

STAND. COM. REP. NO.

2291

Honolulu, Hawaii

FEB 12 2010

RE: S.B. No. 2335
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 S.B. No. 2335 entitled:

"A BILL FOR AN ACT RELATING TO MILITARY AND OVERSEAS CIVILIAN ABSENTEE VOTERS,"

begs leave to report as follows:

The purpose of this measure is to implement the voting provisions for uniformed services and overseas absentee voters, as recommended by the Federal Voting Assistance Program.

Testimony in support of this measure was submitted by one state agency and two private organizations. Comments were submitted by the Chief Elections Officer. Written testimony presented to your Committee may be reviewed on the Legislature's website.

Your Committee finds that the provisions in the measure are intended to comply with the Military and Overseas Voter Empowerment Act, P.L. 111-84, which amends parts of the Uniformed and Overseas Citizens Absentee Voting Act, codified at 42 U.S.C. sections 1973ff through 1973ff-6. Because the provisions within this measure are intended to comply with federal law rather than simply implementing recommendations, your Committee finds that the measure should be specifically tailored to the federal law, as recommended by the Chief Elections Officer.

Your Committee has amended this measure by:

2010-1049 SSCR SMA.doc



- (1) Conforming the definitions for "absent uniformed services voter", "covered election", "member of the merchant marine", and "uniformed services" to the definitions in title 42 U.S.C. section 1973ff-6;
- (2) Adding a definition for "balloting materials", as defined in title 42 U.S.C. section 1973ff-6, and incorporating a reference to section 15-6, Hawaii Revised Statutes, which describes materials sent to absentee voters under state law;
- (3) Deleting the provision authorizing downloadable versions of absentee ballots via an internet site, as recommended by the Chief Elections Officer;
- (4) Deleting the provision making the transmission of unvoted ballots effective on July 1, 2012, as federal law requires these provisions to be effective in the upcoming November 2010 federal election;
- (5) Deleting the provision that would allow an absentee uniformed services voter, overseas civilian voter, or household family member who returns to the State after the last day of voter registration to be entitled to register and vote in that year's elections, because that provision is not required by the federal law, as noted by the Chief Elections Officer;
- (6) Repealing section 15-3.5, Hawaii Revised Statutes, as that section conflicts with the provisions in the measure dealing with the federal write-in absentee ballot and may not conform to the federal law;
- (7) Making revisions to the provisions pertaining to methods of electronic means of transmitting ballots so as not to require unsecure methods of transmitting ballots, as prohibited by the federal law; and
- (8) Making other technical, nonsubstantive changes for purposes of clarity, consistency, and style.

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 S.B. No. 2335, as amended herein, and recommends that



it pass Second Reading in the form attached hereto as S.B. No. 2335, S.D. 1, and be referred to the Committee on Ways and Means.

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

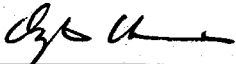


BRIAN T. TANIGUCHI, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Judiciary and Government Operations
JGO

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2335	JGO, WAM	2/5/10		
<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	✓			
TOTAL	5	0	0	1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes