

Honolulu, Hawaii

FEB 18 2025

RE: S.B. No. 780

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B.
No. 780 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) Specify that election ballots issued by the Chief Election Officer or county clerk shall exclude any candidate, excluding candidates for federal office, who is disqualified by a constitutional or statutory provision;
- (2) Provide for a process for challenging an inclusion or exclusion of a candidate from a ballot;
- (3) Include a candidate's disqualification as grounds for an election contest complaint; and
- (4) Specify that electors of presidential and vice presidential candidates shall not be individuals who are disqualified by a constitutional or statutory provision.

Your Committee received testimony in support of this measure from the League of Women Voters of Hawaii, and two individuals.

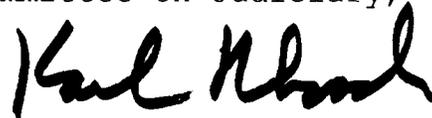


Your Committee received testimony in opposition to this measure from Hawaiian Islands Republican Women, New Hope Maui, and forty-one individuals.

Your Committee finds that citizens of this State have the right to expect that public servants be people of integrity, and not people who have committed actions that threaten democracy or undermine the vote of the people. Section 3 of the Fourteenth Amendment to the United States Constitution, and article XVI, section 3, of the Hawaii State Constitution, are two mechanisms by which candidates may be found ineligible to hold public office. Your Committee further finds that although the United States Supreme Court held in *Trump v. Anderson*, 601 U.S. 100, 144 S. Ct. 662, 218 L. Ed. 2d 1 (2024), that Congress enjoys exclusive power to enforce section 3 of the Fourteenth Amendment of the United States Constitution with respect to federal offices, the court reiterated that states retain the authority to enforce that section with respect to state offices. Therefore, this measure will codify the Legislature's authority to disqualify persons holding or attempting to hold state office, while leaving the disqualification of candidates for federal office to the United States Congress as required by *Trump v. Anderson*.

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. 780 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

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



KARL RHOADS, Chair



