

ACT 174

S.B. NO. 2945

A Bill for an Act Making an Appropriation for a Totally Electronic Voting System.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that Hawaii's current voting system is reliable; however, there are several factors that make it important to consider a totally electronic voting system at this time. The present system is labor-intensive, requiring hundreds of election workers to process and tabulate ballots and an inordinate amount of technical support. It has become increasingly expensive to print the number of ballots required in each election, and with the rapidly changing technology occurring in the computer industry, the current system will become increasingly more difficult and expensive to maintain and operate.

House Concurrent Resolution No. 194, passed by the fifteenth legislature in 1989, requested the lieutenant governor to convene a temporary advisory committee to consider the feasibility of employing electronic voting systems for the State of Hawaii. More specifically, House Concurrent Resolution No. 194 requested the temporary advisory committee to evaluate totally electronic voting systems for use by the State of Hawaii, make recommendations regarding the selection of a vendor to supply an electronic voting system, and make recommendations regarding standards the State should adopt pertaining to the use of a totally electronic voting system.

The committee made the following recommendations:

- (1) Hawaii should replace its current voting system with a totally electronic voting system to be used in the 1992 elections;
- (2) The committee should continue its investigation and evaluation of electronic voting systems prior to recommending selection of a vendor; and
- (3) The standards adopted by the State should comply with state election laws, and to the extent possible, be consistent with the voluntary standards now being developed by the federal election commission.

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The purpose of this Act is to appropriate moneys to the office of the lieutenant governor to investigate and select a new, totally electronic voting system to replace the current voting system.

SECTION 2. This appropriation shall be used by the temporary advisory committee on electronic voting systems ("committee") in selecting, and negotiating the purchase of a new, totally electronic voting system. The selection and negotiation process shall be exempt from the provisions of chapter 103, Hawaii Revised Statutes.

SECTION 3. To assist in the selection and acquisition of a vendor for the system, the committee may issue a public request for proposals concerning the provision of a totally electronic voting system, including but not limited to the acquisition, installation, operation, and maintenance of the system. If the committee issues such a request, it shall be implemented in accordance with the following provisions:

- (1) The request for proposals shall be advertised not less than three times in a newspaper of general circulation printed and published within the State. No more than one of these publications shall be made on any one day or on two consecutive days;
- (2) The request for proposals shall contain the terms and conditions relating to the submission of proposals, evaluation and selection of proposals, financial terms, legal responsibilities, and other matters as may be required by law and as the committee determines appropriate;
- (3) Upon receiving responses to the request for proposals, the committee may select the most qualified proposal on the basis of the performance of the systems, the experience and qualifications of the vendors, the technical aspects of the system, cost of the systems, financial terms proposed by vendors, overall design and ease of use of the systems, and any other factors determined by the committee to be relevant and appropriate; and
- (4) The committee thereafter may negotiate with vendors and enter into an agreement with the vendor whose proposal is selected as the most qualified based on the criteria established by the committee. The agreement shall be subject to approval of the legislature and the appropriation of funds to fulfill the State's obligations under the agreement.

SECTION 4. The committee shall submit a report to the legislature not later than twenty days prior to the convening of the 1991 regular session. The report shall include reasons for selecting the system, details of the agreement, acquisition and operating costs, and other relevant information.

SECTION 5. There is appropriated out of the general revenues of the State of Hawaii the sum of \$250,000, or so much thereof as may be necessary for fiscal year 1990-1991, to carry out the purposes of this Act, including the hiring of necessary staff exempt from the provisions of chapters 76, 77, and 89.

SECTION 6. The sum appropriated shall be expended by the office of the lieutenant governor.

SECTION 7. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised

Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by \$250,000, or 0.0099 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriation made in this Act is necessary to serve the public interest and to meet the need provided for by this Act.

SECTION 8. Any unexpended or unencumbered balance of any appropriation made by this Act as of the close of business on June 30, 1991 shall lapse into the general fund.

SECTION 9. This Act shall take effect on July 1, 1990.

(Approved June 19, 1990.)

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