



**STATE OF HAWAII  
OFFICE OF ELECTIONS**

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**TESTIMONY OF THE  
CHIEF ELECTION OFFICER, OFFICE OF ELECTIONS  
TO THE SENATE COMMITTEE ON WAYS AND MEANS  
ON HOUSE BILL NO. 124, HD 2, SD 1  
RELATING TO ELECTIONS**

April 2, 2015

Chair Tokuda and members of the Senate Committee on Ways and Means, thank you for the opportunity to testify in support of House Bill No. 124, HD 2, SD 1. The purpose of this bill is to require the Office of Elections to implement all-mail elections by 2020.

The Office of Elections believes all-mail elections will streamline the administration of elections. Currently, elections consist of three systems: (1) absentee walk sites; (2) election day polling places; and (3) absentee mail. The vast majority of voters either vote at election day polling places or by absentee mail. As such, it may be more efficient to focus our resources on absentee mail, with a significantly smaller election day presence limited to voters obtaining a replacement ballot package, or voting on a direct recording electronic voting machine; as well as some variation of absentee walk. With that in mind, we have a variety of technical concerns regarding this bill.

We support the implementation of all-mail over three election cycles, as drafted. This implementation plan is consistent with other states, such as Oregon and Washington, which incrementally transitioned to elections by mail on a county-by-county basis. This allows election officials to determine in a methodical manner issues that need to be addressed, and how implementation can be improved going forward. We propose beginning with the County of Kauai, as they have the smallest population and with any new system there is a learning curve. The following is the implementation schedule for all-mail elections:

<b>Year</b>	<b>Description</b>
2015	<p>Negotiate with the voting system vendor the implementation of all-mail for the County of Kauai.</p> <p>Discussions with County of Kauai regarding seasonal staff for all-mail processing.</p> <p>Develop an all-mail voter education program.</p>
2016	<p>Implement all-mail for the County of Kauai.</p>
2017	<p>Adjust administrative rules, county/state staffing, and contractor equipment and professional services based on experiences in 2016 for the County of Kauai.</p>
2018	<p>Implement all-mail for the County of Hawaii, County of Maui, and County of Kauai.</p>
2019	<p>Adjust administrative rules, county/state staffing, and contractor equipment and professional services based on experiences in 2018 for the County of Hawaii, County of Maui, and County of Kauai.</p> <p>Develop and issue a RFI for statewide all-mail system.</p>
2020	<p>Implement all-mail statewide.</p>
2021	<p>Adjust administrative rules, county/state staffing, and contractor equipment and professional services based on experiences in 2020 for the County of Hawaii, County of Maui, County of Kauai, and City and County of Honolulu.</p> <p>Issue RFP and award by the end of the year.</p>
2022	<p>Conduct all-mail statewide under a new contract.</p>

The bill as drafted raises a variety of operational issues that may inhibit the ability of all-mail elections to be successfully implemented. As such, we would recommend streamlined language that makes minimal changes to our current laws but authorizes all-mail elections to be utilized for regularly scheduled elections, as opposed to our current laws that only permit all-mail elections for special elections. Under this model, the counties would continue to be responsible for absentee walk sites, and they would additionally be responsible for any absentee walk sites that are open on election day. The state would assume responsibility for the mailing of ballots and the counting of returned mail ballots. We propose the following:

**HRS § 11-91.5. Federal, state, and county elections by mail.** (a) Any federal, state, or county election [~~held other than on the date of a regularly scheduled primary or general election~~] may be conducted by mail, in whole or in part. This includes the ability to designate specific precincts or counties that will be conducted by mail, in whole or in part.

(b) The chief election officer shall determine whether a federal [~~or state election, other than a regularly scheduled primary or general election,~~] election, state election, or an election involving state and county offices, may be conducted by mail [~~or at~~], polling places, or a combination of mail and polling places.

(c) The county clerk shall determine whether a solely county election, held other than on the date of a regularly scheduled primary or general election, may be conducted by mail [~~or at~~], polling places, or a combination of mail and polling places. An election by mail in the county shall be under the supervision of the county clerk.

(d) Any ballot cast by mail under this section shall be subject to the provisions applicable to absentee ballots under sections 11-139 and 15-6.

(e) Voters may vote by absentee ballot at an absentee walk polling place. For purposes of an election by mail, at least one absentee walk polling place shall be designated by the county clerk to be open on the day of the election. In the event of a state or federal only mail election, the chief election officer shall designate at least one absentee walk polling place to be open on the day of the election.

(f) Election expenses in mail elections shall be shared and set forth as follows:

(1) Expenses related to mail elections involving both state and county offices, or federal and county offices, unrelated to voter registration and absentee walk polling places shall be divided in half between the State and the counties. Each county will pay a proration of expenses as a proportion of the registered voters at the time of the general election. The counties will separately be responsible for expenses associated with voter registration and absentee walk polling places.

(2) All expenses for county mail elections, which do not involve state or federal offices, shall be borne by the county and paid out of such appropriations as may be made by the council.

(3) All expenses for state or federal mail elections, which do not involve county offices, shall be borne by the State and paid out of such appropriations as may be made by the legislature. Expenses attributable to registration of voters by the county clerk, for said state or federal elections, which do not involve county offices, shall be borne by the State and paid out of such appropriations as may be made by the legislature.

(g) Election responsibilities in mail elections shall be shared and set forth as follows:

(1) In mail elections involving both state and county offices, or federal and county offices, the counties will continue to be responsible for voter registration and absentee walk polling places, while the State will be responsible for the mailing, receipt, processing, and tabulation of ballots. Any responsibilities not enumerated above shall be assigned to the counties or the state by the chief election officer.

(2) The county will be responsible for mail elections involving only county offices.

(3) For mail elections involving only state or federal offices, the counties will continue to be responsible for voter registration and absentee walk voting, while the State will be responsible for the

mailing, receipt, processing, and tabulation of ballots. Any responsibilities not enumerated above shall be assigned to the counties or the state by the chief election officer.

~~[(d)]~~ (h) The chief election officer shall adopt rules pursuant to chapter 91 to provide for uniformity in the conduct of federal, state, and county elections by mail.

The administrative rules for all-mail elections referenced in HRS § 11-91.5 were promulgated in 2010 and can be modified as election by mail is implemented, as necessary. Additionally, the proposed language would allow the Chief Election Officer to adjust the implementation timeline depending on funding and public support for all-mail. This recommendation runs counter to Section 11 of the bill, which removes HRS § 11-91.5 in its entirety, but we believe it would be prudent to allow the Chief Election Officer and the county clerks discretion over the timing and manner of migration, in order to address any issue that may arise.

In reviewing the bill, we have determined that additional language may be required to accommodate incremental implementation of elections by mail and the current election model. We wish to note the following operational issues and offer recommendations.

As part of any all-mail system there needs to be safeguard for voters who did not receive their mail ballot in a timely manner and who do not have time to obtain a replacement by mail or are unable to go to a voter service center, as they are out of state or unable to leave their home. We recommend that the bill be amended to permit such voters to receive and return a ballot by electronic means, such as facsimile, electronic mail, or online. We propose the following additional subsection (d) for Proposed Section 11-B.

(d) If a mailed election-by-mail ballot is not received by the voter within five days of an election, or a voter otherwise requires a replacement ballot within five days of an election, the voter may request that a ballot be forwarded by electronic transmission. Upon receipt of such a request and confirmation that proper application was made, the clerk may transmit the appropriate ballot, together with a form containing the affirmations and information required by section 15-6, and a form containing a waiver of the right to secrecy under section 11-137. The voter may return the voted ballot and executed forms by electronic transmission or mail or by deposit at a place of deposit or voter service center; provided that the ballot and forms are received by the issuing clerk before voting has

concluded. Upon receipt, the clerk shall verify compliance with the requirements of this part; provided that if the voter returns multiple voted ballots for the same election, the clerk shall prepare, for counting, only the first ballot returned that is not spoiled. Prior to an election, the clerk shall determine the permissible form or forms of electronic transmission that may be used for the initial transmission of ballots to voters and the return transmission of ballots by voters. The forms of electronic transmission permitted for the initial transmission of ballots may differ from those permitted for the return of ballots by voters. For purposes of this subsection, "electronic transmission" may include facsimile transmission, electronic mail delivery, or the utilization of an online ballot delivery and return system.

Similarly, we believe that a corresponding change should be made to HRS § 15-5 to address the time period in which some counties may not have migrated to all-mail election. As such, we propose the following:

SECTION \_\_. Section 15-5, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) If mailed absentee ballots are not received by the voter within five days of an election, or a voter otherwise requires a replacement ballot within five days of an election, a [covered] voter [under chapter 15D] may request that absentee ballots be forwarded by [facsimile.] electronic transmission. Upon receipt of such a request and confirmation that proper application was made, the clerk may transmit appropriate ballots [by facsimile] together with a form requiring the affirmations and information required by section 15-6, and a form containing a waiver of the right to secrecy, as provided by section 11-137. The voter may return the voted ballot and executed form by [facsimile] electronic transmission or mail; provided that they are received by the issuing clerk no later than the close of polls on election day. Upon receipt, the clerk shall verify compliance with the requirements of section 15-9(c), and prepare the ballots for counting pursuant to section 15-10. The clerk shall determine, prior to an election, which form or forms of electronic transmission shall be authorized for the initial transmission of ballots to voters and the return transmission of ballots by voters. The forms of electronic transmission authorized for the initial transmission of ballots may differ from those authorized for the return of ballots by voters. For purposes of this

subsection, "electronic transmission" may include facsimile transmission, electronic mail delivery, or the utilization of an online absentee ballot delivery and return system."

In Section 6 and 7 of the bill, regarding the election proclamation and consolidation of precincts, respectively, we propose additional language to address the implementation of elections by mail while simultaneously operating the current system. We propose the following:

**§11-92.1 Election proclamation; establishment of a new precinct.** (a) In counties not implementing all-mail elections, [The] the chief election officer shall issue a proclamation whenever a new precinct is established in any representative district. The chief election officer shall provide a suitable polling place for each precinct. Schools, recreational halls, park facilities, and other publicly owned or controlled buildings, whenever possible and convenient, shall be used as polling places. The chief election officer shall make arrangements for the rental or erection of suitable shelter for this purpose whenever public buildings are not available and shall cause these polling places to be equipped with the necessary facilities for lighting, ventilation, and equipment needed for elections on any island. This proclamation may be issued jointly with [the] any other proclamation required [in section 11-91] by this title.

(b) In a county implementing all-mail elections, the county clerk shall issue a proclamation listing all places of deposit and voter service centers established by the county clerk. The county clerk shall have the authority to make adjustments to places of deposit and voter services centers, as circumstances may require. In such circumstances, the county clerk may give notice by whatever possible news or broadcast media are available. This proclamation may be issued jointly with any other proclamation required by this title.

~~[(b)]~~ (c) No change shall be made in the boundaries of any precinct later than 4:30 p.m. on the tenth day prior to the close of filing for an election.

~~[(e)]~~ (d) Notwithstanding subsection (a), and pursuant to section 15-2.5, the chief election officer is not required to establish polling

places for precincts affected by natural disasters, as provided in section 15-2.5.

**“§11-92.3 Consolidated precincts; natural disasters; postponement; absentee voting required; special elections.**

(a) In the event of a flood, tsunami, earthquake, volcanic eruption, high wind, or other natural disaster, occurring prior to an election, that makes a precinct inaccessible, the chief election officer or county clerk in the case of county elections may consolidate precincts within a representative district. If the extent of damage caused by any natural disaster is such that the ability of voters, in any precinct, district, or county, to exercise their right to vote is substantially impaired, the chief election officer or county clerk in the case of county elections may require the registered voters of the affected precinct to vote by absentee ballot pursuant to section 15-2.5 and may postpone the conducting of an election in the affected precinct for no more than twenty-one days; provided that any such postponement shall not affect the conduct of the election, tabulation, or distribution of results for those precincts, districts, or counties not designated for postponement. The chief election officer or county clerk in the case of county elections shall give notice of the consolidation, postponement, or requirement to vote by absentee ballot, in the affected county or precinct prior to the opening of the precinct polling place by whatever possible news or broadcast media are available. Precinct officials and workers affected by any consolidation shall not forfeit their pay.

(b) In the event of a natural disaster occurring in a county that utilizes all-mail elections, the county clerk shall have the same duties and responsibilities stated in subsection (a) that the chief election officer would otherwise have to consolidate voter service centers and places of deposit, establish alternate locations, or to otherwise postpone the election and establish alternative means of voting.

(c) In the event the chief election officer or the county clerk in a county election determines that the number of candidates or issues on the ballot in a special, special primary, or special general election does not require the full number of established precincts, the precincts may be consolidated for the purposes of the special, special primary, or special general election into a small number of special, special primary, or special general election precincts.



A special, special primary, or special general election precinct shall be considered the same as an established precinct for all purposes, including precinct official requirements provided in section 11-71. Not later than 4:30 p.m. on the tenth day prior to the special, special primary, or special general election, the chief election officer or the county clerk shall give public notice, in the area in which the special, special primary, or special general election is to be held, of the special, special primary, or special general election precincts and their polling places. Notices of the consolidation also shall be posted on election day at the established precinct polling places, giving the location of the special, special primary, or special general election precinct polling place.

We wish to highlight the critical financial aspects of this bill as there will be a change of responsibilities between the state and the counties and possible financial consequences costs.

Currently, the division of responsibilities and costs between the state and counties is embodied in the detailed language of HRS § 11-184, which provides that the state is responsible for polling place operation costs and the counting of ballots, while the counties are responsible for voter registration, absentee walk sites, and absentee mail. The voting system lease for machines and technical support that cost is divided equally between the state and counties.

By shifting to an all-mail model, the Office of Elections will take on the duties of mailing ballots and counting returned ballots. What remains are the traditional county functions of voter registration and absentee walk sites. Under the bill, absentee walk sites function as voter service centers that are open prior to, and on election day.

As noted in our earlier proposed revisions to this bill, such as the issuance of proclamations, we believe there needs to be a clear statement of the division of the responsibilities of the counties and the state under this model. For example, if the expectation is that voter service centers prior to and on election day will be at the exact same locations as the approximately 9 absentee walk sites statewide that are currently used, then it would be reasonable to expect the counties to operate these sites and to issue corresponding proclamations associated with their operation. With this in mind, we have proposed that proclamations associated with these voter service centers be issued by the county clerks, as opposed to the Chief Election Officer.

However, if the expectation is for a significant expansion beyond the current amount of absentee walk sites and with it the significant logistical and cost issues related to operating those sites, then it may not be equitable to have the counties be solely responsible for those sites and it may not be practical to expect that the state can operate such a significant amount of sites over an extended period of time.

At that point, the logistical and cost savings typically envisioned with an all-mail system, such as occurs in Oregon and Washington, may no longer be reasonable to envision. In such a situation, the testimony of the Office of Elections and the counties regarding the original version of this bill that had population triggers for how many election day voter service centers would again be applicable, as it relates to the operational and cost issues. For comparison purposes, it should be noted that the City and County of Honolulu currently operates two absentee walk sites, while a county in Oregon, such as Multnomah County, with a population of over 700,000, is only required to have one site at their county building.

While the current version of the bill no longer has that population criteria, Section 8 of the bill retains the following language of HRS § 11-92.1:

Schools, recreational halls, park facilities, and other publicly owned or controlled buildings, whenever possible and convenient, shall be used as ~~[polling places]~~ voter service centers. The chief election officer shall make arrangements for the rental or erection of suitable shelter for this purpose whenever public buildings are not available and shall cause these polling places to be equipped with the necessary facilities for lighting, ventilation, and equipment needed for elections on any island.

The continued presence of this language gives the expectation to the public that the Legislature envisions significantly more voter service centers than we presently have in the form of absentee walk sites. If so, this would greatly impact the implementation of all-mail elections and would undercut our ability to follow the lead of Oregon and Washington in this area in terms of logistical streamlining and cost savings.

With this as background, we approach Section 8 of the bill, regarding “**§11-184 Election expenses and responsibilities in combined state and county elections[-] by mail.**” The section essentially removes all of the detailed language regarding the division of costs and responsibilities between the state and counties. In its place, it provides that the state shall be responsible for initial

costs and that the subsequent costs shall be divided in half between the state and the counties. This is inadequate to allow the state and county to definitively understand the division of costs and responsibilities between them. Additionally, the reference to initial costs and subsequent costs does not conform to our current utilization of a lease for voting machines and technical support or how we plan to move forward to implement an all-mail system.

We recommend a lease model of an all-mail system, similar to the lease model we have utilized since the migration to marksense voting in 1998. The lease model incorporates the professional maintenance and support necessary for this type of system without significant start-up capital costs and establishing positions to support the system that would otherwise be necessary. As such, the distinction between initial costs and subsequent costs that the bill makes reference to would not be applicable.

With all of this in mind, we recommend that the current language of HRS § 11-184 be retained to address the division of costs and responsibilities between the state and counties, for those elections that are not all-mail, such as in the counties that will not initially migrate to all-mail elections in 2016 and 2018. As for the division of costs and responsibilities specific to all-mail elections, we would propose a new section.

SECTION \_\_. Chapter 11, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§11-\_\_ Election expenses and responsibilities in combined state and county elections by mail.**

(a) Election expenses in mail elections shall be shared and set forth as follows:

(1) Expenses related to mail elections involving both state and county offices, or federal and county offices, unrelated to voter registration and voter service centers shall be divided in half between the State and the counties. Each county will pay a proration of expenses as a proportion of the registered voters at the time of the general election. The counties will separately be responsible for expenses associated with voter registration and voter service centers.

(2) All expenses for county mail elections, which do not involve state or federal offices, shall be borne by the county and paid out of such appropriations as may be made by the council.

(3) All expenses for state or federal mail elections, which do not involve county offices, shall be borne by the State and paid out of such appropriations as may be made by the legislature. Expenses attributable to registration of voters by the county clerk, for said state or federal elections, which do not involve county offices, shall be borne by the State and paid out of such appropriations as may be made by the legislature.

(b) Election responsibilities in mail elections shall be shared and set forth as follows:

(1) In mail elections involving both state and county offices, or federal and county offices, the counties will continue to be responsible for voter registration and voter service centers, while the State will be responsible for the mailing, receipt, processing, and tabulation of ballots. Any responsibilities not enumerated above shall be assigned to the counties or the state by the chief election officer.

(2) The county will be responsible for mail elections involving only county offices.

(3) For mail elections involving only state or federal offices, the counties will continue to be responsible for voter registration and voter service centers, while the State will be responsible for the mailing, receipt, processing, and tabulation of ballots. Any responsibilities not enumerated above shall be assigned to the counties or the state by the chief election officer.”

In regard to Section 13 of the bill, we believe that the migration to all-mail for the County of Kauai in 2016 would require additional ballots, envelopes, and postage, as well as a high-speed scanner sorter to process the return envelopes. As such, we would request an appropriation of \$50,000 in fiscal year 2015-2016 and the same amount in fiscal year 2016-2017.

Finally, in order to implement all-mail elections, there needs to be a recognition that the accuracy and integrity of our voter registration rolls, including the timely updating of these rolls are critical, as a ballot will be mailed to every

active voter in our statewide voter registration system. This includes receiving timely new voter registration applications and updates under the National Voter Registration Act from the county examiners of drivers. These applications and updates will need to include a timely electronic copy of the digitized signatures of these applicants, so that this signature can be used to validate and match the signature of voters on their return ballot envelopes, before their ballots are processed. We propose the following language.

SECTION \_\_. Chapter 11, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§11-\_\_ Electronic Accessibility of Voter Registration Applications and Signatures Associated with the Examiner of Drivers.** (a) The examiner of drivers of each county shall ensure that the contents of the affidavit on application for voter registration provided by applicants in conjunction with their driver license and civil identification card application are electronically stored in their databases.

(b) The examiner of drivers of each county shall provide the respective county clerk with the voter registration information set forth in the affidavit on application for voter registration electronically. This information shall include a digital copy of the applicant’s signature.

(c) Upon receipt of the electronic information, the county clerk shall treat it as constituting an application to register under section 11-15.

(d) Databases maintained by the counties and the state department of transportation containing driver license and civil identification card information shall be electronically accessible by the statewide voter registration system, so as to permit the timely processing of voter registration applications made in conjunction with driver license and civil identification cards, to facilitate verification of information provided by online voter registration applicants under section 11-15.3, and to otherwise ensure the integrity of the voter registration rolls and the voting process.”

Thank you for the opportunity to testify in support of House Bill No. 124, HD 2, SD 1.



## DISABILITY AND COMMUNICATION ACCESS BOARD

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April 2, 2015

### TESTIMONY TO THE SENATE COMMITTEE ON WAYS AND MEANS

#### House Bill 124, House Draft 2, Senate Draft 1 – Relating to Elections

The Disability and Communication Access Board (DCAB) supports House Bill 124, House Draft 2, Senate Draft 1 Relating to Elections. The purpose of this bill is to require the Office of Elections to implement elections by mail in a county with a population of less than 100,000, beginning with the 2016 primary election; and in each county with a population of less than 500,000, beginning with the 2018 primary election. Beginning in 2020, requires all federal, state, and county primary, special primary, general, special general, and special elections to be conducted by mail. Provides places of deposit for personal delivery of mail-in ballots and ensures a limited number of voter service centers in each county to remain open on the day of election to allow voters with special needs to vote and receive personal delivery of absentee, permanent absentee, and mail-in ballots. Makes conforming amendments. Requires annual reports on implementation. Appropriates funds for the implementation and administration of the election by mail program. Takes effect January 7, 2059.

DCAB worked cooperatively with the Office of Elections when the Help America Vote Act (HAVA) of 2002 was initially passed. We housed the Election Specialist position for the first three (3) years of the HAVA grant by providing technical assistance related to disability and accessibility issues as they related to voting. DCAB assisted the Office of Elections with surveying polling places to ensure the facilities were accessible and in selecting accessible voting equipment to ensure individuals with disabilities could vote independently and privately. The Election Specialist has since relocated to the Office of Elections to provide disability-related expertise as part of the elections staff.

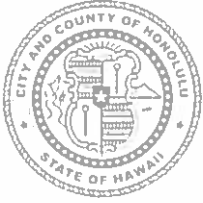
DCAB continues to support efforts of the Office of Elections by providing technical assistance related to accessibility so that voters with disabilities can continue to exercise their right to vote independently at polling places. We have no objection to phasing in all-mail elections or offering open voter service centers on Election Day as long as the site is accessible. We defer to the Office of Elections regarding the amount of funding necessary to transition to an all-mail voting process.

Thank you for the opportunity to testify.

Respectfully submitted,

BARBARA FISCHLOWITZ-LEONG  
Chairperson  
Legislative Committee

FRANCINE WAI  
Executive Director



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GLEN TAKAHASHI  
ACTING CITY CLERK

### WRITTEN TESTIMONY ONLY

TESTIMONY OF GLEN TAKAHASHI  
ACTING CITY CLERK, CITY AND COUNTY OF HONOLULU  
TO THE SENATE COMMITTEE ON WAYS AND MEANS  
ON HOUSE BILL 124, HD2, SD1  
RELATING TO ELECTIONS

April 2, 2015

Chair Tokuda and Committee members:

Thank you for the opportunity to testify on House Bill 124, HD2, SD1. The purpose of this bill is to require the Office of Elections and counties to implement all-mail elections.

The Office of the City Clerk is in favor of transitioning to a vote by mail election scheme. Since its inception, absentee voting has been increasing steadily and in 2014 a majority of the votes cast were by absentee ballot before election day. We feel that resources and effort should reflect the shift toward this trend and toward a single election scheme instead of a hybrid scheme comprised of in person voting and mail voting over various locations and times. The election scheme should be intuitive with clear and practical voter deadlines and responsibilities that facilitate participation to avoid confusion.

With that being said, we offer comments concerning this bill.

In reference to newly added §11-E Replacement ballots, we believe that requiring the voter to submit a replacement request form prior to mailing the replacement ballot can be onerous and is unnecessary in certain situations. There could be various reasons why a replacement ballot is needed, some of which may not be the fault of the voter (e.g. postal mishap). A timely verbal request would be sufficient in this case and in instances where a replacement ballot is needed due to a simple voter error (e.g. spoiled ballot).

However, if a replacement ballot request involves mailing the replacement to a new address, a signed replacement request form as noted within this bill

may be appropriate as it would serve as the documentation to update the voter's address record for future elections.

We would also recommend amending §11-E to read similar to replacement ballot provisions in Hawaii Administrative Rules as follows:

*§3-175-10 Ballot cast upon receipt; replacement ballot. A ballot contained in a properly signed return envelope that has been received by the chief election officer or clerk shall be considered cast and may not be recast for any reason. As such, a voter may not request back a ballot or seek to cancel it after it has been received by the chief election officer or clerk.*

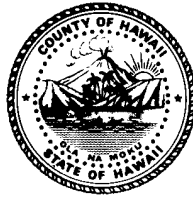
*A voter may receive a replacement ballot if the original ballot is destroyed, spoiled, lost, or not received by the voter.*

We note that with newly acquired mail scanning technology, the Office of the City Clerk is presently capable of processing the volume of vote-by-mail envelopes for all registered voters of the City and County of Honolulu. However, we defer to the Office of Elections on the transition timeline as ballot tabulation also needs to be considered. The Office of the City Clerk also requests a reasonable transition time that allows for adequate planning and budgeting. Finally, we note that while it may appear logical to phase in vote by mail from small counties to the largest, the ability to implement a vote by mail scheme is also dependent upon each county having a complete signature image database (for comparing signatures on envelopes) and we defer to the other counties as to whether those resources are presently available.

Thank you for this opportunity to testify on House Bill 124, HD2, SD1



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TESTIMONY OF STEWART MAEDA

COUNTY CLERK, COUNTY OF HAWAII

TO THE SENATE COMMITTEE ON WAYS AND MEANS

ON HOUSE BILL NO. 124, HOUSE DRAFT 2, SENATE DRAFT 1

RELATING TO ELECTIONS

April 2, 2015

Chair Tokuda and members of the Senate Committee on Ways and Means, thank you for the opportunity to testify on House Bill No. 124, HD 2, SD 1. The purpose of this bill is to require the Office of Elections to implement all-mail elections by 2020, provide places of deposit and voter service centers to be established, and appropriate funds.

The Office of the County Clerk, County of Hawai'i supports all mail elections and offers the following comments:

The bill appropriates funding for fiscal year 2015 - 2016 and for fiscal year 2016 – 2017. The County of Hawaii will be required to implement all-mail voting for the 2018 Elections. Although funding is not required for the County of Hawai'i for the 2016 elections, funding will need to be appropriated for the 2018 elections due to anticipated cost involved in implementing the all-mail elections.

In Section 11-E, the bill requires a replacement ballot form be submitted to obtain a replacement ballot. We do not believe a replacement ballot form is necessary unless the voter is providing an alternate address. Currently, the County Clerk has procedures in place that allows for a replacement ballot.

Thank you for the opportunity to testify in support of House Bill No. 124, HD 2, SD 1.

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TESTIMONY OF JADE K. FOUNTAIN-TANIGAWA  
DEPUTY COUNTY CLERK, COUNTY OF KAUA'I  
TO THE SENATE COMMITTEE ON WAYS AND MEANS  
ON HOUSE BILL NO. 124, HOUSE DRAFT 2, SENATE DRAFT 1  
RELATING TO ELECTIONS

April 2, 2015

Chair Tokuda and Committee Members:

Thank you for the opportunity to testify in support of House Bill No. 124, HD 2, SD 1. This Bill proposes implementing elections-by-mail in a county with a population of less than 100,000 beginning with the 2016 Primary Election, expands elections-by-mail to one or more counties with a population of less than 500,000 in 2018, and beginning in 2020 requires all elections statewide to be conducted by mail. The Bill also establishes places of deposit and voter service centers, makes conforming amendments, requires annual reports on implementation, and appropriates funds.

We support elections-by-mail and the Bill in general, but have concerns with several sections and offer the following comments and recommendations for your consideration.

Page 3 (Section 11-A, lines 10-13).

Elections-by-mail will provide a ballot package to all properly registered voters for all elections occurring within a given jurisdiction so it essentially replaces the permanent absentee ballot and the accompanying application process. Continued references to "permanent absentee ballot" is confusing since it gives the appearance that there is a separate process for obtaining a mail ballot on a permanent basis.

The only situation which we believe would require an application process would be if a voter wishes to have a ballot package temporarily mailed to an alternate address (i.e., an address which is different from the voter's in-state mailing contained in his/her voter registration record).

Please consider language that defines and clearly references a *seasonal absentee ballot* and application process. This process would enhance the integrity of the elections-by-mail process by allowing the county clerk to document that a voter's mail ballot package was mailed to an alternate address at the voter's request.

Additionally, we recommend language which specifies that a *seasonal absentee ballot* application shall be valid only for elections occurring within the year the application was received.

Pages 3-4 (Section 11-B).

Please consider specifying that a ballot package shall automatically be mailed to the mailing address contained in a voter's registration record, unless a *seasonal absentee ballot* application is submitted requesting that the ballot package be temporarily mailed to an alternate address.

Page 6 (Section 11-E).

We do not believe an application process is necessary for obtaining a replacement ballot, if the voter is requesting that the ballot package be sent to the same address as the initial ballot package. The county clerks already have procedures in place for documenting the replacement ballot mailing which ensures the integrity of the mail ballot process.

The only time we recommend that an application be required is if a voter is requesting that a replacement ballot package be mailed to an alternate address (i.e., an address which is different from the voter's in-state mailing contained in his/her voter registration record). This would allow the county clerk to document that the replacement ballot package was mailed to the alternate address at the voter's request.

This recommended process mirrors the *seasonal absentee ballot* application process described above because both situations involve the mailing of a ballot package to an alternate address.

Additionally, please consider specifying that any application to temporarily mail a replacement ballot package to an alternate address shall be valid only for elections occurring in the year that the application was processed.

General Comment.

Elections-by-mail requires a major overhaul of the State of Hawai'i election statutes. As such, if possible, we ask that the Legislature eventually consider a complete re-write of Hawai'i election laws to ensure that language is clear and removes any possible conflicts with earlier statutes. During discussions with Oregon election officials, they noted that should they have taken the time to do this, it would have greatly eased their transition to elections-by-mail.

Testimony for HB 124, HD 2, SD 1  
Relating to Elections  
April 2, 2015  
Page 3

If properly implemented, elections-by-mail will right-size operations and extend actual voting services to every registered voter in the State. With more voters opting to vote by mail in each succeeding election, we believe that the time is right to entirely transition to elections-by-mail and respectfully request your support of this Bill.

Thank you for this opportunity to testify in support of House Bill No. 124, HD 2, SD 1.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

JADE K. FOUNTAIN-TANIGAWA  
Deputy County Clerk

DANNY A. MATEO  
County Clerk



JOSIAH K. NISHITA  
Deputy County Clerk

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**TESTIMONY OF DANNY A. MATEO**  
**COUNTY CLERK, COUNTY OF MAUI**  
**TO THE SENATE COMMITTEE ON WAYS AND MEANS**  
**ON HOUSE BILL NO. 124, H.D. 2, S.D. 1**  
**RELATING TO ELECTIONS**

**APRIL 2, 2015**

Chair Tokuda and members of the Senate Committee on Ways and Means, thank you for the opportunity to offer comments on House Bill No. 124, H.D. 2, S.D. 1. The purpose of this bill, beginning with the primary election in 2016, requires the office of elections to implement elections by mail in a county with a population less than 100,000. In 2018, elections by mail will be held in each county with a population of more than 500,000. Thereafter requires all federal, state, and county primary, special primary, general, special general, and special elections to be conducted by mail. It also provides places of deposit and a limited number of voter service centers in each county.

The Office of the County Clerk, County of Maui, would like to provide comments on the proposed bill.

There are substantial costs involved for both the County of Maui and the State to retrieve ballots from places of deposit or voter service centers on inhabited islands. In order to expeditiously retrieve ballots and transmit results in a timely fashion, two charter planes are used to fly between Lanai, Molokai and Maui, and Hana and Kahului. In the 2014 elections, our office experienced significant obstacles in obtaining a company to fly at night between these areas, due to the compensation, tax and other procurement requirements, and dangerous conditions. Our County has experienced significant chartered and commercial plane crashes that have resulted in loss of lives. We respectfully request that, at the very least, you eliminate the requirement for us to collect ballots from places of deposit on Molokai, Lanai, and Hana on election days so that safer and more cost conscious methods can be used to provide election results.

Currently, our charter planes return to Maui between 9:00 p.m. – 10:30 p.m. on election night (polls close at 6:00 p.m., closing procedures are performed, and ballots packed). If there is a high number of ballots dropped off on election night, it could affect the timeliness of our election results being released because all dropped-off ballots will have to go through the processing procedures.

In addition, our office also requests that the language for electronic transmission and safeguards be put back in this proposed bill for voters who do not receive their mailed ballot, or who need a replacement ballot. Authorizing the electronic transmission of blank and voted ballots by facsimile, electronic mail, and other means would assist in ensuring each individual has adequate opportunities to cast a vote.

This proposed bill states that "...the county clerk shall mail a ballot package by non-forwardable mail to each registered voter in the county...". With that in mind, the references to absentee ballot or permanent absentee ballot are unnecessary and confusing since all registered voters will receive an "election-by-mail ballot packet". Currently, all absentee and permanent absentee voters receive an official ballot, a pre-paid postage return identification envelope, a secrecy envelope, and instructions (§15 HRS). These materials are already provided, and such differentiation between absentee, permanent absentee, and election-by-mail recipients creates unnecessary confusion. The exception would be for a voter requesting to have their ballot mailed to an address other than their mailing address on their voter registration record (i.e. college student).

We also suggest that you consider removing the application requirement for voters needing a replacement ballot. We already have replacement ballot procedures in place which are convenient for the voters and yet maintain security for our mail voting process.

§15-10 HRS provides for the tabulation of absentee ballots. Our office supports the proposed bill's intent to allow early tabulation of mail in ballots. However, if the legislature intends to have a clear and distinct separation between absentee mail ballots and election-by-mail ballots, our office would request that §15-10 HRS also be amended to allow early tabulation of absentee ballots to be consistent across mailed ballot types.

Our office supports centralized statewide mailing, processing and counting center operations, instead of separation between the counties and State in all mail elections to utilize economies of scale and keep costs lower for all parties.

Thank you for the opportunity to provide comments on House Bill No. 124, H.D. 2, S.D. 1.



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COMMITTEE ON WAYS AND MEANS  
Thursday, April 2, 2015, Room 211

SB 124, HD2, SD1 RELATING TO ELECTIONS

TESTIMONY

Brad Clark and Janet Mason, League of Women Voters of Hawaii

Chair Tokuda, Vice-Chair Kouchi, and Committee Members:

**The League of Women Voters of Hawaii supports the intent of HB124, HD2, SD1 to implement elections by mail in Hawaii. We support the HD2 version of this bill and offer comments about recent changes made by the Senate Judiciary and Labor Committee.**

A phased in approach similar to that outlined in this SD1 is appropriate. The bill calls for vote-by-mail in counties of less than 100,000 population in the primary elections of 2016, in one or more counties with a population less than 500,000 in the 2018 primary and full statewide implementation in 2020. To prevent any confusion regarding the County of Kalawao, it would be more appropriate to state that vote-by-mail elections will be implemented in Kua'i County in 2016, adding Maui and Hawai'i Counties in the 2018 primary with full implementation statewide in 2020. We defer to the Office of Elections and the Honolulu County Clerk about whether it would be more advantageous to include Oahu in 2018 rather than 2020.

We have serious concerns about voter registration services as described in this version of the measure, which subverts the purpose of Act 166 (passed in 2014), by eliminating a "Late Registration" section of the bill and substituting a more narrow provision in Section 1 (4) that appears to greatly limit the duration of time when voter service centers would be open. Instead the SD1 provides for "a limited number of voter services centers in each county to remain **open on the day of Elections**." The League of Women voters strongly opposes any effort to eliminate late voter registration services as enacted in Act 166 in 2014.

Absentee walk-in polling places are already provided at the offices of the City or County Clerk where the voter resides, though at this time days and hours vary across the State. The "Voter Service Centers" required under this bill are intended to replace these absentee walk-in polling places.

But beginning in 2016 Act 166 Section 15-7 (b) requires that "absentee polling places should be open not later than 10 days before election day, and all Saturdays falling within that time period, or as soon thereafter as ballots are available; provided that all absentee polling places shall be open on the same dates statewide, as determined by the chief election officer." This standard should apply to all Voter Service Centers. Likewise, the bill should specify when places of deposit would be available. Because there will be a phased in implementation of voting by mail, beginning in 2018 any district polls that remain open anywhere in the State must offer voter registration services on Election Day as provided under Act 166; otherwise, voters will lose some of the registration services required by law.

No doubt some voters will spoil or lose their mailed ballot. This measure provides for replacing the ballot but does not provide an adequate remedy for the voter who wishes to replace their original ballot when Election Day is imminent. We support the voter's right to request that the replacement ballot be forwarded



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by electronic transmission within five days of an election; these procedures are outlined in SB124, HD2 Section 11-B (d).

The measure specifies that counting of mail-in ballots should begin no sooner than the seventh day before an election. This start date makes sense, but we think it is fine for these ballots to be counted as they are received, as long as any tabulation of votes including counting center printouts and other disclosures are not disclosed to the public until voting for the elections has concluded. Beginning the count earlier than Election Day allows for more prompt reporting of election results. Language permitting counting ballots as they are received is provided for under the HD2 version of this bill.

In Section 9, 11-184 regarding sharing responsibilities and expenses between the state and the county, the language suggested by the Office of Elections and incorporated into the HD1 and HD2 versions of the bill is preferable to that contained in the SD1. The SD1 language is not as fair; for example, it would require the state to pay for election costs for elections which are solely for county offices.

Section 3, 2. Page .10 of this bill which defines a ballot includes language which says "It shall also include the face of the mechanical voting machine when arranged with cardboard or other material within the ballot frames, containing the names of the candidates and questions to be voted on." This appears to be old language referring to lever voting machines which are no longer in use. We suggest that this language be taken from the bill and new language that reflects the use of electronic voting devices be put in its place.

Whether voting by mail succeeds in Hawaii will depend in large part on the strength of the distribution system, including the number of places of deposit and the number of voter service centers. Section 6, 11-92.1 correctly states that there should not be a minimum number of places of deposit; that these places of deposit shall be provided only if the locations and apparatus can be securely maintained. Likewise, we support the provision of at least one voter service center on each island, except for islands that conduct absentee ballot-only elections (or should it be "vote-by-mail only elections"). Our understanding is this means Kalawao County and Niihau would not have voter service centers, but Maui, Molokai and Lanai as well as Kauai, Hawaii Island and Oahu would have at least one voter service center on the island.

All versions of vote-by-mail bills from this session provide for an "Election Proclamation" listing all places of deposit and voter service centers." We suggest uniform standards statewide for hours of operation for Voter Service Centers (which will eventually replace all district polling places which have standard hours of operation). Likewise, the Election Proclamation should include these hours of operation as well as hours when the Places of Deposit will be available. These simple steps can avoid confusion for voters.

This bill allows for an appropriation which is important. A vote-by-mail system will initially require a small capital investment to procure the equipment necessary to process ballots for all voters. However, there will be long term savings associated with vote-by-mail. The office of elections estimates that a vote-by-mail system would save a minimum of \$874,000 per election cycle.

We urge you to consider the amendments we have suggested and pass this measure. Thank you for the opportunity to submit testimony.





Senate Ways and Means Committee  
Chair Jill Tokuda, Vice Chair Ronald Kouchi

Thursday 04/02/2015 at 9:00 AM in Room 211  
HB 124 HD 2 SD 1 Relating to Elections

TESTIMONY — OPPOSITION  
Carmille Lim, Executive Director, Common Cause Hawaii

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Dear Chair Tokuda, Vice Chair Kouchi, and members of the Committee:

**Common Cause Hawaii opposes the SD1 version of HB124**, which would essentially require the Office of Elections to implement a system of elections by mail by “phasing” its application to different counties, then expanding to all counties in 2018 to cover all federal, state, and county primary, general, and special elections, but also repeal late voter registration (Election Day Registration). We support the HD2 version of HB124.

#### PRESERVATION OF LATE VOTER REGISTRATION / ELECTION DAY REGISTRATION

Common Cause believes that increased citizen participation in the electoral process is a crucial component of a maintaining a successful democracy, and believes that vote-by-mail provides people more time to exercise their right to vote. Common Cause Hawaii strongly believes that a Vote-by-Mail (VBM) system can co-exist with Election Day Voter Registration. Further, we believe that the strongest type of Vote-by-Mail system includes Election Day Registration. Our understanding is that the Senate’s intent for VBM is to encourage early registration and early voting, and used this as justification to repeal EDR.

However. Doing this will inadvertently reduce voter access.

Culturally, there is a saying called “Hawaii Time”. It’s common knowledge that in Hawaii, many people procrastinate. While it may be ideal to encourage people to register to vote and vote early, this is an unrealistic expectation.

To encourage maximum voter participation, we must preserve Election Day Registration. EDR is the failsafe to “catch” any final eligible voters who want to participate in our elections — particularly those who have moved and need to update their voting address so that they may vote in the new precinct they live in. These people tend to be already particularly engaged with our electoral process, and it would be detrimental to intentionally exclude them in the electoral process.

Implementing a model which combines VBM and Late Voter Registration is not only a best practice when it comes to voter access— it will propel Hawaii to become one of the “model states” when it comes to voting modernization.

#### VOTER ACCESS + TURNOUT

While vote-by-mail may make it more convenient to cast a vote, there is no conclusive evidence that VBM alone will encourage or increase voter turnout. A VBM system must complement and protect recently enacted reforms such as Online Voter Registration and Election Day Registration (otherwise known as “Late Voter Registration”). Should Hawaii have a VBM system that coexists with Online Voter Registration, Election Day Registration, and Ranked Choice Voting, our state could be considered as a “model state” for voting reform.

In addition to the individual and collective benefits that voting by mail provides to the public, tangible solutions to significant logistical obstacles accompany the intent of this bill. For example, given the frequency of storms and the potential for hurricanes and other natural disasters, all of which pose a substantial threat to an electoral system which relies heavily on holding elections on a single day, vote-by-mail seems the obvious choice by allowing people more time to exercise their right to vote.

## VOTING TRENDS

Vote-by-Mail (VBM) was successfully utilized in Hawaii during the 2010 1<sup>st</sup> Congressional District special election for Neil Abercrombie's vacated seat, and continues to prove its effectiveness. According to figures provided by the Office of Elections, trends show a leaning of basic voter preference for VBM with 83% of the early voters from the 2014 Hawaii primary election opting to do so by mail-in absentee ballot.

## POTENTIAL COST SAVINGS

Tax dollars can also be saved by the reduced need for as many walk-in polling places that accompany the current "hybrid" voting system. Estimates from the Office of Elections show that after an initial technology investment, the state would save at least \$874,000 per election cycle.

For years, Common Cause Hawaii has supported a VBM system because of its potential cost-savings. There are significant expenses under the current "hybrid" model, in which half of the elections are conducted via absentee ballot, and the other half is conducted at in-person polling places. These expenses include staffing needs (i.e., part time staff and Election Day "volunteers") and renting facilities for use as polling places. We believe that scaling back these expenses can occur when we transition to a VBM system.

## ADDITIONAL COMMENTS

Common Cause Hawaii has the following suggestions to strengthen the bill:

- **Place of deposit** (pg. 8, lines 14-17)
  - Recommendation: Suggest using "ballot drop boxes" instead of "place of deposit" everywhere in the bill. Definition of "ballot drop box" would be "a secure receptacle designated by the chief election officer for the purpose of receiving return identification envelopes in an election conducted by mail pursuant to."
- **Rules and regulations** (pg. 10-11, lines 15-12)
  - Comments: Propose adding a requirement that the Chief Elections Officer establish procedures to track and confirm the receipt of voted vote by mail ballots and procedures to make this information available by means of online access using the State's Elections Web site or a toll-free telephone number that may be used to confirm the date a voted vote by mail ballot was received.
- **Sharing of expenses** (starts on pg. 16, line 1)
  - Comments: the state should not have to pay for expenses related to county-elections only. Similarly, counties should not have to pay for Oahu/Honolulu elections only (i.e., special elections). The state should be responsible for state and federal election expenses.
  - Recommendation: Preserve the language in HD1, which was suggested by the Office of Elections.
- **Implementation date:** (pg. 32, section 18)
  - Comments: We believe ask that the effective date be changed to July 1, 2020.

- **Ballot tracking**
  - We believe that a successful vote-by-mail system would include a ballot-tracking mechanism on absentee ballots – similar to what postal services have to allow customers to track mailed packages. Ballot tracking can be included in the “rules” portion of HB124, as we have indicated above. Adding a tracking mechanism would:
    1. Allow voters to check the status of their ballot through a platform the Office of Elections determines, such as a website and/or a text-message update
    2. Reduce the number of instances when voters call the county clerks’ offices to check the on the status of their absentee ballot. This will allow the clerks to focus on other areas of voting administration.

**While Common Cause Hawaii supports a vote-by-mail program, we cannot support any effort to repeal Election Day Registration, and therefore opposes HB124 SD1. We ask the Ways and Means Committee to amend this bill to include the Late Voter Registration language.**

Thank you for the opportunity to testify on HB124 HD2 SD1.

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**Date:** Wednesday, April 01, 2015 4:27:11 PM

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**HB124**

Submitted on: 4/1/2015

Testimony for WAM on Apr 2, 2015 09:00AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Karen Ah Mai	Individual	Support	No

Comments:

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**HB124**

Submitted on: 4/1/2015

Testimony for WAM on Apr 2, 2015 09:00AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nancy Davlanter	Individual	Support	No

Comments: I support all efforts to encourage more Hawaii citizens to vote in our elections. But this bill as amended is flawed because it has removed the "late registration" provisions provided in Act 166 from 2014. This bill should be amended to add back in the late registration provisions. We know late registration and voting by mail can co-exist because the state of Colorado is already doing this well. If the Kauai primary in 2016 is to be an adequate test of the modern voting system Hawaii wants, Kauai voters MUST be able to register late beginning next year as provided by law. Estimates are more than 400 thousand people in HI are eligible to vote but not registered; we must protect late voter registration to make any improvement in our voter turnout.

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**HB124**

Submitted on: 4/1/2015

Testimony for WAM on Apr 2, 2015 09:00AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
wynnie hee	Individual	Support	No

Comments:

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**HB124**

Submitted on: 3/31/2015

Testimony for WAM on Apr 2, 2015 09:00AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Javier Mendez-Alvarez	Individual	Support	No

Comments:

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Senate Committee on Ways and Means  
Thursday, April 2, 2015 9:00 AM

Conference Room 211

Submitted on April 1, 2015  
HB 124 In SUPPORT of Elections by Mail, if Amended

Testimony from Donna Oba, representing herself

Chair Senator Tokuda, Vice Chair Senator Kouchi and Members of the Committee:

I strongly support elections by mail, as specified in HB 124. This is a bold step forward in increasing voter turnout and promoting representative government.

However, fundamental to turnout and representation is Voter Registration. Citizens eligible to vote should not be barred from registering to vote. HB 124 authorizes vote by mail, but lacking in this legislation are provisions for late registration, such as Election Day registration.

The state of Colorado has successfully implemented elections by mail and Election Day registration. So it can be done.

I urge you to pass the measure if amended to include late and Election Day registration.

Thank you for the opportunity to submit testimony.

Donna Oba  
Hawi, HI



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**HB124**

Submitted on: 4/1/2015

Testimony for WAM on Apr 2, 2015 09:00AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Susan Dursin	Individual	Comments Only	No

Comments: I have been in favor of vote by mail for some years, and I do support provisions of this bill which would implement an election by mail system across the state. It has received careful scrutiny and thoughtful input. However, I would ask that you do not pass this bill unless it includes Late Registration and Election Day Registration provisions. I have served as a precinct chairperson and have had to turn away a number of would-be voters on election day simply because they had not acted early enough. Not only is it disheartening for everyone involved, it erodes confidence in the system where the voter is trying to exercise his/her democratic rights. I believe that late registration and same-day registration would not create undue challenges for voter service center workers. We have always had a process for provisional voters, which has not affected election security. Late Registration and Election Day Registration are used safely in other jurisdictions. Please ensure that Late Registration and Election Day Registration are included in HB124. Thank you for considering my comments.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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