



**STATE OF HAWAII  
OFFICE OF ELECTIONS**

802 LEHUA AVENUE  
PEARL CITY, HAWAII 96782  
[www.hawaii.gov/elections](http://www.hawaii.gov/elections)

SCOTT T. NAGO  
CHIEF ELECTION OFFICER

TESTIMONY OF THE  
CHIEF ELECTION OFFICER, OFFICE OF ELECTIONS  
TO THE HOUSE COMMITTEE ON JUDICIARY  
ON HOUSE BILL NO. 1653  
RELATING TO ELECTIONS

February 9, 2016

Chair Rhoads and members of the House Committee on Judiciary, thank you for the opportunity to testify in support of House Bill No. 1653. 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.

Finally, 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.

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

DANNY A. MATEO  
County Clerk



JOSIAH K. NISHITA  
Deputy County Clerk

**OFFICE OF THE COUNTY CLERK**  
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WAILUKU, MAUI, HAWAII 96793  
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TESTIMONY OF DANNY A. MATEO  
COUNTY CLERK, COUNTY OF MAUI  
TO THE HOUSE COMMITTEE ON JUDICIARY  
ON HOUSE BILL NO. 1653  
RELATING TO ELECTIONS  
FEBRUARY 9, 2016

Chair Rhoads and members of the House Committee on Judiciary, thank you for the opportunity to offer testimony in support for House Bill No. 1653. The purpose of this bill is to phase in statewide elections by mail by the 2022 primary election.

An all-mail election is an effort to make the voting process convenient for our voters and an effort to boost our voter turnout. With more voters choosing to vote by mail, we feel it is time to transition to an all-mail election. We believe it would be more efficient to focus our resources on absentee mail rather than our current process of three systems: absentee mail, absentee walk, and election day polling places.

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

**JADE K. FOUNTAIN-TANIGAWA**  
County Clerk

Telephone: (808) 241-4800  
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**SCOTT K. SATO**  
Deputy County Clerk

Facsimile: (808) 241-6207  
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**ELECTIONS DIVISION**  
**OFFICE OF THE COUNTY CLERK**  
4386 RICE STREET, SUITE 101  
LIHU'E, KAUA'I, HAWAII 96766-1819

**TESTIMONY OF JADE K. FOUNTAIN-TANIGAWA**  
**COUNTY CLERK, COUNTY OF KAUA'I**  
**TO THE HOUSE COMMITTEE ON JUDICIARY**  
**ON HOUSE BILL NO. 1653**  
**RELATING TO ELECTIONS**  
**February 9, 2016**

Chair Rhoads and Committee Members:

Thank you for the opportunity to provide written testimony in support of House Bill No. 1653. This Bill proposes to incrementally phase in statewide elections by mail by the 2022 primary election, assigns responsibilities between the State and counties for related expenses, and specifies the timing for mailing ballots. House Bill No. 1653 also establishes standard hours for absentee polling places, amends procedures for handling and counting ballots, and provides for State appropriations.

Our Office supports the incremental transition to elections by mail and believes that it is the right time to begin making this change, especially due to the increased number of voters in each election opting to vote utilizing a ballot which has been mailed to them.

The current election model is more complicated than necessary and utilizes a significant amount of resources, because three (3) separate elections are actually conducted in conjunction with each Primary and General Election: 1) an absentee mail election, 2) an early voting (absentee walk) election, and 3) a polling place election on Election Day.

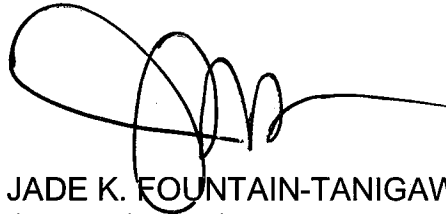
To ensure the overall integrity of the current election process, a highly complex coordination of effort is required between election officials, election day officials, and voting system contractors. The resulting policies and procedures are complicated and cumbersome, and difficult to implement for election day officials, since they only volunteer their time twice every 2-years.

Poll workers are especially impacted due to the extensive Federal and State laws governing operations at the polls, and we anticipate that Election Day registration will only increase the overall complexity of the process for this group of election day officials

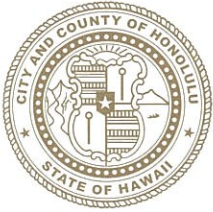
Chair Rhoads and Committee Members  
Re: HB 1653, Relating to Elections  
February 9, 2016  
Page 2

The current election model does not deliver the convenience requested by many voters, as voters must still initiate the actual voting process by either applying for an absentee mail ballot, or physically reporting to an early voting site or Election Day polling place. Conducting elections by mail will send a ballot to every properly registered voter and establish a voting process which is as effortless and convenient as reasonably possible. Given the reasons stated above, we respectfully request your support of this Bill.

Thank you for this opportunity to testify in support of House Bill No.1653.

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

JADE K. FOUNTAIN-TANIGAWA  
County Clerk, County of Kaua'i



GLEN I. TAKAHASHI  
CITY CLERK

KIMBERLY L. RIBELLIA  
DEPUTY CITY CLERK

## OFFICE OF THE CITY CLERK

CITY AND COUNTY OF HONOLULU  
530 SOUTH KING STREET, ROOM 100  
HONOLULU, HAWAII 96813-3077  
TELEPHONE: (808) 768-3810 • FAX: (808) 768-3835

**LATE**

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

February 9, 2016

Chair Rhoads and Committee members:

Thank you for the opportunity to comment on House Bill 1653. 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 Committee 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 would benefit greatly with the inclusion of two additional policy provisions, namely:

1. A specific 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 in the voter registration database and when voter interest in the election is highest.

2. A provision governing a process for voters to correct signature errors/discrepancies that inevitably occur on returned vote-by-mail envelopes.

Each election, the Offices of the County Clerks routinely encounter return ballot envelopes with unsigned affirmation statements and signature matching discrepancies.

While the County Clerks attempt to follow up with voters to correct most errors, voters that return their ballots during the last two days prior to the election are left with virtually no time to correct the deficiencies that would allow counting of their vote-by-mail ballots. The issue is magnified in a vote by mail scheme where as many as twenty five percent of ballots may be returned during the final days of the election.

The State of Oregon allows fourteen (14) days after the election to correct a signature discrepancy ORS 254.431. The State of Washington allows correction up to three days prior to a meeting of the canvassing board (11 and 18 days depending on the election) RCW 29A.60.16.

We note that including such a policy must balance the opportunity for the voter to have his/her vote counted while also bringing prompt closure to an election. We propose the following language be added to any vote-by-mail measure that may eventually be adopted:

"If ballot return envelope is returned with an unsigned affirmation, if the affirmation signature does not match a reference signature image within the voter registration files, or contains any other signature discrepancy that would invalidate the counting of that ballot, the clerk shall make a reasonable attempt to notify the voter by first class letter, telephone, or email to provide a procedure to correct the deficiency. A voter will have until five working days after the election to cure the deficiency. The inability to contact a voter shall not constitute grounds for a contest for cause under §11-172 HRS."

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



**HB1653**  
**RELATING TO ELECTIONS**  
House Committee on Judiciary

February 9, 2016

2:00 p.m.

Room 325

The Office of Hawaiian Affairs (OHA) Committee on Beneficiary Advocacy Empowerment will recommend that the Board of Trustees **SUPPORT** HB1653, which reduces barriers to voting and increases voter participation opportunities, by allowing future elections to be held by mail.

It is well known that Hawai'i has historically suffered from low voter turnout. Hawai'i consistently ranks lower than the national average for voter participation among those eligible to vote in the presidential election.<sup>1</sup> In response to historical data reflecting the underrepresentation of Native Hawaiians in particular in the polls, during the past two election seasons OHA has implemented a "Hawaiian Voice, Hawaiian Vote: I Mana Ka Leo" campaign to increase Native Hawaiian voter registration, education, and turnout.

**During the course of these campaigns, many potential Native Hawaiian voters expressed ambivalence toward taking time off of work to visit polls, or taking the necessary steps to complete the absentee voter registration process.** This measure would reduce such hurdles for voter participation by automatically giving citizens the opportunity to vote at their own convenience, from the comfort of their own homes. This will ultimately result in a more accessible election process and potentially higher voter turnout.

Evidence indicates that the people of Hawai'i generally would also likely benefit from the modernized voting process envisioned by this bill. For example, Washington, Oregon, and Colorado—the three states that already conduct elections-by-mail—saw marked increases in voter turnout after implementing

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<sup>1</sup> Editorial Board, *The Worst Voter Turnout in 72 Years*, THE NEW YORK TIMES, Nov. 11, 2014, available at <http://www.nytimes.com/2014/11/12/opinion/the-worst-voter-turnout-in-72-years.html>.



their mail-in voting systems.<sup>2</sup> Notably, these states have not found that holding elections by mail complicates election administration, or leads to increased voter fraud.<sup>3</sup> Implementing such a system for Hawai'i would not only mean that every eligible voter could vote at their own convenience, but also that voters would have a much longer time with ballots in their hands, giving them ample opportunity to consider issues and candidates and make more informed decisions.

Given the potential to greatly bolster Hawai'i's low voter turnout rate, including the turnout of Native Hawaiian voters, OHA urges the Committee to **PASS** HB1653. Mahalo for the opportunity to testify on this important measure.

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<sup>2</sup> New York Times, Graphic: Voting by Mail (Oct. 6, 2012), [http://www.nytimes.com/interactive/2012/10/07/us/voting-by-mail.html?\\_r=0](http://www.nytimes.com/interactive/2012/10/07/us/voting-by-mail.html?_r=0); Joey Bunch, *Despite criticism, few efforts to change Colorado's mail ballot law*, THE DENVER POST, Feb 15, 2015, [http://www.denverpost.com/politics/ci\\_27529935/despite-criticism-few-efforts-change-colorados-mail-ballot](http://www.denverpost.com/politics/ci_27529935/despite-criticism-few-efforts-change-colorados-mail-ballot).

<sup>3</sup> Allison Terry, *Voter turnout: the 6 states that rank highest, and why*, CHRISTIAN SCIENCE MONITOR, November 6, 2012, available at <http://www.csmonitor.com/USA/Elections/2012/1106/Voter-turnout-the-6-states-that-rank-highest-and-why/Oregon>.



House Judiciary Committee  
Chair Karl Rhoads, Vice Chair Joy San Buenaventura

Tuesday 02/09/2016 at 2:00 PM in Room 325  
HB 1653 – Relating to Elections

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

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Dear Chair Rhoads, Vice Chair San Buenaventura, and members of the House Judiciary Committee:

**Common Cause Hawaii supports HB 1653** which incrementally phases in statewide “Voting-by-Mail”, or, “Elections-by-Mail” system by the 2022 Primary Election.

Common Cause believes that increased citizen participation in the electoral process is a crucial component of a maintaining a successful democracy, and believes that Voting-by-Mail provides people more time to exercise their right to vote.

#### **VOTING TRENDS**

It’s important that the ways we engage the voting public be maximized to counter the perceived voter apathy, and other factors that have led to a decrease in voter participation in recent years. We believe the intent of SB 2116 achieves that goal in numerous ways; the first of which being the basic voter preference for Voting-by-Mail. Although statewide Voting-by-Mail has yet to be fully implemented locally, it has been successfully utilized in Hawaii as recently as the 2010 1<sup>st</sup> Congressional District election. 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.

#### **OVERCOMING LOGISTICAL OBSTICLES**

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: Hawaii’s 2014 Primary Election reminded us that the potential for storms, hurricanes, and other natural disasters, pose a substantial threat to an electoral system which relies heavily on holding elections on a single day. A Voting-by-Mail system is more “protected” from these natural disasters.

#### **POTENTIAL TO SAVE TAXPAYER MONEY**

Estimates from the Office of Elections show that after an initial technology investment, the state would save at least \$874,000 per election cycle. Tax dollars can be saved by the reduced need for as many walk-in voter service centers that accompanies a Voting-by-Mail system; a system which will only be further complemented by the election reform measures that are in the process of being implemented: Online Voter Registration, as of 2015; Late Voter Registration at Early Walk-In Sites as of 2016, and Election Day Registration as of 2018. Starting Voting-by-Mail in 2020, and phasing to its full implementation in 2012 will enable election officials to dedicate one election cycle to implementing and refining each new voting program.

These programs, combined with implementing a Voting-by-Mail system, will showcase Hawaii as a “model” state for voting reforms.

Thank you for the opportunity to offer testimony **supporting HB 1653**.



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[www.lwv-hawaii.com](http://www.lwv-hawaii.com) | 808.531.7448 | [voters@lwv-hawaii.com](mailto:voters@lwv-hawaii.com)

COMMITTEE ON JUDICIARY  
Tuesday, February 9, 2016, 2:00 p.m., Room 325  
HB 1653 RELATING TO ELECTIONS

### TESTIMONY

Janet Mason, Co-Chair, Legislative Committee, League of Women Voters of Hawaii

Chair Rhoads, Vice-Chair San Buenaventura, and Committee Members:

**The League of Women Voters of Hawaii strongly supports HB1653** which would incrementally phase in voting by mail by the 2022 primary election. Instead of requiring voters to cast ballots at one of some 250 polling places statewide, or apply for absentee ballots, ballots would be mailed to all registered voters at their homes. Under this measure ballots would be mailed 45 days before an election, voters would fill out the ballot and then either mail it back or deliver it personally to an absentee polling place located on each island – in for example, county clerk’s offices, schools or other strategic locations selected by elections officials. These absentee polling places will remain open through Election Day, and the deadline for ballot returns would be 6:00 p.m. on Election Day.<sup>1</sup> Secure electronic transmission for delivery and return of ballots would also be available.

Hawaii has been diligently moving to make it easier for citizens to exercise their fundamental right to cast a ballot; our established policies like early voting and permanent absentee voting make the franchise widely available. Starting voting by mail in 2020 with full implementation by 2022 gives election officials and the public sufficient time to adjust to other recent convenience reforms that are already underway: online voter registration (2015), late voter registration (2016) and same day voter registration (2018). These are all compatible with voting by mail.

Under this measure, for most elections the counties will continue to be responsible for mailing and receipt of ballots and the State will continue to be responsible for printing and counting ballots. This well-established division of labor makes sense, and we were gratified to learn that in the November 2015

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<sup>1</sup> This 45-day timing greatly expands the length of time during which voters may consider candidates and study ballot issues. Under current absentee voting, ballots are mailed approximately 20 days prior to an election and must be received by close of polls on Election Day.



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Informational Briefing to the Legislature, all County Clerks endorsed moving to voting by mail instead of our current complex approach (polling places, absentee voting, permanent absentee voting).

HB 1653 integrates voting by mail with our existing absentee and permanent absentee methods. Avoiding legal and operational confusion about this is important, because absentee voting by mail has become increasingly popular in Hawai'i. In our last general election, absentee ballots already accounted for the majority of the votes cast<sup>2</sup>.

Voting by mail has been promoted by the League of Women Voters of Hawaii since 1999, so the League applauds the intent of all "Voting by Mail" bills introduced this session – by our count there are nine of them. However, we prefer this bill and hope the Legislature will rally around HB1653 to meet procedural deadlines and secure the \$375,000 one-time appropriation requested by the Office of Elections. The estimated savings is \$800,000 each election cycle. Please secure this important opportunity for Hawaii voters and save money by doing so!

Thank you for the opportunity to submit testimony.

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<sup>2</sup> For statewide primary elections mail-in ballots accounted for 42.4% of total ballots cast in 2010, 45.9% of primary ballots in 2012 and 51.2% of primary ballots in 2014. For Hawai'i General Elections, mail-in absentee ballots accounted for 42.4% in 2010, 45.9% of the vote on 2012 and 51.2% of the vote in 2014. Source: Hawai'i State Office of Elections: <http://elections.hawaii.gov/election-results>.

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 04, 2016 8:00 PM  
**To:** JUDtestimony  
**Cc:** joyamarshall0416@gmail.com  
**Subject:** \*Submitted testimony for HB1653 on Feb 9, 2016 14:00PM\*

**HB1653**

Submitted on: 2/4/2016

Testimony for JUD on Feb 9, 2016 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joy Marshall	Individual	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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**LATE**

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 09, 2016 9:13 AM  
**To:** JUDtestimony  
**Cc:** lady.flach@gmail.com  
**Subject:** \*Submitted testimony for HB1653 on Feb 9, 2016 14:00PM\*

**HB1653**

Submitted on: 2/9/2016  
Testimony for JUD on Feb 9, 2016 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Teri Heede	Individual	Support	No

Comments:

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