

ACT 117

H.B. NO. 401

A Bill for an Act Relating to Elections.

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

PART I

SECTION 1. Section 11-1.6, Hawaii Revised Statutes, is amended by amending subsection (g) to read as follows:

“(g) The chief election officer may be removed by the panel at any time ~~and~~ for ~~any~~ good cause.”

PART II

SECTION 2. Section 11-1.5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) There is established an office of elections to provide support to the chief election officer. The office shall be ~~attached to the office of the lieutenant governor~~ placed within the department of accounting and general services for ~~purposes of administration~~ administrative purposes. The chief election officer shall be the administrator of the office of elections. Except for exercising the right to vote, the full-time employees of the office of elections shall not support, advocate, or aid in the election or defeat of any candidate for public office.”

SECTION 3. Section 11-2.5, Hawaii Revised Statutes, is amended by amending subsection (h) to read as follows:

“(h) The elections appointment and review panel shall be ~~attached to the office of the lieutenant governor for purposes of administration~~ placed within the department of accounting and general services for administrative purposes.”

SECTION 4. All rights, powers, functions, and duties of the office of elections and the elections appointment and review panel are transferred to the department of accounting and general services.

All officers and employees whose functions are transferred by this Act shall be transferred with their functions and shall continue to perform their regular duties upon their transfer, subject to the state personnel laws and this Act.

No officer or employee of the State having tenure shall suffer any loss of salary, seniority, prior service credit, vacation, sick leave, or other employee benefit or privilege as a consequence of this Act, and such officer or employee may be transferred or appointed to a civil service position without the necessity of examination; provided that the officer or employee possesses the minimum qualifications for the position to which transferred or appointed; and provided that subsequent changes in status may be made pursuant to applicable civil service and compensation laws.

An officer or employee of the State who does not have tenure and who may be transferred or appointed to a civil service position as a consequence of this Act shall become a civil service employee without the loss of salary, seniority, prior service credit, vacation, sick leave, or other employee benefits or privileges and without the necessity of examination; provided that such officer or employee possesses the minimum qualifications for the position to which transferred or appointed.

If an office or position held by an officer or employee having tenure is abolished, the officer or employee shall not thereby be separated from public employment, but shall remain in the employment of the State with the same pay and classification and shall be transferred to some other office or position for which the officer or employee is eligible under the personnel laws of the State as determined by the head of the department or the governor.

SECTION 5. All appropriations, records, equipment, machines, files, supplies, contracts, books, papers, documents, maps, and other personal property heretofore made, used, acquired, or held by the office of elections or the elections appointment and review panel relating to the functions transferred to the department of accounting and general services shall be transferred with the functions to which they relate.

PART III

SECTION 6. Section 11-192, Hawaii Revised Statutes, is amended to read as follows:

“§11-192 Campaign spending commission. There is established a campaign spending commission. The commission shall consist of five members of the general public, appointed by the governor from a list of ten nominees submitted by the judicial council. The judicial council may solicit applications for the list of nominees through community organizations and advertisements in any newspaper of general circulation. Any vacancies in the commission shall be filled by the governor with a member from the list of nominees or by reappointment of a commissioner whose term has expired, subject to the limit on length of service imposed by section 26-34.

The judicial council shall meet and expeditiously select additional persons for the list of nominees whenever the number of the eligible nominees falls below five.

Notwithstanding section 26-34, these appointments shall not be subject to senatorial confirmation. The term of the commissioners shall be four years, except that the terms of the initial commissioners shall be two years for two commissioners,

three years for two other commissioners and four years for the chairperson, as determined by the governor.

The commissioners shall serve without compensation but they shall be reimbursed for reasonable expenses, including travel expenses, incurred in the discharge of their duties. ~~[For special purposes, the]~~ The commission shall [temporarily] be [administratively attached to the office of the lieutenant governor until June 30, 2003.] placed within the department of accounting and general services for administrative purposes.

SECTION 7. All rights, powers, functions, and duties of the campaign spending commission are transferred to the department of accounting and general services.

All officers and employees whose functions are transferred by this Act shall be transferred with their functions and shall continue to perform their regular duties upon their transfer, subject to the state personnel laws and this Act.

No officer or employee of the State having tenure shall suffer any loss of salary, seniority, prior service credit, vacation, sick leave, or other employee benefit or privilege as a consequence of this Act, and such officer or employee may be transferred or appointed to a civil service position without the necessity of examination; provided that the officer or employee possesses the minimum qualifications for the position to which transferred or appointed; and provided that subsequent changes in status may be made pursuant to applicable civil service and compensation laws.

An officer or employee of the State who does not have tenure and who may be transferred or appointed to a civil service position as a consequence of this Act shall become a civil service employee without the loss of salary, seniority, prior service credit, vacation, sick leave, or other employee benefits or privileges and without the necessity of examination; provided that such officer or employee possesses the minimum qualifications for the position to which transferred or appointed.

If an office or position held by an officer or employee having tenure is abolished, the officer or employee shall not thereby be separated from public employment, but shall remain in the employment of the State with the same pay and classification and shall be transferred to some other office or position for which the officer or employee is eligible under the personnel laws of the State as determined by the head of the department or the governor.

SECTION 8. All appropriations, records, equipment, machines, files, supplies, contracts, books, papers, documents, maps, and other personal property heretofore made, used, acquired, or held by the campaign spending commission relating to the functions transferred to the department of accounting and general services shall be transferred with the functions to which they relate.

SECTION 9. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 10. This Act shall take effect upon its approval.

(Approved June 2, 2003.)