

LATE

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

KEITH M. KANESHIRO
PROSECUTING ATTORNEY

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
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ARMINA A. CHING
FIRST DEPUTY PROSECUTING ATTORNEY



THE HONORABLE SYLVIA LUKE, CHAIR
HOUSE COMMITTEE ON FINANCE
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawai'i

February 25, 2013

RE: H.B. 1027, H.D. 1; RELATING TO ELECTIONS.

Chair Luke, Vice Chair Nishimoto, Vice Chair Johanson, and members of the House Committee on Finance, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in support of H.B. 1027, H.D. 1.

The purpose of H.B. 1027, H.D. 1 is to:

1. Require absentee voters to affirm by signature that the ballot was completed in secrecy and without influence from others.
2. Require absentee ballots to include information regarding election fraud, voter fraud, and related penalties.
3. Prohibit employers, unions, and candidates or their agents from assisting voters with completing absentee ballots.
4. Subject special elections by mail to the same requirements as for absentee ballots.

The Department of the Prosecuting Attorney of the City and County of Honolulu discourages employers, unions, and candidates or their agents from assisting voters with completing absentee ballots. Such actions violate a citizen's right to vote on how he or she wishes, and could influence the outcome of an election.

For these reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu supports H.B. 1027, H.D. 1. Thank you for the opportunity to testify on this matter.

JEFFREY T. KUWADA
County Clerk



LANCE TAGUCHI
Deputy County Clerk

OFFICE OF THE COUNTY CLERK
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/county/clerk

LATE

TESTIMONY OF JEFFREY T. KUWADA
COUNTY CLERK, COUNTY OF MAUI
TO THE HOUSE COMMITTEE ON FINANCE
ON HOUSE BILL NO. 1027, HD 1
RELATING TO ELECTIONS

February 25, 2013

Chair Luke and members of the House Committee on Finance, thank you for the opportunity to offer comments on House Bill No. 1027, HD 1. The purpose of this measure is to require absentee voters to affirm by signature that their ballot was completed in secrecy and without influence from others; requires absentee ballots to include information regarding election fraud, voter fraud, and related penalties; prohibits employers, unions, and candidates or their agents from assisting voters with completing absentee ballots; and subjects special elections by mail to the same requirements as absentee ballots.

The Office of the County Clerk (Clerk's Office), County of Maui, provides the following information for the consideration of the committee.

The requirements of House Bill No. 1027, HD 1, will increase the cost of administering elections.

The insertion of an affirmation and "materials summarizing the provisions in sections 19-3, 19-3.5, 19-4, and 19-6" into the absentee envelope will increase the amount of postage required to mail out the ballots and, in our view, distract voters from the actual ballot/voting process.

Due to the provisions of the Voting Rights Act and the U.S. Census Bureau (42 USC 1973aa-1a), Maui County is required to translate voting materials into Ilocano. Maui County will incur additional cost for translation services to translate the summary materials.

Testimony for HB 1027, HD 1
February 25, 2013
Page 2

With respect to the requirement that the county clerks provide absentee voters with “materials summarizing the provisions in sections 19-3, 19-3.5, 19-4, and 19-6”, the Clerk’s Office demurs. The Clerk’s Office envisions that it will encounter great difficulty drafting a summary that will not be objectionable.

With respect to voters needing assistance to vote, Hawaii law is already consistent with federal law by allowing the voter needing assistance to designate a person of the voter’s choice, other than the voter’s employer or agent of that employer or agent of the voter’s union, or the voter may receive assistance at the polling place by two precinct officials of different parties. HRS § 11-139.

Thank you for the opportunity to offer comments on House Bill No. 1027, HD 1.

RICKY R. WATANABE
County Clerk

Telephone: (808) 241-4800
TTY: (808) 241-5116



JADE K. FOUNTAIN-TANIGAWA
Deputy County Clerk

Facsimile: (808) 241-6207
E-mail: elections@kauai.gov

**ELECTIONS DIVISION
OFFICE OF THE COUNTY CLERK**
4386 RICE STREET, SUITE 101
LĪHU'Ē, KAUA'I, HAWAII 96766-1819

LATE

TESTIMONY OF RICKY R. WATANABE
COUNTY CLERK, COUNTY OF KAUA'I
TO THE HOUSE COMMITTEE ON FINANCE
ON HOUSE BILL NO. 1027, HD 1
RELATING TO ELECTIONS
February 25, 2013

Chair Luke and Committee Members:

Thank you for the opportunity to testify on House Bill No. 1027, HD 1. The purpose of this bill is to require absentee voters to affirm by signature that the ballot was completed in secrecy and without influence from others; requires absentee ballots to include information regarding election fraud, voter fraud, and related penalties; prohibits employers, unions, and candidates or their agents from assisting voters with completing absentee ballots; and subjects special elections by mail to the same voter assistance requirements as for absentee ballots.

Our office takes no position on the Bill but wishes to offer comments concerning various provisions and their impact to our office and operations.

We note that HRS § 11-139 already incorporates provisions in federal law (USC 42 § 1973aa-6) which prohibits a voter's employer or agent of that employer or officer or agent of the voter's union from assisting a voter in need so we are concerned that provisions of the Bill may conflict with federal law.

Additionally, given earlier attempts to include additional information on the absentee ballot, we believe that it will be an administrative and financial challenge to implement proposed provisions requiring the summarization of election fraud and voter fraud, and related penalties.

Thank you for this opportunity to testify on House Bill No. 1027, HD 1.

RICKY R. WATANABE
County Clerk



LATE

House Judiciary Committee
Chair Karl Rhoads, Vice Sharon Har

Thursday 02/14/13 at 02:00PM in Room 325
HB1027– Relating to Elections

TESTIMONY
Carmille Lim, Executive Director, Common Cause Hawaii

Dear Chair Rhoads, Vice Chair Har, and members of the House Judiciary Committee:

Common Cause Hawaii supports HB1027. This bill would establish several precautionary measures to help deter voter fraud and voter coercion, such as: requiring absentee voters to affirm by signature that the ballot was completed in secrecy and without influence from others; requiring absentee ballots to include information on election and voter fraud, and related penalties; prohibiting employers, unions, and candidates from assisting voters with completing absentee ballots.

In light of the Governor’s intent to move Hawaii to an all-mail voting system, we must ensure that further measures are taken to not only prevent voter fraud, but that unknowing citizens are aware of what voter fraud entails, and what its penalties are.

Common Cause Hawaii supports HB1027, but has the following suggestions:

- **Section 1:** We suggest the *addition* of: (4) a member of a noncandidate committee, or a member of a political candidate’s campaign during the current election cycle

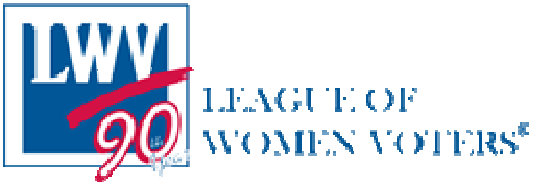
Currently, Section 1 lists three types of persons who should not assist a voter in completing her/his absentee ballot.

While the HB1027’S proposed Section 1 includes the “and their agents,” we believe that language is not strong enough to specifically indicate that members of a political candidate’s campaign committee should not be assisting should not be assisting a voter in completing an absentee ballot.

- **Section 3:** We suggest *eliminating* the first proposed line in Section 3 from the bill (which would require voters to affirm by signature that the ballot was completed in secrecy and without influence from others). *We feel that the proposed provision is confusing and unnecessary.*
- **Section 3:** We recommend that the second proposed line (which proposes the inclusion of information regarding election fraud, voter fraud, and related penalties) *be made available in multiple foreign language translations* consistent with the other languages for which elections materials are printed in.

Voter intimidation and coercion can happen both in in-person polling places as well as in vote-by-mail. It is up to us, and the Legislature, to ensure that we address this, and establish precautionary measures to prevent and minimize voter coercion in future elections.

Thank you for the opportunity to testify in support of HB1027.



LATE

League of Women Voters of Hawaii

49 South Hotel Street, Room 314 | Honolulu, HI 96813
www.lwv-hawaii.com | 808.531.7488 | voters@lwvhawaii.com

COMMITTEE ON FINANCE

Rep. Sylvia Luke, Chair, Rep. Scott Nishimoto and Rep. Aaron Ling Johanson, Vice Chairs

Monday, February 25, 2013, 1:30 p.m. Conference Room 308

HB1027, HD 1 Relating to Elections

REVISED TESTIMONY

Marian Wilkins, Legislative Committee Member, League of Women Voters of Hawaii

Chair Luke, Vice-Chairs Nishimoto and Johanson and Committee Members:

The League of Women Voters of Hawaii strongly supports HB1027, HD1. The bill prohibits employers, unions, and candidates or their agents from assisting voters with completing ballots, both at polling places and in absentee voting.

It is especially important for absentee voting, adding additional safeguards to preserve the integrity of the ballot used in absentee voting and elections by mail, to insure fairness to all voters, and to minimize the opportunity for fraud. It is the League of Women Voters of Hawaii's strong recommendation that our State move to more modern elections administration by 2016, adopting a vote-by-mail program statewide, which makes the precautions described in this measure especially timely. But since many voters in Hawaii are already using absentee ballots, we support the July 1, 2013 effective date for implementation of this bill.

On page 3, line 19, the bill requires that "the clerk provide the absentee voter with the ballots, ballot envelope and a return envelope that shall contain a statement to be subscribed by the voter that affirms the fact that the voter is the person voting and that the voter's employer or agent, agent of the voter's union, or any candidate listed on the ballot did not assist the voter." The League does not believe this statement should appear on the ballot itself, and suggests the wording of the measure make it clear that this affirmation statement should be on the return envelope. We think this was the intent in the



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WOMEN VOTERS®

League of Women Voters of Hawaii

49 South Hotel Street, Room 314 | Honolulu, HI 96813

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Committee's report. We concur with the penalties for violation of this measure. Thank you for the opportunity to testify.

JO-ANN M. ADAMS, ATTORNEY AT LAW

LAW OFFICES OF JO-ANN M. ADAMS, LLLC
P. O. BOX 75472, HONOLULU, HI 96836
TELEPHONE (808) 528-2100 ~ FACSIMILE: (866) 370-0259 ~ E-MAIL: JADAMSESQ@AOL.COM

LATE

TO THE COMMITTEE ON JUDICIARY

Chair: Rep. Sylvia

Vice Chairs: Reps. Scott Y. Nishimoto and Aaron Ling Johanson

Committee Members: (Reps. Cullen, Hashem, Ing, Jordan, Kobayashi, Lowen, Morikawa, Onishi, Takayama, Tokioka, Woodson, Yamashita, Fukumoto and Ward

IN SUPPORT OF HB1027

I have a talk show on 'Olēlo. I devoted much of 2012 encouraging new people to run for elective office. A appeared as a guest. In the primary, A narrowly lost. Before sending a comforting and encouraging e-mail, I analyzes the election results:

A Votes	B Votes	Precinct #1	A % Votes	B % Votes
232	126	Voted at Polling Place	64.80%	35.20%
20	8	Walk-in	71.43%	28.57%
154	153	Mail	50.16%	49.84%
Precinct #2				
167	143	Voted at Polling Place	53.87%	46.13%
25	20	Walk-in	55.56%	44.44%
243	685	Mail	26.19%	73.81%
Precinct #3				
7	1	Voted at Polling Place	87.50%	12.50%
1	0	Walk-in	100.00%	0.00%
7	1	Mail	87.50%	12.50%
Precinct #4				
147	61	Voted at Polling Place	70.67%	29.33%
11	4	Walk-in	73.33%	26.67%
102	34	Mail	75.00%	25.00%
1116	1236	Total	68.00%	32.00%
873	551	Without #2 Mail	71.80%	28.20%

The results were consistently in favor of A, except one reporting district. The mail-in ballots for Precinct #2 were roughly the same percentage as the other reporting districts - only reversed. My initial thought was, "The totals must have been posted incorrectly."

I notified A of a potential posting error. Her response caused me to dig further. I found: 1) it was common knowledge of a longstanding practice that B "assisted" senior voters in completing mail-in ballots; 2) this district included many immigrants; 3) these immigrants came from a part of the world where to report election irregularities could be fatal; 4) voters were hesitant to come forward (as reported by CIVIL BEAT).

On behalf, not only of aspiring candidates, but all immigrant voters, please pass this bill! It is crucial to our form of government that elections are open and fair. Therefore, it is imperative that the legislature respond swiftly when abuse is uncovered. This bill has little or no financial impact and should, therefore, be approved by this committee on that basis.

Thank you for your consideration!
Jo-Ann M. Adams, Esq.

Testimony in Support of HB1027 HD1, Relating to Elections
House Committee on Finance

LATE

DATE: Sunday, February 24, 2013

TO: Rep. Sylvia Luke, Chair
Rep. Scott Y. Nishimoto, Vice Chair
Rep. Aaron Ling Johanson, Vice Chair
House Committee on Finance

RE: Testimony in SUPPORT of House Bill 1027 House Draft 1, Relating to Elections
Hearing on Monday, February 25, 2013 at 1:30 PM in Room 308

Dear Chair Luke, Vice Chair Nishimoto, Vice Chair Johanson, and Members of the Committee:

My name is Geoff Jones and I **support HB1027 HD1**, which was amended and strengthened by the House Committee on Judiciary.

With the Governor's request to move to an all-mail voting system, we must build stronger internal controls to safeguard our democracy. **HB1027 HD1** begins to address our historical and very real issues of voter intimidation and voter fraud.

If we are to believe that the election process is worth having, then it is incumbent upon the Legislature to protect that process now.

Thank you for allowing me to testify in **SUPPORT of HB1027 HD1**.

Sincerely,

Geoff Jones
Voter and Concerned Citizen

Testimony in Support of HB1027 HD1, Relating to Elections
House Committee on Finance

LATE

DATE: Monday, February 25, 2013

TO: Rep. Sylvia Luke, Chair
Rep. Scott Y. Nishimoto, Vice Chair
Rep. Aaron Ling Johanson, Vice Chair
House Committee on Finance

RE: Testimony in SUPPORT of House Bill 1027 House Draft 1, Relating to Elections
Hearing on Monday, February 25, 2013 at 1:30 PM in Room 308

Dear Chair Luke, Vice Chair Nishimoto, Vice Chair Johanson, and Members of the Committee:

My name is Pearl Velasco and I **support HB1027 HD1**, which was amended and strengthened by the House Committee on Judiciary.

With the Governor's request to move to an all-mail voting system, we must build stronger internal controls to safeguard our democracy. HB1027 HD1 begins to address our historical and very real issues of voter intimidation and voter fraud.

If we are to believe that the election process is worth having, then it is incumbent upon the Legislature to protect that process now.

Thank you for allowing me to testify in **SUPPORT of HB1027 HD1**.

Sincerely,

Pearl Velasco

Testimony in Support of HB1027 HD1, Relating to Elections
House Committee on Finance

LATE

DATE: Monday, February 25, 2013

TO: Rep. Sylvia Luke, Chair
Rep. Scott Y. Nishimoto, Vice Chair
Rep. Aaron Ling Johanson, Vice Chair
House Committee on Finance

RE: Testimony in SUPPORT of House Bill 1027 House Draft 1, Relating to Elections
Hearing on Monday, February 25, 2013 at 1:30 PM in Room 308

Dear Chair Luke, Vice Chair Nishimoto, Vice Chair Johanson, and Members of the Committee:

My name is Kiaaina Velasco and I **support HB1027 HD1**, which was amended and strengthened by the House Committee on Judiciary.

With the Governor's request to move to an all-mail voting system, we must build stronger internal controls to safeguard our democracy. HB1027 HD1 begins to address our historical and very real issues of voter intimidation and voter fraud.

If we are to believe that the election process is worth having, then it is incumbent upon the Legislature to protect that process now.

Thank you for allowing me to testify in **SUPPORT of HB1027 HD1**.

Sincerely,

Kiaaina Velasco

FINTestimony

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 24, 2013 6:58 PM
To: FINTestimony
Cc: Brenda.Abe@gmail.com
Subject: Submitted testimony for HB1027 on Feb 25, 2013 13:30PM
Attachments: NicoleVelasco_WP.pdf

HB1027

Submitted on: 2/24/2013

Testimony for FIN on Feb 25, 2013 13:30PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Brenda Abe	Individual	Comments Only	No

Comments: Sylvia - Hope you'll be able to pass this bill, it will help Hawaii's credibility concerning elections. Thanks, Brenda

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Dear Family and Friends,

My name is Nicole Velasco and I would like to serve you as State Representative in District 30.

I grew up and still live in our district with my parents Kevin and Jeri Velasco. When my great-grandparents moved to Kalihi in 1937, life hinged on two things: hard work and the community. For our future, I bring new energy to our traditions of hard work and caring for each other.

Education is important to my family. This is the same for me as it was for my grandfather, John Evangelista Velasco, Jr., a star athlete at Farrington High School and former football coach at Radford High School.

After working in California and New York, I returned home to work for Hawaii's future. I served in the House Finance Committee as a research analyst during the 2011 Session. I continued building my knowledge of state affairs as an analyst for Marion Higa at the Hawaii State Office of the Auditor.

For our future, I seek to improve the education of our keiki, support local businesses and jobs, and provide a safe place to live. Let's work together to create a better Hawaii.

I have the work ethic, skills, and ideas to do the job. I am asking for your vote so I can work with you to achieve our goals. Together we will create a better Hawaii for our elders, our keiki, and for our future.

Sincerely,



STATE HOUSE



FOR OUR FUTURE

FOR OUR FUTURE

Experience

Hawaii State Office of the Auditor

Hawaii State House of Representatives - Finance

Ear Goo, Inc., New York, NY

Google Inc., Mountain View, CA

Education

UH Manoa, Master's in
Education candidate

Princeton University,
B.A. in English

Punahou School

Community

Member - Filipino
Chamber of
Commerce
of Hawaii

Coach - Farrington
High School

Volunteer - Lanakila
Meals on Wheels



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Testimony in Support of HB1027 HD1, Relating to Elections
House Committee on Finance

LATE

HB1027

Submitted on: 2/25/2013

Testimony for FIN on Feb 25, 2013 13:30PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Tiffany Aoyama	Individual	Support	No

Comments: Thank you for hearing this bill Chair Luke and Vice Chair Nishimoto.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

DATE: Monday, February 25, 2013

TO: Rep. Sylvia Luke, Chair
Rep. Scott Y. Nishimoto, Vice Chair
Rep. Aaron Ling Johanson, Vice Chair
House Committee on Finance

RE: Testimony in SUPPORT of House Bill 1027 House Draft 1, Relating to Elections
Hearing on Monday, February 25, 2013 at 1:30 PM in Room 308

Dear Chair Luke, Vice Chair Nishimoto, Vice Chair Johanson, and Members of the Committee:

My name is and I **support HB1027 HD1**, which was amended and strengthened by the House Committee on Judiciary.

With the Governor's request to move to an all-mail voting system, we must build stronger internal controls to safeguard our democracy. HB1027 HD1 begins to address our historical and very real issues of voter intimidation and voter fraud.

If we are to believe that the election process is worth having, then it is incumbent upon the Legislature to protect that process now.

Thank you for allowing me to testify in **SUPPORT of HB1027 HD1**.

Sincerely,

Testimony in Support of HB1027 HD1, Relating to Elections
House Committee on Finance

Testimony in Support of HB1027 HD1, Relating to Elections
House Committee on Finance

DATE: Monday, February 25, 2013

TO: Rep. Sylvia Luke, Chair
Rep. Scott Y. Nishimoto, Vice Chair
Rep. Aaron Ling Johanson, Vice Chair
House Committee on Finance

LATE

RE: Testimony in SUPPORT of House Bill 1027 House Draft 1, Relating to Elections
Hearing on Monday, February 25, 2013 at 1:30 PM in Room 308

Dear Chair Luke, Vice Chair Nishimoto, Vice Chair Johanson, and Members of the Committee:

My name is Pualena Pakele and Cabot and I **support HB1027 HD1**, which was amended and strengthened by the House Committee on Judiciary.

With the Governor's request to move to an all-mail voting system, we must build stronger internal controls to safeguard our democracy. **HB1027 HD1** begins to address our historical and very real issues of voter intimidation and voter fraud.

If we are to believe that the election process is worth having, then it is incumbent upon the Legislature to protect that process now.

Thank you for allowing me to testify in **SUPPORT of HB1027 HD1**.

Sincerely,

Pualena Pakele & Cabot

Testimony in Support of HB1027 HD1, Relating to Elections
House Committee on Finance



DATE: Monday, February 24, 2013

TO: Rep. Sylvia Luke, Chair
Rep. Scott Y. Nishimoto, Vice Chair
Rep. Aaron Ling Johanson, Vice Chair
House Committee on Finance

RE: Testimony in SUPPORT of House Bill 1027 House Draft 1, Relating to Elections
Hearing on Monday, February 25, 2013 at 1:30 PM in Room 308

Dear Chair Luke, Vice Chair Nishimoto, Vice Chair Johanson, and Members of the Committee:

My name is Aaron Koseki, and I **support HB1027 HD1**, which was amended and strengthened by the House Committee on Judiciary. I support this bill because I believe there were some questionable mail voting returns in the past general election in several House districts.

With the Governor's request to move to an all-mail voting system, we must build stronger internal controls to safeguard our democracy. HB1027 HD1 begins to address our historical and very real issues of voter intimidation and voter fraud.

If we are to believe that the election process is worth having, then it is incumbent upon the Legislature to protect that process now.

Thank you for allowing me to testify in **SUPPORT of HB1027 HD1**.

Sincerely,

Aaron Koseki

Aaron Koseki
5315 Manuwea Street
Honolulu, HI 96821

Testimony in Support of HB1027 HD1, Relating to Elections
House Committee on Finance

LATE

DATE: Monday, February 25, 2013

TO: Rep. Sylvia Luke, Chair
Rep. Scott Y. Nishimoto, Vice Chair
Rep. Aaron Ling Johanson, Vice Chair
House Committee on Finance

RE: Testimony in SUPPORT of House Bill 1027 House Draft 1, Relating to Elections
Hearing on Monday, February 25, 2013 at 1:30 PM in Room 308

Dear Chair Luke, Vice Chair Nishimoto, Vice Chair Johanson, and Members of the Committee:

My name is Tiffany Aoyama and I stand in **strong support of HB1027 HD1**, which was amended and strengthened by the House Committee on Judiciary.

With the Governor's request to move to an all-mail voting system, we must build stronger internal controls to safeguard our democracy. HB1027 HD1 begins to address our historical and very real issues of voter intimidation and voter fraud.

If we are to believe that the election process is worth having, then it is incumbent upon the Legislature to protect that process now.

Thank you for allowing me to testify in **SUPPORT of HB1027 HD1**.

Sincerely,

Tiffany Aoyama

Testimony in Support of HB1027 HD1, Relating to Elections
House Committee on Finance

LATE

DATE: Monday, February 24, 2013

TO: Rep. Sylvia Luke, Chair
Rep. Scott Y. Nishimoto, Vice Chair
Rep. Aaron Ling Johanson, Vice Chair
House Committee on Finance

RE: Testimony in SUPPORT of House Bill 1027 House Draft 1, Relating to Elections
Hearing on Monday, February 25, 2013 at 1:30 PM in Room 308

Dear Chair Luke, Vice Chair Nishimoto, Vice Chair Johanson, and Members of the Committee:

I have had the privilege of knowing Nicole Velasco her whole life. She is an intelligent, hard working young lady with strong leadership qualities and integrity. She sincerely cares about people and her desire to enter the world of politics is simply to serve her community. I look forward with great anticipation when Nicole will be elected to do just that....serve her community and state.

In this past election, it was reported that Representative Cachola allegedly received absentee votes in an illegal fashion. It would be tragic if there is an ounce of truth to this allegation. Tragic because it put an elected official in office by illegal means as well as prevented a young lady with integrity her opportunity to serve.

I **support HB1027 HD1**, which was amended and strengthened by the House Committee on Judiciary because it would help prevent these illegal actions from happening as well as protect the good name of politicians, in general.

With the Governor's request to move to an all-mail voting system, we must build stronger internal controls to safeguard our democracy. HB1027 HD1 begins to address our historical and very real issues of voter intimidation and voter fraud.

If we are to believe that the election process is worth having, then it is incumbent upon the Legislature to protect that process now.

Thank you for allowing me to testify in **SUPPORT of HB1027 HD1**.

Sincerely,

David Eldredge

Testimony in Support of HB1027 HD1, Relating to Elections
House Committee on Finance

LATE

DATE: Monday, February 25, 2013

TO: Rep. Sylvia Luke, Chair
Rep. Scott Y. Nishimoto, Vice Chair
Rep. Aaron Ling Johanson, Vice Chair
House Committee on Finance

RE: Testimony in SUPPORT of House Bill 1027 House Draft 1, Relating to Elections
Hearing on Monday, February 25, 2013 at 1:30 PM in Room 308

Dear Chair Luke, Vice Chair Nishimoto, Vice Chair Johanson, and Members of the Committee:

My name is Brent M. A. Nakano and I **support HB1027 HD1**, which was amended and strengthened by the House Committee on Judiciary.

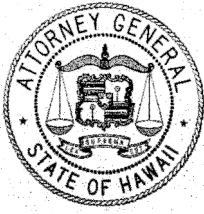
With the Governor's request to move to an all-mail voting system, we must build stronger internal controls to safeguard our democracy. HB1027 HD1 begins to address our historical and very real issues of voter intimidation and voter fraud.

If we are to believe that the election process is worth having, then it is incumbent upon the Legislature to protect that process now.

Thank you for allowing me to testify in **SUPPORT of HB1027 HD1**.

Sincerely,

Brent M. A. Nakano



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-SEVENTH LEGISLATURE, 2013**

ON THE FOLLOWING MEASURE:
H.B. NO. 1027, H.D. 1, RELATING TO ELECTIONS.

LATE

BEFORE THE:
HOUSE COMMITTEE ON FINANCE

DATE: Monday, February 25, 2013 **TIME:** 1:30 p.m.

LOCATION: State Capitol, Room 308

TESTIFIER(S): David M. Louie, Attorney General, or
Robyn B. Chun, Deputy Attorney General

Chair Luke and Members of the Committee:

The Attorney General has legal concerns about this bill.

With regards to voter assistance, the Voting Rights Act provides that “any voter who requires assistance to vote by reasons of blindness, disability, of inability to read or write may be given assistance by a person of the voter’s choice, other than the voter’s employer or agent of that employer or officer or agent of the voter’s union.” See 42 U.S.C. § 1973aa-6.

This bill provides in relevant part that, “[t]he voter’s employer or agent of that employer, agent of the voter’s union, or a candidate for any office that is listed on that ballot shall not provide assistance.” See page 1, lines 15-18. To the extent that this bill differs from, or is broader than, the federal law, it may be legally problematic.

On one hand, a court may view the bill as providing a disabled voter with more protection from coercion or corruption and therefore uphold the provision. Alternatively, a court may conclude that insofar as Congress has “occupied the field” in the Voting Rights Act, under the Supremacy Clause of the United States Constitution, states are preempted from enforcing laws contrary to, or different from, the federal law and on this basis, find the state law invalid.

For this reason, the Attorney General has legal concerns about this bill. Thank you for the opportunity to testify on this measure.