

ACT 7

H.B. NO. 2437

A Bill for an Act Relating to Elections.

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

SECTION 1. This Act is recommended by the governor for immediate passage in accordance with section 9 of article VII of the constitution of the State of Hawaii.

SECTION 2. The purpose of this Act is to make an emergency appropriation to fund the voting system contract for the 2012 elections. Without an emergency appropriation the office of elections will not be able to fulfill its current voting system contract or conduct the 2012 elections. Additionally, the State of Hawaii will be out of compliance with its obligations under the Help America Vote Act of 2002, Public Law 107-252.

Title 42 United States Code section 15481 of the Help America Vote Act of 2002 mandates various voting system standards. The currently unfunded voting system contract will allow the State of Hawaii to meet those standards.

Further, title 42 United States Code section 15404(a)(7) of the Help America Vote Act of 2002 mandates, as a condition of the receipt of federal payments, the maintenance of expenditures of the recipient state for activities funded by federal payments at a level that is not less than the level of such expenditures maintained by the state for the fiscal year ending prior to November 2000. The level of such expenditures in fiscal year 1999-2000 was \$2,299,552. The State of Hawaii has always met this requirement. The present operating budget of the office of elections for fiscal year 2011-2012 is \$1,829,581. Unless supplemented by an emergency appropriation, the State of Hawaii will not meet this expenditure requirement, which will compromise prior and future federal funding.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$1,725,000 or so much thereof as is necessary, for fiscal year 2011-2012 for the purpose of funding the payment of the voting system contract for the 2012 elections.

The sum appropriated shall be expended by the department of accounting and general services for the purposes of this Act.

SECTION 4. This Act shall take effect upon its approval.

(Approved March 19, 2012.)