

Honolulu, Hawaii

FEB 19 2016

RE: S.B. No. 2113
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 2113 entitled:

"A BILL FOR AN ACT RELATING TO ELECTIONS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish that the preparation of absentee ballots for counting may include opening the return envelope in which the ballot is enclosed and the validation of signatures, but shall not include opening the ballot envelope;
- (2) Establish that the period for opening return envelopes and validating signatures begins from the day immediately after absentee ballots are transmitted to voters and ends on election day;
- (3) Allow official election observers to be present during the period for opening return envelopes and validating signatures;
- (4) Exclude from the period for opening return envelopes and validating signatures any absentee ballots cast at absentee polling place established at the clerk's office prior to or on election day;



- (5) Provide that the counting of absentee ballots may begin no earlier than the fifteenth day prior to an election and establish stages of absentee ballot counting;
- (6) Prohibit persons present during the counting of absentee ballots from disclosing the results;
- (7) Allow, rather than require, observation of ballot handling by an official, except for handling of absentee ballots pursuant to sections 15-9 and 15-10, Hawaii Revised Statutes (HRS);
- (8) Allow the replacing of defective ballots with new ballots to be conducted without the presence of at least two official observers; and
- (9) Repeal section 16-47, HRS, relating to the preparation of absentee ballots.

Your Committee received testimony in support of this measure from the Office of Elections; Office of the County Clerk, County of Maui; Office of the County Clerk, County of Kaua'i; Office of the County Clerk, County of Hawai'i; League of Women Voters of Hawaii; and one individual.

Your Committee finds that in recent years, the number of ballots cast by mail or at an absentee polling place has increased to over half of the total ballots cast in an election. Currently, all of the processing and counting of absentee ballots cast by mail occur on election day. This measure reflects the processing and counting procedures from other jurisdictions that conduct their elections by mail in order to address the increase in the number of absentee ballots received by mail in Hawaii.

Your Committee notes that while any person present during the counting of absentee ballots is prohibited from disclosing the results, this measure does not provide an enforcement mechanism. Your Committee is concerned that the integrity of the elections process may be jeopardized without a means of enforcement.

Accordingly, your Committee has amended this measure by:

- (1) Adding language that amends section 19-6, HRS, to create a misdemeanor for any person who wilfully causes the




results of any absentee ballot count to become publicly known before the polls have officially closed; and

- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 2113, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2113, S.D. 1, and be referred to your Committee on Ways and Means.

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



GILBERT S.C. KEITH-AGARAN, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 2113	Committee Referral: JDL, WAM	Date: 2/16/16		
<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
KEITH-AGARAN, Gilbert S.C. (C)	/			
SHIMABUKURO, Maile S.L. (VC)	/			
GABBARD, Mike	/			
██████████				
KIM, Donna Mercado	/			
THIELEN, Laura H.	/			
SLOM, Sam	/			
TOTAL	6			
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes