

Honolulu, Hawaii

March 25, 2015

RE: S.B. No. 243
S.D. 1
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 243, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ELECTIONS,"

begs leave to report as follows:

The purpose of this measure is to clarify the law regarding the conduct of elections in the event of a natural disaster that substantially impairs the voters' ability to exercise their right to vote. Prior to the day of the election, the Chief Election Officer or County Clerk in the case of county elections is authorized to determine whether to postpone an election or require voters of the affected precinct to vote by absentee ballot. On the day of the election and thereafter, the Governor has that authority; provided that the Chief Election Officer or County Clerk shall have the authority if the Governor is a candidate in an affected election.

The League of Women Voters of Hawaii and American Civil Liberties Union of Hawaii testified in support of this measure.

Your Committee has amended this measure to:

- (1) Create a new section in Part X, Chapter 11, Hawaii Revised Statutes, that prohibits the public disclosure of voting results for any ballot contest or question from precincts affected by an election postponement;



- (2) Clarify that in the event of a natural disaster prior to the start of the election the Chief Election Officer or county clerk in the case of county elections has the authority to postpone the election. Upon commencement of the election and thereafter the Governor has the authority to postpone the election; provided that when the Governor is in an affected election, the Chief Election Officer or county clerk has the authority;
- (3) Specify that an election postponed due to a natural disaster can be postponed for no more than seven days after the original election date;
- (4) Authorize the Chief Election Officer with the discretion to withhold election results for precincts that were not affected by the natural disaster;
- (5) Make technical, nonsubstantive amendments for clarity, consistency, and style; and
- (6) Make this measure 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. 243, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 243, S.D. 1, H.D. 1, and be referred to the Committee on Finance.

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



KARL RHOADS, Chair



