

Honolulu, Hawaii

MAR 03 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 Ways and Means, to which was referred S.B. No. 2113, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ELECTIONS,"

begs leave to report as follows:

The purpose and intent of this measure is to expedite the processes for the handling and counting of election ballots.

More specifically, this measure:

- (1) Establishes that the preparation of absentee ballots for counting may include opening the return envelope in which the ballot envelope is enclosed and the validation of signatures, but shall not include opening the ballot envelope;
- (2) Establishes that, unless otherwise stated by election officials, 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) Provides that the foregoing procedures do not apply to any ballot cast at an absentee polling place established at a county clerk's office before or on election day;
- (4) Provides that the counting of absentee ballots may begin no earlier than the fifteenth day before an election and



establishes stages for counting ballots, including a stage that allows for the duplication of a damaged ballot so that it may be counted by vote counting equipment;

- (5) In the case of absentee polling places, clarifies that the foregoing stages for counting ballots do not apply when voters directly utilize an electronic voting system or voting machine that counts their ballot;
- (6) Authorizes election officials to duplicate the votes of a voter onto a traditional ballot to be counted by the vote counting equipment, to the extent the voter has voted absentee by fax, electronic mail, or any other means authorized by law;
- (7) Authorizes official observers to observe the foregoing handling and counting activities;
- (8) Authorizes poll watchers to observe the operations of absentee polling places;
- (9) Prohibits persons present during the counting of absentee ballots from disclosing the results;
- (10) Replaces a statutory mandate for the presence of at least two official observers over election ballots for each precinct with a statutory authorization for the presence of one official observer;
- (11) Authorizes counting center employees to replace defective ballots with new ballots without official observers present; and
- (12) Establishes that any person who willfully causes the results of any absentee ballot count to become publicly known before the polls have officially closed is guilty of a misdemeanor.

Your Committee received written comments in support of this measure from the Office of Elections and the Office of the County Clerk, County of Kauai. Your Committee received written comments in opposition to this measure from Ho'omana Pono, LLC, and one individual.



Your Committee finds that current procedures for handling and counting ballots, particularly absentee ballots, place significant strain on volunteers and election personnel, and the State will soon approach a point where it will no longer be possible to count all absentee mail ballots in a single day. Your Committee therefore finds that this measure advances the public interest by streamlining the handling and counting of absentee ballots submitted by mail, absentee ballots completed at absentee polling places, and ballots submitted to traditional polling places at local precincts.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2113, S.D. 1, and recommends that it pass Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,

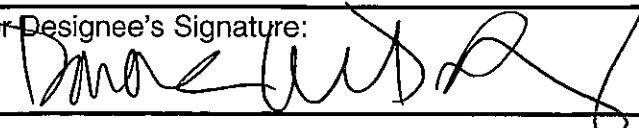


JILL N. TOKUDA, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* SB 2113, SD 1	Committee Referral: SDL, WAM	Date: 8/24/16		
<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 checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TOKUDA, Jill N. (C)	/			
DELA CRUZ, Donovan M. (VC)	/			
CHUN OAKLAND, Suzanne	/			
ENGLISH, J. Kalani	/			
GALUTERIA, Brickwood	/			
HARIMOTO, Breene				/
INOUYE, Lorraine R.	/			
RIVIERE, Gil	/			
TANIGUCHI, Brian T.	/			
WAKAI, Glenn	/			
SLOM, Sam	/			
TOTAL	10			1
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