STAND. COM. REP. NO. 1552-08

Honolulu, Hawaii , 2008 RE: H.C.R. No. 267 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fourth State Legislature Regular Session of 2008 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.C.R. No. 267 entitled:

"HOUSE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF ELECTIONS TO PROVIDE AN INFORMATIONAL BRIEFING AND DEMONSTRATION TO THE APPROPRIATE SENATE AND HOUSE COMMITTEES REGARDING THE OPERATION AND USE OF NEW ELECTRONIC VOTING SYSTEMS AND TO PROVIDE INFORMATION PRIOR TO CONTRACTING TO PURCHASE ANY NEW VOTING SOFTWARE OR EQUIPMENT RELATED TO ANY NEW VOTING SYSTEM,"

begs leave to report as follows:

The purpose of this concurrent resolution is to request the Office of Elections to provide an informational briefing and demonstration to the appropriate committees in the Senate and House of Representatives regarding the operation and use of new electronic voting systems, and to provide information to the Legislature, prior to contracting, regarding the purchase of any new software or equipment related to any new voting system.

Testimony in support of this measure was received from the Disability and Communication Access Board, American Civil Liberties Union of Hawaii, and Election Systems and Software, Inc. A concerned individual supported the intent of this measure. The Office of Elections and a concerned individual provided comments.



Your Committee has amended this measure by:

- (1) Clarifying that:
 - (A) The Legislature has become aware of information that the costs of such new systems and equipment for a multi-year contract and commitment may be nearly \$53,000,000;
 - (B) There is insufficient information at this time to confirm whether the funding for this amount is reasonable or that it will be provided by all necessary sources, including federal, state, and county funds, and whether the proper procedures and certifications required were correctly and completely adhered to and completed, or in some instances abridged; and
 - (C) The Office of Elections has indicated that the contract, when awarded, will provide for a mechanism whereby the contract can be cancelled if future funding amounts are not appropriated or otherwise made available, although it may be more reasonable and prudent for the Legislature that any such potential commitment or investment be properly reviewed and verified as appropriate;
- (2) Requesting the Office of Elections to provide information regarding prior and future funding amounts and sources, and to provide justification that future appropriations are reasonable and necessary;
- (3) Requesting the Office of Elections to hold the informational briefing as soon as practicable and prior to November 4, 2008, the date of the next general election; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 267, as amended herein, and recommends that it be referred to the Committee on Legislative Management in the form attached hereto as H.C.R. No. 267, H.D. 1.



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Respectfully submitted on behalf of the members of the Committee on Judiciary,

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TOMMY WATERS, Chair



State of Hawaii House of Representatives The Twenty-fourth Legislature

HSUR 1552-08

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: HCR267	Committee Referral: JUD, LMG		Date: 3 - 27 - 08		
The committee is reconsidering its prev	ious decision on the measure.	I			
	unamended (as is) V Pa short form bill with HD to reco	ss, with amendments			
JUD Members	Ayes	Ayes (WR)	Nays	Excused	
1. WATERS, Tommy (C)					
2. OSHIRO, Blake K. (VC)	✓ ✓				
3. EVANS, Cindy	1				
4. GREEN, Josh, M.D.	· ·	~			
5. ITO, Ken	Zb			1	
6. LUKE, Sylvia	10				
7. McKELVEY, Angus L.K.					
8. MORITA, Hermina M.	1				
9. SONSON, Alex M.					
10. SOUKI, Joseph M.				 ✓ 	
11. TSUJI, Clift	/				
12. YAMANE, Ryan I.	/				
13. YAMASHITA, Kyle T.	/				
14. MARUMOTO, Barbara C.		-			
15. PINE, Kymberly Marcos				1	
16. THIELEN, Cynthia	/				

TOTAL (16)	10	2		4	
The recommendation is: Ado If joint	opted 🗖 Not Adop referral, committee acronyn	did not supp	ort recommendation	n.	
Vice Chair's or designee's signature:	Butthem				
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