

HB2181



HB2181
RELATING TO VACANCIES
Senate Committee on Judiciary and Labor

March 27, 2012

10:30 a.m.

Room 016

The Office of Hawaiian Affairs (OHA) offers the following comments on HB2181, which seeks to amend the deadline to file nomination papers associated with filling a vacancy in the membership of the Board of Trustees of OHA.

It is our understanding that this measure simply seeks to ensure that, when a vacancy on the OHA Board of Trustees is to be filled for the unexpired term at the next succeeding special election held in conjunction with the general election, the Office of Elections will have adequate time to mail absentee ballots to uniformed and overseas voters no later than 45 days prior to the election. We further understand that the bill seeks to ensure compliance with the National Defense Authorization Act for Fiscal Year 2010. We understand and appreciate the intent of the bill.

Mahalo for the opportunity to testify on this measure.



**STATE OF HAWAII
OFFICE OF ELECTIONS**

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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. 2181
RELATING TO VACANCIES**

March 27, 2012

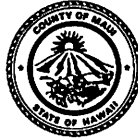
Chair Hee and members of the Senate Committee on Judiciary and Labor, thank you for the opportunity to testify in support of House Bill No. 2181. The purpose of this bill is to amend the deadline to file nomination papers associated with the filling of a vacancy in the membership of the Board of Trustees of the Office of Hawaiian Affairs.

In 2010, the National Defense Authorization Act for Fiscal Year 2010, P.L. 111-84, mandated the mailing of absentee ballots to uniformed and overseas voters no later than forty-five days prior to an election. For regularly scheduled elections, our laws provide sufficient time between the conclusion of the candidate filing process and this deadline, to permit us to design, print, and mail out ballots to our uniformed and overseas voters.

However, there are a variety of vacancy laws that permit a special vacancy election to be held in conjunction with a regularly scheduled General Election. Instead of establishing the filing deadline for nomination papers as the same as that used for the regularly scheduled election, our laws set the deadline at fifty days prior to the election. The current fifty day time period for a special vacancy election for the Office of Hawaiian Affairs, only permits us five days to layout the ballot to include the names of the candidates for the vacant seat, coordinate the printing of over 600,000 ballots, and then mail out the overseas ballots by the forty fifth day prior to the General Election.

This bill moves the candidate filing deadline, for special vacancy elections, to the sixtieth day prior to the General Election. Currently, there is a vacancy in the Office of Hawaiian Affairs, which if this law is not changed, may likely result in the State not being able to comply with federal law.

Thank you for the opportunity to testify in support of House Bill No. 2181.



OFFICE OF THE COUNTY CLERK
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
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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. 2181
RELATING TO VACANCIES
MARCH 27, 2012

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. 2181. The purpose of this bill is to amend the deadline to file nomination papers to fill a vacancy in the membership of the Board of Trustees of the Office of Hawaiian Affairs.

In 2010, the National Defense Authorization Act for Fiscal Year 2010, P.L. 111-84, mandated the mailing of absentee ballots to uniformed and overseas voters no later than forty-five days prior to an election. For regularly scheduled elections, State law provides sufficient time between the end of the candidate filing process and the above-referenced deadline to permit election officials to design, print, and mail out ballots to uniformed and overseas voters.

However, with respect to filling a vacancy in the membership of the Board of Trustees of the Office of Hawaiian Affairs, current State law sets a nomination paper filing deadline that is only fifty days prior to the special election (to be held in conjunction with a General Election). The current fifty day time period gives election officials only five days to redesign the ballot to include the names of the candidates for the vacant seat, coordinate the printing of over 600,000 redesigned ballots, and then mail them out by the forty-fifth day prior to the General Election. The current fifty day time frame is too compressed.

Currently, there is a vacancy in the membership of the Board of Trustees of the Office of Hawaiian Affairs. The present bill extends the deadline for candidate filing to the sixtieth day prior to the General Election. This is a more reasonable time frame given the requirements of above-referenced federal law and the work to be accomplished by election officials.

Thank you for the opportunity to testify in support of House Bill No. 2181.

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**ELECTIONS DIVISION
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4386 RICE STREET, SUITE 101
LIHU'E, KAUAI, HAWAII 96766-1819**

**TESTIMONY OF
JADE K. FOUNTAIN-TANIGAWA
DEPUTY COUNTY CLERK, COUNTY OF KAUAI
TO THE SENATE COMMITTEE ON JUDICIARY AND LABOR
ON HOUSE BILL NO. 2181
RELATING TO VACANCIES
March 27, 2012**

Chair Hee and Committee Members:

Thank you for the opportunity to provide testimony in support of House Bill No. 2181. The purpose of this bill is to amend the deadline to file nomination papers for an election to fill a vacancy in the membership of the Board of Trustees of the Office of Hawaiian Affairs (OHA).

The earlier filing deadline established by House Bill No. 2181 will ensure that the official list of candidates is finalized early enough for ballots to be printed and mailed to uniformed and overseas voters no later than forty-five days prior to the election as mandated by the National Defense Authorization Act for Fiscal Year 2010, P.L. 111-84.

The bill will also amend related deadlines in Section 17-7, Hawai'i Revised Statutes so they conform to the amended deadline for filing nomination papers.

Thank you for the opportunity to submit testimony in support of House Bill No. 2181.

JADE K. FOUNTAIN-TANIGAWA
Deputy County Clerk