

JAN 21 2010

S.B. NO. 2322

A BILL FOR AN ACT

RELATING TO ELECTIONS.

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

1 SECTION 1. Chapter 11, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "§11- Elections commission; direct recourse to the
5 supreme court. The elections commission, through its chief
6 election officer, may institute, or intervene as a party in, any
7 action in the supreme court seeking a writ of mandamus or
8 prohibition, or injunctive or other relief, to compel compliance
9 with this chapter, any rule or order adopted thereunder, or any
10 provision of the constitution relating to elections, or to
11 restrain or otherwise prevent or prohibit any illegal or
12 unauthorized conduct in connection therewith."

13 SECTION 2. Section 11-2, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "§11-2 Chief election officer; duties. (a) The chief
16 election officer shall supervise all state elections. The chief
17 election officer may delegate responsibilities in state



1 elections within a county to the clerk of that county or to
2 other specified persons.

3 (b) The chief election officer shall be responsible for
4 the maximization of registration of eligible electors throughout
5 the State. In maximizing registration, the chief election
6 officer shall make an effort to equalize registration between
7 districts, with particular effort in those districts in which
8 the chief election officer determines registration is lower than
9 desirable. The chief election officer, in carrying out this
10 function, may make surveys, carry on house-to-house canvassing,
11 and assist or direct the clerk in any other area of
12 registration.

13 (c) The chief election officer shall maintain data
14 concerning registered voters, elections, apportionment, and
15 districting. The chief election officer shall use this data to
16 assist the reapportionment commission provided for under Article
17 IV of the Constitution.

18 (d) The chief election officer shall be responsible for
19 public education with respect to voter registration and
20 information.

21 (e) The chief election officer, on behalf of the elections
22 commission, may institute, or intervene as a party in, any



1 action in the supreme court seeking a writ of mandamus or
2 prohibition, or injunctive or other relief, to compel compliance
3 with this chapter, any rule or order adopted thereunder, or any
4 provision of the constitution relating to elections, or to
5 restrain or otherwise prevent or prohibit any illegal or
6 unauthorized conduct in connection therewith.

7 ~~(e)~~ (f) The chief election officer shall adopt rules
8 governing elections in accordance with chapter 91."

9 SECTION 3. Section 11-7.5, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "~~{~~§11-7.5~~}~~ Duties of the elections commission. The
12 duties of the elections commission are to:

- 13 (1) Hold public hearings;
- 14 (2) Investigate and hold hearings for receiving evidence
15 of any violations and complaints;
- 16 (3) Adopt rules pursuant to chapter 91;
- 17 (4) Employ, without regard to chapter 76, a full-time
18 chief election officer, pursuant to section 11-1.6;
- 19 [and]
- 20 (5) Supervise the chief election officer; and
- 21 ~~(5)~~ (6) Advise the chief election officer on matters
22 relating to elections."



1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect upon its approval
4 and upon the ratification of a constitutional amendment to grant
5 the elections commission supervisory authority over the chief
6 election officer.

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INTRODUCED BY:

Yudhan Jy
Michelle N. Kadani
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Report Title:

Elections Commission; Mandamus and Prohibition; Chief Election Officer

Description:

Authorizes the chief election officer, on behalf of the elections commission, to institute or join proceedings in the supreme court for writs of mandamus or prohibition or other injunctive relief necessary to enforce elections provisions of state constitution, law, and rules. Increases the duties of the elections commission to include supervision over the chief election officer. Contingent upon ratification of constitutional amendment.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

