

# S.B. NO. 2699

JAN 25 2012

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## A BILL FOR AN ACT

RELATING TO ELECTIONS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. This Act is recommended by the governor for  
2 immediate passage in accordance with section 9 of article VII of  
3 the constitution of the State of Hawaii.

4           SECTION 2. The purpose of this Act is to make an emergency  
5 appropriation to fund the voting system contract for the 2012  
6 elections. Without an emergency appropriation the office of  
7 elections will not be able to conduct the 2012 elections.  
8 Additionally, the State of Hawaii will be out of compliance with  
9 its obligations under the Help America Vote Act of 2002 (Public  
10 Law 107-252).

11           SECTION 3. The Help America Vote Act of 2002, 42 USC §  
12 15481, mandates various voting system standards. The currently  
13 unfunded voting system contract allows the State of Hawaii to  
14 meet those standards.

15           SECTION 4. The operating budget of the office of elections  
16 for fiscal year 2011-2012 is \$1,829,581. The Help America Vote  
17 Act of 2002, 42 USC § 15404(a)(7), mandates, as a condition of

1 the prior receipt of federal payments, the maintenance of  
2 expenditures of the state for activities funded by the payment  
3 at a level that is not less than the level of such expenditures  
4 maintained by the state for the fiscal year ending prior to  
5 November 2000. The level of such expenditures in fiscal year  
6 1999-2000 was \$2,299,552. The State of Hawaii has always met  
7 this requirement. The present operating budget of the office of  
8 elections, unless supplemented by an emergency appropriation,  
9 will not meet this maintenance of effort requirement, which will  
10 result in prior and future federal funding being compromised.

11 SECTION 5. There is appropriated out of the general  
12 revenues of the State of Hawaii, the sum of \$1,725,000, or so  
13 much thereof as is necessary, for fiscal year 2011-2012 for the  
14 purpose of funding the payment of the voting system contract for  
15 the 2012 elections. The sum appropriated shall be expended by  
16 the department of accounting and general services for the  
17 purposes of this Act.

18 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY:



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BY REQUEST

S.B. NO. 2699

**Report Title:**

Elections; Emergency Appropriation

**Description:**

Makes an appropriation of \$1,725,000 for fiscal year 2011-2012 to fund the voting system contract for conducting of the 2012 elections.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

JUSTIFICATION SHEET

DEPARTMENT: Department of Accounting and General Services, Office of Elections

TITLE: A BILL FOR AN ACT RELATING TO ELECTIONS.

PURPOSE: To make an emergency appropriation for fiscal year 2011-2012 to fund the voting system contract for the conducting of the 2012 elections.

MEANS: Emergency appropriation.

JUSTIFICATION: Currently, the Office of Elections is in a multi-year contract with a vendor to provide a voting system for our elections. As state and county elections are held jointly, the cost of the contract is split equally between the State (50 percent) and the counties (50 percent). The share of each county is based on its proportion of the registered voters at the time of the General Election. The 2012 election cycle is the second cycle of the contract. Funding for the prior 2010 election cycle was provided for in a specific budget proviso in section 52, Act 162, Session Laws of Hawaii (SLH) 2009. The current biennium budget for the Office of Elections, does not include funding for the 2012 election cycle of the contract. Act 164, SLH 2011. The cost of the upcoming 2012 election cycle under the contract is \$3,450,000. The counties' portion is \$1,725,00 and the State's portion is \$1,725,000. Additionally, the Office of Elections' operating budget has fallen below the maintenance of effort requirement of the Help America Vote Act, which is based on the amount expended in fiscal year 2000, which was \$2,299,552.

Impact on the public: There would be an inability to conduct the 2012 elections.

Impact on the department and other agencies: The Office of Elections would be unable to execute its primary function. All agencies would be impacted by the inability of the legislature to seat new members and to perform its legislative function.

GENERAL FUND: \$1,725,000.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: AGS 879.

OTHER AFFECTED  
AGENCIES: In addition to state agencies, the counties would not be able to conduct their elections, as they utilize the same voting system provided for under the contract.

EFFECTIVE DATE: Upon approval.