



**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 & HAWAIIAN AFFAIRS
ON HOUSE BILL NO. 1117
RELATING TO VACANCIES

February 9, 2021

Chair Nakashima and members of the House Committee on Judiciary & Hawaiian Affairs, thank you for the opportunity to provide comments on House Bill No. 1117. The purpose of this bill is to require vacancies in the offices of United States Senator, United States Representative, State Senator, and State Representative to be filled by special election.

Since 2010, we have estimated there have been at least 20 vacancies for either U.S. Senator, State Senator, and State Representative. There are a variety of factors that can impact the earliest date that a special election could be held, and a determination if the special election could be held in conjunction with a regularly scheduled election under certain circumstances.

We would note that the costs of a special election, not held in conjunction with a regularly scheduled primary election or general election, would require an emergency appropriation from the Legislature as it may not be a part of our operational budget. To conduct a special election, we would (1) request an emergency appropriation from the Legislature based on the estimates provided to us by the voting system vendor and the counties, along with our own operational costs; (2) enter into a contract amendment with the voting system vendor for services for the special election; (3) at the same time, finalize any tentative dates with the counties that they may have given us for when they could accommodate a special election; and (4) issue the proclamation giving the date of the special election.

The operations and costs of conducting a special election for a vacancy for U.S. Senate or U.S. Representative District II would be similar to conducting a

primary or general election, with the State bearing all costs, as the election would be conducted in each county. The following table provides estimated costs, based on previous cost estimates and the 2020 Elections, of conducting a special stand-alone election by vacancy – U.S. Senate, U.S. Representative, State Senator, and State Representative. However, the following cost estimates do not include costs of signature validation or facilities to support voter service centers.

	U.S. SEN.	U.S. REP.	STATE SEN.	STATE REP.
BALLOT PRINTING	222,750	114,750	16,200	11,340
COUNTING CENTER OPERATIONS	124,200	124,200	53,200	23,200
MAILING SERVICES & ENVELOPES	448,000	224,000	19,600	9,520
PLACES OF DEPOSIT	28,500	28,500	9,500	3,800
POSTAGE	880,000	440,000	38,500	18,700
VOTER SERVICE CENTERS	647,000	647,000	157,000	157,000
ESTIMATED COST	\$2,350,450	\$1,578,450	\$274,420	\$223,560

Additionally, the actual notice of the date of the special election in the proclamation would be provided over 70 days in advance of the special election due to the closing of the candidate filing period needing to precede the deadline for any objections (i.e., 60th day) and the opening of the candidate filing period needing to precede its closing by 10 days. HRS §§ 12-2.5 & 12-8.

Under the provisions of this bill, using the most recent vacancy as an example, Senate District 1, State Senator Kaiali'i Kahele resigned from his seat in December 2020. Our office would not have been able to conduct a special election to fill the vacancy for State Senator District 1 before the start of the Legislative Session and there would be no mechanism to temporarily appoint representation for that district.

Thank you for the opportunity to testify on House Bill No. 1117.