

STAND. COM. REP. NO. 164

Honolulu, Hawaii

FEB 15 2011

RE: S.B. No. 636
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Public Safety, Government Operations, and Military Affairs, to which was referred S.B. No. 636 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to enact the Uniform Military and Overseas Voters Act, which implements voting provisions for uniformed services and overseas absentee voters required by the Military and Overseas Voter Empowerment Act.

Your Committee received testimony in support of this measure from one state department and three private entities. Your Committee received testimony in opposition to this measure from one state department.

Your Committee finds that this measure allows military personnel who are deployed or stationed outside of the United States and other overseas voters to have an opportunity to vote by submitting their ballots for federal, state, and county offices in general, special, primary, or runoff elections, including state and county ballot measures through the mail or an electronic transmission system. Current federal law in the Uniformed and Overseas Citizens Absentee Voting Act requires states to enact provisions to enable uniformed service voters as well as other voters to vote while stationed or living overseas, if they are otherwise eligible to vote.



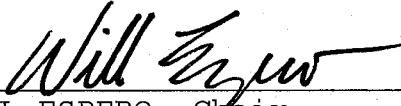
Your Committee notes the comments of the Office of Elections to the effect that the Office has already adopted administrative rules that address all mandatory provisions of the Uniformed and Overseas Citizens Absentee Voting Act. Therefore, your Committee believes that this measure should pose no undue burdens on the Office of Elections.

Your Committee has amended this measure by:

- (1) Clarifying the language establishing the deadline by which an election official charged with the distribution of ballots and balloting materials must transmit ballots and balloting materials no later than forty-five days before the election;
- (2) Requiring voters to submit the ballot for mailing, electronic transmission, or other authorized means of delivery in sufficient time for the chief election officer to receive the ballot by the election day; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Government Operations, and Military Affairs that is attached to this report; your Committee is in accord with the intent and purpose of S.B. No. 636, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 636, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety,
Government Operations, and
Military Affairs,



WILL ESPERO, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Public Safety, Government Operations, and
Military Affairs
PGM

Bill / Resolution No.:* SB 636	Committee Referral: PGM, JDL	Date: 2-8-11		
<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
ESPERO, Will (C)	//			
KIDANI, Michelle N. (VC)	//			
BAKER, Rosalyn H.	//			
RYAN, Pohai	//			
SLOM, Sam				//
TOTAL	4			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">Michelle N. Kidani</div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes