



SB2137 SD2
RELATING TO ELECTIONS
House Committee on Judiciary

March 12, 2020

2:31 p.m.

Room 325

The Office of Hawaiian Affairs (OHA) **SUPPORTS** SB2137 SD2, which would enable election officials to establish additional voter service centers in addition to the one currently designated for each county, and operate these additional centers with flexible operation days and times, provided that all voter services centers remain open until 7:00 p.m. on the date of the election.

This bill would provide more flexibility to election officials to better fulfill the goals of Act 136 (2019), to make voting as convenient, accessible, efficient, and effective as possible. Act 136's strict operational requirements for all voter service centers – namely the requirement that the centers stay open for the entire period of time and during specific hours – may unintentionally result in needed voter service centers in key communities to not be established. OHA notes that such an unintended consequence may disproportionately impact Native Hawaiian voters in rural areas who have less access to voting centers.

SB2137 SD2 would allow election officials to meet the needs of Native Hawaiian voters in rural communities by providing flexibility to establish voter service centers open for shorter days and timeframes. Accordingly, OHA urges the Committee to **PASS** SB2137 SD2. Mahalo piha for the opportunity to testify on this measure.



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. 2137, SD 2
RELATING TO ELECTIONS

March 12, 2020

Chair Lee and members of the House Committee on Judiciary, thank you for the opportunity to testify in support of Senate Bill No. 2137, SD 2. This bill authorizes election officials to establish additional voter service centers.

Allowing additional voter service centers to operate on election day or a similar shorter period opens the use of private facilities and state and county buildings that have previously been available to serve as locations for voting. Additionally, opening voter service centers for a limited period provides services such as in-person voting and same day registration that voters would not otherwise have readily available. We would propose amending 11-109(b) to clarify that voter service centers shall be open from 7:00 a.m. to 7:00 p.m. on Election Day.

Thank you for the opportunity to testify in support of Senate Bill No. 2137, SD 2.



Pono Hawai'i Initiative

Josh Frost - President • Patrick Shea - Treasurer • Kristin Hamada
Nelson Ho • Summer Starr

Thursday, March 12, 2020

Relating to Elections
Testifying in Support with Amendments

Aloha, Chair

The Pono Hawai'i Initiative (PHI) **supports SB2137 SD2 Relating to Elections**, which allows election officials to establish additional voter service centers. Any measure that increases access to voting should be supported. This measure will help to address the needs of voters in areas where no voter service center would have been established due lack of staff or facility.

By allowing officials to establish additional centers with additional dates and times of operation will help to increase access and make the voting process easier to those in our community. We agree with Common Cause Hawaii in their **request for amendments** to ensure that counties must have more than one voter service center. As presently written SB2137 provides too much control to county clerks to potentially limit centers locations without cause. Could you imagine if Hawai'i island's county clerk decided to only open one voter service center and put it in Kona or if Oahu County's clerk decided to open one only in downtown Honolulu?

For all these reasons, we urge you to **pass SB2137 with the amendments** requested by Common Cause Hawai'i.

Mahalo for the opportunity,
Gary Hooser
Executive Director
Pono Hawai'i Initiative



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COMMITTEE ON JUDICIARY

Thursday, March 12th, 2020, 2:31 p.m., Room 325
SB 2137 SD2 RELATING TO ELECTIONS

TESTIMONY

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

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

The League of Women Voters of Hawaii supports SB 2137 SD2, which allows County Clerks to establish additional Voter Service Centers (VSCs) and allows Voter Service Centers to operate with dates and times other than Specified in Act 136. This measure speaks to situations where no voter service centers have been established due to an inability to obtain a facility or requisite personnel for the days and times specified in Act 136.

We are pleased to see the County Clerks given discretion to open additional VSCs with dates and times that are feasible and appropriate for their voters. VSCs are a critical tool to help voters with any logistics problems, as well as to permit latecomers to register to vote. Having an expert to help in-person during days and times that are accessible to voters will help prevent unintentionally disenfranchising anyone.

Further, we encourage voters to constructively interact with their Clerks so the Clerks can better understand the needs of their voters when determining where and when to operate VSCs.

We support this measure being effective upon its approval.

Thank you for the opportunity to submit testimony.

Hawaii
Holding Power Accountable

Statement Before The
HOUSE COMMITTEE ON JUDICIARY
Thursday, March 12, 2020
2:31 PM
State Capitol, Conference Room 325

in consideration of
SB 2137, SD2
RELATING TO ELECTIONS.

Chair LEE, Vice Chair SAN BUENAVENTURA, and Members of the House Judiciary Committee

Common Cause Hawaii supports SB 2137, SD2 with amendments, which authorizes election officials to establish additional voter service centers (VSCs).

Common Cause Hawaii is a nonprofit, nonpartisan, grassroots organization dedicated to reforming government and strengthening democracy through voting modernization efforts.

Pursuant to Act 136, Session Laws of Hawaii 2019, all Hawaii elections will be by mail starting in 2020; there will no longer be polling places for voters to cast their ballots. Instead, there will be a limited number of VSCs for people to perform in-person polling functions. VSCs will receive personal delivery of mail-in ballots, accommodate voters with special needs, offer same day registration and voting, and provide other election services.

Currently, all counties, except Kauai, will have more than one VSC, and they will be open uniform hours statewide, pursuant to Act 136, SLH 2019, specifically ten (10) business days prior to election days and from Monday through Saturday, 8:00 a.m. to 4:30 p.m., and on election days from 7:00 am – 7:00 pm.

Unfortunately, SB 2137, SD2 states that “[f]or a county with more than one island in its jurisdiction, there shall be at least one voter service center on each island; provided that the island of Niihau shall not be subject to this requirement.” Page 2, lines 2-5 (emphasis added). This means some counties will only need to open one VSC. For example, the Big Island and Oahu, which currently each has two VSCs, will need to only have one VSC, under SB 2137, SD2. The island of Maui will also need to only open one VSC, under SB 2137, SD2.

One VSC per county is simply not enough, despite that SB 2137, SD2 provides that “[t]he clerks may operate additional voter service centers having varying days or hours of operations to service the voters of particular areas that otherwise could not support the operation of a voter service center for ten business days or the same times statewide; provided that all voter service centers shall remain open until 7:00 p.m. on the date of the election.” Page 2, lines 10-16. Permitting the clerks to vary the days and hours of operations may enable the clerks to open a VSC (in addition to one being open for the 10 business days prior to elections days) for just a few hours, or even less, under SB 2137, SD2.

While Common Cause Hawaii truly appreciates the difficulty in administrating VSCs with uniform hours of operations statewide, SB 2137, SD2 provides too much latitude to the county clerks and opens the door to having only one VSC on a large island and/or largely populated island (meaning Oahu, Big Island and/or Maui Island) “be open from the tenth business day preceding the day of the election during regular business hours

until the time provided in section 11—131 on the date of the election and at the same times statewide.” Page 2, lines 7-10. Any other VSC open in a county, under SB 2137, SD2 as presently written, may only be open for a very limited amount (and until 7:00 pm on election day), rendering it an ineffective service to voters.

Common Cause Hawaii requests that SB 2137, SD2 provides that each county clerk must afford a minimum number of VSCs in a county based upon a good faith determination of the following factors, in addition to other pertinent considerations not referenced below:

Transportation

- Proximity to public transit
- Access to free parking
- Traffic patterns
- Proximity to communities with low rates of vehicle ownership
- Time and distance a voter must travel to reach a location

Geography

- Proximity to population centers
- Proximity to geographically isolated populations

Underrepresented Voters

- Proximity to language minority communities
- Proximity to low-income communities
- Proximity to voters with disabilities
- The need for alternate voting methods for voters with disabilities
- Proximity to communities with historically low vote by mail usage
- Proximity to communities of eligible voters that are not registered

See California Civic Engagement Project, Best Practices: Siting Vote Centers and Drop Boxes, <https://static1.squarespace.com/static/57b8c7ce15d5dbf599fb46ab/t/5d409b2d9ee54a0001483b84/1564515161760/CCEP+VCA+Brief+3+Companion+2-Pager+Siting.pdf>

Additionally, clerks must seek a hardship waiver from a third party, neutral body before varying a VSC’s hours from being open from the tenth business day preceding the day of the election during regular business hours until the time provided in section 11—131 on the date of the election.

Finally, if a voter with a completed ballot is “standing in line at a voter service center at the closing time provided in section 11-131 on the date of the election” to personally deliver the completed ballot, SB 2137, SD2 shall make clear that the voter shall be permitted to deliver the completed ballot. Page 2, lines 16-19.

Common Cause Hawaii supports SB 2137, SD2’s intent to establish additional VSCs but is concerned that this bill, as presently written, does not effectuate the intent. Common Cause Hawaii requests that our proposed amendments be adopted to truly establish additional VSCs.

Thank you for the opportunity to testify in support of SB 2137, SD2’s with suggested amendments. If you have further questions of me, please contact me at sma@commoncause.org.

Very respectfully yours,
Sandy Ma
Executive Director, Common Cause Hawaii

SB-2137-SD-2

Submitted on: 3/11/2020 9:51:58 AM

Testimony for JUD on 3/12/2020 2:31:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Edward B Hanel Jr	Individual	Support	No

Comments:

Concur with CommonCause comments.

SB-2137-SD-2

Submitted on: 3/11/2020 11:06:09 AM

Testimony for JUD on 3/12/2020 2:31:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Donna Ambrose	Individual	Support	No

Comments:

With the switch to vote-by-mail and elimination of polling places, many citizens will seek help voting in at least the first several elections. We need more Voter Service Centers than currently planned to account for population and transportation factors. For example, if Kaua'i's only VSC is in Lihue, the drive time presents a real hardship for residents of Wainiha or Hanale. Ditto for Maui residents who don't live in the Kahului area if only one VSC opens on the Valley Isle. Let's deploy a portion of the funding the Election Office is saving from Vote-by-Mail to open additional Voter Service Centers.

SB-2137-SD-2

Submitted on: 3/11/2020 10:50:33 PM

Testimony for JUD on 3/12/2020 2:31:00 PM



Submitted By	Organization	Testifier Position	Present at Hearing
Brodie Lockard	Individual	Support	Yes

Comments:

Without additional voter service centers, this first statewide Vote-By-Mail election could turn into a debacle that will embarrass Hawaii on a national scale.

VBM will save hundreds of thousands of dollars. There is no excuse for having such an inadequate support system during this first trial. Two centers for Oahu's 270,000 voters?! It's a recipe for catastrophe, and voters who need a little help--especially new voters--may conclude that voting is not just a waste of time, but a tremendous pain in the neck.

Lines will be around the block, and many will give up and go home. Service centers workers will be overwhelmed. Mistakes and misunderstandings, legion.

Hawaii always has problems during an election, from roads blocked by trees, to running out of ballots.

Give VBM a fighting chance to succeed, and show the electorate that voting is important and has the State's respect and support.

Pass SB2137.

SB-2137-SD-2

Submitted on: 3/12/2020 5:05:24 AM

Testimony for JUD on 3/12/2020 2:31:00 PM



Submitted By	Organization	Testifier Position	Present at Hearing
Caroline Kunitake	Individual	Support	No

Comments:

Dear Chair Lee and Members of the Committee on Judiciary,

I am writing in support of SB2137 SD2 with amendments.

- Pursuant to Act 136, Session Laws of Hawaii 2019, all Hawaii elections will be by mail starting in 2020; there will no longer be polling places for voters to cast their ballots. Instead, there will be a limited number of VSCs for people to perform in-person polling functions. VSCs will receive personal delivery of mail-in ballots, accommodate voters with special needs, offer same day registration and voting, and provide other election services.
- Currently, all counties, except Kauai, will have more than one VSC, and they will be open uniform hours statewide, pursuant to Act 136, SLH 2019, specifically ten (10) business days prior to election days and from Monday through Saturday, 8:00 a.m. to 4:30 p.m., and on election days from 7:00 am – 7:00 pm.
- Unfortunately, SB 2137, SD2 states that “[f]or a county with more than one island in its jurisdiction, there shall be at least one voter service center on each island; provided that the island of Niihau shall not be subject to this requirement.” Page 2, lines 2-5 (emphasis added). This means some counties will only need to open one VSC. For example, the Big Island and Oahu, which currently each has two VSCs, will need to only have one VSC, under SB 2137, SD2. The island of Maui will also need to only open one VSC, under SB 2137, SD2.
- One VSC per county is simply not enough, despite that SB 2137, SD2 provides that “[t]he clerks may operate additional voter service centers having varying days or hours of operations to service the voters of particular areas that otherwise could not support the operation of a voter service center for ten business days or the same times statewide; provided that all voter service centers shall remain open until 7:00 p.m. on the date of the election.” Page 2, lines 10-16. Permitting the clerks to vary the days and hours of operations may enable the clerks to open a VSC (in addition to one being open for the 10 business days prior to elections days) for just a few hours, or even less, until 7 pm on election days under SB 2137, SD2.
- While Common Cause Hawaii truly appreciates the difficulty in administrating VSCs with uniform hours of operations statewide, SB 2137, SD2 provides too much latitude to the county clerks and opens the door to having only one VSC on a large island and/or largely populated island (meaning Oahu, Big Island and/or

Maui Island) “be open from the tenth business day preceding the day of the election during regular business hours until the time provided in section 11—131 on the date of the election and at the same times statewide.” Page 2, lines 7-10. Any other VSC open in a county, under SB 2137, SD2 as presently written, may only be open for a very limited amount (and until 7:00 pm on election day), rendering it an ineffective service to voters.

- Common Cause Hawaii requests that SB 2137, SD2 provides that each county clerk must afford a minimum number of VSCs in a county based upon a good faith determination of the following factors, in addition to other pertinent considerations not referenced below:

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- See California Civic Engagement Project, Best Practices: Siting Vote Centers and Drop Boxes, <https://static1.squarespace.com/static/57b8c7ce15d5dbf599fb46ab/t/5d409b2d9ee54a0001483b84/1564515161760/CCEP+VCA+Brief+3+Companion+2-Pager+Siting.pdf>
- Additionally, clerks must seek a hardship waiver from a third party, neutral body before varying a VSC’s hours from being open from the tenth business day preceding the day of the election during regular business hours until the time provided in section 11—131 on the date of the election.

- Finally, if a voter with a completed ballot is “standing in line at a voter service center at the closing time provided in section 11-131 on the date of the election” to personally deliver the completed ballot, SB 2137, SD2 shall make clear that the voter shall be permitted to deliver the completed ballot. Page 2, lines 16-19.
- Common Cause Hawaii supports SB 2137, SD2’s intent to establish additional VSCs but is concerned that this bill, as presently written, does not effectuate the intent. Common Cause Hawaii requests that our proposed amendments be adopted to truly establish additional VSCs.

I think it is important to recognize that vote by mail is a significant change in our election system and additional polling centers will help to ease that transition especially for those who are less informed and less apt to change. Please support this bill.

Mahalo,

Caroline Kunitake