

HB716,HD1

Testimony



**STATE OF HAWAII
OFFICE OF ELECTIONS**

802 LEHUA AVENUE
PEARL CITY, HAWAII 96782
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SCOTT T. NAGO
CHIEF ELECTION OFFICER

**TESTIMONY OF THE
CHIEF ELECTION OFFICER, OFFICE OF ELECTIONS
TO THE SENATE COMMITTEE ON JUDICIARY AND LABOR
ON HOUSE BILL NO. 716, HD 1
RELATING TO ELECTIONS**

March 28, 2011

Chair Hee and members of the Senate Committee on Judiciary and Labor, thank you for the opportunity to testify in support of House Bill No. 716, HD 1. The purpose of this bill is to revise various election deadlines to be consistent with the change in the date of the States' primary election, which occurred during the last legislative session. Act 216, Session Laws of Hawaii 2010.

The change in the date of the primary election was necessary to comply with the National Defense Authorization Act for Fiscal year 2010, P.L. 11-84, which required that absentee ballots must be mailed out to uniformed and overseas voters no later than forty five days prior to elections for federal office. This time requirement has created a ripple effect, in which the various statutes regarding election deadlines have had to be moved, in order to ensure that overseas and military ballots printed and prepared to be mailed out by this deadline.

In terms of presidential ballots, Section 2 of the bill amends the deadline for prospective independent candidates to submit their petitions from the sixtieth day to the ninetieth day prior the general election. HRS § 11-113. This new deadline takes into consideration the time intensive process by which petitions must be reviewed for the necessary amount of valid signatures. Specifically, the law provides for not less than one percent of the votes cast in the State at the last presidential election. As there were 453,568 votes cast at the last presidential election, 4,536 signatures of currently registered voters are required.

In regards to the withdrawal of a candidate due to ill health, Section 3 of the bill moves the deadline from the twentieth day prior to an election to the fiftieth day. HRS § 11-117. The new deadline provides election officials the opportunity, in certain circumstances, to be able to print the name of the replacement candidate on the ballot, as opposed to having to issue a proclamation to voters explaining that a candidate has withdrawn and that votes for the withdrawn candidate on the ballot will be counted and interpreted in a specific way. HRS § 11-118.

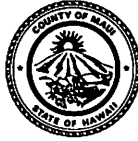
As for other matters, involving the text of items on the ballot, such as proposed constitutional amendments and county charter amendments, the bill currently in Section 4 provides that the text must be provided to the Chief Election Officer not later than 4:30 p.m. on the seventy fifth calendar day as opposed to the sixtieth day prior to the election. HRS § 11-119.

The Office of Elections requests that the deadline instead be changed to not later than 4:30 p.m. on the ninetieth calendar. The additional time takes into consideration production issues such as the proposed amendments being translated into the applicable languages required by federal law and for the layout of the ballots to be adjusted to account for the size and number of amendments.

Finally, the bill proposes in Section 5 to amend the deadline to challenge nomination papers from thirtieth day to the sixtieth day prior to the election. HRS § 12-8. This change takes into consideration the time for a nomination paper challenge to be determined by the Chief Election Officer. If the Chief Election Officer determines that challenge warrants disqualification, then a complaint must be filed in Circuit Court, and the Court makes a final determination.

Thank you for the opportunity to testify in support of House Bill No. 716, HD 1.

JEFFREY T. KUWADA
County Clerk



LANCE TAGUCHI
Deputy County Clerk

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TESTIMONY OF

JEFFREY T. KUWADA, COUNTY CLERK, COUNTY OF MAUI

TO THE SENATE COMMITTEE ON JUDICIARY AND LABOR

ON HOUSE BILL NO. 716, HD 1

RELATING TO ELECTIONS

MARCH 28, 2011

Chair Hee and members of the Senate Committee on Judiciary and Labor, thank you for the opportunity to testify in support of House Bill No. 716, HD 1. The purpose of this bill is to revise various election deadlines to be consistent with the change in the date of the States' primary election, which occurred during the last legislative session. Act 216, Session Laws of Hawaii 2010.

Thank you for the opportunity to testify in support of House Bill No. 716, HD 1.

Re: **Supporting HB716 HD1 – New Election Deadlines**

Senate Committee on Judiciary and Labor

Hearing date: Monday, March 28, 2011

Hearing time: 9:30 a.m.

Location: Rm. 016

Will not be present at hearing

One (1) copy, including original, to room 002

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March 26, 2011

To: Sen. Clayton Hee, Chair
Sen. Maile Shimabukuro, Vice Chair
Members of the Senate Judiciary and Labor Committee

Fm: Carmille Lim, carmille.lim@gmail.com
League of Women Voters, Legislative Committee Member

Dear Chair Hee, Vice Chair Shimabukuro, and members of the committee:

The League of Women Voters **supports** **HB716 HD1**, which establishes new election deadlines to comply with state primary election date required by federal law.

The election deadlines positively affected in HB716 HD1 include:

- **Presidential ballots: deadline for prospective independent candidates to submit their petitions**
Deadline moved from the 60th day to the 90th day prior to the election
- **Withdrawals: deadline for a candidate to withdraw due to illness**
Deadline moved from the 20th day to the 50th day prior to the election
- **Copy on ballots: deadline to submit copy to be printed on ballots**
Deadline moved from 60th day to 75th day prior to election
- **Nomination papers: deadline to challenge nomination papers**
Deadline moved from the 30th day to the 60th day prior to the election

The proposed new election deadlines mentioned above will help make certain that absentee and military ballots possess accurate information and are printed and prepared to be mailed out by “no later than forty-five days prior to elections for federal offices” -- to complement Act 126, Session Laws of Hawaii 2010, which changed our State’s primary election date and was adopted in the 2010 Legislative Session; in order to comply with the National Defense Authorization Act for Fiscal Year 2010, Public Law 111-84.

Please pass HB716 HD1. Mahalo for your time.

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