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**TESTIMONY OF THE
CHIEF ELECTION OFFICER, OFFICE OF ELECTIONS
TO THE HOUSE COMMITTEE ON JUDICIARY
ON HOUSE BILL NO. 746
RELATING TO ELECTION OBSERVERS**

February 8, 2013

Chair Rhoads and members of the House Committee on Judiciary, thank you for the opportunity to testify on House Bill No. 746. The purpose of this bill is to specify the purposes of the Elections Observer Program and the duty of the Chief Election Officer to implement and maintain the program.

The Office of Elections notes that there is currently an Election Observer Program in place that serves to help ensure the integrity and security of our elections.

Specifically, HRS § 16-45, provides for official observers as part of the conduct of our elections. The official observers include representatives from political parties, media, and other interested groups or persons. We have always seen this law as essentially providing for the official observers to serve as the “eyes and ears” of the general public. This ensures the security and integrity of the ballot processing and tabulation system. As such, official observers are currently permitted, among other things, to do the following: (1) conduct logic and accuracy tests on the precinct and central counters; (2) observe counting center team operations as prescribed in rules and procedures; (3) conduct manual audits of counted ballots as requested by the Chief Election Officer or designated representative; and (4) monitor other election related activities as authorized by the Chief Election Officer or designated representative.

Given this background, the present bill replicates what has already been administratively occurring for decades in regard to the successful implementation and coordination of the Elections Observer Program by the county clerks, Office of Elections, and the official observers. As such, the office does not believe it necessary to put these provisions into law as the Election Observer Program has been and always shall be an integral part of Hawaii elections.

Thank you for the opportunity to testify on House Bill No. 746.

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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. 746
RELATING TO ELECTION OBSERVERS

February 8, 2013

Chair Rhoads and Committee Members:

Thank you for the opportunity to offer comments on House Bill No. 746. This Bill specifies the purposes of the elections observer program and the duty of the Chief Election Officer to implement and maintain the program.

Our office takes no position on the Bill but notes that pursuant to Hawai'i Revised Statutes § 16-45, Hawai'i already maintains a very sophisticated election observer program, which oversees the testing of all voting devices and vote tabulation equipment, and monitors the ballot counting and audit process on Election Day to ensure the accuracy of election results.

Additionally, Hawai'i election observers oversee the processing of absentee mail ballots; the duplication of damaged or defective ballots; and the securing and storage of voted ballots following tabulation and audit. Given this, it appears that the Bill is simply replicating what has administratively been in place for almost two decades.

Thank you for this opportunity to offer comments on House Bill No. 746.

RICKY R. WATANABE
County Clerk



House Judiciary Committee
Chair Karl Rhoads, Vice Chair Sharon Har

Friday 02/08/13 at 02:00PM in Room 325
HB746– Relating to Elections Observers

TESTIMONY OF SUPPORT
Carmille Lim, Executive Director, Common Cause Hawaii

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

Common Cause Hawaii supports HB746. This bill would specify specific duties of the Observers Program, and would elaborate on the existing observers program to include ballot-tabulating processes. It would also give the duty of implementing and maintaining the program to the Chief Election Officer.

While the existing – and independent -- Observers Program has been in place for more than 30 years, its roles and responsibilities has never been required by law. One way to ensure the mishaps of the 2012 elections don't repeat, is to recalibrate how elections are conducted, facilitated, and audited. We believe formally establishing the Observers Program and its roles and responsibilities is part of this larger recalibrating process.

HB746 would help safeguard the ballot-counting process for how our “hybrid” elections are currently set up (i.e., absentee and in-person voting), as well as for anticipated statewide vote-by-mail elections. In a vote-by-mail election model, independent oversight of the ballot-tabulation process would still be required in Counting Centers.

Thank you for the opportunity to testify in support of HB746.



League of Women Voters of Hawaii

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HOUSE COMMITTEE ON JUDICIARY
Rep. Karl Rhoads, Chair and Rep Sharon E. Har, Vice Chair

Friday, February 08, 2013, 2:00 p.m. , Conference Room 325

HB 746, RELATING TO ELECTION OBSERVERS

TESTIMONY

Janet Mason, Vice-President, League of Women Voters of Hawaii

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

The League of Women Voters of Hawaii strongly supports HB746 which specifies the purposes of the elections observer program sponsored by the Election Commission and the duty of the Chief Elections Officer to implement and maintain the program. While Section 11-8.5, Hawaii Revised Statutes, permits the Elections Commission to establish policies for administering such a program, it does not specify the duties of this Election Observer program. The League of Women Voters believes Election Observers are an essential safeguard for voting integrity, and their responsibilities should be clear in our statutes.

For more than 20 years, the Office of Elections has sponsored a successful Election Day Observers' Team in Hawaii's vote counting centers. This important team watches to see that counting center activities are conducted in accordance with State election laws and the rules and regulations governing elections. They assist elections officials in preparing an audit trail that accounts for all ballots and documents as they are processed through the counting centers, and they maintain the integrity of the electoral system by conducting all activities with the highest professional and ethical standards. In short, the Election Observer program is legitimate observation by trained independent members of the general public.

We think an Election Observer program sponsored by the Elections Commission and conducted by the Office of Elections is preferable to one composed entirely of partisan political party observers. Nevertheless, in the precincts themselves, we support Section 11-77 of our current law for appointment of watchers at precincts, whereby no more than one watcher from each qualified political party may be present at any time in each precinct. This law appropriately prohibits unauthorized pollwatchers and also limits the number of pollwatchers so that precinct operations may be conducted carefully and efficiently.



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The League of Women Voters pledges to cooperate with the Office of Elections in recruiting volunteers for the Election Observer program. This program together with our law regarding appointment of pollwatchers are important, because we are aware there are infrequent attempts by self-appointed pollwatchers, without any official sanction, to “monitor” Hawaii Election Day activities. We reject such unsponsored challengers out of hand.

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