

# SB 3

Measure Title: RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS.

Report Title: Office of Hawaiian Affairs; Trustees; Election

Description: Provides for the election of the office of Hawaiian affairs board members through a system of nonpartisan primary and general elections to begin with the 2014 elections.

Companion:

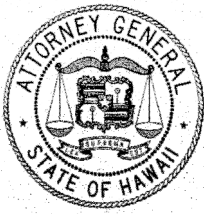
Package: None

Current Referral: THA, JDL

Introducer(s): HEE, GALUTERIA

<u>Sort by Date</u>		Status Text
1/17/2013	S	Introduced.
1/17/2013	S	Passed First Reading.
1/17/2013	S	Referred to THA, JDL.
2/7/2013	S	The committee(s) on THA has scheduled a public hearing on 02-13-13 2:45PM in conference room 224.

	<b>ATTORNEY GENERAL</b>	COMMENTS
	<b>OFFICE OF HAWAIIAN AFFAIRS</b>	COMMENTS
Ricky Watanabe	<b>OFFICE OF COUNTY OF KAUAI</b>	COMMENTS
Scott Nago	<b>OFFICE OF ELECTIONS</b>	COMMENTS
Kealii Makekau		SUPPORT
Troy Abraham		SUPPORT



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

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 3, RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS.

**BEFORE THE:**

SENATE COMMITTEE ON TOURISM AND HAWAIIAN AFFAIRS

**DATE:** Wednesday, February 13, 2013 **TIME:** 2:45 p.m.

**LOCATION:** State Capitol, Room 224

**TESTIFIER(S):** David M. Louie, Attorney General, or  
Charleen M. Aina, Deputy Attorney General

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Chair Galuteria and Members of the Committee:

The Department of the Attorney General recommends that the following revisions be made to the bill, if the Committee votes to report the bill to the floor for second reading:

First, revise subsection (c) of section 13D-4 on page 4, lines 1-10, of the bill, by deleting the last sentence from that subsection beginning on page 4, line 8, in light of its almost verbatim restatement in subsection (e) on page 5, lines 1-4, of the bill. When so revised, subsection (c) of section 13D-4 at page 4, lines 1-10, of the bill should read as follows:

"~~Ballot.~~ (c) The board of trustees ballot shall be prepared in such a manner that every voter qualified and registered under section 13D-3 shall be afforded the opportunity to vote for each and every candidate seeking election to the board. The ballot shall contain the names of all board candidates arranged alphabetically; provided that the names of candidates seeking seats requiring residency on a particular island shall also be grouped by island of residency. ~~[Each eligible voter shall be entitled to receive the board of trustees ballot and to vote for the number of seats available.]~~"

Second, insert a new section 3 at page 5, line 20, to remove all of the references to "special election" in section 13D-5, Hawaii Revised Statutes, (HRS). We recommend that section 13D-5 be amended to read as follows:

"**§13D-5 Term of office; vacancies.** The term of office of members of the board shall be four years beginning on the day of ~~[the special election held in conjunction with]~~ the general election ~~[of the year in]~~ at which they are elected, or if elected at a primary election, on the day of the general election immediately following the primary election at which they are elected, and ending on the day of ~~[the special election held in conjunction with]~~ the second general election after their election~~[-; except that the term of office of board members elected in 1980~~

~~shall be as follows: the four board members elected with the highest number of votes shall serve four years; the remaining members elected shall serve two years].~~ Members of the board may be re-elected without restriction as to the number of terms.

Any vacancy that may occur through any cause other than the expiration of the term of office shall be filled in accordance with section 17-7."

Finally, insert a new section 4, and re-number the present sections 3 and 4 of the bill, section 5 and 6, to remove all of the references to "special election" in section 17-7, HRS. We recommend that this be done by bracketing and striking through the phrase "special election held in conjunction with the" in every place that it appears in section 17-7.

Please do not hesitate to call us if there are questions or concerns about these recommendations.



**SB3**  
**RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS**  
Senate Committee on Tourism and Hawaiian Affairs

February 13, 2013

2:45 p.m.

Room 224

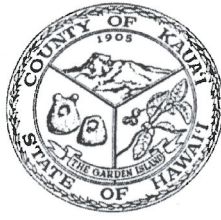
The Office of Hawaiian Affairs (OHA) offers the following comments on SB3, which proposes to repeal the special election process for the election of members of the OHA Board of Trustees and establish a system of nonpartisan primary and general elections to begin with the 2014 elections.

We would simply point out that there may be additional costs to the Office of Elections in implementing this new system and additional costs to those OHA candidates who may now compete in both the primary election and the general election.

Mahalo for the opportunity to testify on this measure.

**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, HAWAI'I 96766-1819**

**TESTIMONY OF RICKY R. WATANABE  
COUNTY CLERK, COUNTY OF KAUA'I  
TO THE SENATE COMMITTEE ON TOURISM AND HAWAIIAN AFFAIRS  
ON SENATE BILL NO. 3  
RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS  
February 13, 2013**

Chair Galuteria and Committee Members:

Thank you for the opportunity to offer comments on Senate Bill No. 3. This Bill provides for the election of the Office of Hawaiian Affairs Board Members through a system of Nonpartisan Primary and General Elections to begin with the 2014 Elections.

Our office takes no position on the Bill but notes that it will probably increase the cost of running for office since candidates for the Board of Trustees for the Office of Hawaiian Affairs (OHA) may now need to conduct campaigns in two elections to be elected.

From an operational perspective, since the Bill establishes a Primary Election which will cut down the number of OHA candidates moving on to the General Election, OHA contests will require less space on the General Election ballot so the likelihood of a second ballot will be reduced.

Thank you for this opportunity to offer comments on Senate Bill No. 3.

**RICKY R. WATANABE**  
County Clerk



**STATE OF HAWAII  
OFFICE OF ELECTIONS**

802 LEHUA AVENUE  
PEARL CITY, HAWAII 96782  
[www.hawaii.gov/elections](http://www.hawaii.gov/elections)

SCOTT T. NAGO  
CHIEF ELECTION OFFICER

**TESTIMONY OF THE  
CHIEF ELECTION OFFICER, OFFICE OF ELECTIONS  
TO THE SENATE COMMITTEE ON TOURISM AND  
HAWAIIAN AFFAIRS  
ON SENATE BILL NO. 3  
RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS**

**February 13, 2013**

Chair Galuteria and members of the Senate Committee on Tourism and Hawaiian Affairs, thank you for the opportunity to provide comments on Senate Bill No. 3. The purpose of this bill is to provide for the election of Office of Hawaiian Affairs board members through a system of nonpartisan primary and general elections beginning in 2014.

The Office of Elections sees no administrative problems that would interfere with our ability to implement the provisions of this bill in 2014. However, given that there are candidate reporting requirements to the Campaign Spending Commission and to the Ethics Commission we would suggest that those laws be reviewed to determine if there are any conflicts or issues.

Thank you for the opportunity to testify on Senate Bill No. 3.

**SB3**

Submitted on: 2/8/2013

Testimony for THA on Feb 13, 2013 14:45PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kealii Makekau	Individual	Support	Yes

Comments: Move to have same amendments done to HB1087 HD1 by: (1) Deleting duplicative language at the suggestion of the Department of the Attorney General; (2) Making conforming amendments to additional statutory provisions regarding an OHA board member's term of office and vacancies by removing references to special elections; and (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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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**SB3**

Submitted on: 2/7/2013

Testimony for THA on Feb 13, 2013 14:45PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Troy Abraham	Individual	Support	No

Comments:

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