



House Finance Committee
Chair Sylvia Luke, Vice Chair Scott Y. Nishimoto

Friday, 2/27/2015 at 1:30 PM in Room 308
HB376 HD1 Relating to the Chief Election Officer

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

Dear Chair Luke, Vice Chair Nishimoto, and members of the House Finance Committee:

Common Cause Hawaii supports HB376 HD1.

HB376 HD1 specifies that the Chief Election Officer (CEO) is an at-will employee and requires a performance evaluation of the CEO after a general election. A public hearing on the Chief Election Officer will be held so that Elections Commissioners could consider public sentiment in their evaluation of the CEO.

Common Cause Hawaii believes that a Chief Elections Officer (CEO) needs to be held accountable for performance shortcomings. At the same time, we want to avoid a situation where we may inadvertently put ourselves in a position where we cannot find someone who has enough experience and knowledge to run a statewide election. We believe that making the CEO an at-will employee, and requiring the Elections Commission to conduct a performance evaluation of the CEO is a step toward a solution that balances these needs.

Additionally, Common Cause Hawaii supports a performance evaluation for the CEO within two months of certifying general election results, and also holding a public hearing relating to the performance evaluation.

We ask the committee to indicate that a report of the CEO performance evaluation be public record, and made available within two weeks of Elections Commission's decision.

Thank you for the opportunity to offer testimony on HB376 HD1.

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February 25, 2015

TESTIMONY IN OPPOSITION OF HB 376, HD1 (HSCR192)

HOUSE OF REPRESENTATIVES
THE TWENTY-EIGHTH LEGISLATURE
REGULAR SESSION OF 2015

COMMITTEE ON FINANCE

The Honorable Sylvia Luke, Chair

The Honorable Scott Y. Nishimoto, Vice Chair

Representative Romy M. Cachola	Representative Nicole E. Lowen
Representative Ty J.K. Cullen	Representative. Richard H.K. Onishi
Representative Lynn DeCoite	Representative James K. Tokioka
Representative Aaron Johanson	Representative Kyle T. Yamashita
Representative Jo Jordan	Representative. Feki Pouha
Representative. Jarrett Keohokalole	Representative Gene Ward
Representative Bertrand Kobayashi	

DESCRIPTION: RELATING TO THE CHIEF ELECTION OFFICER. Specifies that the Chief Election Officer is an at-will employee. Requires a performance evaluation of the Chief Election Officer after a general election. Requires a public hearing on the Chief Election Officer's performance for purposes of considering reappointment.

POSITION: HB 376, HD1 (HSCR192) is legally defective, stating, “BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII: SECTION 1. Section 11-1.6, Hawaii Revised Statutes, is amended by amending subsection (g) ... SECTION 2. Section 11-7.5, Hawaii Revised Statutes, is 9 amended to read as follows ... SECTION 4. This Act shall take effect upon its approval.”

Act 57 (HB 267, 2004) established a nine-member panel, the Elections Commission.

The nine-member panel is composed of the following:

- ❖ 2 members appointed by the Senate President
- ❖ 2 members appointed by the Senate Minority Leader
- ❖ 2 members appointed by the Speaker of the House
- ❖ 2 members appointed by the House Minority Leader
- ❖ 1 member selected by a two-thirds vote of the Elections Commission serves as Chairperson

The Elections Commission appoints the Chief Election Officer (CEO) and oversees the functions of the CEO and the Office of Elections.

Name	Appointing Authority	Island Representation	Term Expiration Date
Mr. William Marston (Chairperson) NOTE	Mark E. Recktenwald, Chief Justice of the Supreme Court of Hawaii	Kauai	12/31/2015
Mr. Victor V. Vierra	Senate President	Hawaii	06/30/18
Ms. Carol Kitaoka	House Minority Leader	Hawaii	06/30/16
Terry Lynn Moore	Senate Minority Leader	Maui	06/30/16
Mr. Warren Orikasa	House Speaker	Maui	06/30/18
Ms. Patricia Berg	Senate Minority Leader	Kauai	06/30/18
Mr. Charles King	House Minority Leader	Kauai	06/30/18
Ms. Ruth Limtiaco	Senate President	Oahu	06/30/16
Mr. Daniel Young	House Speaker	Oahu	06/30/16

NOTE: Mr. Martson was appointed by Chief Justice Mark E. Recktenwald as the Commission was unable to convene as required by Hawaii Revised Statutes §11-1.6(a).

TESTIMONY OF ALBERT A. NAKAJI
HB 376 HD 1
RELATING TO THE CHIEF ELECTION OFFICE
FEBRUARY 27, 2015

LATE

Honorable Chairperson Luke, and Members of the House Finance Committee, I submit testimony **in support** of HB 376 HD 1.

It is in the greater public interest for all citizens to have confidence and trust in government and government officials. Effectiveness of performance and accountability for actions/inactions are essential for public confidence and trust. Elections, due to its very nature, encompasses perhaps the greatest number of citizens in a public participation process. Consequently, trust and confidence are of utmost priority.

The Chief Election Officer must be held to the highest standards in order for the public to gain trust and confidence. Without this, our entire system of democracy breaks down. It is reasonable and desirable to include all provisions for the establishment and maintenance of public confidence and trust and HB 376 HD1 moves to increase the level of public confidence and trust, not only in the Chief Election Officer, but in the elections process itself.

Concerns have been raised that the "learning curve" is too steep for limiting the term to two years. I submit that a qualified candidate should already have sufficient experience to know enough about elections that this concern is a purely academic argument. No one who is unqualified should be even considered for the position, less hired into it. Qualification requires sufficient knowledge about elections (specifically Hawaii elections) that there is a seamless transitions into the position.

I urge your favorable consideration to this bill.