

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
LIHU'E, KAUA'I, HAWAII 96766-1819

TESTIMONY OF RICKY R. WATANABE
COUNTY CLERK, COUNTY OF KAUA'I
TO THE HOUSE COMMITTEE ON JUDICIARY
ON HOUSE BILL NO. 1195
RELATING TO ELECTIONS
February 7, 2013

Chair Rhoads and Committee Members:

Thank you for the opportunity to testify in opposition to House Bill No. 1195. This bill transfers the responsibility of supervising elections from the Office of Elections to the Office of the Lieutenant Governor, and eliminates the Office of Elections and the Elections Commission.

We are concerned that this Bill would do nothing to improve elections. To the contrary, we believe returning supervision of elections to the Office of the Lieutenant Governor will likely diminish the public's confidence in the integrity of the electoral process since the Lieutenant Governor would then be overseeing elections in which he/she is also a candidate.

While we agree that improvements to the current process are warranted, from our perspective, it seems more prudent to maintain the Office of Elections and Elections Commission model since both are somewhat autonomous entities impartially overseeing elections on behalf of all stakeholders. This model provides the best assurance that the electoral process is fair, open, honest and accessible for all.

Thank you for this opportunity to offer testimony opposing House Bill No. 1195.

RICKY R. WATANABE
County Clerk



OFFICE OF THE COUNTY CLERK

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

TESTIMONY OF JEFFREY T. KUWADA
COUNTY CLERK, COUNTY OF MAUI
TO THE HOUSE COMMITTEE ON JUDICIARY
ON HOUSE BILL NO. 1195
RELATING TO ELECTIONS

February 7, 2013

Chair Rhoads and members of the House Committee on Judiciary, thank you for the opportunity to testify on House Bill No. 1195. This measure proposes to transfer the responsibility of supervising elections from the office of elections to the office of the lieutenant governor; eliminating the office of elections and the elections commission.

The Office of the County Clerk, County of Maui, strongly opposes House Bill No. 1195.

An elected official should not manage, supervise, or be in a position to influence the conduct of elections. The planning and implementation of an election is an ongoing process that begins immediately following every election. The person charged with the responsibility of conducting fair, open, honest, and transparent elections must be dedicated to overseeing the many intricate details of elections without distractions, such as the duties of (partisan) elected office.

The current paradigm of Chief Election Officer answering to an Elections Commission is not broken. This is evidenced by the recent investigation and deliberative decision of the Elections Commission to retain the current Chief Election Officer.

Moreover, statutory safeguards exist; elections can be contested. Currently, there are statutory provisions that provide legal process to aggrieved persons who believe that an election was incorrectly administered. Although legal challenges occur following most elections, none have been sustained resulting in changed election results.

Thank you for the opportunity to testify in opposition to House Bill No. 1195.



House Judiciary (JUD) Committee
Chair Karl Rhoads, Vice Chair Sharon har

Thursday 02/07/13 at 02:02PM in Room 325
HB1195– Relating to Elections

TESTIMONY IN OPPOSITION
Carmille Lim, Executive Director, Common Cause Hawaii

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

Common Cause Hawaii opposes HB1195. This bill would transfer the responsibility of supervising elections from the Office of Elections, *back* to the Lieutenant Governor's office, thus eliminating the Office of Elections and the Elections Commission.

Years ago, the Office of Elections was housed under the Lieutenant Governor's office. This caused a conflict of interest concern because the office the Lieutenant Governor is a partisan and elected position. Good government organizations advocated for the establishment of an independent and autonomous authority to conduct the state elections and succeeded.

While Hawaii faced a number of elections-related dilemmas in the 2012 election, it is our understanding that the Office of Elections is already taking steps to remedy the problems that occurred to ensure that similar problems will not happen again.

Common Cause Hawaii believes that the strength of the Office of Elections lies in its leadership, as well as the processes set in place for conducting and facilitating elections. Therefore, *we recommend strengthening the Elections Commissions' oversight over the Chief Elections Officer, as well as specifying state and county responsibilities for conducting elections*, instead of eliminating the Office and the Commission.

Again, we strongly oppose returning the Office of Elections to the Lieutenant Governor's office – or having it housed under any elected executive office.

Thank you for the opportunity to testify in opposition to HB1195.



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 JUDICIARY

Rep. Karl Rhoads, Chair and Rep. Sharon E. Har, Vice-Chair

Thursday, February 07, 2013, 2:02 p.m, Conference Room 325

HB 1195, RELATING TO ELECTIONS,

TESTIMONY

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

Chair Rhoads, Vice-Chair Har, and Committee Members: The League of Women Voters of Hawaii strongly opposes HB 1195 which proposes to delete the definition of “Chief Elections Officer, “ from our State Elections Administration and move the current functions of the Chief Elections Officer to the Lieutenant Governor’s office, with supervision of elections provided by the Lieutenant Governor.

The person who runs Hawaii’s State and Federal elections should be nonpolitical and nonpartisan. Currently, Hawaii’s Chief Elections Officer is appointed by the state Elections Commission, and the appointment is not subject to the advice and consent of the Senate.

Under HRS Chapter 11, Part 11-1.6 the Chief Elections Officer is now specifically prohibited from supporting, advocating or aiding in the election or defeat of any candidate for public office. How would this be possible with an elected Lieutenant Governor overseeing the State elections operations? It wouldn’t.

The Chief Elections Officer should be nonpartisan and of demonstrated integrity, independence, and public credibility, and our current procedure for selecting and confirming a Chief Elections Officer is just that - designed to assure that the person is viewed by the major political parties as nonpartisan. The Elections Commission itself is composed of 2 members appointed by the Senate President, 2 members appointed by the Senate Minority Leader, 2 members appointed by the Speaker of the House. 2 members appointed by the House Minority Leader and 1 member selected by a two-thirds vote of the Elections Commission who serves as Chairperson. Political parties are well represented on the Commission, and together they settle on a Chief Elections Officer who is acceptable to the major political parties.



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What's happened recently in other states that use an elected official model for election administration? In Colorado, Secretary of State Scott Gessler declared his intent to "further the conservative agenda" and encouraged "True the Vote," a group of volunteer election watchers which aimed to gum up the works on Election Day by flooding polling places in several states with poll challengers. ¹

In Ohio, A federal appeals court on October 5, 2012 sided with the Democratic National Committee and the Ohio Democratic Party in their July 2012 lawsuit against Ohio and its Secretary of State Jon Husted over a restriction prohibiting many voters (except those covered by the Uniformed and Overseas Absentee Voter Act) from casting ballots on the final weekend before the November election. The state had argued that "local county boards of elections are too busy preparing for Election Day to accommodate early voters" and that "unique challenges faced by military service members and their families justify maintaining in-person early voting for them but not for other Ohio voters." ²

Such partisan entanglements undermine public confidence in and raise fundamental questions about the integrity of our elections. The right to vote is sacred to every American, and the people in charge of our elections should be in the business of protecting that right for everybody, regardless of their personal or political biases. The League of Women Voters believes Hawaii is taking a hard look at its elections administration to ensure the kind of voter confidence that flows naturally from truly nonpartisan elections. Let's not make our challenges worse by adding the entanglement of partisanship to the mix.

We urge you to hold this bill. Thank you for the opportunity to submit testimony.

¹ "True the Vote Barred From Ohio Polling Stations," Huffington Post, November 6, 2012.

² "Federal Court Upholds Ohio Early Voting Rule," Gregory Wallace and Bill Mears, CNN Politics Political Ticker, October 5, 2012.

har2-Vincent

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 06, 2013 12:30 PM
To: JUDtestimony
Cc: meacham.hawaii@gmail.com
Subject: Submitted testimony for HB1195 on Feb 7, 2013 14:02PM

HB1195

Submitted on: 2/6/2013

Testimony for JUD on Feb 7, 2013 14:02PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Larry Meacham	Individual	Oppose	No

Comments: Thank you the opportunity to submit testimony opposing HB 1195. We should not go back to failed policies of the past just because of one incident. In the past, the Office of Elections was under the Lieutenant Governor's Office and this caused inevitable concerns when the Lieutenant Governor was running for office. Setting up an independent Office of Elections was the solution for that, and it has generally worked very well. After the Office of Elections suffered problems with changes of leadership, budget cuts and redistricting that had to be done over because of a court case, there were problems of running out of ballots at several locations in the 2012 general election. However, the dedicated staff and leadership at the Office of Elections have always been committed to doing the best job possible, and one such mistake, albeit serious, should not lead to even more problems of coordination if the status of the Office were changed. I doubt such a problem will occur again, and we should leave them to their work without causing further disruption. Mahalo for your consideration. Larry Meacham 306B Lehua St Wahiawa, HI 96786 Tel. 621-8121

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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STEWART MAEDA
County Clerk



MAILE DAVID
Deputy County Clerk

OFFICE OF THE COUNTY CLERK

Elections Division
County of Hawaii
Hawaii County Building
25 Aupuni Street
Hilo, Hawaii 96720
www.hiloelec@co.hawaii.hi.us

TESTIMONY OF STEWART MAEDA
COUNTY CLERK, COUNTY OF HAWAI'I
TO THE HOUSE COMMITTEE ON JUDICIARY
ON HOUSE BILL NO. 1195
RELATING TO ELECTIONS
February 7, 2013

Chair Rhoads and Committee Members:

Thank you for the opportunity to testify on House Bill No. 1195. This bill proposes to transfer the responsibility of supervising elections from the Office of Elections to the Office of the Lieutenant Governor, eliminating the Office of Elections and the Elections Commission.

The Office of the County Clerk, County of Hawaii opposes House Bill No. 1195.

We have concerns with returning the supervision of elections to the Office of the Lieutenant Governor. Having an elected official administering the conduct of an election will again call into question the “politicization” of elections. Maintaining voter’s confidence is critical to the electoral process. Placing the operations of elections back into the Lieutenant Governor’s Office will raise the same concerns that initiated the creation of the Elections Commission and the Office of Elections.

The current model of having the Chief Election Officer answering to the Elections Commission serves as the best form in which to conduct fair, open and honest elections.

Thank you for the opportunity to testify in opposition to House Bill No. 1195

