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**LATE TESTIMONY**

TESTIMONY OF GLEN TAKAHASHI  
CITY CLERK, CITY AND COUNTY OF HONOLULU  
TO THE SENATE COMMITTEE ON JUDICIARY AND LABOR  
ON SENATE BILL NO. 2116  
RELATING TO ELECTIONS

February 2, 2016

Chair Keith-Agaran and Committee members:

Thank you for the opportunity to comment on Senate Bill 2116. 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.

Senate Bill 2116 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.

Senate Bill 2116 (and the other vote by mail bills on this agenda) 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 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 SB 2116.



## LATE TESTIMONY

*Democracy Under the Rule of Law is Based on Public Access*

February 1, 2016

Senate Committee on Judiciary & Labor  
Hawai'i State Legislature

Re: S.B. 2116, Relating to Elections  
Hearing on Tuesday, 02/02/16, 9:00 AM, Rm. 16

Dear Chair Keith-Agaran, Vice-Chair Shimabukuro, and Committee members:

Testifying in strong **support** of S.B. 2116, which would improve voter participation in our election process. Voting by mail will deliver more awareness and convenience for voters, at less cost. With respect to security, fraud would be restricted to the individual ballot, and could be minimized by signature checks and other measures. A voter could check to confirm receipt of his or her ballot, and a paper trail could be maintained in case of a recount.

Thank you for the opportunity to testify.

Sincerely,

R. Elton Johnson, III  
Open Law Alliance