

STAND. COM. REP. NO.

3037

Honolulu, Hawaii

MAR 22 2006

RE: H.B. No. 2539
H.D. 1
S.D. 1

Honorable Robert Bunda
President of the Senate
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Intergovernmental Affairs, to which was referred H.B. No. 2539, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ELECTION,"

begs leave to report as follows:

The purpose of this measure is to direct the Judiciary to notify the clerk of the county in which an adult citizen is located within twenty days after the citizen has been convicted of any felony and sentenced to prison, or adjudged legally incompetent, and to remove outdated references in the provision on the loss of voting rights for felons sentenced to imprisonment.

The State Office of Elections, the Elections Office of the City Clerk of the City and County of Honolulu, the County of Hawaii Office of the County Clerk, and the Maui County Office of the County Clerk submitted testimony in support of this measure.

Pursuant to current state law, an individual's voting rights are lost upon incarceration for a felony offense. According to the Elections Office of the City Clerk of the City and County of Honolulu, election offices need at least two or three pieces of identifying information to properly identify a disqualified voter for removal from the voter rolls. The testifiers indicated that the court certificates do not always provide sufficient identifying information. The testifiers all indicated that the phrase "readily ascertainable" should apply only to the citizen's residence address or last known residence address.

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Your Committee finds that it is important to standardize the information provided by the Judiciary and the Paroling Authority to county clerks to ensure the legitimacy of the voter rolls.

Upon further consideration, your Committee amended this measure by:

- (1) Incorporating the provisions of S.B. No. 2430, S.D. 2 that:
 - (A) Add a new section to chapter 353 that requires that whenever the paroling authority grants or revokes parole for any citizen of eighteen years of age or older, the paroling authority shall transmit a certificate within twenty days to the clerk of the county in which the citizen resides showing the fact of the granting or revoking of parole, and including certain identifiable information; and
 - (B) Retain the current requirement that the reports to the county clerk by any circuit court, family court, or district court be made by certificate; and
- (2) Including a findings and purpose section;
- (3) Applying the phrase "readily ascertainable" only to the citizen's residence address or last known residence address;
- (4) Making the measure effective upon approval; and
- (5) Making technical, non-substantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Intergovernmental Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2539, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2539, H.D. 1, S.D. 1, and be referred to the Committee on Judiciary and Hawaiian Affairs.



Respectfully submitted on
behalf of the members of the
Committee on Intergovernmental
Affairs,



DAVID Y. IGE, Chair



