

**STATE OF HAWAII  
OFFICE OF ELECTIONS**

802 LEHUA AVENUE  
PEARL CITY, HAWAII 96782  
elections.hawaii.gov

SCOTT T. NAGO  
CHIEF ELECTION OFFICER

TESTIMONY OF THE  
CHIEF ELECTION OFFICER, OFFICE OF ELECTIONS  
TO THE HOUSE COMMITTEE ON JUDICIARY  
ON SENATE BILL NO. 2444, SD 2  
RELATING TO ELECTIONS

March 17, 2016

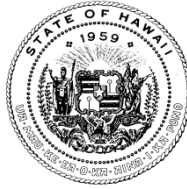
Chair Rhoads and members of the House Committee on Judiciary, thank you for the opportunity to testify in support of Senate Bill No. 2444, SD 2. This bill requires the Office of Elections to join the Electronic Registration Information Center (ERIC) to share data with its 15 member states and the District of Columbia.

We believe being a member of ERIC would help to maintain the accuracy of the voter registration rolls by allowing us to compare our voter registration file and driver license file against those of other members of ERIC. As a member of ERIC, the Office of Elections would be required to provide the voter registration file, as well as the driver's licensing and state identification card file. Additionally, this bill would help to ensure that the Department of Transportation and county examiners of drivers are able to provide us the driver's licensing and state identification file to accomplish the duties of the chief election officer and the county clerks.

The bill appropriates \$25,000 for the initial membership to ERIC, with additional annual fees to be requested with the annual budget. We estimate the annual membership fee to be \$23,000, and the initial mailing associated with membership to cost \$63,000. The bulk of the initial mailing would consist of voter registration postcards sent to all eligible drivers and state identification card holders who are not currently registered to vote. Subsequent annual mailings

would be significantly less as they would only involve new drivers and state identification card holders who are eligible but not registered to vote.

Thank you for the opportunity to testify in support of Senate Bill No. 2444, SD 2.



Testimony by:  
FORD N. FUCHIGAMI  
DIRECTOR

Deputy Directors  
JADE T. BUTAY  
ROSS M. HIGASHI  
EDWIN H. SNIFFEN  
DARRELL T. YOUNG

IN REPLY REFER TO:

STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

March 17, 2016  
2:01 PM  
State Capitol, Room 325

**S.B. 2444, S.D. 2  
RELATING TO ELECTIONS**

House Committee on Judiciary

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The Department of Transportation (DOT) is in **strong opposition** to S.B. 2444, S.D. 2.

This bill allows for the electronic transfer of all driver license and civil identification card information including any documents or images contained in the databases maintained or operated by the counties or DOT to the election officials and statewide voter registration system. The bill also allows the Office of Elections to join the Electronic Registration Information Center, a private non-profit organization and non-governmental agency to “verify their respective voter registration rolls.”

We are concerned with the broad language of this bill. Not all present driver license holders and civil identification card holders within these databases have given their consent to be registered to vote or given their consent to have their personal data released to a private non-governmental agency. DOT is concerned as this may be in violation of Driver’s Privacy Protection Act (18 U.S.C. Sec. 2721, et seq.).

In addition, DOT also has concerns that there may be a number of present driver license holders and civil identification card holders within these databases that would feel that their right to privacy has been infringed upon by the release of their personal data to a private non-governmental agency without their consent.

Thank you for the opportunity to provide testimony.



**ELECTIONS DIVISION  
OFFICE OF THE COUNTY CLERK**  
4386 RICE STREET, SUITE 101  
LĪHUʻE, KAUAʻI, HAWAII 96766-1819

**TESTIMONY OF JADE K. FOUNTAIN-TANIGAWA  
COUNTY CLERK, COUNTY OF KAUAʻI  
TO THE HOUSE COMMITTEE ON JUDICIARY  
ON SENATE BILL NO. 2444, SD 2  
RELATING TO ELECTIONS**

March 17, 2016

Chair Rhoads and Committee Members:

Thank you for the opportunity to offer comments on Senate Bill No. 2444, SD 2. This Bill would require the Office of Election to join the Electronic Registration Information Center (ERIC) and share information with the counties to encourage participation and ensure the integrity of the voter rolls.

Our Office has no position on the Bill and would like to clarify on the record that Senate Standing Committee Report (SSCR) No. 2623 incorrectly states that our Office submitted written testimony in opposition to this Bill. Attached is our previously submitted testimony on this Bill and the incorrect SSCR. Again, we have no position on this Bill but offer the following comments regarding ERIC membership since it involves voter registration and voter file maintenance, which are matters statutorily assigned to the counties.

- Membership would require Hawai'i to transmit voter and driver license data to ERIC for analysis. Before committing to ERIC membership, we would like to see a thorough independent review of ERIC's data handling policies and procedures, network security, and related technical matters since the data files contain information for over a million Hawai'i residents.
- Although ERIC membership would expand on voter file list maintenance efforts already established by the counties, we recommend that a cost-benefit analysis be conducted to ensure the initial membership fee of \$25,000, and yearly membership dues between \$25,000 and \$50,000 are justified.
- The State Department of Transportation and City & County of Honolulu's Department of Information Technology should also be consulted to ensure that they will be able to provide driver license data on a regular basis, which is required as a condition of membership.

Thank you for this opportunity to offer comments on Senate Bill No. 2444, SD 2.

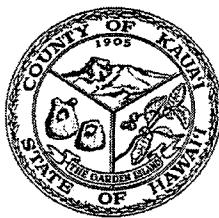
  
JADE K. FOUNTAIN-TANIGAWA  
County Clerk, County of Kaua'i

Attachments



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

Telephone: (808) 241-4800  
TTY: (808) 241-5116



**SCOTT K. SATO**  
Deputy County Clerk

Facsimile: (808) 241-6207  
E-mail: elections@kauai.gov

**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 SENATE COMMITTEE ON WAYS AND MEANS  
ON SENATE BILL NO. 2444, SD 1  
RELATING TO ELECTIONS  
February 24, 2016**

Chair Tokuda and Committee Members:

Thank you for the opportunity to offer comments on Senate Bill No. 2444, SD 1. This Bill would require the Office of Election to join the Electronic Registration Information Center (ERIC) and share information with the counties to encourage participation and ensure the integrity of the voter rolls.

Our Office has no position on the Bill, but offers the following comments regarding ERIC membership since it involves voter registration and voter file maintenance, which are matters statutorily assigned to the counties.

- Membership would require Hawai'i to transmit voter and driver license data to ERIC for analysis. Before committing to ERIC membership, we would like to see a thorough independent review of ERIC's data handling policies and procedures, network security, and related technical matters since the data files contain information for over a million Hawai'i residents.
- Although ERIC membership would expand on voter file list maintenance efforts already established by the counties, we recommend that a cost-benefit analysis be conducted to ensure the initial membership fee of \$25,000, and yearly membership dues between \$25,000 and \$50,000 are justified.
- The State Department of Transportation and City & County of Honolulu's Department of Information Technology should also be consulted to ensure that they will be able to provide driver license data on a regular basis, which is required as a condition of membership.

Thank you for this opportunity to offer comments on Senate Bill No. 2444, SD 1.

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

Honolulu, Hawaii

MAR 03 2016

RE: S.B. No. 2444  
S.D. 2

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Eighth State Legislature  
Regular Session of 2016  
State of Hawaii

Sir:

Your Committee on Ways and Means, to which was referred S.B. No. 2444, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ELECTIONS,"

begs leave to report as follows:

The purpose and intent of this measure is to improve the accuracy and integrity of Hawaii's voter registration rolls.

More specifically, this measure requires:

- (1) The Office of Elections to join the Electronic Registration Information Center;
- (2) The State and the counties to use the Electronic Registration Information Center to verify voter rolls; and
- (3) The Department of Transportation and the counties to electronically share databases containing driver's license and civil identification card information with election officials and the statewide voter registration system.

Your Committee received written comments in support of this measure from the Office of Elections and Common Cause Hawaii.

Your Committee received written comments in opposition to this measure from the Office of the County Clerk, County of Kauai.



Your Committee finds that the Electronic Registration Information Center uses the voter registration rolls of member states and other databases to compare voting lists to enhance voter registration accuracy. Members of the Electronic Registration Information Center receive reports that identify voters who have moved out of their state, passed away, and those who may be eligible to vote but are not yet registered. Your Committee further finds that Hawaii's voter registration rolls may be inaccurate due to the large population of persons who reside in Hawaii on a part-time basis. Accordingly, your Committee finds that modernizing Hawaii's system of verifying voter registration data may ensure the integrity of Hawaii's voter registration rolls.

Your Committee has amended this measure by providing for the codification, in Chapter 11, Hawaii Revised Statutes, of the requirement that the Department of Transportation and the counties electronically provide their databases that include driver's license and civil identification card information to election officials and the statewide voter registration system.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2444, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2444, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Ways and Means,



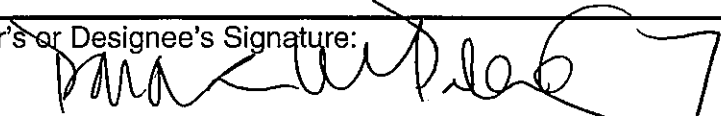
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JILL N. TOKUDA, Chair



The Senate  
Twenty-Eighth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Ways and Means**  
**WAM**

Bill / Resolution No.:* <b>SB 2444, SD1</b>	Committee Referral: <b>SDL, WAM</b>	Date: <b>2/24/16</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TOKUDA, Jill N. (C)	/			
DELA CRUZ, Donovan M. (VC)	/			
CHUN OAKLAND, Suzanne	/			
ENGLISH, J. Kalani	/			
GALUTERIA, Brickwood	/			
HARIMOTO, Breene				/
INOUYE, Lorraine R.	/			
RIVIERE, Gil	/			
TANIGUCHI, Brian T.	/			
WAKAI, Glenn	/			
SLOM, Sam	/			
<b>TOTAL</b>	<b>10</b>			<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes





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

Thursday 03/17/2016 at 2:01 PM in Room 325  
SB 2444 SD2 – Relating to Elections

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

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

**Common Cause supports SB 2444** which would require the Office of Elections to join the Electronic Registration Information Center (ERIC), and authorizes the electronic transmission of databases containing driver's license and civil information to election officials and the statewide voter registration system.

Electronic Registration Information Center (ERIC), is a voluntary organization of states that digitally shares information from their voter registration rolls and other databases, including the DMV, Social Security Administration, and Postal Service national change of address registry, to compare lists and ensure accurate records, as well as reaching out to new voters eligible for registration.

It's important to note that the interstate data exchange is not an official record, and that member states continue to maintain control over their own voter lists and records. The data-matching exchange is simply a tool to help states crosscheck information and keep more accurate voter rolls. ERIC does not automatically purge or add any voter registration records to a state's own database. Further, privacy protections have been built into data protocols from the beginning to reduce any potential security risks.

ERIC's membership includes: Colorado, Connecticut, Delaware, Louisiana, Maryland, Minnesota, Nevada, Oregon, Utah, Virginia, Washington state, and Washington, D.C.

These ERIC members have benefitted from the following:

- Increased voter registration rates through improved access to the registration process.
- Reduced provisional ballots and shorter lines at polling places due to clarity in registration status and accuracy of registration data.
- Modernized record keeping for election administration offices that lowers costs through electronic efficiency, reduction of paper, less errors, and less manual processing.

We believe that having the Office of Elections join the Electronic Registration Information Center will benefit Hawaii, and will enable Hawaii's election team in curate even more accurate voting records.

**Thank you for the opportunity to offer testimony supporting SB 2444 SD2.**



49 South Hotel Street, Room 314 | Honolulu, HI 96813  
[www.lwv-hawaii.com](http://www.lwv-hawaii.com) | 808.531.7448 | [voters@lwv-hawaii.com](mailto:voters@lwv-hawaii.com)

COMMITTEE ON JUDICIARY AND LABOR

Thursday, March 17, 2016, 9:00 a.m., Room 016  
SB 2444 SD2 RELATINMG TO ELECTIONS

**TESTIMONY**

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

Chair Keith-Agaran, Vice Chair Shimabukuro, and Committee Members:

**The League of Women Voters of Hawaii offers comments on SB2444.**

While it's a little early to be confident, the Electronic Registration Information Center (ERIC) has apparently made good progress in helping member states clean up their voter rolls. The Pew Charitable Trust established this nonprofit in 2012, but our understanding is States control their own database. If Hawaii were to participate they would have the benefit of cross-checking information from voter registration, motor vehicle lists, and US Post Office changes-of-address records from thirteen states and the District of Columbia.

Our understanding is Hawaii's County Clerks and Office of Elections officials already use electronic Social Security records to enhance the integrity of our voter registration data files. Of course, even with online voter registration and access to Social Security data, there can be errors in voter rolls, such as a citizen entering an incorrect driver's license number or an inaccurate Social Security number. ERIC may help to resolve these errors. The Office of Elections membership in ERIC would enable it to make ERIC services available to counties, which is critical to making such membership worthwhile.

Likewise, county departments of transportation and county civil identification officials need to cooperate in sharing their voter databases with state and county voting officials. This would complement efforts to integrate such statewide resources for purposes of establishing "automatic voter registration" processes statewide.

We know registration officials are diligent in trying to improve our rolls; going forward maybe this investment with ERIC would be helpful. The goal is to get voters registered accurately and \$25,000 toward this effort strikes us as reasonable, if the Office of Elections and County Clerks endorse joining ERIC. Thank you for the opportunity to submit testimony.



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