

STAND. COM. REP. NO. 542

Honolulu, Hawaii

FEB 28 2013

RE: S.B. No. 853
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred S.B. No. 853 entitled:

"A BILL FOR AN ACT RELATING TO THE ELECTIONS COMMISSION,"

begs leave to report as follows:

The purpose and intent of this measure is to specify that the Elections Commission is responsible for providing oversight of the Chief Election Officer.

Your Committee received testimony in support of this measure from Common Cause Hawaii and one individual. The Office of the County Clerk, County of Kauai and Office of the County Clerk, County of Maui submitted comments.

Your Committee finds that existing law allows the Elections Commission to hire and advise the Chief Election Officer but does not empower the Commission to take disciplinary action toward the Chief Election Officer, if necessary. This measure specifies that the Elections Commission is responsible for providing oversight of the Chief Election Officer.

Your Committee supports the intent of this measure but questions whether specifying that the Commission is responsible for oversight of the Chief Election Officer is duplicative of the Commission's responsibility to advise the Chief Election Officer.

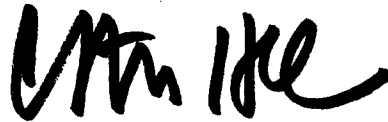
Accordingly, your Committee has amended this measure by deleting the language that specifies that the Elections Commission



is responsible for providing oversight of the Chief Election Officer and replacing it with language that requires the Commission to conduct a performance evaluation of the Chief Election Officer after each election and submit a written report of the evaluation to the Legislature within ninety days of the certification of the election results.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 853, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 853, S.D. 1, and be placed on the calendar for Third Reading.

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



CLAYTON HEE, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 853	Committee Referral: JDL	Date: 2-15-13		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile S.L. (VC)				✓
GABBARD, Mike	✓			
IHARA, Jr., Les	✓			
SLOM, Sam	✓			
TOTAL	4	—	—	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes