STAND. COM. REP. NO. 76

Honolulu, Hawaii

MAR U 5 2021 RE: S.B. No. 1289 S.D. 1

Honorable Ronald D. Kouchi President of the Senate Thirty-First State Legislature Regular Session of 2021 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1289 entitled:

"A BILL FOR AN ACT RELATING TO ELECTIONS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- Expand access of election watchers during elections to include all instances in which ballots are handled, prepared, tabulated, or reviewed;
- (2) Allow for more than one election watcher to be appointed by a political party; and
- (3) Allow for election watchers to be appointed by media organizations.

Your Committee received testimony in support of this measure from the Office of Elections, Common Cause Hawaii, League of Women Voters of Hawai'i, and two individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Department of the Attorney General, Elections Division of the City and County of Honolulu, Elections Division of the County of Kaua'i, and Maui County Clerk.



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Your Committee finds that transparency in elections is vital to a healthy democracy. Greater access by watchers and observers to the polls is critical to catching mistakes in time to correct them and eliminating any appearance of misconduct. This measure will significantly increase access by watchers to the election, but your Committee notes concerns raised in testimony that official observers, appointed by political parties and the media and then vetted and selected by the Chief Election Officer or the clerk of a county, are different from watchers, who are directly appointed by political parties and subject to less regulation. Your Committee finds that, if increased access by watchers or observers to the election process is to be established, the capability of the election watcher and election observer programs must be assessed.

Your Committee has amended this measure by deleting its contents and requiring the Elections Commission, in consultation with the clerk of each county, to:

- Perform an assessment of whether the election watcher and election observer programs are adequate and, if not, what adjustments are necessary to improve the programs; and
- (2) Submit a report of the assessment to the Legislature.

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. 1289, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1289, S.D. 1, and be placed on the calendar for Third Reading.

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

KARL RHOADS, Chair



## The Senate Thirty-First Legislature State of Hawai'i

## Record of Votes Committee on Judiciary JDC

Bill / Resolution No.:*	Committee Referral:			Date:	
SB 1289	JDC		(	02 / 24 / 2021	
The Committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Recommit Bass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Ауе	Aye (WR)	Nay	Excused
RHOADS, Karl (C)		V			
KEOHOKALOLE, Jarrett (VC)		$\checkmark$			
ACASIO, Laura		$\checkmark$			
GABBARD, Mike		$\checkmark$			
KIM, Donna Mercado		$\checkmark$			
LEE, Chris		$\checkmark$			
FEVELLA, Kurt		$\checkmark$			
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TOTAL		7	0	Ø	0
Recommendation:					
Adopted Not Adopted					
Chair's or Designee's Signature: Karl Nhosh					
Distribution: Original File with Committee Re	Yellow eport Clerk's Office		Pink Drafting Agenc		

\*Only <u>one</u> measure per Record of Votes