

SB2335



**STATE OF HAWAII
OFFICE OF ELECTIONS**

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**TESTIMONY OF THE
CHIEF ELECTION OFFICER, OFFICE OF ELECTIONS
TO THE SENATE COMMITTEE ON JUDICIARY AND GOVERNMENT
OPERATIONS
ON SENATE BILL NO. 2335
RELATING TO MILITARY AND OVERSEAS CIVILIAN ABSENTEE VOTERS**

February 5, 2010

Chair Taniguchi and members of the Senate Committee on Judiciary and Government Operations thank you for the opportunity to provide technical comments regarding Senate Bill No. 2335. 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-A refers to a "covered" election as including state or county special elections. UOCAVA actually is only applicable to federal elections. 42 USC § 1973ff-1. Our Primary and General Elections always involve federal offices in addition to the state and county offices. As such, UOCAVA always applies to those elections. However, in the event of a special election, such as for a county vacancy, UOCAVA would not apply. Given the stringent timelines involved in filling vacancies under some county charters, such as the Charter of the City and County of Honolulu, which has a sixty day period of time to hold an election, the voluntary extension of UOCAVA to such elections, would make compliance very difficult. As such, restriction of the term "covered election" to only federal elections might be advisable.

We would further 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.

Finally, 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 registered to vote for that year to be entitled to registered and voter 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 Senate Bill No. 2335.

STATE OF HAWAII
DEPARTMENT OF DEFENSE

TESTIMONY ON SENATE BILL 2335
A BILL FOR AN ACT RELATING TO MILITARY AND OVERSEAS CIVILIAN
ABSENTEE VOTERS

PRESENTATION TO THE
SENATE COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

BY

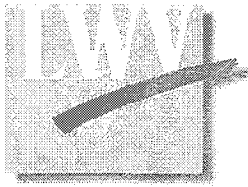
MAJOR GENERAL ROBERT G. F. LEE
ADJUTANT GENERAL
February 4, 2010

Chair Taniguchi, Vice-Chair Takamine, and Members of the Committee:

I am Major General Robert G. F. Lee, State Adjutant General. I am testifying on Senate Bill 2335.

We strongly support Senate Bill 2335. Passage of this measure would ensure that our military personnel serving away from the state, who have registered to vote, to receive and submit absentee ballots for all of our elections. This bill would also allow our citizens from Hawaii serving overseas to register and submit absentee ballots in accordance with the provisions for uniformed services and overseas absentee voters as recommended by the Federal Voting Assistance program. Additionally, we defer to the Office of Elections for the implementation of this measure.

Chair Taniguchi, thank you for the opportunity to provide this written testimony.



THE LEAGUE OF WOMEN VOTERS OF HAWAII

TESTIMONY ON SB 2335 RELATING TO MILITARY AND OVERSEAS CIVILIAN ABSENTEE VOTERS

Committee on Judiciary and Government Operations
Friday, February 05, 2010
9:35 A.M.
Conference Room 016

Testifier: Jean Aoki, LWV

Chair Senator Taniguchi, Vice Chair Senator Takamine, members of JGO,

The League of Women Voters of Hawaii is in complete support of SB 2335 which would make things easier for voters overseas to have their votes reach our state in time to have them counted, and also to give those who arrive home after the deadline to register has passed, some leeway and rely on the judgements of the election officials to give them special consideration.

The bill provides for electronic transmission of ballots, faxes, etc., as well as the use of the Federal Write-in absentee Ballot not only to vote but to use the transmission envelope's voter declaration as a request for registration and as an application for a state absentee ballot.

Newspaper reports after the 2008 elections on the low number of military absentee ballots actually counted, as low as 30% of the overseas ballots, is a shameful indictment of a process long neglected.

This bill will go a long way toward assuring our military personnel and their families and other overseas voters that their votes are needed and valued, and will be counted as long as they make the necessary effort to get them in.

Thank you for this opportunity to testify in support of SB 2335 and in support of our brave men and women overseas.

THE CHAMBER OF COMMERCE OF HAWAII

1132 Bishop Street, Suite 402

Honolulu, HI 96813

Testimony to the Senate Committee on Judiciary and Government Operations

Friday, February 5, 2010

9:35 AM

Conference Room 016

RE: SENATE BILL NO. 2335, RELATING TO MILITARY AND OVERSEAS CIVILIAN ABSENTEE VOTERS

Chair Taniguchi, Vice Chair Takamine, 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 Senate Bill 2335, 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.