



**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. 2181
RELATING TO VACANCIES**

February 14, 2012

Chair Keith-Agaran and members of the House Committee on Judiciary, 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 which does not end at the next succeeding special election.

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 office not being able to comply with federal law.

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



HB2181
RELATING TO VACANCIES
House Committee on Judiciary

February 14, 2012

2:05 p.m.

Room: 325

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 is simply intended 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.

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 HOUSE COMMITTEE ON JUDICIARY

ON HOUSE BILL NO. 2181

RELATING TO VACANCIES

February 14, 2012

Chair Keith-Agaran and members of the House Committee on Judiciary, 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.

RICKY R. WATANABE
County Clerk

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**TESTIMONY OF
RICKY R. WATANABE
COUNTY CLERK, COUNTY OF KAUA'I
TO THE HOUSE COMMITTEE ON JUDICIARY
ON HOUSE BILL NO. 2181
RELATING TO VACANCIES
February 14, 2012**

Chair Keith-Agaran 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 as proposed in 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 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.

RICKY R. WATANABE
County Clerk