

**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 HOUSE BILL NO. 1401
RELATING TO ELECTIONS

February 14, 2017

Chair Nishimoto and members of the House Committee on Judiciary, thank you for the opportunity to testify in support of House Bill No. 1401. The purpose of this bill is to implement elections by mail statewide beginning in 2020.

This bill envisions elections by mail to be implemented statewide in 2020. Given our strong support for all mail elections, we believe the bill should permit election officials the flexibility to be able to implement all mail elections earlier. Specifically, election officials should be given the ability as early as 2018 to implement all mail elections in particular precincts or counties, as they deem appropriate. As such, we would propose the following changes to proposed section 11-A.

§11-A Elections eligible to be conducted by mail. Beginning with the 2020 primary election, all elections shall be conducted by mail in accordance with this title. Any election prior to the 2020 primary election may be conducted by mail, in whole or in part, as determined by the chief election officer for state or federal elections or the county clerk for county elections. To the extent an election is only conducted in part by mail, any proclamation will clearly detail which precincts will continue to have polling places and which ones will be conducted by mail.

Additionally, we propose the following clarifying amendments.

We believe the bill should be amended for consistency to define the roles and responsibilities of the Office of Elections and the county clerks. The bill states that the chief election officer and clerks will determine and provide for voter service centers and places of deposit. However, this is inconsistent with proposed §11-I which provides that voter services centers will be established at the office of the county clerks and that the county clerks may designate places of deposit.

We suggest amending subsection (c) of proposed §11-B, to refer to the county clerk, as opposed to the chief election officer. As well as an amendment to proposed §11-J to state that “[t]he counties shall be responsible for voter registration, absentee voting, voter service centers, places of deposit, and the mailing and receipt of ballots.” Similarly, as the mailing of ballots is a task of the county clerks, we believe the public notice of mailing should likewise be issued by the county clerks.

Additionally, we propose amending the deadlines to file an election contest for the primary election to thirteen days. This ensures that an election contest will be resolved to meet the 45-day requirement to mail UOCAVA ballots.

As it relates to Section 6 regarding late registration, we propose a housekeeping amendment to §11-15.2(c)(3) to increase the fine associated with providing false information from \$1,000 to \$10,000 for consistency with Class C felonies.

Finally, Section 39 repeals the compensation mechanism for all election day officials. However, we propose the following language to maintain election day officials at the counting center to process mail ballots:

Election day officials shall be compensated pursuant to a schedule established by the chief election officer. The schedule shall be contained in rules adopted pursuant to chapter 91.

Thank you for the opportunity to testify in support of House Bill No. 1401.

JADE K. FOUNTAIN-TANIGAWA
County Clerk

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SCOTT K. SATO
Deputy County Clerk

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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 SCOTT K. SATO
DEPUTY COUNTY CLERK, COUNTY OF KAUA'I
TO THE HOUSE COMMITTEE ON JUDICIARY
ON HOUSE BILL NO. 1401
RELATING TO ELECTIONS**

February 14, 2017

Dear Chair Nishimoto and Committee Members:

Thank you for the opportunity to provide written testimony in support of House Bill No. 1401. This Bill enacts voting by mail uniformly across all counties for all elections commencing in 2020. Additionally, this Bill repeals and amends provisions relating to polling places, including absentee polling places, and establishes voter service center.

Our Office fully supports this Bill, but requests that it be amended to allow the County of Kaua'i to implement voting by mail beginning with the 2018 primary election. It is our belief that voting by mail and voter service centers will offer the most efficient and cost effective means for delivering voting services.

We wish to thank the Legislature for hearing this Bill and respectfully request support of this measure. Additionally, please feel free to contact the County of Kaua'i's Elections Division if we can assist in clarifying issues pertaining to voting by mail, voter service centers, or related matters.

Thank you for this opportunity to provide testimony in support of House Bill No. 1401.

SCOTT K. SATO
Deputy County Clerk, County of Kaua'i



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. 1401
RELATING TO ELECTIONS

February 13, 2017

Chair Nishimoto and members of the House Committee on Judiciary, thank you for the opportunity to offer testimony in support of House Bill No. 1401, with comments. The purpose of this bill is to have elections by mail statewide beginning with the 2020 elections.

House Bill No. 1401 provides a comprehensive overhaul of current statutory provisions related to elections, to conform to elections by mail operations. Feedback from other jurisdictions that have transitioned to elections by mail have indicated a comprehensive overhaul is needed for creation of effective and efficient elections by mail law.

Proposed Section 11-D(a) states, in part, that “the voter shall comply with the instructions included in order to cast a valid vote.” The instructions included provide for “(2) Inserting the marked ballot in the secrecy envelope”. Our office does receive absentee ballots from constituents in which they place the absentee ballot directly into the return identification envelope, foregoing the secrecy envelope. We would respectfully request that clarification be given within this provision to ensure a ballot returned that is not contained within the secrecy envelope, but is contained within the return identification envelope, still be counted as a valid vote.

Proposed Section 11-D(c) states, in part, “To cast a valid ballot, the voter shall return the marked ballot in the return identification envelope by mail...” We would respectfully request that clarification be given to allow a valid ballot to be cast, if the voter returns the ballot contained within the return identification envelope in person to a voter service center or place of deposit, to be consistent with Section 15-9, Hawaii Revised Statutes, and Section 27 of this proposed bill.

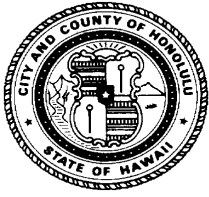
Section 11 of the proposed bill removes the requirement for watchers to have the same qualifications established for precinct officials, and Section 35 of the proposed bill repeals Section 11-72, Hawaii Revised Statutes, relating in part to criteria for individuals wishing to serve as precinct officials. We would recommend that criteria be established similarly for watchers, such as restricting candidates from serving as watchers.

Section 17 of the proposed bill provides for, in part, an electioneering perimeter and admission guidelines for places of deposit. Clarification should be given for the “area” described in the proposed Section 11-132(c), Hawaii Revised Statutes. For example, if a place of deposit were established in a commercial building or library, admission within those areas could be construed to be limited to those described in subsection (c), as subsection (a) outlines places of deposit to include the building in which it is located, parking lots adjacent or routinely used, and routes of access.

Section 23 of the proposed bill amends Section 11-157, Hawaii Revised Statutes. We would respectfully request clarification or guidance on the Legislature’s intent to decide a tie by lot.

Overall, we feel that elections by mail is a more efficient and effective way to reach our voters and administer elections.

Thank you for this opportunity to provide testimony in support of House Bill No. 1401.



GLEN I. TAKAHASHI
City Clerk

KIMBERLY L. RIBELLIA
Deputy City Clerk

OFFICE OF THE CITY CLERK
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3077 TELEPHONE (808) 768-3810

**TESTIMONY OF GLEN TAKAHASHI
CITY CLERK, CITY AND COUNTY OF HONOLULU
TO THE HOUSE COMMITTEE ON JUDICIARY
ON HOUSE BILL NO. 1401
RELATING TO VOTING**

February 14, 2017

Chair Nishimoto and Committee members:

Thank you for the opportunity to provide testimony in support of House Bill 1401 that would transition Hawaii's elections into a vote-by mail election scheme.

As evident in 2016 and in other recent elections, an increasing number of voters now cast their ballots prior to election day. In the City & County of Honolulu, absentee voting comprised 60 and 52 percent of votes cast in the 2016 primary and general elections, respectively. We expect this trend to continue, even as the State continues to expend considerable energy and expense to administer polling places statewide.

In a general consensus, our counterparts in both Oregon and Washington indicated that in their elections-by-mail transitions, additional effort should have been exerted to amending their entire election statutes to ensure that the election scheme functions properly and does not contain ambiguities caused by the different methods of voting. We believe that HB1401 incorporates that comprehensive review of Hawaii's election statutes for transitioning Hawaii's election scheme.

In addition to modifying or removing references to polling places, HB1401 adds further structure to requirements that arise with the implementation of a vote-by-mail. Chief among the proposals is addressing the ballot return postal "service gap" by establishing places of deposit starting five days prior to the election. The measure also allows election officials to consider the postal service standards for the particular mailing origin of the vote by mail ballot packets to ensure that all voters have a full 18-days to receive and return their ballots, regardless of whether the ballots may be mailed from within Hawaii or anywhere on the U.S. mainland.

The Office of the City Clerk highlights for the Committee's information, the provision in the bill that allows correction of deficient signatures on ballot return envelopes (e.g. blank or non-matching signatures). Upon further consideration, we are now recommending that voters be allowed a full 10 days (versus 5 days in our 2016 testimony) to cure these deficiencies.

The additional time to receive notice of and remedy the signature issues is especially needed in areas such as Molokai, Lanai, and other rural areas where postal delivery of written communication to the County Clerk's office may take longer. We envision that at minimal, this process for correcting missing or non-matching signatures may involve signing and returning a document or form with perhaps the inclusion of a photocopy of identification (for those with non-matching signatures).

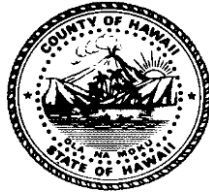
A five day window would be inadequate for two-way postal correspondence between the Offices of the County Clerks and the affected voter. While the bill also permits interaction using email or telephone, not all affected voters may have access to those types of communication. We acknowledge the desire for prompt closure to an election, however, any deadline placed upon voters must be realistic and allow a reasonable amount of time to take the appropriate action required.

This bill also contemplates the enactment of voting by mail statewide (versus a phased in approach) and we urge the Committee to give serious deliberation to providing all voters and election stakeholders a uniform experience within the same election. Doing so would also avoid potential confusion arising from conducting a media/voter education program (a critical component of any transition) intended for only a portion of the electorate.

Finally, we note that a technical correction is necessary to Section 58 of the bill to allow the enactment of the appropriation provision (not section 24) at the appropriate date.

Thank you for the opportunity to provide testimony in support of HB1401.

STEWART MAEDA
County Clerk



JON HENRICKS
Deputy County Clerk

County of Hawai'i
Office of the County Clerk
25 Aupuni Street, Suite 1402 • Hilo, Hawai'i 96720
(808) 961-8255 • Fax (808) 961-8912

LATE

TESTIMONY OF STEWART MAEDA
COUNTY CLERK, COUNTY OF HAWAI'I
TO THE HOUSE COMMITTEE ON JUDICIARY
REGARDING HOUSE BILL NO. 1401
RELATING TO ELECTIONS
FEBRUARY 13, 2017

Chair Nishimoto and members of the House Committee on Judiciary, thank you for the opportunity to testify in support of House Bill No. 1401. The purpose of this bill is to uniformly enact voting by mail across all counties of Hawai'i for all elections commencing in 2020.

Our office strongly supports this bill. Currently, elections in our state consist of absentee voting by mail, absentee walk-in sites and Election Day voting. Absentee voting was implemented to supplement Election Day polling places and to allow greater opportunities to vote. The total turnout for Hawai'i County of individuals who voted in the 2016 General Election was 66,021 and of that 39,551 individuals chose to vote absentee. Sixty percent (60%) of all individuals who voted in Hawai'i County chose to vote absentee rather than by utilizing traditional polling places.

Transitioning to a vote by mail election would help to create a more convenient voter process, increase voter turnout, and provide financial savings during election years. This bill would also allow voters more convenience and flexibility. Voters would have the ability to vote from virtually anywhere and mail ballots from their home or any other mail depository. Voters would also be afforded additional time to study the candidates and issues at hand as opposed to voting on Election Day, which can be a rushed process.

Our hope is that the passage of this measure will encourage voters who may feel disenfranchised due to isolation, lack of transportation, or disability, to feel more a part of the process due to the ability to vote by mail.

We would appreciate the ability to implement an all-mail election as early as 2018. With an all-mail voting system, Hawai'i County will see financial savings in areas such as staff and

Election Day workers, decreased voting machines and associated contracts as well as warehouse storage costs.

Thank you for the opportunity to testify in support of House Bill No. 1401.



Hawaii Republican Party State House District 41

(Ewa, Ewa Beach, Ewa Gentry, Ewa Villages, Hoakalei, Ocean Pointe)

February 12, 2017

House Committee on Judiciary
Hawaii State Capitol
415 South Beretania Street, Room 325
Honolulu, HI 96813

Hearing: Tuesday, February 14, 2017 – 2:00 p.m.

RE: STRONG OPPOSITION for House Bill 1401 – Voting by Mail; Voter Service Centers

Aloha Chair Nishimoto, Vice Chair San Buenaventura and fellow committee members,

Studies have shown Election fraud is rare, but when it is found it usually involves absentee or mail ballots.

The impulse to embrace solution-oriented reforms is always commendable. But, in elections, as in all else, the devil is in the details.

I encourage you to read the attached article.

I encourage you to vote NO. We must be absolutely sure that the Office of Elections can execute this effort without undue mistakes that would lead to even more disenfranchised voters or massive voter fraud.

Mahalo,
Brett Kulbis
District Chairman

Vote By Mail Spreads, But Doesn't Help All Voters

<https://novbm.wordpress.com/2012/03/21/vote-by-mail-spreads-but-doesnt-help-all-voters/>

Vote by Mail Spreads, But Doesn't Help All Voters

Some progressives overlook that voting by mail does not always help their longtime constituents.

As state and county officials look for ways to streamline elections during tough budgetary times, many jurisdictions are increasingly relying on mail-based voting—and winning praises from progressives for doing so. But the true litmus test for any election reform should be whether it helps expand the franchise to those whose voices are missing in our democracy. **What some groups may overlook in their enthusiasm about voting by mail is that it does not always serve underrepresented or vulnerable populations as well as traditional polls.**

Just last week, Hawaii held an all mail-in vote for a special congressional election, and the Progressive States Center applauded the reform for resulting in higher turnout (54 percent of 317,000 mailed ballots were returned), and for costing less (about 75 percent of the cost of precinct-based systems). They also championed the administrative ease of the method, and how it helps counter negative campaigning (since it is costly to run negative ads over the three-week period that ballots could be returned).

And Hawaii is not alone. Oregon has already instituted all-mail voting, as has most of Washington state. Most Californians (62 percent) voted by mail in the

2008 presidential election, though counties still offer precinct voting. Colorado had high mail-in voting rates in 2008 (64 percent), and the state is considering an all mail system.

The progressive impulse to embrace solution-oriented reforms is always laudable. But, in elections, as in all else, the devil is in the details. There are several layers of facts and fine print that we should heed before embracing any election reform.

First, studies show that voting by mail has not been a magnificent success among low-income communities of color (in inner cities and rural areas), because of higher mobility rates and poorer mail service among these populations, among other factors.

A recent academic study commissioned by the Pew Center on the States, one of the nation's leading sponsors of election reform research and analysis, looked at the impact of adopting an all-mail system in California. The study—based on research conducted in 2009—concluded that a mandatory, all-mail system would negatively impact urban, low-income and communities of color.

The reports found that, when a mandatory vote-by-mail system is implemented, the estimated odds of an individual voter voting actually decreases by 13.2%. The report also found that the negative impact of being forced to vote-by-mail further is worse across certain populations, with the estimated odds of voting decreasing 50% for urban voters, 30.3% for Asian voters; and 27.3% for Hispanic voters.

There is no perfect election system, of course, but these findings suggest that additional steps must be taken by state and local election officials to ensure that the populations that traditionally are hardest to reach and engage are not left behind in a rush to mandatory mail-in voting.

For example, in Colorado, any voter who does not cast a ballot during one federal election cycle is listed as an “inactive voter.” Under Colorado election laws, inactive voters are not mailed a ballot in an all-mail election, which obviously would disenfranchise many eligible voters—just because they did not vote in the last federal election. (Inactive voters in Oregon, Washington, and California also do not receive mail-in ballots—although California, unlike its neighbors, also has precinct-based voting in all counties.)

Other voters on Colorado’s inactive list include voters whose last piece of election mail was returned as undeliverable. Relying on mail delivery to determine voting eligibility is a notoriously error-prone practice, guaranteed to disenfranchise eligible voters. Only about 90% of first-class mail is successfully delivered nationwide, meaning 10 percent of the eligible population could be disenfranchised. Poor mail delivery is particularly an issue in inner cities, but also on university campuses, Native American reservations, among young people, students and transient workers —basically anywhere there is a population that is more mobile than the suburbs. This kind of unintended consequence is critical in assessing the impact of all-mail elections, and must not be overlooked by state legislators who otherwise might see great savings in adopting a new voting process.

What is needed as states and counties eye reforms are pragmatic safeguards that will balance the ease of administering all-mail voting with serving all eligible voters. That means election offices will need to increase communications with voters in their jurisdiction. It also means retaining voting centers, or perhaps consolidating precinct-based voting, but not eliminating it. It means working with the Postal Service to improve current address information to reduce returned mail—and undelivered ballots. Additionally, legislators should make voter registrations portable, so they can be moved between jurisdictions by election officials when a voter moves, enabling them to present identification to receive a regular ballot on Election

Day.

Moreover, there is a potential for partisan abuses when political campaign workers assist voters, especially elderly, infirm, or housebound voters, to fill out any ballot, especially when completed ballots are collected en masse before submittal. Limits should be imposed, particularly on political party and political campaign workers, to prevent them from distributing and collecting mail-in ballots, to help prevent potential vote fraud, especially when dealing with infirm or housebound populations.

The message that election officials, legislators, and advocates need to heed on all-mail voting is that the reform is not a one-size-fits-all solution for streamlining Election Day. Voting is a complex undertaking, and any reform must be scrutinized for all of its consequences—unintended and otherwise—not just bottom-line budgetary and administrative impacts. The most challenging or mobile populations have always been the hardest to serve, but it is government's job to reach them, not to sweep them aside in a rush for "progress."

Filed under: [Voting News](#) |



House Judiciary Committee
Chair Scott Nishimoto, Vice Chair Joy San Buenaventura

02/14/2017 at 2:00 PM in Room 325
HB1401— Relating to Elections

TESTIMONY —STRONG SUPPORT
Corie Tanida, Executive Director, Common Cause Hawaii

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

Common Cause Hawaii strongly supports HB1401 which would establish a statewide “Voting-by-Mail” or, “Elections-by-Mail” system.

Common Cause believes that increased citizen participation in the electoral process is a crucial component of 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 HB1401 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 1st Congressional District election. According to figures provided by the Office of Elections, trends show a leaning of basic voter preference for Voting-By-Mail with 54.4% of voters from the 2016 Hawaii Primary Election opting to participate by mail-in absentee ballot, compared with 38.1% who voted at their precinct.

OVERCOMING LOGISTICAL OBSTACLES

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 approximately \$800,000 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. 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 **strongly supporting HB1401**.



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COMMITTEE ON JUDICIARY

TUESDAY, February 14, 2017, 2:00 p.m., Room 325
HB1401 RELATING TO ELECTIONS

TESTIMONY

Janet Mason, Legislative Committee, League of Women Voters of Hawaii

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

The League of Women Voters of Hawaii supports HB1401 that introduces voting by mail across all counties in 2020. The League is very happy to see introduction of six “vote by mail” bills in this session, and we support the intent of each bill. It is worth noting that all bills make voting by mail voluntary and that in-person voting and voter assistance would still be available in “voter service centers.”

We strongly support modernizing the way we vote and saving money in the process. Conducting elections by mail **statewide** is an extension of decades of experience with successful distribution, collection and counting of mail-in ballots. Hawaii has permitted absentee voting since 1976, so procedures for voting by mail, including division of labor between the Counties and the State, are well established. Our County Clerks and the Office of Elections support this change.

Voter education promoting “voting by mail” is already well underway, and voters are responding. To succeed with this approach, certain reminders we already use should be emphasized, such as signing the outside ballot return envelope and meeting the deadline for ballot return.

The only major difference among the six vote by mail bills concerns the implementation schedule. This bill (and its companion SB 334) propose introducing voting by mail simultaneously in all counties in 2020. SB 1066 and SB428 both suggest voting by mail in Kauai County in 2018 and across all counties in 2020. Any of these schedules are acceptable to League, for voter benefits, cost savings and process improvements will be realized no matter when we begin.

Section 13 of HB1401 properly provides for procedures for postponed elections in the event of a natural disaster. However, the measure is silent about disclosure of election results following a natural disaster in a district, and we think it is important to address this. We suggest that results for the postponed district should not be disclosed until that election has concluded and results for precincts not postponed should be



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withheld for a reasonable period, e.g. seven calendar days. Some balance must be struck between providing reasonable accommodation for distressed voters in a postponed disaster district while providing finality to our election results.

The League acknowledges the extensive operational expertise of the City and County of Honolulu (the bill's sponsor) and thanks them for their commitment to protecting the integrity of absentee voting since its introduction in 1976. For example, the Senate companion to this bill, SB 334, suggests adding the precaution of replacing lost or defective ballots only after review by two observers, and we fully support this precaution. We request that Section 2, 11-E of HB 1401 be amended accordingly.

Thank you for the opportunity to submit testimony.

PETER L. FRITZ

TELEPHONE (SPRINT RELAY): (808) 568-0077
E-MAIL: PLFLEGIS@FRITZHQ.COM

HOUSE OF REPRESENTATIVES THE TWENTY-NINTH LEGISLATURE REGULAR SESSION OF 2017

COMMITTEE ON JUDICIARY

Hearing: February 14, 2017

RELATING TO ELECTIONS

Chair Nishimoto, Vice Chair San Buenaventura and members of the Committee. My name is Peter Fritz. I am an individual with a disability. I am testifying **in support of this bill, but with reservations** because the bill may discriminate against individuals with disabilities.

This bill enacts voting by mail uniformly across all counties for all elections commencing in 2020. It repeals and amends provisions relating to polling places, establishes voter service centers to accommodate personal delivery of ballots. It allows for electronic transmission of ballots under certain circumstances.

There is a gap at the intersection between of voting by mail and accessible voting and absent changes to this bill, many people with disabilities and kupuna may fall through that gap.

Under this bill, voting by mail will be accompanied with a reduction of polling places. This change will make it more difficult for people with mobility or vision disabilities to get to a voter service center on election day where accommodations can be made for there disability. While this bill does allow for electronic transmission of ballots, electronic transmission only occurs after a voter request a replacement ballot. Furthermore, the voter must waive their right to secrecy and while the bill provides that the ballot transmitted electronically may provide for electronic marking, it is not clear if voters will be able to mark their electronic ballot using their computer.

Ballots should be available electronically for individuals with disabilities at the same time ballots are mailed to all voters. Assistive technology is available that allows disabled voters to privately and independently mark their ballots on their computers. Courts have required states to make accessible ballots available to individuals with disabilities. I would ask that the Committee take notice of lawsuits that have been filed in Maryland¹, Ohio², and San Mateo County, California³ regarding absentee ballots that are inaccessible for individuals with disabilities. Oregon, Wisconsin, and New Hampshire our using the Prime III voting system for voting in-person and mail voting. This option should be available to individuals with disabilities when ballots are mailed to all voters.

It is respectfully submitted that accommodating disabled voters only at voter service centers will violate the nondiscrimination requirements of Title II of the Americans with Disabilities Act and/or the Help America Vote Act because other software is available that will allow an individual to complete their ballot privately and independently.

¹ Nat'l Fed'n of the Blind, Inc. v. Lamone (D. Md., 2014)

² Hindel v. Husted (S.D. Ohio, 2016)

³ California Council of the Blind v. County of San Mateo Case 3:15-cv-05784 Filed 12/17/15

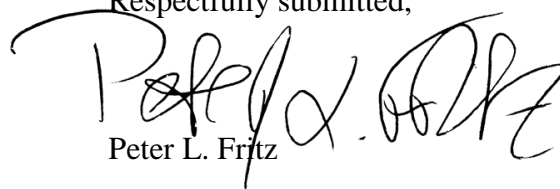
I respectfully suggest that this bill be amended to add language that the Office of Elections is to develop remote ballot marking systems and rules and procedures for individuals with disabilities to request an accommodation to use a system to mark their ballot privately and independently.

This bill includes an appropriation. I would respectfully request that consideration be given to the following be given when determining the amount of the appropriation:

- Development Costs for Accessible Ballots such as:
 - Tactile and large-print ballots for some voters with visual disabilities.
 - HTML ballots, which can be marked and printed with a home computer.
 - Software such as Prime III
 - Ballots that are compatible with JAWS[®], WindowsEyes, ZoomText, Voice Over (Mac) and NVDA software.
- For voters without access to a computer or other assistive technology, an appropriation to acquire tablets with remote voting software and funding for Office of Election personnel to take such equipment to a voter. Oregon has a program where election officials take a tablet to nursing homes and to disabled voters so that these individuals can participate in elections.
- Funding for Training of Caregivers. Training for caregivers would include specific instructions on the legal requirements for voting and on the degree of assistance that is permissible. Even with the best imaginable accommodations, some voters with disabilities are likely to require third-party assistance in voting by mail. There is a concern that caregivers may assume an inappropriate “gatekeeping” role by failing to help someone complete a ballot even though that person still has the ability to understand the nature and effect of voting.

Thank you for the opportunity to testify.

Respectfully submitted,



Peter L. Fritz

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 13, 2017 6:29 PM
To: JUDtestimony
Cc: annsfreed@gmail.com
Subject: Submitted testimony for HB1401 on Feb 14, 2017 14:00PM

HB1401

Submitted on: 2/13/2017
Testimony for JUD on Feb 14, 2017 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Ann S Freed	Individual	Support	No

Comments: Aloha Chair Nishimoto, Vice Chair and members, I strongly support this measure. With Hawaii's families often working two or three jobs to make ends meet, taking time to get to a polling place is often out of the question. In addition it is my understanding that the Office of Elections will be required to replace all our voting machines in the near future and they don't have the money to do it. Please pass this bill. Voter turnout will likely go up as one result. Ann S. Freed Resident, Mililani

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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov