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LATE TESTIMONY

TESTIMONY OF RICKY R. WATANABE
COUNTY CLERK, COUNTY OF KAUA'I
TO THE SENATE COMMITTEE ON JUDICIARY AND LABOR
ON HOUSE BILL NO. 1027, HD 2
RELATING TO ELECTIONS
March 28, 2013

Chair Hee and Committee Members:

Thank you for the opportunity to testify on House Bill No. 1027, HD 2. The purpose of this Bill is to require absentee voters to affirm by signature that the ballot was completed 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 prohibitions 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 urge a careful review of efforts to prohibit candidates from rendering voting assistance since current federal law only prohibits a voter's employer or agent of that employer or officer or agent of the voter's union from assisting voters.

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 2.

RICKY R. WATANABE
County Clerk

hee2 - Kathleen

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, March 28, 2013 6:39 AM
To: JDLTestimony
Cc: matt_lopresti@yahoo.com
Subject: Submitted testimony for HB1027 on Mar 28, 2013 10:30AM

HB1027

Submitted on: 3/28/2013

Testimony for JDL on Mar 28, 2013 10:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Matthew LoPresti	Individual	Support	No

Comments: The passage of this bill is essential to maintaining the integrity of our elections. It should also be illegal for these individuals or groups to even be in the same room as a person filling out a mail-in ballot while any portion of it is being filled out. This will prevent the coercive activities that were widely reported on in the last election. Otherwise, candidates, groups or other individuals can still stand over people while they fill out their ballots. This intimidation, which can be done without overt words directions must be explicitly prohibited. Disallowing them to even be present while ballots are filled out is of paramount importance.

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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TO THE COMMITTEE ON JUDICIARY

Senator Clayton Hee, Chair

Senator Maile S. L. Shimabukuro, Vice Chair

Members of the Committee: Senators Les Ihara, Mike Gabbard and Sam Slom

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 e-mail, I decided to analyze the election results in detail. Here's what I found:

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 consistently favored A, except one reporting district - Precinct #2 Mail. If you removed Precinct #2 Mail, A would have won (approximately 70%-30%). In fact, 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 that there might be a 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 cost you your life; 4) voters were hesitant to come forward.

On behalf, of aspiring candidates and 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. If the attorney general is presented with evidence that a voter has been coerced through a sworn statement, the attorney general should determine if there is sufficient evidence to file an indictment.

Thank you for your consideration!

Jo-Ann M. Adams, Esq.