

STAND. COM. REP. NO. **1222**-20

Honolulu, Hawaii

**JUN 25**, 2020

RE: S.B. No. 2794  
S.D. 1  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirtieth State Legislature  
Regular Session of 2020  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2794, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ELECTIONS,"

begs leave to report as follows:

The purpose of this measure is to make various housekeeping amendments to clarify and improve the administration of the elections by mail law.

Your Committee received testimony in support of this measure from the Office of Elections, County of Kauai Office of the County Clerk, Common Cause Hawaii, League of Women Voters, Pono Hawaii Initiative, Democratic Party of Hawaii, and three individuals. Your Committee received comments on this measure from the City and County of Honolulu Office of the City Clerk and County of Hawaii Office of the County Clerk.

Your Committee finds that this measure is necessary to effectively implement the administration of all elections conducted by mail in the upcoming 2020 primary election pursuant to Act 136, Session Laws of Hawaii 2019. Your Committee further finds that this measure will help address the future needs of voters in certain areas where no service centers would have been

SB2794 HD1 HSCR JUD HMS 2020-2111-1



established due to the lack of facilities or personnel to support the operation of a voter service center as required by law.

Your Committee also finds that the date of the primary election was recently advanced approximately one month from September to August, but the deadline to file nomination papers to run for office was not similarly adjusted. A deadline to file nomination papers that is closer to an election limits the exposure of candidates to the public. By restoring the deadline to file nomination papers to approximately three months before the primary election, the public will have additional time to learn about the candidates running to represent them.

Your Committee additionally finds that removing barriers to criminal prosecution of election law violations will promote greater accountability within the election system. To better ensure the integrity of state elections, your Committee believes that agents of a candidate for any office listed on the ballot should also be prohibited from providing voting assistance.

Your Committee has amended this measure by:

- (1) Requiring at least eight voter service centers and thirty places of deposit for each election to be apportioned between the counties by the Chief Elections Officer, while also granting the county clerks authority to add additional places of deposit;
- (2) Changing the deadline to file nomination papers to the first Tuesday in May;
- (3) Inserting the language from S.B. No. 2609, S.D. 1, which prohibits agents of a candidate for any office listed on the ballot from providing voting assistance;
- (4) Inserting the language from S.B. No. 840, which:
  - (A) Allows the Elections Commission to refer a complaint to the Attorney General or a county prosecutor in addition to any administrative determination and without the requirement that the Commission believes the respondent recklessly, knowingly, or intentionally committed a violation;



- (B) Increases the disqualification period for a person convicted of certain criminal election offenses from holding elective public office from four years to ten years; and
  - (C) Repeals language excluding any person who has paid or agreed to pay fines related to report filing and advertisement violations before the commencement of criminal proceedings from criminal prosecution; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Your Committee notes that the clerks of each county are currently planning on establishing at least eight voter service centers and thirty places of deposit for the 2020 primary election. Your Committee would like to expand the number of voter service centers and places of deposit, however, due to the 2020 primary election occurring immediately after this measure is to be signed into law, this measure is not the appropriate means to do so. Rather, there is a large amount of federal money from the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) to be used for elections that has yet to be allocated. Your Committee Chair and the Chair of the Senate Committee on Judiciary sent a letter to the Chief Election Officer requesting that the CARES Act money be used for voter service centers, for places of deposit, and to educate the public about vote by mail. The Chief Election Officer informed your Committee that the Chief Election Officer has made funds available to the clerks of each county to increase the number of voter service centers and places of deposit, and has encouraged them to establish additional locations.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2794, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2794, S.D. 1, H.D. 1, and be referred to your Committee on Finance.



Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,



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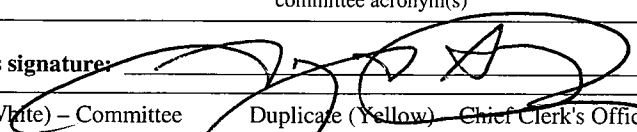
CHRIS LEE, Chair



State of Hawaii  
House of Representatives  
The THIRTIETH Legislature

HSCR 1222-20

Record of Votes of the Committee on Judiciary

Bill/Resolution No.:	Committee Referral:	Date:		
SB 2794SD1	JUD, FIN	6/22/2020		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold				
<input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. LEE, Chris (C)	/			
2. SAN BUENAVENTURA, Joy A. (VC)	/			
3. BROWER, Tom				/
4. CREAGAN, Richard P.				/
5. LOWEN, Nicole E.	/			
6. McKELVEY, Angus L.K.	/			
7. NAKASHIMA, Mark M.				/
8. PERRUSO, Amy A.	/			
9. SAY, Calvin K.Y.	/			
10. TAKAYAMA, Gregg	/			
11. YAMANE, Ryan I.				/
12. THIELEN, Cynthia	/			
TOTAL (12)	8			4
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
If joint referral, _____ did not support recommendation.				
committee acronym(s)				
Vice Chair's or designee's signature: 				
Distribution: Original (White) - Committee Duplicate (Yellow) - Chief Clerk's Office Duplicate (Pink) - HMSO				