
A BILL FOR AN ACT

RELATING TO PROCUREMENT OF VOTING SYSTEM EQUIPMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The procurement process set forth in chapter 103D,
2 Hawaii Revised Statutes, is ill-suited to the State's procurement of
3 voting equipment systems. There are only a few companies that
4 specialize in this area and protests and appeals are routinely filed
5 by the unsuccessful vendor, which result in higher costs and delays
6 that threaten the State's ability to prepare for and conduct
7 elections. A fair alternative procurement process, where the
8 selection is made by a committee composed of stakeholders as well as
9 local election officials, would better balance the interests of an
10 open and competitive procurement process with the State's need to
11 obtain voting equipment system on a timely basis and at a reasonable
12 price.

13 The purpose of this Act is to provide for an alternative
14 procurement process for the procurement of voting equipment
15 systems.

16 SECTION 2. Chapter 16, Hawaii Revised Statutes, is amended by
17 adding three new sections to part IV, to be appropriately designated
18 and to read as follows:



1 "§16- Procurement of voting equipment system. (a)

2 Notwithstanding any law to the contrary, including chapter 103D, the
3 process described in this section shall be used to procure voting
4 equipment systems. Contracts to procure voting equipment systems
5 to be awarded pursuant to this section shall be exempt from the
6 requirements of chapter 103D. Nothing in this section shall
7 prevent the State from satisfying any requirement of federal law.
8 This section shall be liberally construed to not hinder or impede
9 the State's application for, receipt of, and use of federal funds.

10 (b) The chief election officer shall solicit offers to provide
11 a voting equipment system by publishing a notice statewide
12 requesting the submission of offers. Notice of the solicitation
13 for offers shall be given a reasonable time before the date set forth
14 in the solicitation for the submission of offers. The chief
15 election officer shall determine the form of the notice, what shall
16 constitute a reasonable interim between notice and the deadline for
17 offers, and how the notice shall be published. The solicitation
18 shall state all requirements for a voting equipment system and all
19 criteria that shall be used to evaluate offers. Contracts shall
20 be awarded on the basis of which offer shall be in the best
21 interest of the State.



1 (c) Upon receipt of offers, the chief election officer
2 shall convene a selection committee to evaluate the offers. The
3 selection committee shall be comprised of the following members:

4 (1) The clerk of each county, or their respective
5 designees;

6 (2) One representative from the office of elections
7 selected by the chief election officer;

8 (3) One representative from the disabled community
9 selected by the chief election officer

10 (4) One person selected by the president of the senate;

11 (5) One person selected by the speaker of the house of
12 representatives; and

13 (6) One person selected by the governor.

14 The members of the selection committee shall not be subject to
15 the requirements of section 26-34, and shall receive no
16 compensation for their services on the committee. The committee
17 shall be exempt from the requirements of chapter 91 and part I of
18 chapter 92.

19 Offers shall be opened during the evaluation process so as to
20 avoid any disclosure of its contents to competing offerors. The
21 committee shall review and evaluate all submissions and other
22 pertinent information, including references and reports, and shall



1 prepare a list of offerors offering to provide the voting equipment
2 system. The list of offerors shall be available for public
3 inspection.

4 (d) The evaluation criteria shall be set forth in the
5 solicitation document issued by the chief election officer.

6 (e) The selection committee shall evaluate the offers pursuant
7 to the evaluation criteria and any other pertinent information that
8 may be available to the office of elections. The committee may
9 conduct confidential discussions with any offeror. In conducting
10 discussions, there shall be no disclosure of any information derived
11 from any of the competing offers.

12 (f) The selection committee shall rank a minimum of three
13 offers based on the evaluation criteria and send the ranking to the
14 chief election officer. The committee shall recommend the awarding
15 of the contract to the first-ranked offeror whose offer is
16 determined to be the most advantageous to the State taking into
17 consideration price and the evaluation criteria set forth in the
18 solicitation.

19 (g) The chief election officer shall award the contract to
20 the first-ranked offeror. The notice of the award shall be mailed
21 or otherwise communicated to the first-ranked offeror and posted on
22 the website of the office of elections.



1 §16- Right to request reconsideration. (a) A request
2 for reconsideration of an award shall be submitted to the chief
3 election officer not later than five working days after the award,
4 and shall contain a specific statement of the reasons
5 reconsideration is sought.

6 (b) The chief election officer shall promptly review the
7 request for reconsideration and issue a decision within five
8 working days after receipt of the request for reconsideration.

9 (c) The chief election officer's decision shall be final and
10 nonappealable.

11 §16- Exclusivity of remedies. The procedures and
12 remedies provided for in this part shall be the exclusive means
13 available for persons aggrieved in connection with the award of
14 the contract to resolve their concerns."

15 SECTION 3. This Act shall be liberally construed to
16 accomplish the purposes set forth in section 1. Any portion of
17 this Act judicially declared to be invalid shall not affect the
18 validity of the remaining portions of this Act.

19 SECTION 4. This alternative procurement shall apply to any
20 and all current or pending solicitations or requests for proposals
21 for voting equipment systems issued by the chief election officer or
22 the office of elections, all requests for proposals for which a



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1 contract has not yet been finalized or awarded, as well as all
2 future solicitations or requests for proposals for voting equipment
3 systems issued by the chief election officer or the office of
4 elections.

5 SECTION 5. New statutory material is underscored.

6 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY:

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Report Title:

Voting System Equipment; Procurement

Description:

Establishes an alternative public procurement process for the procurement of voting equipment systems.

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