



House Judiciary Committee
Chair Karl Rhoads, Vice Chair Sharon Har

Thursday 03/14/13 at 02:00PM in Room 325
SB853 SD1– Relating to Elections Commission

COMMENTS
Carmille Lim, Executive Director, Common Cause Hawaii

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

Common Cause Hawaii offers comments on SB853 SD1.

The original bill was amended from language that specifies that the Elections Commission is responsible for providing oversight of the Chief Election Officer. It was replaced with language that requires the Commission to conduct an annual performance evaluation of the Chief Election Officer after each election and submit a written report of the evaluation to the Legislature within ninety days of the certification of the election results.

While we recognize the Senate Judiciary and Labor Committee’s intent to make this new duty distinct from providing advice (which is currently outlined in §11-7.5), however, we believe that this amendment cannot substitute allowing the Commission “oversight” of the Chief Elections Officer. By providing “oversight”, we grant the Commission the ability to review elections preparations and operational plans, and give them the authority to recommend corrections if planning and execution is not going as planned.

Comments:

- 1) Based on results (i.e., what happened in the 2012 elections), we believe that a performance review should be conducted more frequently. Our recommendation is twice a year (e.g., every six months).
- 2) If we want to improve our elections, we need to include benchmarks for growth in the performance review. What methods are the Office of Elections considering and implementing to modernize and streamline our elections systems? We feel the Office of Elections needs to continuously investigate ways to save our state money with respect to conducting elections; we also feel that the Office of Elections needs to make a continual effort in ways to make our voting mechanisms easier for voters.
- 3) As we stated earlier: in addition to conducting a performance review, we believe in giving the Elections Commission “oversight” of the Chief Elections Officer. Granted, we understand that the term “oversight” needs to be further clarified.

Currently, the law only allows the Commission to hire, and advise the Chief Elections Officer, but does not empower the Commission to take disciplinary action toward the Chief Elections Officer if and when needed.

Allowing Commission “oversight” would establish a necessary “checks and balances” relationship between governing group (in this case, the Commission), and the administration (in this case, the Chief Elections Officer). In nonprofits and for-profit corporations, the C.E.O./Executive Director decides on what must be done operationally, and on a day-to-day basis. But, the C.E.O./Executive Director ultimately reports to his/her Board of Directors. This structure preserves the integrity of how these entities function.

We would like to see the same relationship established with the Chief Elections Officer and his/her Commission, which is why we support the intent of the original bill.

Thank you for the opportunity to offer comments on SB853 SD1.



League of Women Voters of Hawaii

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COMMITTEE ON JUDICIARY

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

Thursday, March 14, 2013 2:00 p.m. Conference Room 325

SB853, SD1 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 has comments on SB 853, SD1 which specifies the duty of the elections commission to provide oversight of the Chief Elections Officer. Though the Elections Commission's current duties already include providing advice to the Chief Elections Officer on matters relating to elections, this is not the same as oversight.

The Senate Judiciary and Labor Committee amended the original bill to delete language that refers to oversight, replacing it with language that requires the Commission to conduct a performance evaluation of the Chief Election Officer after each election. The League recognizes the Committee's intent to make this new duty distinct from providing advice, and we support making this distinction clear, but we are disappointed with this "once a year" look at the Office of Elections. In particular we do not see how a performance appraisal is a substitute for the Commission's regular, systematic review of operational plans as an election cycle approaches.

We want the Elections Commission to let the public know 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. The public relies on the Commission to know whether election plans are on track, and we hope the Commission will require mid-course corrections if they discover during the performance appraisal process that operational plans are not sound.



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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 equitably. It goes without saying that the Elections Commission itself should have adequate financial support for travel and meeting-related expenses.

Hawaii needs to modernize its elections standards so that we are using best practices and the best available technology for administering elections. 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. Shouldn't our Elections Commission regularly check to make sure such voting modernization is moving forward instead of waiting until after an election and focusing solely on the Chief Elections Officer's work during the elections?

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. Having an annual performance appraisal for the Chief Elections Officer is better than not having one, but we urge you to amend this measure further to require that the Elections Commission have an oversight function, while keeping the Chief Elections Officer responsible for actually conducting elections. Thank you for the opportunity to submit testimony.