



**STATE OF HAWAII
OFFICE OF ELECTIONS**

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**TESTIMONY OF THE
CHIEF ELECTION OFFICER, OFFICE OF ELECTIONS
TO THE HOUSE COMMITTEE ON ECONOMIC REVITALIZATION, BUSINESS,
& MILITARY AFFAIRS
ON HOUSE BILL NO. 1899
RELATING TO MILITARY AND OVERSEAS CIVILIAN ABSENTEE VOTERS**

January 26, 2010

Chair McKelvey and members of the House Committee on Economic Revitalization, Business, & Military Affairs, thank you for the opportunity to provide technical comments regarding House Bill No. 1899. The purpose of this bill is to implement various amendments to federal law concerning voting by military and overseas voters.

Specifically, President Barack Obama signed into law the National Defense Authorization Act for Fiscal Year 2010 on October 28, 2009. Subtitle H of that law, which may be cited as the Military and Overseas Voter Empowerment Act (MOVE), amended various parts of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) (42 USC §§ 1973ff et seq.)

These amendments in federal law were subsequently reflected in amendments to the Hawaii Administrative Rules for the Office of Elections that went to public hearing on December 10, 2009. The rules became effective on January 9, 2010. Specifically, military and overseas voters are addressed in HAR § 3-174-22 entitled "Voting, registration, and counting of absentee ballots of overseas citizens."

The present bill would additionally make changes to state statutes. The Office of Elections has no objection, to the extent the changes do not go beyond, what is specifically required in the MOVE Act.

In reviewing the bill, we would note that §15-B(e) refers to election officials having internet sites in which downloadable versions of ballots would be available. Due to accounting, inventory, and security reasons, we would not want unvoted ballots to be accessible to anyone who could access the public website. Instead, we have procedures for the emailing of an unvoted ballot directly to the voter.

Another provision that we wish to bring to your attention is §15-D in which the bill attempts to allow an absentee uniformed services voter, overseas civilian voter, or household family member who returns to the State after the last day of registering to vote for that year to be entitled to register and vote in that year's elections. It should be noted that the term "household family member" is unduly broad and as such, the concise language used for the definition of "absent uniformed services voter" in §15-A is preferable.

This provision is not required by UOCAVA. It is instead something that the Federal Voting Assistance Program has asked states in the past to consider. However, the intended situation of a recently discharged service member coming back to the United States, but choosing to become a resident in the State of Hawaii, after the registration deadline, as opposed to their original home state, is not unique to overseas voters.

The service member situation is no different from any U.S. citizen deciding to move to another state after the registration deadline in that new state. Those individuals, regardless of their personal reasons for deciding to move to a new state, are not able to register to vote in the new state for that year's elections.

Essentially, in order to allow the county clerks to ensure the integrity of the voter registration rolls and to ensure orderly elections, the State of Hawaii, as with other states, needs to be able to operate with a known universe of eligible voters by a set date prior to the election. Voter registration deadlines serve a valid state interest and should not be set aside.

Thank you for the opportunity to testify on House Bill No. 1899.

THE CHAMBER OF COMMERCE OF HAWAII

1132 Bishop Street, Suite 402

Honolulu, HI 96813

Testimony to the House Committee on Economic Revitalization, Business,
and Military Affairs

Tuesday, January 26, 2010

8:30 AM

Conference Room 312

RE: HOUSE BILL NO. 1899, RELATING TO MILITARY AND OVERSEAS CIVILIAN
ABSENTEE VOTERS

Chair McKelvey, Vice Chair Choy, and members of the committee.

My name is Charles Ota and I am the Vice President for Military Affairs at The Chamber of Commerce of Hawaii (The Chamber). I am here to state The Chamber's support of House Bill 1899, Relating To Military and Overseas Civilian Absentee Voters.

The Chamber's Military Affairs Council (MAC) serves as the liaison for the state in matters relating to the US military and its civilian workforce and families, and has provided oversight for the state's multi-billion dollar defense industry since 1985.

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

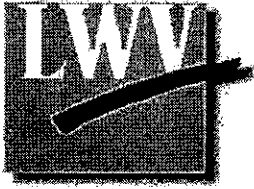
This measure will ensure that military members and its civilian workforce and families are afforded ample opportunity to vote in county, state, and federal elections while serving outside Hawaii.

We believe that the proposed measure satisfies efforts by the US Department of Defense (DOD) to strengthen absentee voting policies for US uniformed members, DOD employees, and their family members serving overseas.

With regard to paragraph 15-B (b), one of the major challenges is in insuring that absentee ballots are received by eligible registered voters in sufficient time to return the ballots by the deadline imposed by the state. This is especially critical for ballots that are sent by mail. We suggest that the 45 day period cited in the cited paragraph be coordinated with the US Pacific Command on Camp Smith to determine if it is sufficient time.

For these reasons, we respectfully request that the proposed measure be approved for further review and adoption.

Thank you for the opportunity to testify.



THE LEAGUE OF WOMEN VOTERS OF HAWAII

TESTIMONY ON HB 1899 RELATING TO MILITARY & OVERSEAS CIVILIAN ABSENTEE VOTERS

Committee on Economic Revitalization, Business, & Military Affairs
Tuesday, January 26, 2010
8:30 A.M.
Conference Room 312

Testifier: Jean Aoki, LWV

Chair McKelvey, Vice Chair Choy, members of the Committee on EBM,

The League of Women Voters of Hawaii strongly supports HB 1899 Relating to Military and Overseas Civilian Absentee Voters.

The amendments to the Uniformed and Overseas Citizens Absentee Voting Act were made after much criticism of the present system with the different states having different rules, and soldiers serving overseas and overseas citizens applying for absentee ballots either not receiving them on time or not having them counted for various reasons. Of course, this is unacceptable to say the least.

The importance of voting and the value placed on voting by society and our government are manifested by the care government takes to provide access to the ballot and the removal of barriers to the successful execution of the whole process which ends with every vote being counted.

Thank you for the opportunity to testify on HB 1899.