



**STATE OF HAWAII
OFFICE OF ELECTIONS**

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SCOTT T. NAGO
CHIEF ELECTION OFFICER

TESTIMONY OF THE
CHIEF ELECTION OFFICER, OFFICE OF ELECTIONS
TO THE HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS
ON SENATE BILL NO. 179
RELATING TO ADVISORY COMMITTEES

March 22, 2023

Chair Tarnas and members of the House Committee on Judiciary & Hawaiian Affairs, thank you for the opportunity to testify in support of Senate Bill No. 179. This bill renames the statewide and county-level voters with special needs advisory committees to elections accessibility needs advisory committees; and recognizes that voting accessibility needs may arise from disabilities other than those of a physical nature.

We support this measure as the purpose of the committee is to represent and advise on behalf of all voters with accessibility needs, and the committee's name should be reflective of that purpose.

Thank you for the opportunity to testify in support of Senate Bill No. 179.



STATE OF HAWAII
STATE COUNCIL
ON DEVELOPMENTAL DISABILITIES
1010 RICHARDS STREET, Room 122
HONOLULU, HAWAII 96813
TELEPHONE: (808) 586-8100 FAX: (808) 586-7543
February 22, 2023

The Honorable Representative David A. Tarnas, Chair
House Committee on Judiciary and Hawaiian Affairs
The Thirty-Second Legislature
State Capitol
State of Hawai'i
Honolulu, Hawai'i 96813

Dear Representative Tarnas and Committee Members:

SUBJECT: SB179 RELATING TO ADVISORY COMMITTEES.

The Hawaii State Council on Developmental Disabilities **SUPPORTS SB179**, which renames the statewide and county-level voters with special needs advisory committees to elections accessibility needs advisory committees. Recognizes that voting accessibility needs may arise from disabilities other than those of a physical nature.

Clarifying the language of the committee will ensure that it is clear and purposeful; the title of "Elections Accessibility Needs" directly ties to committee purpose, while reducing any likelihood the term "Special Needs" will be interpreted as stigmatizing or otherwise derogatory towards the disability community. Acknowledging that barriers to voting can also stem from non-physical disabilities will ensure that the committee can ensure systems are as accessible as possible to all people, including those with Intellectual/Developmental Disability who have no physical disability but still find voting significantly unattainable.

Thank you for the opportunity to submit testimony in **support of SB179.**

Sincerely,

A handwritten signature in blue ink that reads "Daintry Bartoldus".

Daintry Bartoldus
Executive Administrator



DISABILITY AND COMMUNICATION ACCESS BOARD

1010 Richards Street, Room 118 • Honolulu, Hawaii 96813
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March 22, 2023

TESTIMONY TO THE HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Senate Bill 179 – Relating to Advisory Committees

The Disability and Communication Access Board (DCAB) supports the intent of Senate Bill 179 – Relating to Advisory Committees.

Senate Bill 179 would rename the “statewide voters with special needs advisory committee” to “statewide elections accessibility needs advisory committee” and rename the “county voters with special needs advisory committee” to “county elections accessibility needs advisory committee.” The advisory committee’s revised name would be more consistent with the advisory committee’s purpose to ensure people with disabilities have equal and independent access to voter registration, casting of ballots, and all other Office of Elections services.

Senate Bill 179 would replace “physical disability” with “disability,” thereby recognizing that voting accessibility needs may arise from disabilities other than those of a physical nature. Under the Americans with Disabilities Act (ADA), “Disability means, with respect to an individual: (i) A physical or mental impairment that substantially limits one or more of the major life activities of such individual; (ii) A record of such an impairment; or (iii) Being regarded as having such an impairment as described in paragraph (f) of this section.” The ADA specifies that “Physical or mental impairment includes, but is not limited to, contagious and noncontagious diseases and conditions such as the following: orthopedic, visual, speech and hearing impairments, and cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disability, emotional illness, dyslexia and other specific learning disabilities, Attention Deficit Hyperactivity Disorder, Human Immunodeficiency Virus infection (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.”

Thank you for the opportunity to provide testimony.

Respectfully submitted,

KIRBY L. SHAW
Executive Director

SB-179

Submitted on: 3/20/2023 4:30:51 PM

Testimony for JHA on 3/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Louis Erteschik	Hawaii Disability Rights Center	Support	Written Testimony Only

Comments:

We support this housekeeping bill which will provide better focus of the work of the important committee. These technical amendments will clarify the purpose of the committee in its title and the scope of voters or potential voters who will benefit from committee actions. For example, the term “voters with special needs” in the title in the current law is too general and vague. Its replacement with “elections accessibility needs” is directly tied to the committee’s purpose – identifying barriers to access to any part of the election process from registration to voting for Hawaii voters with disabilities and recommending ways to remove such barriers to the Office of Elections and the Legislature. Additionally, the deletion of the reference to “physical disabilities” ensures that the Committee’s work related to barriers and recommendations will be inclusive of all voters with disabilities, not just those with physical disabilities.

SB-179

Submitted on: 3/20/2023 2:42:48 PM

Testimony for JHA on 3/22/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Patricia A. Morrissey	Voters with Special Needs Advisory Committee	Support	Written Testimony Only

Comments:

March 20, 2023

Testimony on SB 179:

related to changing the name of Statewide/County Voters with Special Needs Advisory Committees

Submitted by: Patricia Morrissey, PhD

Chair of the Statewide Voters with Special Needs Advisory Committee

On Behalf of the Committee

To: The Hawaii House Committee on the Judiciary & Hawaiian Affairs

Chairman Tarnas, Vice Chair Takayama, and Committee Members:

I very strongly support SB 179 on behalf of the Statewide Voters with Special Needs Advisory Committee. The purpose of SB 179 is to: 1) change the name of the Statewide Voters with Special Needs Advisory Committee to the Statewide Elections Accessibility Needs Advisory Committee; 2) change the name of parallel county committees to County Elections Accessibility Advisory Committee(s); and 3) delete the reference to “physical” disability in the text of the legislation. These changes to the statute establishing Hawaii state advisory committees were recommended by the Statewide Voters with Special Needs Advisory Committee, supported by the County of Honolulu Voters with Special Needs Advisory Committee, and shared with the Hawaii Office of Elections, which then brought these technical amendments to the attention of the Committees of jurisdiction. We greatly appreciate everyone’s interest, attention, support, and quick action.

These technical amendments will clarify the purpose of the committee in its title and the scope of voters or potential voters who will benefit from committee actions. The term “voters with special needs” in the title in the current law is too general and vague. Its replacement with “elections accessibility needs” is directly tied to the committee’s purpose – identifying barriers to access to any part of the election process from registration to voting for Hawaii voters with disabilities and recommending ways to remove such barriers to the Office of Elections and the Legislature. The deletion of the reference to “physical disabilities” ensures that the Committee’s work related to barriers and recommendations will be inclusive of all voters with disabilities, not just those with physical disabilities.

We respectfully request that the Committee also include in SB 179 a technical amendment to change any reference to “voters with special needs” in Hawaiian law to “voters with accessibility needs associated with the voting process” to make all relevant Hawaiian statutory text consistent with the amendments currently in SB 179.

The Statewide Voters with Special Needs Advisory Committee is currently conducting a statewide survey of voters with disabilities. We anticipate using survey results in 2023 to establish focus groups to guide recommendations for the Office of Elections and the Legislature.

Thank you for this opportunity.

Testimony of James Gashel

Committee on Judiciary and Hawaiian Affairs (JHA)

Hawaii State House of Representatives

Thirty-second legislature, regular session of 2023

March 22, 2023, 2:00 PM, hearing on SB179

Good afternoon chair, vice chair, and members. I am James Gashel, testifying today to support SB179.

This bill will change the name of the Statewide Voters with Special Needs Advisory Committee to the Statewide Elections Accessibility Advisory Committee. The proposed name change would also apply to county level advisory committees having the same mission. These committees were established in legislation passed in 2021 as part of SB548, making several election law changes. I currently serve on the statewide committee.

Our committee proposed and voted unanimously for this name change. The term, "special needs," has been used in the election laws basically to refer to people with disabilities who may need some form of accommodation to participate. According to the Americans with Disabilities Act, disability is a "normal part of the human experience." Accommodations, which may be needed by people with disabilities are best understood as "normal," not "special." We may use different techniques and technology to register to vote and cast a ballot, but there is nothing special or unusual about our participation. It's really all about having access to participate.

Aside from the above, I want to associate myself with the testimony of Patricia Morrissey, chair of the statewide committee. Ms. Morrissey points out that the term, "physical," as applied to "disability" in the existing law is too limiting, and I agree. This should be about access for everyone.

Mahalo for considering the changes requested here and for your efforts on behalf of our accessibility needs.