
A BILL FOR AN ACT

RELATING TO ELECTIONS.

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

1 SECTION 1. The legislature finds that the right to
2 vote is integral to the democratic process. Therefore, the
3 public must have confidence in the integrity of elections
4 procedures. Without such assurances, it will be difficult to
5 garner enthusiasm and increase voter turnout in the future. The
6 legislature further finds that the public's trust in the
7 government's ability to conduct fair and efficient voting
8 operations has been shaken, due to events that unfolded during
9 the 2012 elections. Polling places in Hawaii County delayed
10 their opening time due to polling place and operational issues;
11 some polling places on Oahu did not have enough paper ballots on
12 hand. As a result, voters were forced to stand in long lines
13 for an hour or more, discouraging some from exercising their
14 right to vote.

15 The purpose of this Act is to prevent such reoccurrences by
16 expanding the responsibilities of the elections commission to
17 more closely monitor the chief election officer and clarify the
18 duties of the chief election officer in monitoring elections.



1 SECTION 2. Chapter 11, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "§11- Staff for the elections commission. The elections
5 commission shall have the authority to hire employees to assist
6 the commission in the fulfillment of its duties under this
7 chapter."

8 SECTION 3. Section 11-1.6, Hawaii Revised Statutes, is
9 amended by amending subsection (g) to read as follows:

10 "(g) Before February 1, 2016, [The] the chief election
11 officer may be removed by the elections commission at any time
12 for good cause. After January 31, 2016, the chief election
13 officer shall serve at the pleasure of the elections
14 commission."

15 SECTION 4. Section 11-2, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "§11-2 Chief election officer; duties. (a) The chief
18 election officer shall supervise all state elections.

19 (b) The chief election officer may delegate
20 responsibilities in state elections within a county to the clerk
21 of that county [~~or~~] and to other specified persons[-], provided
22 that:



1 (1) If a clerk lacks prior election experience in handling
2 substantial delegated responsibilities of the chief
3 election officer, the chief election officer shall, at
4 a minimum, supervise elections within that county at a
5 heightened level of scrutiny;

6 (2) This subsection shall not be construed to limit the
7 authority of the chief election officer to intervene
8 in a clerk's preparations for elections; and

9 (3) This subsection shall not be construed to limit the
10 authority of the chief election officer to immediately
11 and completely revoke a clerk's delegated authority to
12 operate an election at any time.

13 ~~(b)~~ (c) The chief election officer shall be responsible
14 for the maximization of registration of eligible electors
15 throughout the State. In maximizing registration, the chief
16 election officer shall make an effort to equalize registration
17 between districts, with particular effort in those districts in
18 which the chief election officer determines registration is
19 lower than desirable. The chief election officer, in carrying
20 out this function, may make surveys, carry on house-to-house
21 canvassing, and assist or direct the clerk in any other area of
22 registration.



1 [~~(e)~~] (d) The chief election officer shall maintain data
2 concerning registered voters, elections, apportionment, and
3 districting. The chief election officer shall use this data to
4 assist the reapportionment commission provided for under Article
5 IV of the Constitution.

6 [~~(d)~~] (e) The chief election officer shall be responsible
7 for public education with respect to voter registration and
8 information.

9 (f) The chief election officer shall, in preparation for
10 elections, implement the use of a simple and unambiguous
11 checklist of required duties, to be utilized by all monitors of
12 the election.

13 [~~(e)~~] (g) The chief election officer shall adopt rules
14 governing elections in accordance with chapter 91."

15 SECTION 5. Section 11-7.5, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "**[[[§11-7.5]] Duties of the elections commission.** The
18 duties of the elections commission are to:

- 19 (1) Hold public hearings;
- 20 (2) Investigate and hold hearings for receiving evidence
21 of any violations and complaints;
- 22 (3) Adopt rules pursuant to chapter 91;



- 1 (4) Employ, without regard to chapter 76, a full-time
2 chief election officer, pursuant to section 11-1.6;
3 [and]
- 4 (5) Advise the chief election officer on matters relating
5 to elections[~~+~~]; and
- 6 (6) Maintain active oversight of the chief election
7 officer."

8 SECTION 6. Section 11-8.5, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "~~[[[~~**§11-8.5**~~]]]~~ **Elections review program.** (a) The
11 elections commission shall develop and implement an elections
12 review program [~~+~~] that shall:

- 13 (1) Review the operation and performance of elections;
- 14 (2) Make recommendations to the chief election officer on
15 methods to improve elections;
- 16 (3) Establish policies for the administration of an
17 elections observer program, to include ensuring the
18 validity and reliability of election results;
- 19 (4) Conduct a biennial evaluation of the operation of
20 elections[~~+~~], which shall include, among other
21 matters, summaries of the commission's observations of
22 the office of elections;



1 (5) Submit [~~the findings and recommendations from the~~
2 ~~biennial evaluation~~] to the legislature[~~7~~]:

3 (A) [not] Not less than twenty days prior to the
4 convening of each regular session held in odd-
5 numbered years[~~7~~], the findings and
6 recommendations from the biennial evaluation; and

7 (B) Not less than twenty days prior to the convening
8 of each regular session, information on the
9 status of any pending adoption of or amendments
10 to the administrative rules described in
11 paragraph (6); and

12 (6) Before July 1, 2014, [~~Adopt~~] adopt rules in accordance
13 with chapter 91 to carry out the purposes of this
14 section.

15 (b) The chief election officer shall comply with all
16 reasonable requests for assistance from the commission that are
17 useful or necessary for the commission's compliance with the
18 requirements of this section."

19 SECTION 7. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21 SECTION 8. If any provision of this Act, or the
22 application thereof to any person or circumstance, is held

1 invalid, the invalidity does not affect other provisions or
 2 applications of the Act that can be given effect without the
 3 invalid provision or application, and to this end the provisions
 4 of this Act are severable.

5 SECTION 9. This Act shall take effect on July 1, 2013.

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Report Title:

Elections; Elections Commission; Chief Election Officer

Description:

Expands the responsibilities of the elections commission to more closely monitor the chief election officer. Clarifies the duties of the chief election officer in monitoring elections.

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