

STAND. COM. REP. NO.

1116

Honolulu, Hawaii

APR 08 2011

RE: H.B. No. 638
H.D. 1
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 Judiciary and Labor, to which was referred H.B. No. 638, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ELECTIONS,"

begs leave to report as follows:

The purpose of this measure is to require the use of the instant runoff voting method for elections for county office in which no primary election is held and in special elections that would normally be subject to a runoff election if a candidate was not elected by majority vote in the initial special election. The intent of this measure is to provide additional electoral safeguards to preserve the integrity of Hawaii's voting system.

Your Committee received testimony in support of this measure from the Americans for Democratic Action Hawai'i, Common Cause Hawaii, Fair Vote - The Center for Voting and Democracy, and three individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Office of Elections.

Your Committee finds that under a plurality election, when there are more than two candidates running in an election, a candidate with a small percentage of the vote may be elected. The candidate who is elected may not necessarily represent the electorate. Under an instant runoff voting method, voters are allowed to rank their choices. This method can eliminate a spoiler effect in which a third candidate may win, even though the



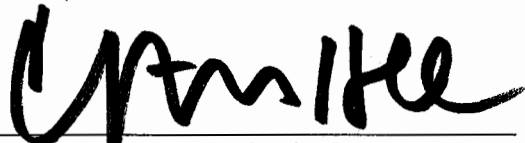
majority of the electorate prefers the other two candidates over the candidate who wins in the end. Moreover, a voter may be more comfortable voting for the more preferred candidates, even if the voter knows that the preferred candidate is unlikely to win.

Your Committee notes that the Americans for Democratic Action Hawai'i and Common Cause Hawaii recommended amendments to this measure to simplify the process and speed the tabulations by providing that, if no candidate receives a majority of votes in the first round of the election, the county clerk would announce that all but the four candidates receiving the most votes are defeated and only those four candidates would proceed to the second round of the tabulation. Americans for Democratic Action Hawai'i and Common Cause Hawaii suggested this amendment to avoid situations where a large number of candidates for one office would require several rounds of tabulations. While your Committee acknowledges that this method would simplify the tabulation process, your Committee also believes that the amendment could produce an arbitrary result if, for example, there is not a large difference between the number of votes received by the candidates with the fourth and fifth highest number of votes.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of consistency and clarity.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 638, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 638, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,



CLAYTON HEE, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* HB 638, HD1	Committee Referral: JDL	Date: 4/9/11		
<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
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile (VC)	✓			
GABBARD, Mike	<i>ms</i>	✓		
IHARA, Jr., Les	✓			
SLOM, Sam			✓	
TOTAL	3	1	1	
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes