



**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 HOUSE COMMITTEE ON JUDICIARY
ON HOUSE BILL NO. 178
RELATED TO ABSENTEE VOTING**

January 30, 2015

Chair Rhoads and members of the House Committee on Judiciary, thank you for the opportunity to testify in support of House Bill No. 178. The purpose of this bill is to permit the electronic transmission and return of absentee ballots by voters who have not received an absentee mail ballot within five days of an election.

Under the current law, voters covered by the state's Uniform Military and Overseas Voters Act (Chapter 15D, HRS) are permitted to receive blank absentee ballots by facsimile transmission, electronic mail delivery, or internet delivery, if offered by the voter's jurisdiction. HRS § 15D-9. Unfortunately, for voters not covered by these laws, there are no options, if there is not sufficient time to be mailed a new ballot or it is impracticable to make arrangements to pick up the ballot from the county clerk's office.

Prior to the enactment of the Uniform Military and Overseas Voters Act, which established Chapter 15D, HRS and amended HRS § 15-5 (Delivery of Ballots), all voters were authorized to be forwarded a ballot by facsimile transmission, if they did not receive their ballot by mail within five days of an election. The amendment to HRS § 15-5 limited the forwarding of replacement ballots by facsimile transmission to only military and overseas voters covered by Chapter 15D, HRS.

The bill removes the requirement in HRS § 15-5 that one needs to be a covered voter under Chapter 15D, HRS, and allows any registered voter to be forwarded a ballot. Additionally, the bill expands the means of transmission from facsimile transmission to electronic transmission.

Thank you for the opportunity to testify in support of House Bill No. 178.



OFFICE OF THE CITY CLERK

CITY AND COUNTY OF HONOLULU
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HONOLULU, HAWAII 96813-3077
TELEPHONE:(808)768-3810 • FAX:(808)768-3835

GLEN TAKAHASHI
ACTING CITY CLERK

WRITTEN TESTIMONY ONLY

TESTIMONY OF GLEN TAKAHASHI
ACTING CITY CLERK, CITY AND COUNTY OF HONOLULU
TO THE HOUSE OF REPRESENTATIVES COMMITTEE ON JUDICIARY
ON HOUSE BILL NO. 178
RELATED TO ABSENTEE VOTING
January 29, 2015

Chair Rhoads and Committee members:

Thank you for the opportunity to comment on HB178. We support the intent of the measure which would create a method for electronically delivering an absentee ballot during the five days preceding the election in circumstances when an absentee ballot is not received by the voter. We are presently capable of performing this requirement for eligible military/overseas voters.

We would highlight for the Committee's information, that this measure goes a step further by allowing that voter to return a voted ballot electronically (i.e. by email or online system if one is available).

We defer to the Legislature as to whether use of public networks (i.e. the internet) and/or the use of unsecured email is appropriate for this purpose.

i strongly support this bill. I support any bill that will make it easier to exercise your right to vote.
Mahalo, Ronnie Perry



OFFICE OF THE COUNTY CLERK

COUNTY OF MAUI
200 S. HIGH STREET
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. 178
RELATED TO ABSENTEE VOTING

JANUARY 30, 2015

Chair Rhoads and members of the House Committee on Judiciary, thank you for the opportunity to offer testimony on House Bill No. 178. The purpose of this bill will allow the county clerk to electronically transmit absentee ballots if mailed absentee ballots are not received by the voter within five days of an election.

The Office of the County Clerk, County of Maui, supports House Bill No. 178.

We believe this bill will greatly assist us in ensuring that all voters, regardless of their circumstances will be able to exercise their right to vote. In addition to helping voters who are out of state or who cannot physically get to their polling place on election day, we see this bill as aiding our ability to possibly implement all mail elections in the future.

While there is frequent discussion of having all mail elections statewide, the law currently allows the county clerk to conduct an absentee ballot only election for the voters of any island that is not where the county seat of government is located. HRS § 15-4(b). In our county that would be the islands of Molokai and Lanai. Before we consider exercising the option of conducting an all mail election for either of those islands we will of course have discussions with the residents and interested stakeholders.

However, one of the things that has given us pause in the past about utilizing all mail for these islands are the options available to those voters if they receive their ballots late in the mail or if they need a replacement, if they spoil their ballot. We do not want a situation in which voters would have to travel to Maui to exercise their right to vote if circumstances cause them not to be able to return their ballot by mail in a timely manner.

As such, we see the present bill as providing a much needed safeguard for these voters. Having said that, as the bill refers to the electronic transmission of ballots for voters who did not receive their ballot in the mail within five days of an election, we would ask for clarifying language that would ensure there is no dispute that a voter who has spoiled their ballot within 5 days of an election and who by definition cannot receive a mailed ballot within 5 days of an election, will be able to utilize this provision to receive a replacement ballot.

The proposed language would be the following:

"(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 [eovered] voter [under chapter 15D] may request that absentee ballots be forwarded by [faesimile.] electronic transmission. Upon receipt of such a request and confirmation that proper application was made, the clerk may transmit appropriate ballots [by-faesimile] 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 [faesimile] 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."

Thank you for the opportunity to testify in support of House Bill No. 178.

RICKY R. WATANABE
County Clerk

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JADE K. FOUNTAIN-TANIGAWA
Deputy County Clerk

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LATE

ELECTIONS DIVISION
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LIHU'E, KAUA'I, HAWAII 96766-1819

TESTIMONY OF RICKY R. WATANABE
COUNTY CLERK, COUNTY OF KAUA'I
TO THE HOUSE COMMITTEE ON JUDICIARY
ON HOUSE BILL NO. 178
RELATING TO ABSENTEE VOTING

January 30, 2015

Chair Rhoads and Committee Members:

Thank you for the opportunity to testify in support of House Bill No. 178. This Bill would allow the county clerk to electronically transmit absentee ballots if mailed absentee ballots are not received by the voter within five (5) days of an election.

Currently, absentee mail voters who have not received their ballots within 5 days of an election have no options under law for receiving replacement mail ballots and are required to vote in-person at Early Voting or at the polls on Election Day. Though in-person voting may be inconvenient for the affected mail voters at least they have an option for casting a ballot.

However, for absentee mail voters who are temporarily away and do not receive their ballots within 5 days of an election, in-person voting is not an option. This Bill provides affected mail voters with a viable means for receiving and returning their ballots, and is consistent with our goal to extend voting services to as many individuals as possible.

Thank you for the opportunity to testify in support of House Bill No. 178.

RICKY R. WATANABE
County Clerk



LATE

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COMMITTEE ON JUDICIARY

Friday, January 30, 2015, 2:00 P.M., Conference Room 325
HB 178 RELATING TO ABSENTEE VOTING
TESTIMONY

Susan Irvine, Legislative Committee, League of Women Voters of Hawai'i

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

The League of Women Voters of Hawaii would like to comment on SB 178 which allows the county clerk to electronically transmit absentee ballots if mailed absentee ballots are not received by the voter within five days of an election.

The League of Women Voters supports the intent of this bill, which would allow for late transmission of ballots and votes. However, we are concerned that there is no mention of "secure transmission" in this bill.

Hawai'i presently deals with about 25 ballots per election which have been sent and/or received electronically as mandated by the federal Military and Overseas Voters Empowerment Act of 2009, which requires states to provide blank absentee ballots to uniformed and overseas absentee voters.

HB 178 has the potential to expand the number of voters using electronic transmission in our State. It is time to mandate that the system be secure for both distribution and return of ballots for both overseas and local voters. The National Conference of State Legislatures website shows that other states, notably Alaska, have worked out electronic voting systems they feel are secure. Electronic voting in Hawai'i needs to be secure, and as simple as possible, to encourage all eligible citizens to vote.

Please add the word "secure" in front of transmission where appropriate in this bill and then pass the bill.

Thank you for the opportunity to submit testimony in support of a revised HB 178.