



League of Women Voters of Hawaii

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

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COMMITTEE ON JUDICIARY

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

Friday, February 15, 2013 2:00 p.m. Conference Room 325
HB568, RELATING TO THE ELECTIONS COMMISSION

TESTIMONY

Janet Mason, Legislative Committee Member, League of Women Voters of Hawaii

Chair Rhoads, Vice-Chair Har, and Committee Members:

The League of Women Voters of Hawaii supports HB 568 which specifies the duty of the elections commission to provide oversight of the chief elections officer.

The League's mission – "Making Democracy Work" -- aims toward a fair and efficient election system for all eligible voters. In Hawaii we rely on the Election Commission to be "the eyes and ears of the public" concerning the management of the State's elections.

But the current duties of the Elections Commission do not include oversight of the Chief Election Officer. The duties provided under ACT 57 §11-C are as follows:

1. hold public hearings;
2. investigate and hold hearings for receiving evidence of any violations and complaints;
3. adopt rules pursuant to chapter 91;
4. employ, without regard to chapter 76, a full-time Chief Election Officer, pursuant to section 11-1.6; and
5. advise the Chief Election Officer on matters relating to elections.

Under Act 57 [§11-8.5] the Elections Commission must also maintain an "elections review program," including reviewing the operation and performance of elections; and making recommendations to the chief election officer on methods to improve elections.

So while the Commission can hire and advise the Chief Election Officer, missing from the normal staffing management process is any duty to provide oversight of the work of the Chief Election Officer and any duty to provide a performance appraisal for the Chief Election Officer (though some performance appraisal takes place as a matter of course during the election review the



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Commission conducts). Is the Chief Election Officer obligated to accept the advice of the Election Commission on other important matters, such as a pre-election staffing plan? This is not apparent.

From our observations over several years of regularly attending Elections Commission meetings, there is a good working relationship between the current Elections Commission and the employed Chief Election Officer. At its January 25, 2012 meeting, the Commission indicated their willingness to work more closely with the State's Chief Elections Officer, to help correct operational problems that occurred in the 2012 general elections. This is a step in the right direction. While it is true that the Elections Commission members are not professional elections managers, their management experience and dedication to the mission of the commission are valuable. They bring a "consumer" perspective to our elections planning.

The League of Women Voters believes providing ***oversight of the Chief Elections Officer*** is now an appropriate and necessary role for the Commission, whose duties do not now include this function. Oversight does not mean supervising the Chief Elections Officer on a day-to-day basis, but oversight means the Commission would provide general supervision of the Chief Elections Officer, and (importantly) be able to direct the Chief Elections Officer's work. In our opinion, this would also provide a more adequate and fair basis for appraisal of the work of the Chief Election Officer, than the less frequent review conducted after the elections.

Equally important the Elections Commission would learn more about whether our hard-working election officials and volunteers are getting the resources they need to make all our elections run smoothly, and whether the resources that are available -- voting machines, ballots, voter registration lists, polling places and poll workers -- are allocated properly and fairly.

When there is a particularly exciting election, high new voter registration rates, or population shifts, problems develop. We need to increase the total resources that go toward making our election system work, but we also need to ensure that those resources are distributed fairly and



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equitably. Hawaii need standards that aren't just based on the old patterns but take into account all eligible voters. This would improve the experience for voters and Election Day workers, as well as helping to reduce long lines and increase the efficient use of the resources we do have.

When President Obama gave his acceptance speech on election night, he pointed to some of the challenges that voters faced when casting their ballot earlier that day, saying "we have to fix that." We couldn't agree more, and we urge you to pass this bill. Thank you for the opportunity to submit testimony.



OFFICE OF THE COUNTY CLERK

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TESTIMONY OF

JEFFREY T. KUWADA, COUNTY CLERK, COUNTY OF MAUI

TO THE HOUSE COMMITTEE ON JUDICIARY

ON HOUSE BILL NO. 568

RELATING TO THE ELECTIONS COMMISSION

FEBRUARY 15, 2013

Chair Rhoads and members of the House Committee on Judiciary, thank you for the opportunity to offer comments on House Bill No. 568. The purpose of this bill is to specify the duty of the elections commission to provide oversight of the chief election officer.

The Office of the County Clerk (Clerk's Office), County of Maui, understands that this is a policy matter for the Legislature. However, the Clerk's Office respectfully questions the meaning of the word "oversight" in the text of this bill. The current statutory language already provides that the election commission shall "Advise the chief election officer on matters relating to elections."

It should be remembered that elections commissioners are not experts. Therefore, we believe the addition of an "oversight" provision is superfluous.

Thank you for the opportunity to comment on House Bill No. 568.

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County Clerk

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TESTIMONY OF RICKY R. WATANABE
COUNTY CLERK, COUNTY OF KAUA'I
TO THE HOUSE COMMITTEE ON JUDICIARY
ON HOUSE BILL NO. 568
RELATING TO THE ELECTIONS COMMISSION
February 15, 2013

Chair Rhoads and Committee Members:

Thank you for the opportunity to testify on House Bill No. 568. This Bill specifies the duty of the Elections Commission to provide oversight of the Chief Election Officer.

Our office takes no position on the Bill but offers comments relating to its potential impacts to our office and operations.

We understand the desire to establish oversight of the Chief Election Officer (CEO) but hopes that it does not interfere with the CEO's ability to effectively and efficiently perform his/her duties, especially those which support operations administered by the County Clerks on the neighbor islands.

Thank you for this opportunity to testify on House Bill No. 568.

RICKY R. WATANABE
County Clerk