



**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 HOUSE BILL NO. 2099
RELATING TO VACANCIES

February 19, 2026

Chair Tarnas and members of the House Committee on Judiciary & Hawaiian Affairs, thank you for the opportunity to testify in support of House Bill No. 2099. This bill clarifies and updates timelines related to a state senate vacancy to ensure compliance with federal and state election requirements.

This bill aligns vacancy processes with the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) and its state counterpart, which require ballots to be transmitted to military and overseas voters at least 45 days prior to an election (52 USC § 20302; HRS § 15D-9). Meeting this requirement involves significant preparation, including ballot design, proofing, printing, and programming voting systems to ensure accuracy. This bill also accounts for challenges and objections that may arise after candidate filing deadlines or primary election results, further impacting the timeline for producing the ballot.

Our election laws for the regularly scheduled contests account for these factors, however, state senate vacancy elections do not. For example, under HRS § 17-3, a vacancy in the state senate may trigger an election in as few as 50 days, leaving insufficient time for ballot preparation and transmission. While it may seem that only the ballots associated with the state senate seat are impacted, in actuality, it is the programming of the entire election database to ensure ballots statewide are created to be counted accurately. Senate Bill No. 2499 addresses this issue by aligning provisions to existing requirements and processes to ensure compliance.

Testimony on HB 2099 – Relating to Vacancies
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Thank you for the opportunity to testify in support of House Bill No. 2099.

HB-2099

Submitted on: 2/16/2026 10:00:18 AM

Testimony for JHA on 2/19/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Shelby "Pikachu" Billionaire	Kingdom of The Hawaiian Islands & Ohana Unity Party	Support	Remotely Via Zoom

Comments:

****Testimony in Strong Support of HB2099 – Relating to Vacancies (Office of Elections Package)****

Aloha kakou, Chair and Members of the Committee,

I am Master Shelby "Pikachu" Billionaire, HRM, Kingdom of The Hawaiian Islands, H.I., Chairman of the Ohana Unity Party. Aloha nui loa from the heart of our islands, where we live by the guiding spirit of ****aloha****—love, compassion, mercy, kindness, and grace—and where ****‘ohana**** means we ensure our democratic processes run smoothly and fairly, with clear paths to fill vacancies so no seat goes empty and every district remains represented without unnecessary delay, as the ‘ōlelo no‘eau teaches: *‘Ike aku, ‘ike mai. Kōkua aku, kōkua mai. Pēlā ka nohona ‘ohana.* “Observe others, be observed. Help others, be helped. That is the way of family life.”

Today, I stand in full support of HB2099, urging its passage to modernize and streamline the processes for filling party candidate vacancies and state senate vacancies—providing timely, practical solutions that protect voter choice and maintain continuity in representation. This bill, part of the Office of Elections package, makes targeted amendments to Hawaii Revised Statutes:

- ****Section 11-118(b)****: Removes rigid, election-tied deadlines for filling party candidate vacancies. Instead, if a party notifies the chief election officer or county clerk by ****4:30 p.m.** on the **third day**** after the vacancy occurs (with the replacement candidate completing an application, certifications, and oath), the replacement name shall be printed on the ballot "in an available and appropriate place... to the extent reasonably possible, not necessarily in alphabetical order." This flexible, swift timeline ensures ballots reflect current candidates without last-minute chaos.

- ****Section 17-3(b)****: Revises timelines for filling state senate vacancies (for terms not ending at the next general election), including: - Vacancy on or before the ****tenth day**** prior to primary filing close: Filled at next general election; Governor makes temporary appointment from party list.

- After tenth but not later than ****fifty-seventh day**** prior to primary: Nominations by ****4:30 p.m.** on the **fifty-seventh day**** prior to primary; temporary appointment. - After primary filing close but not later than ****seventieth day**** prior to general election (or no qualified candidates):

Filled at next general election; party nominations by county committees (and nonpartisan filings) by **4:30 p.m. on the sixtieth day** prior to general election; decided by lot if needed; temporary appointment.

- After **seventieth day** prior to general or no nominations: Governor appoints from party list. All appointments require the appointee to have been a member of the party (or nonpartisan if the prior incumbent was) for at least **six months** prior and to reside in the same senate district. These changes create clearer, more responsive deadlines that reduce confusion, minimize gaps in representation, and ensure parties and voters have realistic opportunities to respond to vacancies—whether from resignation, death, or other causes—without disrupting election timelines or forcing rushed decisions. In our Hawaiian way, we know **ua ola loko i ke aloha**

—“love gives life within”—and that strong democracy thrives when processes are fair, timely, and inclusive. Vacancies can disrupt communities and leave districts without full voice; outdated rigid rules exacerbate this. HB2099 offers practical fixes: faster notifications for ballot updates, tiered timelines tied to election milestones, and safeguards like residency and party affiliation requirements. This promotes stability, voter confidence, and **kuleana** in governance—especially important as candidate filing for the 2026 elections is underway (February 2 to June 2, 2026, with primaries August 8 and general November 3).

In closing, with deepest aloha and a call to mālama our democracy by streamlining vacancy processes for fair representation, I respectfully ask the Committee to pass HB2099 without delay. Key reasons include: **- Flexible third-day notification** for party candidate replacements—ensuring ballots include qualified names promptly and reasonably placed, avoiding voter confusion. **- Clear, milestone-based timelines** for senate vacancies (**tenth day**, **fifty-seventh day**, **seventieth day** thresholds)—providing parties, candidates, and the Governor realistic windows to act while maintaining temporary appointments for continuity. **- Strong safeguards: six-month** party/nonpartisan membership and district residency requirements—ensuring appointees truly represent their communities.

- Reduces gaps in representation and aligns with ongoing 2026 election preparations—supporting smooth administration and public trust.

- True embodiment of Hawaiian values: **aloha**, **‘ohana**, **mālama**, and **kōkua aku, kōkua mai**—keeping seats filled, voices heard, and our government responsive with wisdom and heart.

Mahalo nui loa for your kuleana in this important election integrity work. I am available for any questions and urge you to pass HB2099—let us strengthen our democratic processes with aloha in action.

Master Shelby "Pikachu" Billionaire, HRM Kingdom of The Hawaiian Islands, H.I. Ohana Unity Party, Chairman www.Ohanaunityparty.com Presidentbillionaire@gmail.com



Committee on Judiciary and Hawaiian Affairs
Chair David A. Tarnas, Vice Chair Mahina Poepoe
Thursday, February 19, 2026, 2:00 PM
VIA VIDEOCONFERENCE Conference Room 325
HB 2099 – RELATING TO VACANCIES

TESTIMONY

Janet Mason, Legislative Committee, League of Women Voters of Hawaii

Chair Tarnas, Vice Chair Poepoe, and Committee Members:

The League of Women Voters of Hawaii comments on HB 2099.

The League of Women Voters of Hawaii (LWV) understands HB 2099 would conform the date in which a vacancy occurs with the Office of Elections' operational requirements of administering elections. We support the intent of this measure as needed to ensure the timing does not violate federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) timelines.

But the League believes it would be better to have special elections when such vacancies occur, especially when the unexpired term of the vacant office is relatively long. Twenty-five states fill legislative vacancies this way.¹

The League of Women Voters supports direct, representative democracy, not the current "appointment from Party options" approach. Since our Governor appoints from three names chosen by the Party of the previous legislator, this leaves other Parties and nonpartisan candidates out of the running for the vacant seat. Better, a special election.

In fact, with only one race on the ticket, it would be ideal to use "ranked choice" voting, as Hawaii law already requires for special federal elections as well as for filling county council vacancies.

Thank you for the opportunity to submit testimony.

¹ National Conference of State Legislatures (NCSL) *Summary: Filling Legislative Vacancies*, Updated December 11, 2025 <https://www.ncsl.org/elections-and-campaigns/filling-legislative-vacancies>

HB-2099

Submitted on: 2/16/2026 3:35:06 PM

Testimony for JHA on 2/19/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mary Lu Kelley	Individual	Support	Written Testimony Only

Comments:

Aloha.

I'm writing today in support of HB2099 which amends the processes for addressing party candidate and state senator vacancies.

Thak you,

Mary Lu Kelley

Koloa, Kauai

HB-2099

Submitted on: 2/17/2026 7:10:25 PM

Testimony for JHA on 2/19/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cristina Holt	Individual	Support	Written Testimony Only

Comments:

Chair Tarnas, Vice Chair Poepoe, and Members of the Committee,

I am submitting testimony in STRONG SUPPORT of HB 2099.

I am the District 2 Chair for the Democratic Party of Hawaii, and I want to be direct with you about something: the current vacancy appointment process is not democratic, and I say that as someone who operates inside it.

Here is the reality. When a state senate seat becomes vacant, as few as 32 district committee members across the relevant house districts have the power to select 3 names to send to the governor for appointment. Thirty-two people. Not the thousands of voters who live in that senate district. Just a handful of "party insiders", meeting in a room, deciding who gets to be a state senator. By the time that appointed incumbent faces voters, they already have many advantages of office. The first, hardest election gets skipped entirely.

What I want is special elections with rank-choice voting. Let the voters choose. But, I recognize that HB 2099 is a step toward something better than what we have now. Clearer rules and a more transparent process make it harder to run backroom chess with public seats, and that matters.

I support this bill, and I hope the Legislature will continue pushing toward a process that actually puts voters back in charge.

I urge the committee to pass HB 2099.

Mahalo for your time and consideration.