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## A BILL FOR AN ACT

RELATING TO ELECTIONS.

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

1           SECTION 1. Section 11-1.6, Hawaii Revised Statutes, is  
2 amended as follows:

3           1. By amending subsection (b) to read:

4           "(b) The person appointed to be chief election officer  
5 shall be a citizen of the United States, a resident of the  
6 State, ~~and~~ a registered voter of the State, and have not less  
7 than           years of experience operating or assisting in  
8 operating a statewide election system."

9           2. By amending subsection (g) to read:

10           "(g) The chief election officer may be removed by the  
11 elections commission at any time for good cause~~[-]~~; provided  
12 that if based on the findings and recommendations of a  
13 performance evaluation under section 11-7.5, the removal may be  
14 imposed only if prior to the removal:

15           (1) The elections commission notifies the chief election  
16           officer of the findings and recommendations of the  
17           performance evaluation and the elections commission's



1           decision to remove the chief election officer due to  
2           poor performance;

3           (2) The elections commission affords the chief election  
4           officer six months from the notification under  
5           paragraph (1) to improve performance in accordance  
6           with the findings and recommendations of the  
7           performance evaluation; and

8           (3) Upon expiration of the six-month period under  
9           paragraph (2), the elections commission conducts a  
10           follow-up review and evaluation, and concludes that  
11           the chief election officer's removal due to poor  
12           performance is still warranted."

13           SECTION 2. Section 11-7.5, Hawaii Revised Statutes, is  
14 amended to read as follows:

15           "[-]§11-7.5[+] **Duties of the elections commission.** The  
16 duties of the elections commission are to:

- 17           (1) Hold public hearings;  
18           (2) Investigate and hold hearings for receiving evidence  
19           of any violations and complaints;  
20           (3) Adopt rules pursuant to chapter 91;

- 1           (4)   Employ, without regard to chapter 76, a full-time
- 2                   chief election officer, pursuant to section 11-1.6;
- 3                   [and]
- 4           (5)   Advise the chief election officer on matters relating
- 5                   to elections[-];
- 6           (6)   Review and evaluate the performance of the chief
- 7                   election officer after the first year of employment,
- 8                   and biennially thereafter; provided that each
- 9                   performance evaluation shall be included in the
- 10                  findings and recommendations of the biennial
- 11                  evaluation conducted and submitted to the legislature
- 12                  under section 11-8.5; and
- 13           (7)   Take an active oversight role in the operations and
- 14                  management of the office of elections."

15           SECTION 3.   Section 11-8.5, Hawaii Revised Statutes, is  
16 amended to read as follows:

17           " ~~{}~~§11-8.5~~{}~~   **Elections review program.**   The elections  
18 commission shall develop and implement an elections review  
19 program to:

- 20           (1)   Review the operation and performance of elections;
- 21           (2)   Review and evaluate the performance of the chief
- 22                  election officer;



- 1        [~~2~~] (3)    Make recommendations to the chief election
- 2                    officer on methods to improve elections;
- 3        [~~3~~] (4)    Establish policies for the administration of an
- 4                    elections observer program, to include ensuring the
- 5                    validity and reliability of election results;
- 6        [~~4~~] (5)    Conduct a biennial evaluation of the operation of
- 7                    elections;
- 8        [~~5~~] (6)    Submit the findings and recommendations from the
- 9                    biennial evaluation to the legislature, not less than
- 10                   twenty days prior to the convening of each regular
- 11                   session held in odd-numbered years; and
- 12        [~~6~~] (7)    Adopt rules in accordance with chapter 91 to
- 13                   carry out the purposes of this section."

14        SECTION 4.    Statutory material to be repealed is bracketed  
 15    and stricken.    New statutory material is underscored.

16        SECTION 5.    This Act shall take effect upon its approval.

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INTRODUCED BY:

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JAN 22 2010

**Report Title:**

Chief Election Officer; Elections Commission

**Description:**

Requires the elections commission to evaluate the performance of the chief election officer and to report to legislature; provides guidelines for evaluation; requires elections commission to take active oversight role in operations and management of office of elections.

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

