

STAND. COM. REP. NO.

2862

Honolulu, Hawaii

MAR 29 2010

RE: H.B. No. 2397  
H.D. 1  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2010  
State of Hawaii

Madam:

Your Committee on Judiciary and Government Operations, to which was referred H.B. No. 2397, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PRIMARY ELECTIONS,"

begs leave to report as follows:

The purpose of this measure is to ensure compliance with the National Defense Authorization Act for Fiscal Year 2010, P.L. 111-84, (Act) by:

- (1) Moving Hawaii's primary election date to the second Saturday in August; and
- (2) Moving the deadline for filing nomination papers to the first Tuesday in June.

Testimony in support of the measure was submitted by the Office of Elections. Comments regarding the measure were submitted by the Campaign Spending Commission. Written testimony presented to your Committee may be reviewed on the Legislature's website.

Your Committee finds that the intent of this measure is to comply with the Act, which requires states to transmit absentee ballots to uniformed and overseas voters no later than forty-five days prior to a federal election. This requirement is effective as of the 2010 general election. In Hawaii, most primary elections are exactly forty-five days prior to the general



election. This forty-five-day period is insufficient to finalize election results address legal challenges, proof the contents of the general election ballot, print the ballots, and then mail them out in compliance with the Act. While the Act provides that a state may obtain a waiver for compliance on an election-by-election basis, your Committee understands that the federal government has not finalized the specifics of the waiver application process, and that, at this time, no application can be submitted or considered.

Your Committee notes that the measure provides that, not only will the primary election be moved to an earlier date, but the deadline for filing nomination papers will be the first Tuesday in June, which is nearing at a rapid pace. Moreover, the Office of Elections has submitted testimony that, at this time, it would not be prepared to hold the primary election on the earlier date. As such, your Committee acknowledges that, absent an approved waiver, Hawaii may not be able to strictly comply with the Act.

Additionally, your Committee notes that, if the date of the primary election is moved, then changes to the campaign spending reporting requirements will also need to be made to assure that there are no gaps in reporting periods.

Your Committee has amended this measure by:


- (1) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for purposes of style and clarity.

As affirmed by the record of votes of the members of your Committee on Judiciary and Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2397, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2397, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.



2862

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Government Operations,



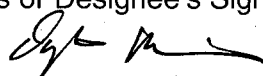
---

BRIAN T. TANIGUCHI, Chair



The Senate  
 Twenty-Fifth Legislature  
 State of Hawaii

**Record of Votes**  
**Committee on Judiciary and Government Operations**  
**JGO**

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 2397, HD 1	JGO	8/12/10		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
TAKAMINE, Dwight Y. (VC)	✓			
BUNDA, Robert	✓			
GABBARD, Mike				✓
NISHIHARA, Clarence K.	✓			
SLOM, Sam	✓			
<b>TOTAL</b>	5	0	0	1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
<b>Distribution:</b>				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

\*Only one measure per Record of Votes