

Our office also requests that safeguards be in place for voters who do not receive their mailed ballot, or who need a replacement ballot. Authorizing the electronic transmission of blank and voted ballots by facsimile, electronic mail, and other means would assist in ensuring each individual has adequate opportunities to cast a vote.

Thank you for the opportunity to testify on Senate Bill No. 287 S.D. 1.



49 South Hotel Street, Room 314 | Honolulu, HI 96813
www.lwv-hawaii.com | 808.531.7448 | voters@lwvhawaii.com

Committee on Ways and Means

February 27, 2015, 9:00 AM, Room 211
SB 287, SD1, Relating to Elections

Brad Clark, Legislative Committee, League of Women Voters of Hawaii

Chair Tokuda, Vice-Chair Kouchi, and Committee Members:

The League of Women Voters of Hawai'i supports the implementation of an all vote by mail system in this state. However, we have serious concerns about some amendments made to SB 287 by the Judiciary Committee.

We support a phased in implementation schedule for vote-by-mail in Hawai'i. The office of elections has suggested a phased in approach which would implement a vote-by-mail system in Kaua'i County in 2016, Hawai'i and Maui Counties in 2018 and full statewide implementation in 2018. The League of Women Voters supports this approach. Amendments to SB 287 would require that the entire state change to vote-by-mail in 2018. We are concerned that this schedule would not provide sufficient time for the office of elections and county clerks to successfully implement this change.

The League of Women voters strongly opposes any effort to eliminate late voter registration as enacted in Act 166 in 2014. SB 287, S.D. 1 would repeal late registration. We believe that late registration could efficiently be handled by the voter service centers established by this bill. We do not believe that providing voter registration at voter service centers will increase cost as each service center will be staffed with trained election officials who can process registration affidavit forms and issue ballots to late registrants. Late and Election Day registration were enacted to help increase participation in elections. The League of Women Voters believes that any attempt to eliminate late registration is a step backwards.

We are in full support of implementation of a vote-by-mail system but must bring the above issues to your attention. Our members are experienced trusted volunteers in election and voting operations and we stand ready to assist the state and counties in the implementation of this important change to elections in Hawai'i.

Thank you for the opportunity to submit testimony.



Senate Ways and Means Committee
Chair Jill Tokuda, Vice Chair Ronald Kouchi

Friday 02/27/2015 at 9:00 AM in Room 211
SB287 SD1 Relating to Elections

TESTIMONY — OPPOSITION
Carmille Lim, Executive Director, Common Cause Hawaii

Dear Chair Tokuda, Vice Chair Kouchi and members of the Committee:

Common Cause Hawaii opposes SB287 SD1, which would require the Office of Elections to implement a system of elections by mail, but also repeal late voter registration (Election Day Registration).

Common Cause Hawaii strongly believes that a Vote-by-Mail (VBM) system can co-exist with Election Day Voter Registration. Further, we believe that the strongest type of Vote-by-Mail system includes Election Day Registration. The previous Committee has explained that the Senate's intent for VBM is to encourage early registration and early voting, and used this as justification to repeal EDR.

However. Doing this will inadvertently reduce voter access.

Culturally, there is a saying called "Hawaiian Time". It's common knowledge that in Hawaii, many people procrastinate. While it may be ideal to encourage people to register to vote and vote early, this is an unrealistic expectation.

To encourage maximum voter participation, we must preserve Election Day Registration. EDR 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.

In the past, Common Cause Hawaii has supported a VBM system for its potential cost-savings reasons. Currently, the Office of Elections is running an expensive "hybrid" model in which half of the elections are conducted via absentee ballot, and the other half is conducted via in-person polling places. Considering factors such as staffing needs (including part time staff and paid Election Day "volunteers") and renting various facilities to use as polling places, expenses for the current system is large and can be scaled back, and is addressed through transitioning to a VBM system.

While VBM may make it more convenient to cast a vote, there is no conclusive evidence that VBM alone will encourage or increase voter turnout. An increase in voter turnout is attributed to EDR, which is the main reason why Common Cause Hawaii firmly believes we must have an election system where VBM and EDR co-exist. Further, implementing such a model will propel Hawaii to become one of the "model states" when it comes to voting modernization.

For these reasons, **Common Cause Hawaii cannot support a VBM bill that will repeal EDR. We ask the Committee to include EDR in this VBM bill.**

Thank you for the opportunity to testify on SB287 SD1.

SB287

Submitted on: 2/25/2015

Testimony for WAM on Feb 27, 2015 09:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Ronnie Perry	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov