

STAND. COM. REP. NO.

1399

Honolulu, Hawaii

April 2, 2013

RE: S.B. No. 827
S.D. 1
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 827, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ELECTION OFFENSES,"

begs leave to report as follows:

The purpose of this measure is to ensure the integrity of the elections process by including a candidate physically handling or possessing a voter registration form, request for absentee ballot form, polling place ballot, or absentee ballot of another person before or during the election in the list of actions that constitute misdemeanor election offenses.

The Office of Elections and Department of the Prosecuting Attorney of the City and County of Honolulu testified in support of the measure. The Libertarian Party of Hawaii testified in opposition to the bill. The League of Women Voters of Hawaii and IMUAlliance provided comments.

Your Committee has amended this measure by deleting its contents and replacing them with the provisions of House Bill No. 1027, H.D. 1. As amended, this measure:

- (1) Provides that ballots cast in special elections conducted by mail are subject to the same voter assistance and election fraud provisions;

SB827 HD1 HSCR JUD HMS 2013-2825-1



- (2) Specifies that voters requiring assistance to vote at a polling place or by absentee ballot may be given assistance by a person of the voter's choice, except the voter's employer or agent of that employer, agent of the voter's labor union, or any candidate that is listed on the ballot;
- (3) Clarifies that assistance given by a voter's employer or the employer's agent, agent of the voter's labor union, or candidate is prohibited by this measure if given in person, while written or oral instructions delivered via telephone, electronic means, or mail is not prohibited conduct;
- (4) Specifies that a violation of the voter assistance law by a voter's employer or employer's agent, agent of the voter's labor union, or any candidate that is listed on the ballot shall constitute election fraud;
- (5) Requires that absentee voters affirm by signature that their ballot was completed without prohibited assistance;
- (6) Requires that absentee ballots contain information regarding election fraud, voter fraud, and related penalties;
- (7) Clarifies that prohibited assistance in completing a ballot constitutes the offense of election fraud; and
- (8) Becomes effective upon its approval.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 827, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 827, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary,

Karl Rhoads

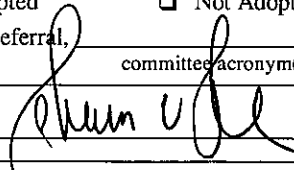
KARL RHOADS, Chair



State of Hawaii
House of Representatives
The Twenty-seventh Legislature

HSCR 1399

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: SB827, SD1	Committee Referral: JUD	Date: 3/14/13		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. RHOADS, Karl (C)	X			
2. HAR, Sharon E. (VC)	X			
3. BELATTI, Della Au	X			
4. BROWER, Tom	X			
5. CABANILLA, Rida T.R.	X			X
6. CARROLL, Mele	X			X
7. ITO, Ken	X			
8. KAWAKAMI, Derek S.K.	X			
9. LEE, Chris	X			
10. TSUJI, Clift	X			
11. WOOLEY, Jessica	X			
12. MCDERMOTT, Bob	X			
13. THIELEN, Cynthia	X			
TOTAL (13)	11			2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				