

STAND. COM. REP. NO. 1281-20

Honolulu, Hawaii

, 2020

JUL 02

RE: S.B. No. 2794
S.D. 1
H.D. 2

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

Sir:

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

"A BILL FOR AN ACT RELATING TO ELECTIONS,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Make various housekeeping amendments to clarify and improve the administration of elections by mail in Hawaii, including restoring the previous usage of precincts instead of districts, extending registration deadlines, and requiring additional voter service centers on election day;
- (2) Increases the fine applicable to people registering to vote who provide false information;
- (3) Prohibit agents of a candidate for any office listed on the ballot from providing voting assistance;
- (4) Allow the Elections Commission to refer a complaint to the Attorney General or a county prosecutor in addition to any administrative determination;

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- (5) Repeal the requirement that the Elections Commission must believe that the respondent recklessly, knowingly, or intentionally committed a violation before the Commission may make the aforementioned referral to the Attorney General or county prosecutor;
- (6) Increase the disqualification period for a person convicted of certain criminal election offenses from holding elective public office from four years to ten years;
- (7) Repeal language exempting from criminal prosecution any person who has paid or agreed to pay fines related to report filing and advertisement violations before the commencement of criminal proceedings; and
- (8) Change the deadline to file nomination papers to the first Tuesday in May.

Your Committee received testimony in support of this measure from the Campaign Spending Commission, Community Alliance on Prisons, Americans for Democratic Action Hawaii, AARP Hawaii, Sierra Club of Hawaii, and nine individuals. Your Committee received comments on this measure from the Office of Elections, League of Women Voters of Hawaii County, Hawaii Health & Harm Reduction Center, Indivisible Hawaii, Common Cause Hawaii, Democratic Party of Hawaii-Hawaii County Committee, and eight individuals.

Your Committee has amended this measure by:

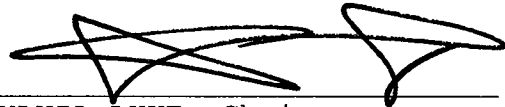
- (1) Changing the defined term "ballot marking device" to "ballot marking system" and amending the definition;
- (2) Clarifying the definition of "ballot" to include a ballot summary that is produced by a voter using a web-based ballot or similarly accessible ballot marking system;
- (3) Changing the effective date to January 1, 2021; provided that the complaint referral, disqualification period for criminal offenses, and criminal prosecution provisions shall remain effective upon approval; and



- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2794, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2794, S.D. 1, H.D. 2.

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



SYLVIA LUKE, Chair



