

JEFFREY T. KUWADA
County Clerk



LANCE TAGUCHI
Deputy County Clerk

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TESTIMONY OF JEFFREY T. KUWADA

COUNTY CLERK, COUNTY OF MAUI

TO THE SENATE COMMITTEE ON JUDICIARY AND LABOR

ON SENATE BILL NO. 853

RELATING TO THE ELECTIONS COMMISSION

FEBRUARY 8, 2013

Chair Hee and members of the Senate Committee on Judiciary and Labor, thank you for the opportunity to offer comments on Senate Bill No. 853. 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 Senate Bill No. 853.



Senate Judiciary and Labor Committee
Chair Clayton Hee, Vice Chair Maile Shimabukuro

Friday 02/08/13 at 10:00AM in Room 016
SB853– Relating to Elections Commission

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

Dear Chair Hee, Vice Chair Shimabukuro, and members of the Senate Judiciary and Labor Committee:

Common Cause Hawaii supports SB853. This bill would give the Elections Commission (“Commission”) oversight of the Chief Elections Officer.

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.

SB853 would establish a necessary “checks and balances” relationship between the policymaking 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.

Thank you for the opportunity to testify in support of SB853.