

STAND. COM. REP. NO. 1552-08

Honolulu, Hawaii  
A-201, 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.

HCR267 HD1 HSCR JUD HMS 2008-3469



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.



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

  
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TOMMY WATERS, Chair



