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TESTIMONY OF GLEN TAKAHASHI
CITY CLERK, CITY & COUNTY OF HONOLULU
TO THE SENATE COMMITTEE ON JUDICIARY AND LABOR
ON HOUSE BILL NO. 1653 HD1
RELATING TO ELECTIONS

March 21, 2016

Chair Keith Agaran and Committee members:

Thank you for the opportunity to comment on House Bill 1653 HD1. The purpose of this bill is to provide a framework for vote-by-mail elections in Hawaii. The Office of the City Clerk generally supports voting by mail and is willing to work with the Legislature to craft legislation that ensures a fair and tidy administrative framework.

House Bill 1653 was introduced at the request of election officials and attempts to create the vote by mail election scheme by referencing the provisions in law that are currently used for absentee mail voting.

House Bill 1653 HD1 would benefit greatly with the inclusion of an additional policy provision specifying the mailing window for vote-by-mail ballots.

While this measure sets a ballot packet mailing date of "*no earlier than 45 days*" prior to the election, election statutes in vote-by-mail jurisdictions typically specify a shorter timeframe for mailing the ballot packet.

The State of Washington adopted a policy of "no earlier than 18 days" RCW 29A.40.07. The State of Oregon allows a window of "not sooner than 18 and not later than 14 days" ORS 254.470. Both include exceptions for overseas voters and to destinations out of state.

Including such a provision provides transparency for all stakeholders and uniformity across jurisdictions. The shorter timeframe also ensures that the packets are mailed after voter address corrections occur (following the voter registration deadline) and when voter interest in the election is highest.

If voting by mail is to advance, we also request the following amendment to the election day registration statute to harmonize election day polling operations and to minimize the impact on the counties until voting by mail is implemented statewide.

"[§11-15.2] Late registration. [Section effective January 1, 2018.]

(a) Notwithstanding the closing of the general county register pursuant to section 11-24, a person who is eligible to vote but is not registered to vote may register by appearing in person:

(1) Prior to the day of the election, at any absentee polling place established pursuant to section 15-7 in the county associated with the person's residence; or

(2) On the day of the election, at the polling place in the precinct associated with the person's residence.

(b) The county clerk shall designate a registration clerk, who may be an election official, at each of the absentee polling places in the county established pursuant to section 15-7, prior to the day of the election [~~and at~~]. At each of the polling places in the county on the day of the election, a polling official shall be designated to serve as a registration clerk.

(c) The registration clerk shall [process] accept applications for any person not registered to vote who submits a signed affidavit in accordance with section 11-15, which shall include a sworn affirmation: . . . "

The election day registration law contains two lines of authority within each election day polling place; regular polling officials report to the State, and registration officials (that service same day registrants) would be recruited, trained, and report to the County Clerk.

This amendment would clarify and maintain that all election day polling place operations remain under the direction and control of the State Office of Elections. It is our belief that implementation of election day registration can be accomplished by utilizing regular polling officials with slightly modified training, thereby avoiding duplicative effort, and implementation costs for the Counties.

Doing so would also integrate registration clerks with their fellow poll workers, allow for providing valuable assistance in the polling place when needed. Further benefit would be realized since these poll workers/registration clerks would also be trained to utilize the State's existing phone bank support. The Oahu phone bank (located in the State House of Representatives' Capitol Chamber) is a regular feature of election day operations and serves to provide general support as well as voter registration verification.

As you are aware, the election day registration law created a new responsibility for each County election office without funding to implement the policy in 2018 and beyond. If our office were to implement the law as drafted, we anticipate possibly having to duplicate the phone bank support and recruit and train an additional 300 officials to support the 144 polling places on Oahu. There would also be other costs in the form of program staff, training, supplies, mobile phone/communication stipends etc.

Thank you for the opportunity to comment on House Bill 1653 HD1.



**STATE OF HAWAII
OFFICE OF ELECTIONS**

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SCOTT T. NAGO
CHIEF ELECTION OFFICER

TESTIMONY OF THE
CHIEF ELECTION OFFICER, OFFICE OF ELECTIONS
TO THE SENATE COMMITTEE ON JUDICIARY AND LABOR
ON HOUSE BILL NO. 1653, HD 1
RELATING TO ELECTIONS

March 21, 2016

Chair Keith-Agaran and members of the Senate Committee on Judiciary and Labor, thank you for the opportunity to testify in support of House Bill No. 1653, HD 1. The purpose of this bill is to expand the procedures used for absentee voting and to transition all voters to permanent absentee status by 2022.

Currently, our election model consists of two parts, absentee and election day. No excuse absentee voting was implemented to supplement election day polling places and modernize voting. In the past, absentee voting accounted for less than 20 percent of voter turnout, with the vast majority of voters continuing to vote at their polling place. However, in recent years, more voters are choosing to cast their ballot prior to election day. As such, we believe it would be more efficient to focus our resources on absentee voting, with a significantly smaller election day presence limited to voters obtaining a replacement mail ballot package, or voting on a direct recording electronic voting machine.

This bill proposes to transition voters to permanent absentee status on a county by county basis. The voters of the County of Kauai would transition to all-mail in 2018, followed by the voters of the County of Hawaii and County of Maui in 2020, and finally the City and County of Honolulu in 2022. The bill also establishes absentee polling places to be open on election day in addition to absentee walk locations.

We support the implementation of all-mail over three election cycles, as it allows election officials to determine in a methodical manner issues that need to be addressed, and how implementation can be improved going forward. All-mail jurisdictions, such as Oregon and Washington, followed a similar county by county transition from polling places to all-mail systems.

The bill revises the division of responsibilities and expenses between the state and the counties. The counties will continue to be responsible for voter registration, absentee voting, and the mailing and receipt of ballots, while the state will be responsible for the printing and counting of ballots. As for election expenses, they will be split between the state and counties, except for voter registration, which will continue to be an expense of the counties.

As the processing and counting of absentee mail ballots is a time consuming process that currently only occurs on election day, the bill properly recognizes the need to move toward processing and counting ballots in advance of election day.

We are concerned with proposed section 9 of the bill which provides an additional five business days after an election for a voter to sign their ballot or otherwise cure a deficiency in their ballot. We would note that five business days after the Primary Election works out to nine calendar days, due to the subsequent non-business days of Sunday, Statehood Day, Saturday, and Sunday. This is inconsistent with the concept of prompt finality and closure when it comes to our elections.

Finally, we would request clarification in the bill as to whether the identity of voters who are to be contacted by the county clerks to correct their ballots may be shared with the public, political parties, or candidates who may wish to contact such voters to correct their ballot, or if the information is only to be known by the county clerk and the voter.

Thank you for the opportunity to testify in support of House Bill No. 1653, HD 1.

TESTIMONY

**The Libertarian Party of Hawaii
c/o 1658 Liholiho St #205
Honolulu, HI 96822**

RE: HB 1653 to be heard Monday March 21, at 9:00 AM in conference room 016

OPPOSE

To the Members of the Senate Committee on Judiciary and Labor

I am truly surprised by the lack of concerns expressed by other testifiers in what shapes up to be a very very bad idea. Thousands of voters choose to go to the polls in every election despite the fact that mail in options have been available for years. They have shown you by their behavior that they prefer to vote the old fashioned way on the day in which all the information is available and in secret in the voting booth. Telling these voters they must now change the way they vote to please the League of Women Voters, the Office of Elections, or anyone else is going to cause a backlash.

Several supporters have made the absurd claim that changing to an all mail in ballot system will increase voter turnout. Why would a system with one option be more appealing to voters than one with multiple options? It is more likely that many of these mail in ballots will be lost, or thrown away. Many voters will stop voting. What is the turnout in Neighborhood Board elections that makes people so sure this will be good for turnout? It should not be the job of the legislature to invent gimmicks to persuade more people to vote. More people will vote when the stacked deck created by our election and campaign finance laws are addressed and more competitive races appear on Hawaii's ballots.

Mail in ballots are not secure no matter what claims are made about them. No one can be sure the person identified actually made the voting decisions on the ballots so cast. Manipulation from family and other household members as well as the representative from a person's union who may knock on their door to "help" them vote will become rampant, as will be out and out fraud.

Sincerely:



Tracy Ryan, Chair

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: [REDACTED]
Subject: *Submitted testimony for HB1653 on Mar 21, 2016 09:00AM*
Date: Saturday, March 19, 2016 12:27:19 PM

HB1653

Submitted on: 3/19/2016

Testimony for JDL on Mar 21, 2016 09:00AM in Conference Room 016

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---|---------------------------|---------------------------|
| Laurie Field | Planned Parenthood Votes Northwest and Hawaii | Support | No |

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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To SENATE COMMITTEE ON JUDICIARY AND LABOR

for hearing on Monday, March 21, 2016

RE: HB1653 RELATING TO ELECTIONS.

Incrementally phases in statewide elections by mail by the 2022 primary election. Assigns responsibilities between the State and counties for expenses related to mail elections for federal, state, and county offices. Requires clerks to send qualified voters their ballots forty-five days before an election. Establishes standards regarding hours of operation for absentee polling places. Specifies procedures for the counting of ballots. Repeals Election Day state holiday. Makes an appropriation.

From

Kenneth R. Conklin, Ph.D.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

TESTIMONY IN OPPOSITION

Legislators and newspaper editors are pushing the public to accept a near banning of in-person voting. The first step is that voting will be conducted entirely by mail (except for a few places where handicapped people can go) and the next step is that voting will be done entirely by internet (with a few places with computers and helpers for people who have no computers or are frightened of them).

My dear legislators, let me ask you: Are you willing to change the rules of the legislature to allow members to cast a committee or floor vote without being physically present? Why not allow a legislator to vote by proxy, or send in a vote on a piece of paper while sitting in a hospital after a heart attack? Senator Slom, who sits on every committee because he's the sole Republican, misses most committee votes because he can't be in four places at the same time. Why not let him vote by proxy or absentee ballot? Why can't he vote on his computer while sitting in his office? The same issue applies to Congress. Why should a Senator be required to fly 2,000 miles to cast a vote? Why should he need to be wheeled in on a hospital gurney for a vote expected to be close, when it would be

so much better to accommodate his disability and let him vote from home or from a hospital bed? I think you know why.

With voting by mail or internet, the possibilities are endless for fraud and abuse. Politicians, corporate bosses, or union leaders can hold rallies with chilli/rice where they watch everyone fill in the ballot and sign it, and put the stamp on it and mail it for them. Politicians can go to the home of a frail elder, or to the meeting room of a nursing home, and offer to "help" fill in that confusing ballot which is so hard for someone with alzheimers to figure out and hard for people with arthritis to fill in those little ovals. Backroom elections office workers can easily stuff the ballot box, out of sight, out of mind. Hackers can reprogram the counting machine so a vote for "A" will be counted as a vote for "B."

Your unwillingness to allow proxy voting, absentee voting, or internet voting for legislators or members of Congress speaks volumes about why voting by mail or (eventually) internet should not become mandatory or even normal. I believe my vote is as valuable as yours. My vote should have the same protections against fraud or abuse as your vote in committee or on the floor. Don't deny me the precinct polling place.