

Honolulu, Hawaii

MAR 02 2023

RE: S.B. No. 141
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 141 entitled:

"A BILL FOR AN ACT RELATING TO ELECTIONS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require an elector to vote for the candidates whose names appeared on the presidential general election ballot and who are of the political party or group they represent and invalidate an elector's vote for failure to vote accordingly; and
- (2) Require an alternate to vote in place of the original elector if the original elector's vote is invalidated.

Your Committee received testimony in support of this measure from the League of Women Voters of Hawaii, Stonewall Caucus of the Democratic Party of Hawai'i, and five individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Hawaii Commission to Promote Uniform Legislation.

Prior to decision making on this measure, your Committee made available for public review a proposed S.D. 1 of this measure. The proposed S.D. 1:



- (1) Aligns Hawai'i law with the Uniform Faithful Presidential Electors Act;
- (2) Requires presidential electors to take a pledge that they will vote for their party's nominee;
- (3) Invalidates the vote of any faithless elector;
- (4) Removes any faithless elector from the position of elector;
- (5) Provides procedures for the replacement of electors; and
- (6) Updates rules for certification of electors and their votes to be in full compliance with federal law.

Your Committee received testimony in support of the proposed S.D. 1 from the Hawaii Commission to Promote Uniform Legislation, League of Women Voters of Hawaii, Stonewall Caucus of the Democratic Party of Hawai'i, and two individuals.

Your Committee finds that ensuring the faithfulness of presidential electors is crucial to the State's democratic system of government. Your Committee notes that presidential and vice presidential candidates are elected not by the popular vote but rather by electors, who are themselves elected during general elections, and who select the president and vice president by a simple majority. Your Committee further finds that electors who do not cast votes for the candidates they were elected to vote for, thereby acting faithlessly, are acting in violation of democratic values by subverting the will of the people. Additionally, the potential exists for faithless electors to have a decisive effect upon a presidential election's outcome, especially when such an election is close. This measure will protect the choices for president and vice president made by the people of Hawaii during a presidential general election.

Your Committee has amended this measure by adopting the proposed S.D.1.

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. 141, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 141, 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



