



**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 SENATE BILL NO. 421, SD 1
RELATING TO VACANCIES

March 16, 2021

Chair Nakashima and members of the House Committee on Judiciary & Hawaiian Affairs, thank you for the opportunity to testify in support of Senate Bill No. 421, SD 1. This bill amends the manner in which a vacancy in the membership of the State Senate is filled and certain time frames relevant thereto.

The purpose of this bill is to ensure consistency with 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. However, the existing language of HRS § 17-3(b)(3) 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 of a candidate by the applicable county committee of each political party, along with a nonpartisan candidate being chosen by lot, by the fortieth day prior to the General Election.

This 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 ninety-fifth day prior to General Election will be filled through an election held in conjunction with the General Election. Each political party could nominate a candidate, and nonpartisan candidates would likewise be able to file – subject to one of the candidates being chosen by lot, to be elected on the General Election ballot. The filing deadline for this vacancy would be the seventy-fifth day prior to the General Election which is consistent with the

Testimony on SB 421, SD 1 – Relating to Vacancies
March 16, 2021
Page 2

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 federal and state requirements.

Thank you for the opportunity to testify in support of Senate Bill No. 421, SD 1.