

STAND. COM. REP. NO. 1377

Honolulu, Hawaii

MAR 22 2019

RE: H.B. No. 1248
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1248, H.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:

- (1) Enact voting by mail uniformly across all counties for all elections commencing in 2020;
- (2) Appropriate funds for the implementation of the election by mail program; and
- (3) Require the Office of Elections to submit a report to the Legislature regarding the implementation of a vote by mail system.

Your Committee received testimony in support of this measure from the Office of Elections; Disability and Communication Access Board; Maui County Clerk; Hawai'i County Clerk; League of Women Voters of Hawaii; Planned Parenthood Votes Northwest and Hawaii, Common Cause Hawaii; We Are One, Inc.; Hawaii Advocates for Consumer Rights; Hawaii Women's Coalition; and six individuals. Your Committee received testimony in opposition to this measure from one individual.



Your Committee finds that increasing numbers of Hawaii voters are submitting votes by mail and are choosing to vote early. Your Committee further finds that a single, unified vote-by-mail system will reduce the logistical costs of conducting elections. This measure will allow the State to transition to a system that primarily utilizes voting by mail, which will increase the efficiency and accuracy of vote tabulation.

Your Committee has amended this measure by:

- (1) Requiring all elections statewide to be conducted by mail beginning with the 2022 primary election;
- (2) Clarifying that returned ballots may be enclosed in either a secrecy envelope or a secrecy sleeve;
- (3) Requiring that ballots be mailed to voters so that voters receive them approximately eighteen days before an election;
- (4) Specifying that the return identification envelope with a voter's ballot must be received at the office of the clerk by the closing time provided in section 11-131, Hawaii Revised Statutes, if a voter chooses to mail their ballot back;
- (5) Changing the time of closure of voting from 7:00 p.m. to 6:00 p.m. at voter service centers and places of deposit and clarifying that any voter who is in line at a voter service center or place of deposit by that time shall be allowed to vote;
- (6) Requiring that initial tabulation of ballots be completed no later than 6:00 a.m. on the day following an election day;
- (7) Requiring the clerk not to comingle ballots when the validity of certain ballots cannot be verified upon receipt and to take reasonable steps to confirm the validity of such ballots within seven days following an election day;



- (8) Clarifying that only ballots that have been verified by the clerk at the time the initial tabulation is complete may be included in any initial recount, and that all other recounts shall be as provided by law;
- (9) Prohibiting any election result from being certified unless all ballots verified by the clerk within seven days following an election have been added to the final tabulation;
- (10) Requiring places of deposit to open five business days before an election;
- (11) Specifying the amount of appropriations to be disbursed to the counties in the form of grants as \$987,127;
- (12) Making clarifying and conforming amendments to sections of the absentee voting law to account for all mail-in voting; and
- (13) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1248, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1248, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,

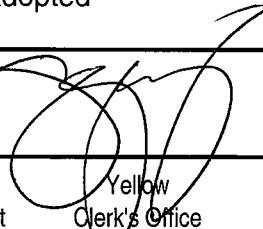


KARL RHOADS, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* HB 1248 HD1	Committee Referral: JDC, WAM	Date: 3/14/19		
<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
RHOADS, Karl (C)	✓			
WAKAI, Glenn (VC)	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
FEVELLA, Kurt				✓
TOTAL	4	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes