

**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 SENATE COMMITTEE ON JUDICIARY
ON SENATE BILL NO. 560
RELATING TO ELECTIONS

January 29, 2019

Chair Rhoads and members of the Senate Committee on Judiciary, thank you for the opportunity to testify in support of Senate Bill No. 560. This bill implements voting by mail statewide beginning in 2022.

The Office of Elections supports elections by mail because it is convenient and accessible for voters, and it will streamline the administration of elections. In recent elections, more than half of voters have cast their ballot prior to election day.

Additionally, elections by mail would limit logistical issues and voter confusion that may occur at polling place facilities in close proximity to the election. For example, we were notified on June 25, 2018 that the Waikele Elementary School Cafeteria would be unavailable for the Primary Election due to demolition and construction. Waikele Elementary School Cafeteria serves as a polling place for two precincts, 35-05 and 37-04. We mailed letters to these voters notifying them that their polling place had been reassigned to Waikele Community Park for voters of 35-05, and Kanoelani School for voters of 37-04. However, Election Day Officials reported that there was voter confusion as these voters have been voting at Waikele Elementary School since the early 2000s.

Thank you for the opportunity to testify in support of Senate Bill No. 560.

JOSIAH K. NISHITA
County Clerk



MARGARET C. CLARK
Deputy County Clerk

OFFICE OF THE COUNTY CLERK

COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/county/clerk

LATE

TESTIMONY OF JOSIAH NISHITA
COUNTY CLERK, COUNTY OF MAUI
TO THE SENATE COMMITTEE ON JUDICIARY
ON SENATE BILL NO. 560
RELATING TO ELECTIONS
January 29, 2019

Chair Rhoads and members of the Senate Committee on Judiciary, thank you for the opportunity to testify in support of Senate Bill No. 560. This bill will enact voting by mail uniformly for all counties beginning in 2022.

We feel that elections by mail is a more efficient and effective way to reach our voters and administer elections, and we respectfully request your support of this Bill.

Thank you for the opportunity to provide testimony in support of Senate Bill No. 560.

To: Hawaii State Senate Committee on Judiciary
Hearing Date/Time: Tuesday, Jan. 29, 2019, 9:00 a.m.
Place: Hawaii State Capitol, Rm. 016
Re: Testimony of Planned Parenthood Votes Northwest and Hawaii in support of S.B. 560,
relating to Elections

Dear Chair Rhoads and Members of the Committee,

Planned Parenthood Votes Northwest and Hawaii (“PPVNH”) writes in support of S.B. 560, establishing a program to allow citizens to vote by mail. PPVNH supports policies that make it easier for all eligible voters to cast a ballot and that ensure that all votes are counted equally.

Planned Parenthood believes in fairness and equal opportunity - values that form the foundation of any healthy democracy and which need to be protected. We work to ensure that our children and communities experience a democracy that embraces the principle of “One Person, One Vote.” Further, as stewards of public health we know that being able to participate in one’s community contributes significantly to an individual’s wellbeing – and knowing one’s vote counts is a crucial element to civic engagement.

Thank you for this opportunity to testify in support of this important measure.

Sincerely,

Laurie Field
Hawaii Legislative Director



49 South Hotel Street, Room 314 | Honolulu, HI 96813
www.lwv-hawaii.com | 808.531.7448 | voters@lwv-hawaii.com

COMMITTEE ON JUDICIARY

Tuesday, January 29, 2019, 9:00 a.m., Room 016
SB 560 RELATING TO ELECTIONS

TESTIMONY

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

Chair Rhoads, Vice-Chair Wakai and Committee Members:

The League of Women Voters of Hawaii **strongly supports SB 560, that would introduce voting by mail statewide for all elections beginning in 2022.**

Research indicates this modern approach to voting improves turnout, which is the main reason the League supports the bill. We believe the 2022 start date for a statewide program is prudent. We will have results from Kauai's 2020 "vote by mail experience" to guide state and county officials in preparing voters for 2022 and we will have other opportunities to improve the current absentee voting program, which is already very popular.

With the premise that "every vote counts" we respectfully request you consider a few changes to this measure. In Section 11-D Ballot Instructions; ballot returns, there is a need to amend the language "received at the office of the clerk," to clarify that clerks may designate official agents to accept ballots. If so, a definition of such allowable designees (such as certified postal service employees) is important.

Also needed is a strong definition of the deadline for ballot returns. Section 11-D states that mailed ballots should be received by the clerk no later than closing on Election Day. To eliminate ambiguity, we suggest amending this language to read "received by mail on Election Day or postmarked no later than Election Day."

Section 11-D, (c) (2) specifies that personal delivery of ballots at places of deposit should occur by the day **preceding** Election Day, but we think a single 6:00 p.m. deadline on Election Day is a better approach, since the places of deposit are secured and prompt collection at 6:00 p.m. on the date of the election can be arranged. We expect personal delivery of ballots will be popular as it has been in other states such as Oregon; using a different deadline could easily confuse voters and result in unintentional disenfranchisement.

Deadline for return of replacement ballots as specified in Section 11-E (c) should be amended to correspond with the suggestions we made for Section 11-D (c).



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In Section 17, adding a clause after 11-131, (Voter service center hours), to specify "Places of Deposit Hours." would help avoid confusion about when places of deposit will be open.

Finally, for the benefit of Kauai voters in 2020, we ask whether Act 182 should be amended to clarify any ambiguity about "receipt of ballots by the Clerk" and deadlines for receipt of 2020 ballots.

We fully support the effort to measure savings derived through voting by mail instead of polling place voting; this should be included in the office of elections reports to the legislature for sessions 2020 through 2025

This measure holds promise for Hawaii voters. Thank you for the opportunity to submit testimony.

COMMUNITY ALLIANCE ON PRISONS

P.O. Box 37158, Honolulu, HI 96837-0158

Phone/E-Mail: (808) 927-1214 / kat.caphi@gmail.com



COMMITTEE ON JUDICIARY

Sen. Karl Rhoads, Chair

Sen. Glenn Wakai, Vice Chair

Tuesday, January 29, 2019

9:00 am

Room 016

STRONG SUPPORT for SB 560 – VOTE BY MAIL

Aloha Chair Rhoads, Vice Chair Wakai and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai'i for more than two decades. This testimony is respectfully offered on behalf of the families of **ASHLEY GREY, DAISY KASITATI, JOEY O'MALLEY, JESSICA FORTSON AND ALL THE PEOPLE WHO HAVE DIED UNDER THE "CARE AND CUSTODY" OF THE STATE** as well as the approximately 5,400 Hawai'i individuals living behind bars or under the "care and custody" of the Department of Public Safety on any given day. We are always mindful that more than 1,600 of Hawai'i's imprisoned people are serving their sentences abroad thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

SB 560 enacts voting by mail uniformly across all counties for all elections commencing in 2022. Establishes a limited number of voter service centers that would remain open from the tenth business day preceding an election through the day of the election to receive personal delivery of mail-in ballots, accommodate voters with special needs, offer same day registration and voting, and provide other election services. Allows for additional places of deposit for personal delivery of mail-in ballots. Appropriates funds for the implementation and administration of the election by mail program. Requires the office of elections to submit a report to the legislature prior to the convening of each regular session from 2020 through 2025, regarding the implementation of a vote by mail system.

Community Alliance on Prisons is in strong support of this measure. Our pathetic voter turnout has been the clarion call for doing things differently. Most folks already vote by absentee ballots and setting up centers instead of in each district would still serve the people who prefer to vote in person.

Research indicates and other jurisdictions have proven that making it easier to vote improves turnout. This is so important for democracy to thrive. Recently Zimbabwe citizens got the right to vote and they waited in line for hours to exercise this right. Many take this right for granted – and that is scary because we could lose it if we don't exercise it.

DEMOCRACY IS LIKE A MUSCLE – IT ATOPHIES IF IT IS NOT EXERCISED!

Mahalo for this opportunity. Please pass this important democratic measure.



HAWAII APPLESEED

CENTER FOR LAW & ECONOMIC JUSTICE

Testimony of Hawai'i Appleseed Center for Law and Economic Justice
Supporting SB 560 – Relating to Elections
Senate Committee on Judiciary
Scheduled for hearing at Tuesday, January 29, 2018, 9:00 AM, in conference room 016

Dear Chair Rhoads, Vice Chair Wakai, and members of the Committee:

Thank you for the opportunity to submit testimony in **SUPPORT** of **SB 560**, which would expand the voting by mail (VBM) program that is starting in Kaua'i in 2020 by making VBM permanent statewide starting in 2022.

According to the United States Election Project, fewer than 4 in 10 of Hawai'i's voting-eligible population voted in the 2018 general election, yet again placing us last in the nation.¹ Voting by mail (VBM) is one important tool that has been shown to improve voter participation rates.

VBM would also especially help improve voter turnout among our low-income neighbors. The logistical barriers to voting in person are higher for low-wage and hourly workers because many do not get Election Day off, are less likely to be able to leave work to vote, and/or work too far from their polling places to be able to make it to the polls when they are open.

With a VBM system, a ballot would be automatically mailed to every registered voter. The voter would be able to return their ballot via mail or at a drop-off location, or cast their vote in person at early a voting center or at a polling place on Election Day. VBM would:

- provide more flexibility and create more opportunities for citizens to vote,
- save the state money -- the Hawaii State Office of Elections estimates approximately \$800,000 would be saved in each election cycle if the state were to adopt VBM,
- alleviate pressure on poll sites and workers, as well as save time on Election Day.

We need to do more to get more than 4 in 10 of our eligible voters – especially those who face the highest barriers to voting in person -- to vote across our state. VBM should be a key part of those efforts. Mahalo for your consideration of this testimony.

¹ <http://www.electproject.org/2018g>

SB-560

Submitted on: 1/27/2019 11:29:41 PM

Testimony for JDC on 1/29/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Brett Kulbis	Testifying for Honolulu County Republican Party	Oppose	No

Comments:

The Honolulu County Republican Party **OPPOSES** this bill.



Hawaii

Holding Power Accountable

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

To: The Senate Committee on Judiciary
From: Brodie Lockard, Board Member, Common Cause Hawaii
Date: Tuesday, January 29, 2019, 9:00 am

In support of SB 560

Dear JDC Chair Rhoads, Vice Chair Wakai and Committee Members—

Common Cause Hawaii supports SB 560.

Five states now use Vote by Mail to various degrees. It has increased voter turnout, with very little evidence of voter fraud.

Hawaii has had the lowest voter turnout of any state, for many years. VBM makes voting easy and convenient. The Hawaii State Office of Elections estimates approximately \$750,000 would be saved in each election cycle by converting to VBM. It requires fewer voting machines, fewer polling places, fewer poll workers, fewer lines, and less confusion at polling places.

A verifiable paper trail is maintained for all ballots. Replacement ballots for lost or damaged ballots are available from the county clerks, who cancel the original ballot before issuing a replacement. In-person voting sites will continue to be available for voters who would like to vote in-person and to provide additional services to voters.

In recent years, voters have increasingly opted to vote by mail instead of voting in person at walk-in polling places. During the 2016 general election, 53.6% of Hawaii voters cast their ballots prior to Election Day.

Please pass SB 560 and encourage voting for everyone in Hawaii.

Thank you for the opportunity to testify.

Brodie Lockard
Board Member, Common Cause Hawaii

SB-560

Submitted on: 1/28/2019 8:47:42 AM

Testimony for JDC on 1/29/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Testifying for Oahu County Committee on Legislative Priorities, Democratic Party of Hawai'i	Support	No

Comments:

LATE

SB-560

Submitted on: 1/28/2019 7:04:42 PM
Testimony for JDC on 1/29/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Larry Meacham	Testifying for Common Cause Hawaii	Support	No

Comments:

January 28, 2019

Testimony to the Senate Judiciary Committee in SUPPORT of SB 560, Realting to Elections

Voting by mail provides an excellent opportunity to increase turnout by increasing the convenience of voting. Hawaii has the lowest voeter turnout in the country and other states like Oregon have had sucess in increasing turnout with voting by mail, while maintaining security.

We should acclerate the pilot program and rollout to the entire state.

Thank you for the opprtunity to offer testimony.

Larry Meacham

LATE

SB-560

Submitted on: 1/28/2019 8:38:43 PM
Testimony for JDC on 1/29/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Midwives Alliance of Hawaii	Testifying for Midwives Alliance of Hawaii	Support	No

Comments:

We strongly support SB560. As midwives we have unpredictable schedules that can keep us at a birth for days. Further, our clients are new parents who have barriers to getting out on a specific day within a time frame to get to a polling place. As professionals we believe removing barriers for the majority by providing permanent absentee voting will benefit our state.

TO: SENATE COMMITTEE ON JUDICIARY

RE: SB560 RELATING TO ELECTIONS.

Enacts voting by mail uniformly across all counties for all elections commencing in 2022

FOR HEARING ON Tuesday, January 29, 2019

FROM:

Kenneth R. Conklin, Ph.D.

46-255 Kahuhipa St. Apt. 1205

Kane'ohe, HI, 96744

Tel. 808.247.7942

TESTIMONY IN OPPOSITION

Voting by mail, early voting, or absentee voting should be the exception — not the normal, routine, expected procedure. There are many reasons why.

Hawaii voters are being herded like sheep to vote by mailed absentee ballots (and eventually to vote electronically through the internet). Holding elections that way might save money, produce immediate final results the moment the "polls" close, and be extremely convenient for voters. But voter turnout has not improved in recent years despite easy mail-in of ballots and even-easier registration.

During the past several years news media editorials have repeatedly said that Hawaii's dismal voter turnout would be greatly improved by allowing early voting, absentee voting, mail-in voting, electronic voter registration, and same-day voter registration. Since 2010 Hawaii people have been offered the even greater convenience to never again need to apply for an absentee ballot -- just mail a request one time for permanent absentee voting. But as these methods have been adopted, voter turnout has not noticeably improved. Electronic voting by internet has even been tried for neighborhood board elections on O'ahu, but voter turnout has not improved.

ABSENTEE VOTING BY MAIL MAKES IT EASY FOR LARGE NUMBERS OF VOTERS TO SELL THEIR VOTES; OR FOR CANDIDATES, UNION STEWARDS, OR CORPORATE BOSSES TO INTIMIDATE VOTERS IN LARGE NUMBERS.

In the "good old days" of in-person voting, a voter could take money and sell his vote, but could nevertheless vote for whichever candidate he wanted, because the ballot was marked in the privacy and secrecy of the voting booth. However, if a voter takes possession of an absentee ballot to be returned by mail, then someone else who buys that vote or intimidates that voter can actually watch the voter mark the ballot; can watch to be sure the ballot gets enclosed inside the official envelope and the envelope gets signed by the voter; and then can mail the envelope for the voter to be sure it gets sent in. Thus the buyer or intimidator can be absolutely certain that the vote has been cast the way the buyer or intimidator wants.

The way for a buyer or intimidator to control large numbers of votes is to demand that people apply for and receive absentee ballots to be returned by mail. Since the period for absentee voting lasts several weeks, there's plenty of time for one buyer or intimidator to control hundreds of votes. Here are a few obvious ways to do that. A candidate who "walks his district" can use the telephone to line up voters to get absentee ballots and then make appointments; and then visit each of them at home to watch them mark the ballots, seal them in the outer mailing envelope and sign the envelope; and then take the envelopes to the post office. A union steward or company boss can instruct large numbers of workers to get absentee ballots, and then organize a meeting where everyone comes to fill out the ballots and sign the envelopes together. A candidate could also do the same thing at an assisted living facility, care home, nursing home, or hospital; meeting with a large number of absentee voters who might have painful or debilitating illnesses that distract them from paying attention; or diminished mental capacity.

These doomsday scenarios are not merely speculative. Romy Cachola was a member of Honolulu City Council. Term limits forced him out of office in 2012. He ran in the primary election on August 11, 2012 for the state House of Representatives, against first-time candidate Nicole Velasco.

There are both voter narratives and statistical evidence proving that Cachola stole the election by using voter intimidation with absentee ballots. Chad Blair published articles describing what happened in Civil Beat online newspaper, on August 16

<http://www.civilbeat.com/articles/2012/08/16/16869-concerns-of-voter-intimidation-raised-in-cachola-victory/>

and August 17

<http://www.civilbeat.com/articles/2012/08/17/16880-hawaii-law-prohibits-voter-intimidation/>

Chad Blair reported "Cachola won 51 percent to 46 percent. ... But if only Election Day and early walk-in votes had been counted, Velasco would have won in a landslide, 60 percent to 36 percent. ... According to a Civil Beat analysis, more than 70 percent of those who voted for Cachola in the Democratic primary against Velasco did so via a mail-in ballot. That was by far the highest percentage in Hawaii. ... In all, 41 percent of votes cast were mail-in votes, placing Cachola's 70 percent figure in even sharper contrast. ... Civil Beat granted anonymity to a Filipino family in District 30 who says Cachola forced the grandmother of the house to complete an absentee ballot as he watched. ... "And he just like forced me to do the voting in front of him, and I did not want to. I told him, 'I have to go, I know what to do.' So I stopped what I did, then he looked at his name. I scratched it, and he watched me do it all the way until I finished." The woman said Cachola then told her to put the ballot in the state Elections Office envelope, to seal it and then give it to him to mail. He then left the house with the ballot in hand. ... The family, who supported Velasco and sign-waved on her behalf, said they told Velasco about what happened. ... There was a similar voting pattern when Cachola first ran for the City Council in 2000. In a primary election race, he won 46 percent to 43 percent over his closest competitor, Dennis Nakasato. Among mail-in absentee voters, Cachola secured 59 percent of the vote. Among those who voted in person — either on Election Day or before it — he got only 43 percent of the vote. ..."

ABSENTEE VOTING IS NOT ALLOWED IN THE U.S. CONGRESS OR THE HAWAII LEGISLATURE. THINK ABOUT WHY.

Anyone who watches the U.S. Senate or House on C-SPAN can see that absentee voting is not allowed for either a voice vote or a roll call vote. In the House, each of the 435 representatives can vote in a roll call only from his chair on the floor by pressing a button for "aye" or "nay" or "present (but abstain)." The votes are then tallied by a central computer and the running count is publicly displayed throughout the ten or twenty minutes set aside for voting, after which the result becomes final. In a Senate roll call vote, a period of time is allowed during which each Senator must approach the clerk's desk and be recognized by the clerk who speaks the Senator's name through a publicly audible microphone. The Senator then speaks the word "aye" or "nay" or "present", and the clerk then repeats both the Senator's name and his vote. That's very 19th Century!

Wouldn't it be much more convenient if a Representative or Senator didn't have to get on the little underground train from his office building to the Capitol building? Why can't he simply watch the proceedings on TV and cast his vote from the comfort of his office? Think how much time and inconvenience could be saved. Indeed, why should a Representative or Senator who is ill or perhaps hospitalized a thousand miles away not be allowed to vote from his home or bed? There have been extremely dramatic, courageous incidents when a Member of Congress knew his vote could be decisive and made a point of coming in person to cast his vote, because otherwise he would not be allowed to vote. On July 22, 2012 Nicole Debevec of United Press International recalled that "Rep. William Natcher, D-Ky., who served until his death in 1994, holds the record for the most consecutive roll-call votes: 18,401 over 41 years, until an illness broke the streak. Roll Call [publication] reported Natcher was wheeled onto the House floor on a hospital gurney to cast one of his final votes." http://www.upi.com/Top_News/US/2012/07/22/Politics-2012-Of-ads-and-adages/UPI-13111342944000/#ixzz23wm0cixH

There must be very good reasons why the U.S. Congress refuses to allow absentee voting. Readers can easily figure out many of those reasons.

Anytime someone suggests the Hawaii government should make elections happen entirely by absentee voting, we should demand to know why a Hawaii citizen's vote is less important than a vote by a Member of Congress. And anytime an individual voter considers whether to apply for an absentee ballot, he should think about the reasons why a Representative or Senator is required to cast every vote in person, sometimes at great inconvenience and even at the risk of losing his life to get to the "polling place."

Do-gooders think society should do everything possible to increase voter participation by making it easy and convenient to vote. But perhaps it's better to require people to go out of their way to vote. If someone has such little knowledge about the candidates, or cares so little about the election that he is unwilling to make the effort to go to the polling place on election day, then perhaps we're all better off if he does not vote. Low voter turnout is evidence that people can't find candidates they consider worthy of voting for. Personally, I don't mind if voter turnout is low, because that magnifies the effectiveness of my own vote. Ignorant or apathetic people are welcome to abstain.

The right to vote should be exercised by people who know how precious is the blood and treasure sacrificed to make it possible. The founders of our nation signed the Declaration of Independence right below its closing words "... we mutually pledge to each other our Lives, our Fortunes and our sacred Honor."

Surely we can show our respect by sacrificing a few minutes to go to the polling place on election day.

MAIL-IN BALLOTS REJECTED FOR ERRORS GET NO SECOND CHANCE

I have served as a precinct elections official in every election for 26 years (except the general election of 2000 when I was a candidate for OHA and therefore not allowed to work in the general election). For the most recent several elections we have had voting machines which detect errors and immediately kick back a bad ballot along with a message helping the voter

understand what's wrong. The voter can then get a new ballot and try again.

In the primary election of 2012, and again in 2018, I spent nearly the whole time from 7 AM to 6 PM sitting at the voting machine helping voters insert their ballots and helping them understand why bad ballots got rejected. Perhaps ten percent of ballots got rejected.

The two most frequent reasons were failure to mark the box to choose a particular political party, or voting for candidates in a political party different from the one selected (For example, vote for both Linda Lingle [R] and Mazie Hirono [D] for Senate). Some voters simply didn't understand that the purpose of a primary election is for each party to choose who will be its candidate to run against the other parties' candidates in November. In a primary election a voter must pretend for that one day to be a loyal member of one political party -- the voter must first mark the ballot to identify which party that is, and then must vote only for candidates inside that particular party (plus the non-partisan OHA and county contests on the back side). A few voters also didn't realize that "non-partisan" is actually used as a party name on the front, and thought they could vote for a "non-partisan" candidate in addition to a Democrat or Republican etc. A few voters also voted for more than one candidate in the same contest (for example, both Tulsi Gabbard and Esther Kia'aina among the Democrat candidates for Second Congressional District).

The voting machine catches such errors and kicks back the ballot so the voter can get a replacement ballot and try again. But if an absentee ballot is mailed in, and has an error, the voter gets no second chance. Sometimes in-person voters get frustrated, angry, or disgusted when they make an error and don't want to get a replacement ballot. There is a button on the machine whereby a voter can tell the machine to accept the ballot despite the error. In that case, if the error affects only one contest, then the particular contest where the error occurred is ignored by the machine, but other contests get counted. What happens with mailed-in absentee ballots that have errors? The commonsense procedure would be for an elections official to push the button to accept the ballot despite the error, so that at

least the contests without any error would get counted. But I don't know whether that's how the bureaucrats handle it. In any case, the absentee voter loses out on the opportunity he would have had at the polling place to get a replacement ballot to correct whatever error he made. It would be interesting to find out how many such errors there were among the absentee ballots, and whether the number of errors in any particular contest was larger than the margin of victory and thus could have changed the outcome of the election.

SB-560

Submitted on: 1/25/2019 9:36:09 PM

Testimony for JDC on 1/29/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
lynne matusow	Individual	Support	No

Comments:

I have been testifying in support of this measure for way too long. More people are voting absentee than showing up at the polls. It costs more to have elections at the polls than mail ballots. It is hard for the authorities to find poll workers and poll atchers. Mail is the way to go, now. Stop stalling.

Lynne Matusow

To: Hawaii State Senate's Judiciary Committee
Hearing Date/Time: Tuesday, January 29, 2019 at 9:00 a.m.
Place: Hawaii State Capitol, Room 016
Re: Judith Ann Armstrong is in support of SB560 relating to Elections

Dear Members of the Committees,

I, Judith Ann Armstrong, am in support of SB560, Vote by Mail, which will encourage more people to participate in elections and save tax payer money.

Thank you for this opportunity to testify in support of this important measure.

Sincerely,
Judith Ann Armstrong
1717 Ala Wai Blvd
Apt 3006
Honolulu, HI 96815

TO: Members of the Committee on Judiciary

FROM: Natalie Iwasa
808-395-3233

HEARING: 9 a.m. Tuesday, January 29, 2019

SUBJECT: SB560, Voting by Mail – **COMMENTS**

Aloha Chair and Committee Members,

Thank you for allowing me the opportunity to provide testimony on SB560, which would require all mail-in voting for elections starting with the 2022 primary election.

The recent court petitions and subsequent Hawaii Supreme Court decision regarding the 2018 Honolulu City Council race between Trevor Ozawa and Tommy Waters highlighted significant problems with the current election process, including improper counting of ballots after the 6 p.m. deadline.

Issues that should be discussed and resolved prior to mandating all mail-in voting are as follows:

- Is adequate oversight provided to each county clerk's election's division and does that oversight include consistent rules?
- Should the list of allowable signature verification include driver's licenses?
- In addition to requirements to notify voters when ballots are invalidated included in Section 11-F, should there be a requirement for an online portal in which voters may check the status of their ballots?

SB-560

Submitted on: 1/28/2019 6:56:26 AM

Testimony for JDC on 1/29/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
George Pace	Individual	Oppose	No

Comments:

SB-560

Submitted on: 1/28/2019 7:26:47 AM

Testimony for JDC on 1/29/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Denise Kekuna	Individual	Oppose	No

Comments:

SB-560

Submitted on: 1/28/2019 8:54:22 AM

Testimony for JDC on 1/29/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mary Smart	Individual	Oppose	No

Comments:

I oppose SB560. We just witnessed the problems of mail-in voting during the city council elections (Ozawa v Waters). Now we have to pay to have another election. Mail-in voting allows for more fraud than in-person voting. We know mail-in "ballot harvesting" occurs in some jurisdictions in our nation. In many states there are more registered voters than voting eligible voters (about 1.5 million extra voters in California - and there is no reason to believe Hawaii doesn't have a similar problem). Mail in voting actually gives a voter less time to think about candidates since the ballot must be in the mail prior to voting day. There is no guarantee that the elimination of mail-in ballots based on a subjective evaluation of signatures will be handled correctly. There is no guarantee that ballots won't be lost or tampered with while being held until the vote count. A better solution would be to make election day a holiday to give it the respect it deserves as an essential component of keeping our republic free and our liberties protected.

SB560 is a bad idea and in the end can lead to additional, more costly elections and incur doubt in the validity of elections. Vote NO on SB560.

PETER L. FRITZ

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

THE SENATE
THE THIRTIETH LEGISLATURE
REGULAR SESSION OF 2019

COMMITTEE ON JUDICIARY

S.B. 560
Hearing: January 29, 2019

RELATING TO ELECTIONS

Chair Rhoads, Vice Chair Wakai 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, with a proposed amendment to clarify when individuals with disabilities can request to vote using a ballot that is electronically transmitted.**

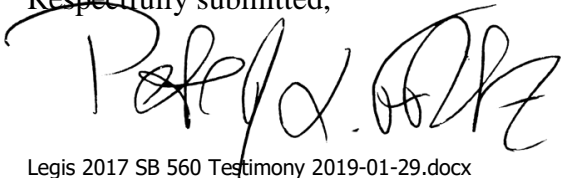
This bill enacts voting by mail uniformly across all counties for all elections commencing in 2022. It repeals and amends provisions relating to polling places, including absentee polling places. Establishes voter service centers to accommodate personal delivery of ballots.

The ADA generally requires that State and local governments provide qualified individuals with disabilities with equal access to their programs, services, or activities. To provide for equal access, this bill permits individuals with special needs to request that a ballot be transmitted electronically. I propose adding language to §11-G, that is similar to the language of Hawaii Revised Statute § 92-7(e), to require the clerk to maintain a list of individuals that have requested that a ballot be transmitted electronically and send the ballot package electronically at the same time that the ballots are mailed to other voters. Revised §11-G would read as follows:

§11-G Electronic transmission under certain circumstances. (a) If a ballot package is not received by a voter within five days of an election or a voter otherwise requires a replacement ballot within five days of an election, the voter may request that a ballot be forwarded by electronic transmission. ~~[; provided that a voter with special needs may request that a ballot be forwarded by electronic transmission.]~~ At any time, a voter with special needs may request a ballot package be forwarded by electronic transmission. The clerk shall maintain a list of names and electronic mail addresses of persons who request a ballot package by electronic transmission. The clerk shall forward a ballot package by electronic transmission to the persons on this list at their designated electronic mail address at the same time as ballots are mailed to voters. Upon receipt of such a request and confirmation that proper application was made, the clerk may transmit the appropriate ballot, together with a form containing the affirmations, information, and a waiver of the right to secrecy under section 11-137.

Thank you for the opportunity to testify.

Respectfully submitted,



Peter L. Fritz

SB-560

Submitted on: 1/28/2019 1:25:55 PM

Testimony for JDC on 1/29/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Brett Kulbis	Individual	Oppose	No

Comments:

SB-560

Submitted on: 1/28/2019 3:45:12 PM

Testimony for JDC on 1/29/2019 9:00:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Teri Heede	Individual	Support	No

Comments:

SB-560

Submitted on: 1/28/2019 5:05:42 PM

Testimony for JDC on 1/29/2019 9:00:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
William Caron	Individual	Support	No

Comments:

Aloha Chair Rhoads,

I support establishing uniform vote-by-mail across the State of Hawaii. It's an easy first-step toward modernizing our election process and boosting participation in voting and the democratic process more broadly.

Mahalo,

Will Caron
Palolo Resident

LATE

SB-560

Submitted on: 1/28/2019 5:33:12 PM

Testimony for JDC on 1/29/2019 9:00:00 AM

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

Comments:

Aloha Chair, Vice Chair and members,

I am in strong support of vote by mail with the option to vote in person and/or by absentee ballot. We have some of the lowest voter turnout in the nation and this will help.

Mahalo,

Ann S. Freed

Mililani, HI 96789

SB-560

Submitted on: 1/28/2019 8:25:17 PM

Testimony for JDC on 1/29/2019 9:00:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Steve Canales	Individual	Support	No

Comments:

Strongly Support

LATE

SB-560

Submitted on: 1/28/2019 8:36:09 PM

Testimony for JDC on 1/29/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lea Minton	Individual	Support	No

Comments:

I strongly support SB560. As a voter I can say we want to be able to vote by mail permanently. I thought I was registered for absentee voting this year because I had previously been registered but found out I wasn't and had to fly home from a business trip in order to vote on time. Lets simplify this for the majority and save our state money. Please pass this bill.

LATE

SB-560

Submitted on: 1/28/2019 10:10:02 PM

Testimony for JDC on 1/29/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Joseph P. Picon	Individual	Oppose	No

Comments:

To the Senate Committee on Judiciary receiving testimony in the hearing for this bill; my name is Joesph P. Picon a registered voter in Waipahu, 96797.

SB 560 RELATING TO ELECTIONS. I OPPOSE this bill.

SB-560

Submitted on: 1/28/2019 10:39:44 PM

Testimony for JDC on 1/29/2019 9:00:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Kevin Montgomery	Individual	Oppose	No

Comments:

I oppose this measure.

SB-560

Submitted on: 1/29/2019 1:32:10 AM

Testimony for JDC on 1/29/2019 9:00:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Randy Gonce	Individual	Support	No

Comments:

Strong Support