



**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. 2185
RELATING TO ELECTIONS**

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. 2185. 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.

The bill indicates in §12-2 that the primary election would be moved to the second to the last Saturday in August in every even numbered year. We would recommend that instead it be moved to the second Saturday in August. This

would provide sufficient time between the primary and general election for various deadlines including the printing out of ballots and the mailing of ballots to overseas voters. In addition, we would recommend that the deadline for the filing of nomination papers found in §12-6 be moved to the first Tuesday in June in every even numbered year. This would provide sufficient time between the close of nomination papers and the primary election deadline to meet the various statutory deadlines related to the conducting of elections.

We also wish to bring to your attention §15-B 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 a narrower definition should be developed.

This provision regarding late registration 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 avoid voter fraud 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.

Finally, we wish to bring to your attention §15-3.5(b), in which the bill attempts to allow the Federal Write-in Absentee Ballot voter declaration to be used as a request for voter registration, up to the 15th day prior to an election. For the previously stated reasons concerning having a uniform voter registration deadline, we believe the 30 day voter registration deadline should be maintained. In addition, we believe that problems will be created by consolidating voter registration and the actual voting of the ballot into one document. Our laws recognize the need to have voter registration treated separate and apart from the actual receipt and counting of ballots.

Thank you for the opportunity to testify on House Bill No. 2185.

STATE OF HAWAII
DEPARTMENT OF DEFENSE

TESTIMONY ON H.B. 2185
A BILL FOR AN ACT RELATING TO ELECTIONS

PRESENTATION TO THE

HOUSE COMMITTEE ON ECONOMIC REVITATLIZATION, BUSINESS &
MILITARY AFFAIRS

BY

MAJOR GENERAL ROBERT G.F. LEE
ADJUTANT GENERAL

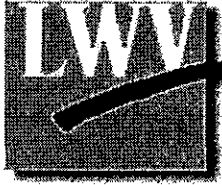
January 26, 2010

Good morning, Chair McKelvey, Vice Chair Choy and Committee Members:

I am Major General G.F. Lee, State Adjutant General. I am testifying in support of House Bill 2185 which adjusts the primary election date to the second to last Saturday of August in every even numbered year.

We support the intent of this measure as it further supports the Military and Overseas Voter Empowerment Act (MOVE) and the expanded use of Federal Write-in Absentee ballots, electronic transmission of voting materials and late registration procedures for uniformed service members.

As Soldiers and Airmen of the Hawaii National Guard continue to deploy in support of the Global War on Terrorism and other global contingency operations, the electronic transmission of voting materials will remain an important tool in allowing troops in remote areas the opportunity to vote.



THE LEAGUE OF WOMEN VOTERS OF HAWAII

TESTIMONY on HB2185 RELATING TO ELECTIONS

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 Committee on EBM,

The League of Women Voters of Hawaii strongly supports HB2185, which would lengthen the time between the primary and the general elections.

For several years, The League of Women Voters of Hawaii has been advocating moving the Primary Election date to sometime in August because the 45 days now provided between elections is too short a time even under normal circumstances, but if there are any errors that need undoing or if there are recounts necessary because of challenges to the vote count for any district, etc., what should be a period of calm and deliberate preparation for the General Election to eliminate any errors, could become a hectic period which would invite errors.

The requirements of the amended Uniformed and Overseas Citizens Absentee Voting Act make the August date for the primary election necessary. This should have been in force years ago.

However, for the 2010 elections, will the Elections Office be ready for an accelerated schedule considering all of the problems they are facing. There was talk of maybe needing a waiver from this act just for this year's election. We would support whatever the Elections Office finds absolutely necessary as long as every attempt is made to send the ballots overseas as soon as is possible and every attempt is made to accommodate the counting of those ballots.

Thank you for this opportunity to testify in support of HB 2185.