

STAND. COM. REP. NO. 544

Honolulu, Hawaii

FEB 28 2013

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

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Seventh State Legislature  
Regular Session of 2013  
State of Hawaii

Madam:

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

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

begs leave to report as follows:

The purpose and intent of this measure is to provide adequate safeguards to preserve the integrity of ballots to ensure fairness to all voters and minimize the opportunity for fraud. Specifically, this measure prohibits any candidate from physically handling or possessing the voter registration form, voter ballot, or absentee ballot of another voter before or during the election.

Your Committee received testimony in support of this measure from the League of Women Voters of Hawaii, IMUAlliance, and two individuals. The Office of Elections and Office of the County Clerk, County of Kauai submitted comments on this measure.

This measure makes it a misdemeanor for a candidate to physically handle or possess the voter registration form, voter ballot, or absentee ballot of another person. Your Committee notes that the Office of Elections raised questions regarding the nuances of what constitutes a violation under this measure. Your Committee clarifies that the conduct prohibited under this measure only applies to candidates and should not be interpreted to include campaign workers, political parties, or other organizations or individuals who may support a candidate. Your Committee believes that such a broad interpretation would unnecessarily inhibit individuals or groups from providing



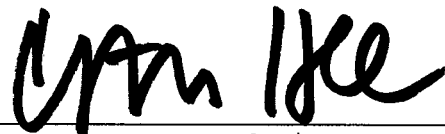
assistance to voters and could serve as an unintended barrier for voters from obtaining the assistance they require to participate in the electoral system.

Your Committee has amended this measure by:

- (1) Adding a request for absentee ballot form to the list of items that a candidate is prohibited from physically handling or possessing;
- (2) Substituting the term "voter ballot" with "polling place ballot" to appropriately distinguish this item from an absentee ballot; and
- (3) Inserting an effective date of July 1, 2050, to encourage further discussion.

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

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



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CLAYTON HEE, Chair



The Senate  
 Twenty-Seventh Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 827	JDL	2/20/13		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
GABBARD, Mike	✓			
IHARA, Jr., Les	✓			
SLOM, Sam				✓
<b>TOTAL</b>	4			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes