

STAND. COM. REP. NO. 761

Honolulu, Hawaii

MAR 05 2021

RE: S.B. No. 1289  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B.  
No. 1289 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) Expand access of election watchers during elections to include all instances in which ballots are handled, prepared, tabulated, or reviewed;
- (2) Allow for more than one election watcher to be appointed by a political party; and
- (3) Allow for election watchers to be appointed by media organizations.

Your Committee received testimony in support of this measure from the Office of Elections, Common Cause Hawaii, League of Women Voters of Hawai'i, and two individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Department of the Attorney General, Elections Division of the City and County of Honolulu, Elections Division of the County of Kaua'i, and Maui County Clerk.



Your Committee finds that transparency in elections is vital to a healthy democracy. Greater access by watchers and observers to the polls is critical to catching mistakes in time to correct them and eliminating any appearance of misconduct. This measure will significantly increase access by watchers to the election, but your Committee notes concerns raised in testimony that official observers, appointed by political parties and the media and then vetted and selected by the Chief Election Officer or the clerk of a county, are different from watchers, who are directly appointed by political parties and subject to less regulation. Your Committee finds that, if increased access by watchers or observers to the election process is to be established, the capability of the election watcher and election observer programs must be assessed.

Your Committee has amended this measure by deleting its contents and requiring the Elections Commission, in consultation with the clerk of each county, to:

- (1) Perform an assessment of whether the election watcher and election observer programs are adequate and, if not, what adjustments are necessary to improve the programs; and
- (2) Submit a report of the assessment to the Legislature.

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 S.B. No. 1289, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1289, S.D. 1, and be placed on the calendar for Third Reading.

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



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KARL RHOADS, Chair



