



**STATE OF HAWAII  
OFFICE OF ELECTIONS**

802 LEHUA AVENUE  
PEARL CITY, HAWAII 96782  
[www.hawaii.gov/elections](http://www.hawaii.gov/elections)

SCOTT T. NAGO  
CHIEF ELECTION OFFICER

**TESTIMONY OF THE  
CHIEF ELECTION OFFICER, OFFICE OF ELECTIONS  
TO THE HOUSE COMMITTEE ON JUDICIARY  
ON HOUSE BILL NO. 593  
RELATING TO NOMINATION PAPERS**

February 1, 2011

Chair Keith-Agaran and members of the House Committee on Judiciary, thank you for the opportunity to testify on House Bill No. 593. The purpose of this bill is to provide for nomination papers to contain a sworn certification by county candidates that the candidates has complied with provisions of the relevant county charter and county ordinances pertaining to elected officials.

The Office of Elections takes no position on this bill. The Office of Elections notes that the law presently provides that the nomination papers contain a "sworn certification by self-subscribing oath by the candidate that the candidate qualifies under the law for the office the candidate is seeking." HRS § 12-3(a)(6).

Thank you for the opportunity to testify on House Bill No. 593.

Council Chair  
Danny A. Mateo

Vice-Chair  
Joseph Pontanilla

Council Members  
Gladys C. Baisa  
Robert Carroll  
Elle Cochran  
Donald G. Couch, Jr.  
G. Riki Hokama  
Michael P. Victorino  
Mike White



Director of Council Services  
Ken Fukuoka

**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.mauicounty.gov/council](http://www.mauicounty.gov/council)

January 31, 2011

TO: Honorable Gilbert S.C. Keith-Agaran, Chair  
House Committee on Judiciary

FROM: Joseph Pontanilla, Council Vice- Chair

A handwritten signature in black ink, appearing to read "J. Pontanilla".

DATE: Tuesday February 1, 2011

SUBJECT: **SUPPORT OF HB 593 RELATING TO NOMINATION PAPERS**

Thank you for the opportunity to testify in support of this measure. I provide this testimony as an individual member of the Maui County Council.

I **support HB 109** for the reasons cited in testimony submitted by Maui County Council Chair Danny A. Mateo and urge you to support this measure.

11:01:31:kbm/IP: HB 593

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January 31, 2011

TO: The Honorable Gilbert S.C. Keith-Agaran, Chair  
House Committee on Judiciary

FROM: Danny A. Mateo, Chair  
Maui County Council 

SUBJECT: **HEARING OF TUESDAY, FEBRUARY 1, 2011; TESTIMONY IN SUPPORT OF HB 593,  
RELATING TO NOMINATION PAPERS**

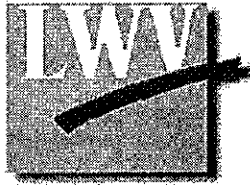
Thank you for the opportunity to testify in support of this important measure. The purpose of this measure is to require that candidates for county elective office include with their nomination papers a sworn certification of compliance with any relevant provision of the county charter or ordinances pertaining to elected officials, or the nomination papers shall be void and not accepted for filing by the county clerk.

This measure is in the Maui County's Legislative Package; therefore, I offer this testimony on behalf of the Maui County Council.

The Maui County Council supports this measure for the following reasons:

1. Section 12-3, Hawaii Revised Statutes ("HRS"), enumerates the information that a candidate for public office must include with the candidate's nomination papers. Section 12-3, HRS, requires sworn certifications by the candidate that the candidate has complied with various provisions of the law. If the required certifications are not included with the nomination papers, pursuant to subsection 12-3(f), the nomination papers shall be deemed void and will not be accepted for filing by the chief election officer or clerk.
2. This measure would add a requirement that candidates for elective county office submit a sworn certification that the candidate has complied with provisions of the relevant county charter or ordinances pertaining to elected officials. If a candidate for elective county office does not include the required certification, then the nomination papers shall be void and will not be accepted for filing by the county clerk.
3. Currently, Section 12-3, HRS, requires the county clerk to accept the nomination papers of a candidate for elective county office, even if the candidate has not complied with the provisions of the county charter or ordinances pertaining to elected officials. The proposed amendment to Section 12-3, HRS, will encourage candidates for elective county office to ensure that they have complied with provisions of the county charter or ordinances pertaining to elected officials before filing their nomination papers, and will also allow the clerk to reject the nomination papers if the candidate is not able to submit the required certification. If a candidate wrongly submits the required certification, the nomination papers may be subject to challenge pursuant to Section 12-8, HRS.

For the foregoing reasons, the Maui County Council supports this measure.



# THE LEAGUE OF WOMEN VOTERS OF HAWAII

## TESTIMONY ON HB 593 RELATING TO NOMINATION PAPERS

Senate Committee on Judiciary  
Tuesday, February 1, 2011  
2:00 p.m.  
Conference Room 325

Testifier: JoAnn Maruoka

Chair Keith-Agaran, Vice Chair Rhoads, members of the Judiciary Committee,

The League of Women Voters of Hawaii agrees with HB 593. The bill requires candidates for county elective office to submit a sworn certification by self-subscribing oath that s/he has complied with all relevant provisions of the applicable county charter and county ordinances.

It seems reasonable to expect a county candidate to be willing to positively acknowledge compliance; in fact, this may help make county candidates more likely to consciously review the relevant county charter and ordinances as they choose to run. It also makes sense to align such a requirement for county candidates to other such self-subscribing sworn oaths; and it does not appear to create any inappropriate burden.

We support the effort to ensure properly documented audit trails for those seeking public office. Such actions that help increase public confidence in the elections process may add to the likelihood that more of our citizens will vote in elections. An increase in voter turnout is something we would all like to see happen.

Thank you for this opportunity to testify on HB 593.

**Testimony for HB593 on 2/1/2011 2:00:00 PM**

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

**Sent:** Monday, January 31, 2011 12:49 PM

**To:** JUDtestimony

**Cc:** robert.carroll@mauicounty.us

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Testimony for JUD 2/1/2011 2:00:00 PM HB593

Conference room: 325

Testifier position: support

Testifier will be present: No

Submitted by: Robert Carroll

Organization: Individual

Address: 200 S. High Street Wailuku, HI 96793

Phone: (808) 270-7246

E-mail: robert.carroll@mauicounty.us

Submitted on: 1/31/2011

**Comments:**

I support HB 593 for the reasons stated in testimony submitted by Maui County Council Chair Danny Mateo.