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JAMES R. AIONA, JR.
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TESTIMONY ON HOUSE BILLS 2588 & 2589

**HB 2588 – PROPOSING AMENDMENTS TO THE CONSTITUTION OF THE
STATE OF HAWAII TO CREATE OFFICE OF THE SECRETARY OF STATE**

**HB 2589 - A BILL FOR AN ACT RELATING TO
THE GOVERNANCE OF ELECTIONS**

**Lieutenant Governor James R. Aiona, Jr.
Office of the Lieutenant Governor**

**HOUSE COMMITTEE ON JUDICIARY
Representative Jon Riki Karamatsu, Chair
Representative Ken Ito, Vice Chair**

**Tuesday, February 9, 2010
2:30 P.M., Conference Room 325**

Good Afternoon Chair Karamatsu, Vice Chair Ito, and Members of the Committee. The Office of the Lieutenant Governor strongly supports both H.B. 2588 and H.B. 2589.

The purpose of these measures is to establish a Secretary of State as an elected, nonpartisan constitutional officer, who would be responsible for administering the election laws as well as supervising the voting system in the state.

Recent concerns surrounding the Hawaii Elections Office have been well documented. Public anxiety over the office's fiscal and legal challenges has prompted some members of the community to call for more direct accountability over the administration of elections. It is critically important for voters to have some level of control over this vital part of democracy at a

time when elections can be decided by unusually slim margins that are often bitterly contested.

Additionally, under Hawai`i law, it is the responsibility of the Chief Election Officer to maximize the electorate and voter participation. Hawai`i continues to maintain one of the lowest voter turnout rates in the nation.

In 38 other states, voters elect Secretaries of State who are put in charge of their elections. Alaska and Utah assign that task to their Lieutenant Governors. In each case, voters have a direct say in naming the administrator of their election system, and can make changes if the system fails.

Here in Hawai`i, the Chief Election Officer is appointed by a nine-member Election Commission that is largely selected by four members of the Legislature. Hawai`i voters have little say in the process.

If adopted, this measure would empower voters in Hawaii to elect a Secretary of State, who would be directly responsible for ensuring that the State's election system operates smoothly and remains compliant with all federal, state, and local requirements.

Under this proposal, the Secretary of State would assume the duties and responsibilities of the Chief Election Officer and manage the Office of Elections under its existing structure. As such, there would be no added cost or bureaucracy. Indeed, by abolishing the Elections Commission, this proposal would actually eliminate government bureaucracy.

We ask that the committee pass these measures, which is important to maintaining the integrity of our election system. Thank you for the opportunity to testify.



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

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The Twenty-Fifth Legislature, State of Hawaii
Hawaii State House of Representatives
Committee on Judiciary

Testimony by
Hawaii Government Employees Association
February 9, 2010

H.B. 2588 - PROPOSING AMENDMENTS TO
THE CONSTITUTION OF THE STATE OF
HAWAII TO CREATE THE OFFICE OF
THE SECRETARY OF STATE

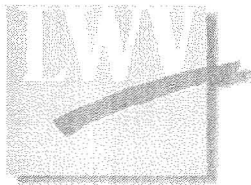
The Hawaii Government Employees' Association, AFSCME Local 152, AFL-CIO opposes H.B. 2588, which proposes to amend the State Constitution by creating the Office of the Secretary of State responsible for ensuring that the State's election system operates smoothly and remains compliant with all federal, state, and local requirements.

The Office of Elections is currently under scrutiny for a variety of reasons, including unresolved issues related to the purchase of new voting machines and crippling budget cuts. The underlying and correlating problem is not limited to accountability over the administration of elections, but rather the ability of the Office to secure financial resources. Establishing a Secretary of State position will not, in and of itself, resolve the Office's current fiscal and legal problems. Further, our state is in an economic crisis. It is ludicrous to consider the creation of a new office at a time when 650 state employees were laid off due to the state's financial problems.

We appreciate the opportunity to testify in opposition of H.B. 2588.

Respectfully submitted,

Nora A. Nomura
Deputy Executive Director



THE LEAGUE OF WOMEN VOTERS OF HAWAII

TESTIMONY ON HB 2588 PROPOSING AMENDMENTS TO THE CONSTITUTION OF THE STATE OF HAWAII TO CREATE THE OFFICE OF THE SECRETARY OF STATE

House Committee on Judiciary
Tuesday, February 9, 2010
2:30 p.m. Conference Room 325

Testifier: Jean Aoki

Chair Rep. Karamatsu, Vice Chair Rep. Ito, members of the House Committee on Judiciary,

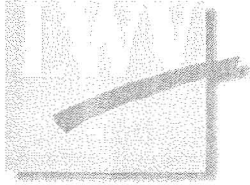
The League of Women Voters of Hawaii opposes HB 2588 which proposes an amendment to the State Constitution which would replace the Chief Election Officer with an elected Secretary of State.

Hawaii's administrative officer of elections used to be the Lieutenant Governor until 1995 when the Office of Elections became an independent agency under the oversight of the Elections Appointment and Review Panel (EARP), a five-member panel, with the President of the Senate, the Speaker of the House, and the leaders of the minority caucuses each appointing one member, and the Governor appointing the fifth member. The chair would be elected by the members of EARP.

In 2004, the nine-member Elections Commission was established to take the place of EARP.

The chief reason for removing the administration of elections from the Lieutenant Governor's office to the "independent" body was to remove any perception or the reality of political manipulations of elections. The states of Florida in the 2000 Elections and Ohio in the 2004 Elections, both critical to the outcome of the respective presidential races, are examples of elected secretaries of states who, through their partisan-motivated actions, have permanently placed a cloud over the outcomes of those races.

While the bill states that in thirty-eight other states, voters elect a "secretary of state" who is put in charge of their elections, not all of them are really the election administrators. Many have many other duties, and many of them have directors of elections in their offices. So far, we haven't found any Secretary of State whose sole responsibility would be that of elections administrator.



THE LEAGUE OF WOMEN VOTERS OF HAWAII

Under H.B. 2588, the Secretary of State shall assume administrative responsibility for the Office of Elections. That official would be nonpartisan, therefore independent of any obligations to any political party or to any special interest groups. The question is, "Can there be such an animal?" If we could elect the Secretary of State with required public funding of the elections campaigns, it might work. But under present federal laws which make limiting of election campaign expenditures illegal, we have no alternative but to allow for private funding of elections. When candidates for the position of Secretary of State begin to raise campaign funds, and solicit other kinds of support, they begin to be encumbered with obligations to people and groups, and will probably be perceived as being sympathetic toward one party of the other.

One of the advantages the independent Chief Election Officer who answers to the Elections Commission has over any Secretary of State performing the same functions, is that the commission allows for a certain amount of transparency with some opportunity for public input. The earlier EARP was as partisan as any group can get. However, its meetings were open and allowed for full public participation. The present commission started out in 2004 being very secretive and partisan, but since the latter part of 2008 has become more open partly due to pressure from the public, and beset by unprecedented problems are facing the challenges more as a cohesive unit.

One thing we do know. This was not the time to cut the budget of the Elections Office so drastically, nor the time to put a hiring freeze when four important staff positions were left vacant after the 2008 elections, and to leave the Elections Office no money to begin the preparations for the 2010 Elections.

We urgently ask you to hold HB 2588 in committee.