



**STATE OF HAWAII
OFFICE OF ELECTIONS**

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SCOTT T. NAGO
CHIEF ELECTION OFFICER

TESTIMONY OF THE
CHIEF ELECTION OFFICER, OFFICE OF ELECTIONS
TO THE SENATE COMMITTEE ON JUDICIARY
ON SENATE BILL NO. 421
RELATING TO VACANCIES

February 19, 2021

Chair Rhoads and members of the Senate Committee on Judiciary, thank you for the opportunity to testify in support of Senate Bill No. 421. 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 amend HRS § 17-3 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.

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 ninety-fifth 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 seventy-fifth 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 federal and state requirements.

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

SB-421

Submitted on: 2/16/2021 1:14:30 PM

Testimony for JDC on 2/19/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Gerard Silva	Individual	Oppose	No

Comments:

They should be Elected by the people of the districk that the vacancy is from and not apointed.To a void Dictartorship from the Government as how will serve the people. If the Gov. a points then they will most likley a point some friend or some one that can be controled by the Governor. This what we the people need to STOP in the Government. Do the Right Thing for Hawaii!