

JAN 24 2013

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# A BILL FOR AN ACT

RELATING TO THE ELECTIONS COMMISSION.

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

1           SECTION 1. Section 11-1, Hawaii Revised Statutes, is  
2 amended by amending the definition of "chief election officer"  
3 to read as follows:

4           "Chief election officer" [7] means the individual  
5 [~~appointed by the elections commission~~] nominated and, by and  
6 with the advice and consent of the senate, appointed by the  
7 governor pursuant to section 11-1.6 to supervise state  
8 elections."

9           SECTION 2. Section 11-1.5, Hawaii Revised Statutes, is  
10 amended to read as follows:

11           "**§11-1.5 Office of elections established.** [-(a)] There is  
12 established an office of elections to provide support to the  
13 chief election officer. The office shall be placed within the  
14 department of accounting and general services for administrative  
15 purposes. The chief election officer shall be the administrator  
16 of the office of elections. Except for exercising the right to  
17 vote, the full-time employees of the office of elections shall



1 not support, advocate, or aid in the election or defeat of any  
2 candidate for public office.

3 ~~[(b) The office of elections shall provide staff support~~  
4 ~~to the elections commission, as requested by the elections~~  
5 ~~commission.] "~~

6 SECTION 3. Section 11-1.6, Hawaii Revised Statutes, is  
7 amended as follows:

8 1. By amending subsection (a) to read:

9 "(a) The chief election officer shall be appointed by the  
10 ~~[elections commission,]~~ governor and subject to the advice and  
11 consent of the senate, without regard to chapter 76. ~~[The~~  
12 ~~appointment shall not be subject to the advice and consent of~~  
13 ~~the senate.]~~ In the event of a vacancy, the ~~[elections~~  
14 ~~commission]~~ governor shall ~~[meet]~~ expeditiously ~~[to]~~ select and  
15 appoint a new chief election officer to serve the remainder of  
16 the unexpired term~~[-]~~, subject to the advice and consent of the  
17 senate."

18 2. By amending subsections (f) and (g) to read:

19 "(f) The chief election officer may petition the  
20 ~~[elections commission]~~ governor for reappointment. The  
21 ~~[elections commission]~~ governor may reappoint an incumbent chief  
22 election officer based on the performance of the chief election



1 officer[-]; provided that the reappointment shall be subject to  
2 the advice and consent of the senate. The [elections  
3 ~~commission~~] governor may authorize the chief election officer to  
4 hold office until a successor is appointed.

5 (g) The chief election officer may be removed by the  
6 [~~elections commission~~] governor at any time for good cause."

7 SECTION 4. Section 11-7, Hawaii Revised Statutes, is  
8 repealed.

9 ~~["§11-7] Elections commission. (a) There is established~~  
10 ~~an elections commission within the department of accounting and~~  
11 ~~general services for administrative purposes. The elections~~  
12 ~~commission shall consist of nine members who shall be selected~~  
13 ~~as follows:~~

14 ~~(1) The president of the senate shall select two elections~~  
15 ~~commission members;~~

16 ~~(2) The speaker of the house of representatives shall~~  
17 ~~select two elections commission members;~~

18 ~~(3) The senators belonging to a party or parties different~~  
19 ~~from the president of the senate shall designate one~~  
20 ~~senator to select two elections commission members;~~

21 ~~(4) The representatives belonging to a party or parties~~  
22 ~~different from the speaker of the house of~~



1           ~~representatives shall designate one representative to~~  
2           ~~select two elections commission members, and~~

3           ~~(5) One member, who shall serve as chairperson of the~~  
4           ~~elections commission, shall be selected by the members~~  
5           ~~of the elections commission selected pursuant to~~  
6           ~~paragraphs (1) to (4);~~

7           ~~provided that each group of four elections commission members~~  
8           ~~selected by each house shall include one elections commission~~  
9           ~~member from each of the four counties.~~

10           ~~(b) The chairperson of the elections commission under~~  
11           ~~subsection (a) (5) shall be selected by a two thirds vote.~~

12           ~~(c) A vacancy in the elections commission shall be filled~~  
13           ~~in the same manner as the original appointment as specified in~~  
14           ~~subsection (a) within fifteen days. A vacancy in the elections~~  
15           ~~commission shall be filled with a person from the same county as~~  
16           ~~the departing elections commission member. Elections commission~~  
17           ~~member vacancies not filled within the times specified shall be~~  
18           ~~filled promptly thereafter by the chief justice of the supreme~~  
19           ~~court.~~

20           ~~(d) The elections commission shall act by majority vote of~~  
21           ~~its membership and shall establish its own procedures, except as~~  
22           ~~may be provided by law.~~



1       ~~(e) Notwithstanding section 26-34, elections commission~~  
2 ~~member appointments shall not be subject to senatorial~~  
3 ~~confirmation.~~

4       ~~(f) The term of the elections commissioners shall be four~~  
5 ~~years, except that with respect to the terms of the initial~~  
6 ~~elections commission members, one member selected from each of~~  
7 ~~subsection (a)(1) to (4) shall serve for a term of two years.~~

8       ~~(g) The elections commissioners shall serve without~~  
9 ~~compensation, but shall be reimbursed for reasonable expenses,~~  
10 ~~including travel expenses, necessary for the performance of~~  
11 ~~their duties." ]~~

12       SECTION 5. Section 11-7.5, Hawaii Revised Statutes, is  
13 repealed.

14       ~~["~~§11-7.5~~ Duties of the elections commission. The~~  
15 ~~duties of the elections commission are to:~~

- 16       ~~(1) Hold public hearings;~~  
17       ~~(2) Investigate and hold hearings for receiving evidence~~  
18       ~~of any violations and complaints;~~  
19       ~~(3) Adopt rules pursuant to chapter 91;~~  
20       ~~(4) Employ, without regard to chapter 76, a full-time~~  
21       ~~chief election officer, pursuant to section 11-1.6;~~  
22       and



1       ~~(5) Advise the chief election officer on matters relating~~  
2           ~~to elections." ]~~

3           SECTION 6. Section 11-8, Hawaii Revised Statutes, is  
4 repealed.

5           ~~["~~§11-8~~ Elections commission; political activities. (a)~~  
6 ~~No elections commission member shall take an active part in~~  
7 ~~political management or in political campaigns.~~

8           ~~(b) Each elections commission member shall retain the~~  
9 ~~right to:~~

10          ~~(1) Register and vote as the elections commission member~~  
11           ~~chooses in any election;~~

12          ~~(2) Participate in the nonpartisan activities of a civic,~~  
13           ~~community, social, labor, or professional~~  
14           ~~organization, or of a similar organization;~~

15          ~~(3) Be a member of a political party or other political~~  
16           ~~organization and participate in its activities to the~~  
17           ~~extent consistent with law;~~

18          ~~(4) Make a financial contribution to a political party or~~  
19           ~~organization;~~

20          ~~(5) Serve as an election judge or clerk or in a similar~~  
21           ~~position to perform nonpartisan election duties, as~~  
22           ~~prescribed by law; and~~



1       ~~(6) Otherwise participate fully in public affairs, except~~  
2       ~~as prohibited by law, in a manner which does not~~  
3       ~~materially compromise the elections commission~~  
4       ~~member's efficiency or integrity as an elections~~  
5       ~~commission member or the neutrality, efficiency, or~~  
6       ~~integrity of the elections commission.~~

7       ~~(c) An elections commission member may request an advisory~~  
8       ~~opinion from the state ethics commission to determine whether a~~  
9       ~~particular activity constitutes or would constitute a violation~~  
10      ~~of the code of ethics or this section." ]~~

11       SECTION 7. Section 11-8.5, Hawaii Revised Statutes, is  
12      repealed.

13       ~~["~~§11-8.5~~ Elections review program. The elections~~  
14      ~~commission shall develop and implement an elections review~~  
15      ~~program to:~~

- 16       ~~(1) Review the operation and performance of elections;~~  
17       ~~(2) Make recommendations to the chief election officer on~~  
18       ~~methods to improve elections;~~  
19       ~~(3) Establish policies for the administration of an~~  
20       ~~elections observer program, to include ensuring the~~  
21       ~~validity and reliability of election results;~~



- 1       ~~(4) Conduct a biennial evaluation of the operation of~~
- 2           ~~elections;~~
- 3       ~~(5) Submit the findings and recommendations from the~~
- 4           ~~biennial evaluation to the legislature, not less than~~
- 5           ~~twenty days prior to the convening of each regular~~
- 6           ~~session held in odd numbered years; and~~
- 7       ~~(6) Adopt rules in accordance with chapter 91 to carry out~~
- 8           ~~the purposes of this section." ]~~

9           SECTION 8. Section 11-9, Hawaii Revised Statutes, is  
10 repealed.

11           ~~[ " §11-9 Exemptions. The elections commission shall be~~  
12 ~~exempt from section [26-35(a)(1), (4), and (5)] and shall:~~

- 13       ~~(1) Make direct communications with the governor and~~
- 14           ~~legislature;~~
- 15       ~~(2) Make all decisions regarding employment, appointment,~~
- 16           ~~promotion, transfer, demotion, discharge, and job~~
- 17           ~~descriptions of all officers and employees of or under~~
- 18           ~~the jurisdiction of the elections commission without~~
- 19           ~~the approval of the comptroller; and~~
- 20       ~~(3) Purchase all supplies, equipment, or furniture without~~
- 21           ~~the approval of the comptroller.~~





# S.B. NO. 1333

1       ~~The elections commission shall follow all applicable~~  
 2 ~~personnel laws." ]~~

3       SECTION 9. Statutory material to be repealed is bracketed  
 4 and stricken. New statutory material is underscored.

5       SECTION 10. This Act shall take effect upon its approval.

6

INTRODUCED BY: Michelle Kadani

*[Handwritten signatures]*  
 [Signature 1]  
 [Signature 2]  
 [Signature 3]  
 [Signature 4]  
 [Signature 5]



# S.B. NO. 1333

**Report Title:**

Elections; Elections Commission; Chief Election Officer

**Description:**

Repeals the establishment, duties, and responsibilities of the elections commission. Amends the appointment, reappointment, and removal requirements relating to the chief election officer.

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

