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TESTIMONY OF THE
CHIEF ELECTION OFFICER, OFFICE OF ELECTIONS
TO THE HOUSE COMMITTEE ON JUDICIARY
ON SENATE BILL NO. 2139
RELATING TO VACANCIES

June 29, 2020

Chair Lee and members of the House Committee on Judiciary, thank you for the opportunity to testify in support of Senate Bill No. 2139. The purpose of this bill is to amend filing deadlines for candidates attempting to fill vacant state senate seats.

This bill proposes to amend HRS § 17-3 to ensure consistency with the federal and state ballot transmission requirements and candidate filing deadlines. In 2010, our election laws were amended to comply with the federal requirement of the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) to transmit ballots to military and overseas voters at least forty-five days prior to an election. 52 USC § 20302 & HRS § 15D-9.

However, the existing language of HRS § 17-3(b)(4) provides that vacancies occurring after the sixtieth day to the Primary Election but not later than the fiftieth day prior to the General Election will result in a process for the nomination by county committees of political parties and nonpartisan candidates would need to be filed by the fortieth day prior to the General Election.

As such, the proposed bill consolidates HRS § 17-3(b)(2) and HRS § 17-3(b)(3) to provide that a vacancy occurring later than on the tenth day prior to the close of candidate filing until the 95th day prior to General Election will be filled through an election held in conjunction with the General Election. Each political party will be able to nominate a candidate and nonpartisan candidates will likewise be able to file - subject to one of the candidates chosen by lot, to be elected on the General Election ballot. The filing deadline for this vacancy would

be the 75th day prior to the General Election, which is consistent with the deadline in HRS § 11-119 for state and county ballot questions to be presented to the Office of Elections to appear on the General Election ballot. This ensures ballots are transmitted in compliance with state and federal requirements.

We would note that in order for this bill to apply to this election cycle, a retroactive effective date would need to be included.

Thank you for the opportunity to testify in support of Senate Bill No. 2139.