



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTIETH LEGISLATURE, 2019**

ON THE FOLLOWING MEASURE:

S.B. NO. 1058, S.D. 2, H.D. 1, RELATING TO PROPOSED CONSTITUTIONAL AMENDMENTS..

BEFORE THE:

HOUSE COMMITTEE ON FINANCE

DATE: Thursday, March 28, 2019

TIME: 3:00 p.m.

LOCATION: State Capitol, Room 308

TESTIFIER(S): Clare E. Connors, Attorney General, or
Valri Lei Kunimoto, Deputy Attorney General

Chair Luke and Members of the Committee:

The Department of the Attorney General appreciates the intent of this bill and provides the following comments.

S.B. No. 1058, S.D. 2, H.D. 1, requires the Attorney General, in consultation with the Legislative Reference Bureau (LRB), to prepare a statement in English and Hawaiian for each proposed constitutional amendment in language that is clear and indicates the purpose, limitations, and effects of the proposed amendment. The bill further requires the Attorney General to distribute the statements to the state Office of Elections and all county clerks to make available at all polling places in the State and on the Office of Elections' website.

The Department supports voter education and the intent of this bill. The Department has concerns that it may not be the appropriate entity to draft the statements to explain the purpose, limitations, and effects of proposed constitutional amendments. The proposed amendments ultimately are the product of the legislators, and the statements would best be prepared by those who work closely with the Legislature and preferably within the legislative branch to ensure that the language of any proposed constitutional amendment clearly reflects the intent of the Legislature. While H.D. 1 requires consultation with the LRB, the Department notes that, at one time, the LRB drafted and disseminated information pertaining to proposed constitutional

amendments. The LRB or another legislative entity would be better-suited to prepare statements to explain the proposed amendments. The Department would continue to participate, as it does with other bills, by providing testimony and when asked, advice and recommendations.

Thank you for the opportunity to testify on this bill.

Charlotte A. Carter-Yamauchi
Director

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LEGISLATIVE REFERENCE BUREAU
State of Hawaii
State Capitol, Room 446
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Written Comments

SB1058, SD2, HD1 RELATING TO PROPOSED CONSTITUTIONAL AMENDMENTS

Comments by the Legislative Reference Bureau
Charlotte A. Carter-Yamauchi, Director

Presented to the House Committee on Finance

Thursday, March 28, 2019, 3:00 p.m.
Conference Room 308

Chair Luke and Members of the Committee:

Good afternoon Chair Luke and members of the Committee, my name is Charlotte Carter-Yamauchi and I am the Director of the Legislative Reference Bureau. Thank you for providing the opportunity to submit written comments on S.B. No. 1058, S.D. 2, H.D. 1, Relating to Proposed Constitutional Amendments.

The purpose of this measure is to require the Attorney General, in consultation with the Legislative Reference Bureau, to prepare a statement for each proposed constitutional amendment in English and Hawaiian for each proposed constitutional amendment in language that is clear and that indicates the purpose, limitations, and effects of the proposed amendment. The measure also requires the Office of Elections and county clerks to make the statement available to the public.

The Bureau takes no position on the merits of this measure, but submits the following comments for your consideration.

The Bureau would like to note that it does not employ legislative drafting personnel who are fluent in Hawaiian or who are familiar with translating potentially complex legal issues from English to Hawaiian and distilling such issues into ". . . language that is clear and that indicates the purpose, limitations, and effects of the proposed amendment." Furthermore, the measure does not provide an appropriation for the Bureau to hire such personnel or procure such translation services. Finally, it is unclear for what purpose the Bureau is to be consulted by the Attorney General. Consequently, under the current version

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of this measure, it seems that the Bureau would be unable to contribute in any meaningful way to the work required of the Attorney General.

Thank you again for your consideration.



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COMMITTEE ON FINANCE
Thursday, March 28, 2019, 3:00 p.m., Room 308

SB 1058 SD2 HD1 RELATING TO PROPOSED CONSTITUTIONAL
AMENDMENTS

TESTIMONY

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

Chair Luke, Vice-Chair Cullen and Committee Members:

The League of Women Voters of Hawaii strongly supports SB 1058 SD2 HD1 that provides that the Attorney General prepare a statement in plain English and Hawaiian for each proposed constitutional amendment that indicates the purpose, limitations, and effects of the proposed amendment. The bill also requires the office of elections and county clerks to make the statement available to the public.

For too long, voters have struggled with trying to understand the legal vocabulary used in the wording of our ballot amendments. We do appreciate the necessity of wording the ballot using this vocabulary, but a translation is required for we common folks! This is especially important knowing that blank votes count as “no” votes; in fact, blank votes often mean “I don’t understand.”

We do not underestimate the difficulty of providing this service for voters, but we think the Attorney General’s office is most likely to prepare an accurate statement. We also agree that elections officials such as the Office of Elections and County Clerks are the only practical avenues for statewide distribution of such information and the only sponsors likely to be accepted by voters as objective and nonpartisan. The League calls for collaboration between these state and county agencies.

Ballot education is only one part of what Hawaii voters deserve from our election officials. More comprehensive education would also include candidate statements in a common template form and a program that continues to provide practical information such as sample ballots and arrangements for voting.



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For many years, the Hawaii League of Women Voters has pursued voting modernization such as online voter registration, same-day voter registration and automatic voter registration – all in hope of making voting convenient for voters. We will be the first to admit such efforts are important but insufficient. Once registered, how can we encourage people to vote? Surely voter education is important, just as fielding a competitive group of good candidates is important. But here we are emphasizing as strongly as we can - Hawaii needs comprehensive voter education.

Thank you for the opportunity to submit testimony.



Hawaii

Holding Power Accountable

Common Cause Hawaii • 307A Kamani St. • Honolulu, HI 96813 • 808.275.6275

To: The House Committee on Finance
From: Brodie Lockard, Board Member, Common Cause Hawaii
Date: Thursday, March 28, 2019, 3:00 pm

In support of SB1058 SD2 HD1

Dear FIN Chair Luke, Vice Chair Cullen and Committee Members—

Common Cause Hawaii supports SB1058 SD2 HD1.

Unbiased information about constitutional amendments can be difficult to find for the average voter. A proposed law this important should be explained clearly for every voter.

Information about what is on a voter's ballot is not available in any consistent place in Hawaii. Providing voters the purpose, limitations, and effects of proposed constitutional amendments is an important step toward a more informed, active electorate.

Please pass SB1058 SD2 HD1 and help Hawaii voters make better decisions.

Thank you for the opportunity to testify.

Brodie Lockard
Board Member, Common Cause Hawaii