



**STATE OF HAWAII
OFFICE OF ELECTIONS**

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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. 716
RELATING TO ELECTIONS**

February 1, 2011

Chair Keith-Agaran and members of the House Committee on Judiciary, thank you for the opportunity to testify in support of House Bill No. 716. 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.

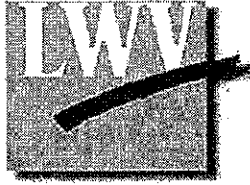
In terms of presidential ballots, the bill amends the deadline for prospective independent candidates to submit their petitions from the sixtieth day to the ninetieth day prior the general election. HRS § 11-113. This new deadline takes into consideration the time intensive process by which petitions 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, the deadline is moved 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candidate on the ballot, as opposed to having to issue a proclamation to voters explaining that a candidate has withdrawn and that votes for the withdrawn candidate on the ballot will be counted and interpreted in a specific way.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, bill 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 additional time takes into consideration the necessary time to have the proposed amendments translated into the applicable languages required by federal law and for the layout of the ballots to be adjusted to account for size and number of amendments.

Finally, the bill proposes 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 on House Bill No. 716.



THE LEAGUE
OF WOMEN VOTERS OF HAWAII

TESTIMONY ON HB 716 RELATING TO ELECTIONS

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 supports HB 716. The bill revises various election deadlines for consistency with the Session Laws of Hawaii 2010, which changed the date of the State's primary election to comply with the National Defense Authorization Act for Fiscal Year 2010, Public Law 11-84.

Driven by federal law and the State's compliance therewith, this is a necessary action to complete the process, and so should be passed.

Thank you for the opportunity to testify on HB 716.