

Honolulu, Hawaii
February 15, 2013RE: H.B. No. 1027
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1027 entitled:

"A BILL FOR AN ACT RELATING TO ELECTIONS,"

begs leave to report as follows:

The purpose of this measure is to provide protections to voters requiring assistance in the completion of their ballots by:

- (1) Specifying that voters requiring assistance in completing an absentee ballot shall not be assisted by the voter's employer, voter's union, or any candidate that is listed on the absentee ballot, including the provision of voter fraud penalties for these violations;
- (2) Providing that special elections conducted by mail are subject to the same requirement as absentee ballots;
- (3) Requiring that absentee voters affirm by signature that the ballot was completed in secrecy and without influence from others;
- (4) Requiring that absentee ballots contain information regarding election fraud, voter fraud, and related penalties; and
- (5) Requiring that all absentee ballots be kept by the county clerk for a certain period of time and be deemed



government records as defined in section 92F-3, Hawaii Revised Statutes.

The Department of the Prosecuting Attorney of the City and County of Honolulu, Common Cause Hawaii, IMU Alliance, and numerous individuals testified in support of this measure. The State of Hawaii Office of Elections, the Office of the City Clerk of the City and County of Honolulu, Kauai County Clerk, Maui County Clerk, and the League of Women Voters of Hawaii provided comments on this measure.

Your Committee encourages the Department of the Attorney General to investigate any allegation of election fraud under section 11-139, Hawaii Revised Statutes, in an expeditious manner.

Your Committee has amended this measure by:

- (1) Deleting the new section proposed in chapter 15, Hawaii Revised Statutes, for purposes of consistency;
- (2) Amending section 11-139, Hawaii Revised Statutes, to effectuate the intent of the deleted proposed section, including the addition of voter fraud penalties for employers, agents of employers, agents of the voter's union, or candidates for office, who improperly assist voters in the completion of the voter's ballot;
- (3) Removing provisions requiring that all absentee ballots be deemed government records as defined in section 92F-3, Hawaii Revised Statutes; and
- (4) Specifying that special elections conducted by mail are subject to the same requirement as absentee ballots only in cases of voter assistance.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1027, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1027, H.D. 1, and be referred to the Committee on Finance.



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

Karl Rhoads

KARL RHOADS, Chair



