



DISABILITY AND COMMUNICATION ACCESS BOARD

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March 12, 2021

TESTIMONY TO THE HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

Senate Bill 548, SD1 – Relating to Elections by Mail

The Disability and Communication Access Board (DCAB) supports Senate Bill 548, SD1, which, among other things, requires additional voter service centers (VSCs) on Election Day and establishes Voters with Special Needs Advisory Committees at the State and County levels to ensure equal and independent access to voter registration, casting of ballots, and all other Office of Elections services.

VSCs were established for purposes including the provision of voting machine services for persons with disabilities. Having additional VSCs on Election Day will make it easier for some people with disabilities to vote privately and independently. The establishment of Voters with Special Needs Advisory Committees at the State and County levels will help to eliminate barriers for persons with disabilities and ensure they have equal access to the voting process. DCAB supports these provisions, which are included in the SD1 version of this measure.

Thank you for the opportunity to testify on this important legislation.

Respectfully submitted,

KIRBY L. SHAW
Executive Director



**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. 548, SD 1
RELATING TO ELECTIONS BY MAIL
March 12, 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. 548, SD 1. This bill makes amendments to election laws to clarify the administration of elections by mail; renames districts as precincts; extends voter registration deadlines; requires additional voter service centers on election day; requires a minimum number of precincts in each representative district and on each inhabited island; establishes voters with special needs advisory committees at the state and county levels to ensure equal and independent access to voter registration, casting of ballots, and all other Office of Elections services; requires the Department of Public Safety to inform individuals on parole or probation of their right to vote and provide them with information on how to register and vote; and requires the Office of Elections and the county clerks to make a determination, as soon as practicable, of the optimal number and placement of voter service centers.

This bill makes a variety of housekeeping changes that will improve the administration of elections and we would like to note how some of these changes will impact our operations.

Voter Registration Deadline

As it relates to amending the voter registration deadline, we would work with the County Elections Divisions to announce the dates of the initial ballot mailing for voters to receive their ballot at least 18 days prior to each election. We would also like to note that not all mail that goes through the postal system is

postmarked and that some postmarks are illegible. Currently, by administrative rule, if a voter registration application has an illegible postmark or is missing a postmark, the application will be accepted if it is dated by the voter registration deadline and received no later than the second business day after the close of registration. HAR § 3-172-152(b)(3).

Validation of Ballots by the County Elections Divisions

Section 22 of the bill amends HRS § 11-108(c) to provide the county clerks to validate ballots up to the 10th day following an election. We would propose that this date remain the 7th day following the election because the deadline to file an election contest is 13 days following the Primary Election. Allowing 5 additional days following the deadline to cure a deficient ballot may delay the post-election count and release of final election results by the contest for cause deadline. The deadline for filing an election contest along with its resolution has limited flexibility as ballots for the General Election must be produced, proofed, printed, and mailed by the 45th day prior to the General Election.

Election Transmission

The Office of Elections supports Section 21 of this bill as it ensures the accessibility for all voters. Election officials implemented an HTML ballot in 2018 that allowed uniformed and overseas voters and mail voters within five days of the election to receive and vote a ballot that could be marked on a personal device – phone, tablet, or computer. After marking the HTML ballot, the voter would print it, sign a waiver of secrecy, and return it by mail or electronically. The secrecy waiver is a standard document associated with voting by electronic transmission across the country. Election officials are unable to ensure the secrecy of one's ballot for any form of electronic transmission.

The current language of the bill refers to "electronic authentication that does not include the voter's handwritten signature or a waiver of secrecy." We would ask that the bill include a definition of "electronic authentication," as the definition may impact the security, design, implementation, and cost of such a system.

Fiscal Impact

Finally, this bill has fiscal impacts as it relates to establishing additional voter service centers. Beginning with the 2022 Election, we are entering into a new voting and vote counting system contract which proposed providing voting equipment for 8 voter service centers. To establish additional voter service centers, we estimate the additional cost of the voting equipment would be \$28,606 per location.

This estimate for each location includes accessible ballot marking devices and precinct counters, for the term of the contract – 3 election cycles. However, this estimate does not include the costs to the County Elections Divisions, such as establishment of facilities and staffing, to establish and operate a voter service center.

Thank you for the opportunity to testify in support of Senate Bill No. 548, SD 1.



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TESTIMONY OF REX QUIDILLA,
ELECTIONS ADMINISTRATOR,
CITY AND COUNTY OF HONOLULU
TO THE HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS
ON SENATE BILL NO. 548 SD1
RELATING TO ELECTIONS BY MAIL

March 12, 2021

Chair Nakashima and Committee members:

Thank you for the opportunity to provide testimony on Senate Bill 548 SD1 that proposes to make housekeeping amendments for the administration of elections by mail.

The bill proposes a wide breadth of changes that reflects the experience gained from the first-time implementation of the vote-by-mail elections.

SB548 SD1 proposes changes to the voter registration deadline and electronic voter registration that, working in concert, would expand access to voting. The longstanding 30-day voter registration deadline was established for poll book production, the need for which no longer exists. Moving the voter registration deadline from 30 to 10 days prior to the election expands the window of opportunity for more people to register to vote and receive a ballot by mail.

This bill also makes the online voter registration system available to new registrants through election day. While these individuals would not receive a ballot by mail, they would be able to register to vote prior to going to a voter service center and be qualified to vote without being delayed by additional processing. Individuals that become engaged with voting during the last days of the election period would benefit from the greater operational efficiency this change affords.

Another important change proposed by SB548 SD1 relates to voter registration list maintenance (voter removal) to accurately reflect the process required by National Voter Registration Act of 1993.

Act 136 SLH2019, which transitioned the State to mail-in voting, requires the establishment of Voter Service Centers to provide same-day voter registration and accessible voting for voters with special needs. In its first implementation, the Honolulu Elections Division maintained its two voting locations at Honolulu Hale and Kapolei Hale, expending \$35,000 per election, per location. The site locations were in part influenced by geographic coverage, the dearth of suitable/available City facilities and to obviate the need to utilize commercial space, which would entail committing substantial resources on lease rent, and likely, infrastructure improvements.



Anticipating the possibility of a large influx of voters requiring in-person services, the Honolulu Elections Division made changes to its staffing levels and procedures to meet the potential demand. Over the entire course of the primary election and the 12 days leading up to the general election, Honolulu's voter service centers operated without issue.

On General Election day, the 13th and last day of the voter service center period, long lines formed and voting continued hours after the 7:00 p.m. close of voting. We surmise that SB548 SD1 proposal for additional voter service centers is meant to address this issue, as Honolulu's voter service centers were apparently overwhelmed by the need for these special voter services.

However, in our review of the voter transaction records over the course of both voter service periods indicate that the majority of Honolulu's service center voters – over 60 percent – were individuals that opted to vote in person despite having received their ballot in the mail. This phenomena may persist with the addition of voting locations and have the counter effect of encouraging more persons to disregard the vote by mail balloting scheme in favor of voting on the final day of the election.

Instead of mandating the number and location of voter service centers in Honolulu only, the Honolulu Elections Division recommends amending the bill with language in HB201 which uniformly requires all counties to establish at least one full-duration voter service center with the option to establish additional voter service centers with variable dates and times. In this way, all counties would have the ability to determine the number and location of service centers based on election data and available resources, under a statewide policy without diminishing aspects of the vote-by-mail elections that resulted in record-breaking voter participation numbers.

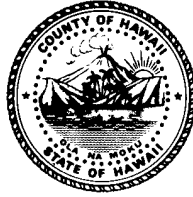
The Honolulu Elections Division is undergoing a complete review of our service center processes, and is considering employing voting technology to enhance the processing of voters at Service Centers. These efforts, combined with the voter registration provisions in SB548 SD1, will go towards substantively addressing the issues faced in 2020.

Lastly, should the committee be interested in metrics regarding the 2020 vote-by-mail elections, please see our report entitled, *Honolulu Elections By The Numbers* at www.honoluluelections.us.

Thank you for the opportunity to testify on SB548 SD1.



JON HENRICKS
County Clerk



AARON BROWN
Deputy County Clerk

OFFICE OF THE COUNTY CLERK

Elections Division
County of Hawai'i
Hawai'i County Building
25 Aupuni Street
Hilo, Hawai'i 96720

TESTIMONY OF JON HENRICKS

COUNTY CLERK, COUNTY OF HAWAI'I

TO THE HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

ON SENATE BILL NO. 548 S.D. 1

RELATING TO ELECTIONS BY MAIL

March 12, 2021

Honorable Chair Nakashima, Honorable Vice Chair Matayoshi, and Honorable members of the House Committee on Judiciary and Hawaiian Affairs, thank you for the opportunity to testify on Senate Bill No. 548 S.D. 1. This bill makes amendments to elections laws to: clarify the administration of elections by mail; rename districts as precincts; extend voter registration deadlines; require additional voter service centers on election day; require a minimum number of precincts in each representative district and on each inhabited island; establish voters with special needs advisory committees at the state and county levels to ensure equal and independent access to voter registration, casting of ballots, and all other office of elections services; require the Department of Public Safety to inform individuals on parole or probation of their right to vote and provide them with information on how to register and vote; and require the Office of Elections and the county clerks to make a determination, as soon as practicable, of the optimal number and placement of voter service centers.

The County of Hawai'i, Office of the County Clerk, which is responsible for conducting Federal, State, and County Elections for the County of Hawai'i in coordination and collaboration with the State of Hawai'i Office of Elections, offers the following comments on the amendments within S.B. 548 S.D. 1 to Section 11-109 of the Hawai'i Revised Statutes, which would provide full discretion to each county to establish and operate voter service centers with varying days or hours of operation and require the operation of additional voter service centers on election days.

In the Primary Election, approximately 98% of Hawai'i County voters cast their ballot by mail – either via the United States Postal Service or by placing their voted ballot in a Place of Deposit (drop box).

In the General Election, approximately 95% of Hawai‘i County voters cast their ballot by mail – either via the United States Postal Service or by placing their voted ballot in a Place of Deposit (drop box).

These figures demonstrate that efforts made by the State Office of Elections, our office, and our partners in the elections community to transition from a hybridized system of absentee voting, early walk-in voting, and polling place voting on election days to a vote by mail seasonal system of voting were successful on most if not all fronts. This is especially significant given the record turnout of voters for both the primary and general elections. Our voters, by in large, responded well to moving away from traditional “in person” voting at polling places to voting by mail, which was a focal point of Act 136.

Additionally, it is important to note that each voter service center operates as an independent “full-service” voting hub, which requires the physical presence of experienced and professionally dedicated personnel to ensure that people are properly registered and lawfully eligible to vote. As such, our limited human resources constrain our ability to establish voter service centers, which must be operated in a responsible manner to ensure the integrity of our elections.

As at state and the four counties therein, we have established in short order an excellent trajectory for properly managed and successful elections by mail programs. We look forward to building upon the momentum that has been achieved thus far.

Thank you for the opportunity to provide comments on Senate Bill No. 548, S.D. 1.



ELECTIONS DIVISION
OFFICE OF THE COUNTY CLERK
4386 RICE STREET, SUITE 101
LĪHUʻE, KAUAʻI, HAWAII 96766-1819

March 12, 2021

TESTIMONY OF JADE K. FOUNTAIN-TANIGAWA
COUNTY CLERK, COUNTY OF KAUAʻI
TO THE SENATE COMMITTEE ON JUDICIARY AND
HAWAIIAN AFFAIRS
ON SENATE BILL NO. 548, SD 1
RELATING TO ELECTIONS BY MAIL

Chair Nakashima and Committee Members:

Thank you for the opportunity to submit testimony in support of Senate Bill No. 548, SD 1. This Bill will make amendments to elections laws to clarify the administration of elections by mail; renames districts as precincts; extends voter registration deadlines; requires additional voter service centers on election day; requires a minimum number of precincts in each representative district and on each inhabited island; establishes voters with special needs advisory committees at the state and county levels to ensure equal and independent access to voter registration, casting of ballots, and all other office of elections services; the Bill also requires the Department of Public Safety to inform individuals on parole or probation of their right to vote and provide them with information on how to register and vote; the Bill further requires the Office of Elections and the county clerks to make a determination, as soon as practicable, of the optimal number and placement of voter service centers.

The proposed amendments contained in the Bill help to clarify the administration of elections by mail, however, we would like to offer comments on several sections included in SD 1.

Section 2, amending Charter 11 to establish "County voter with Special needs advisory committees."

Initially, we were uncertain as to what entity was being referenced by the description "county division of the office of elections", but eventually understood it to be the Elections Division of the Office of the County Clerk. (The State Office of Elections does not maintain staff or an office on any of the neighbor islands.)

Based on our understanding of the amended language in the Bill, since the proposed advisory committee would be evaluating and possibly recommending changes to functions within the legislative branch of county government we respectfully ask that the Legislature consider having the respective city/county councils appoint committee members. It may also be

worthwhile to consider establishing a single, statewide advisory committee consisting of members from each of the counties.

Section 6, amending section 11-15.2, "Same day in-person registration."

Allowing individuals to continue to register electronically via the online voter registration (OLVR) system while the voter service center is open could result in data synchronization issues between the OLVR system, the voter registration database, and ePollbooks (if used).

Adopting SB 159, SD 1, which would establish automatic voter registration will significantly reduce the number of unregistered individuals appearing at the voter service center and the resulting service bottleneck caused by the same day voter registration process.

Section 21, amending section 11-107 (c).

The amendments propose waiving signature requirements for special needs voters who utilize an electronic ballot and establishing a means of electronically authenticating electronic ballots that does not include the voter's hand written signature.

Implementing a suitable electronic authentication system will take time and funding, and until it is completed, election officials will likely need to continue relying on voter signatures to authenticate voted ballots and support documents, if any.

Further, we wish to note that procedures are already in place for any voter who may have difficulty in signing. If required a voter can simply make a mark on the signature line and have a witness affirm that the mark was made by the voter whose name appears on the ballot return envelope.

Section 35, amending section 15-11

In addition to the existing amendments to section 15-11, please also **consider deleting** "on election day" in the second sentence.

"§15-11 Voting by absentee voter at [polls] a voter service center prohibited. Any person having voted an absentee ballot pursuant to this chapter shall not be entitled to cast a ballot at [the polls] a voter service center. **[on election day.]** An absentee voter who does cast a ballot at [the

Testimony of Jade K. Fountain-Tanigawa, Kaua'i County Clerk
Senate Bill 548, SD 1
Senate Committee on Judiciary
March 12, 2021
Page 3 of 3

polls] a voter service center shall be guilty of an election offense under section 19-3(5)."

The current language appears to only prohibit a voter who has already cast an absentee ballot from casting another ballot at the voter service center *on election day*.

Thank you for this opportunity to submit testimony in support of Senate Bill No. 548, SD 1.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

JADE K. FOUNTAIN-TANIGAWA
County Clerk

COMMUNITY ALLIANCE ON PRISONS

P.O. Box 37158, Honolulu, HI 96837-0158

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COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

Rep. Mark Nakashima, Chair

Rep. Scot Matayoshi, Vice Chair

Friday, March 12, 2021

2:00 PM

STRONG SUPPORT FOR SB 548 SD1 - VOTE BY MAIL

Aloha Chair Nakashima, Vice Chair Matayoshi, and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai`i for more than two decades. This testimony is respectfully offered on behalf of the more than 4,100 Hawai`i individuals living behind bars or under the "care and custody" of the Department of Public Safety on any given day. We are always mindful that more than 1,000 of Hawai`i's imprisoned people are serving their sentences abroad thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

Mahalo for hearing this measure. Community Alliance on Prisons strongly supports SB 548 that will build upon the lessons we learned in our successful first-time Vote By Mail election of 2020. Access to voting is fundamental to a vibrant democracy and this bill increases accessibility by accommodating people's busy lives. We appreciate more Voter Service Centers to avoid voters having to wait in long lines to exercise their right and responsibility to vote. Mahalo also, for the attention to the special needs of some of the voters in our communities.

We support requiring PSD to inform persons on probation or parole that they have the right to vote and to provide them with information on how to register and vote. I am often asked this question. We need to help people become 'full human beings/full citizens' as they reintegrate back to their communities. This should be part of the reentry package along with resources, referrals, medications, etc. when each person is released. We also suggest that this requirement be extended to the Hawai`i Paroling Authority as well since they interact with parolees daily.

Community Alliance on Prisons urges the committee to pass this important bill to get our voter numbers back to where they were in 1962, when we had an 81% voter turnout!

Mahalo for this opportunity to testify.

"Voting is not only our right—it is our power."

Loung Ung

Statement Before The
HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Friday, March 12, 2021

2:00 PM

Via Video Conference, Conference Room 325

in consideration of
SB 548, SD1
RELATING TO ELECTIONS BY MAIL.

Chair NAKASHIMA, Vice Chair MATAYOSHI, and Members of the Judiciary & Hawaiian Affair Committee

Common Cause Hawaii supports SB 548, SD1 with suggested amendments, which (1) makes amendments to elections laws to clarify the administration of elections by mail. Renames districts as precincts, (2) extends voter registration deadlines, (3) requires additional voter service centers on election day, (4) requires a minimum number of precincts in each representative district and on each inhabited island, (5) establishes voters with special needs advisory committees at the state and county levels to ensure equal and independent access to vote registration, casting of ballots, and all other office of elections services, (6) requires the Department of Public Safety to inform individuals on parole or probation of their right to vote and provide them with information on how to register and vote, and (7) requires the Office of Elections and the county clerks to make a determination, as soon as practicable, of the optimal number and placement of voter service centers.

Common Cause Hawaii is a nonprofit, nonpartisan, grassroots organization dedicated to reforming government and strengthening democracy through voting modernization efforts. Hawaii's 2020 statewide vote by mail law was an excellent way to improve civic engagement and voter turnout, but there are still avenues to strengthen this law.

One, Common Cause Hawaii supports Section 3, which directs the Department of Public Safety to inform a person, who is placed on probation or if the person is paroled after commitment to imprisonment, that the person may vote during the period of the probation or parole and how to register to vote. See Hawaii Revised Statutes (HRS) § 831-2.

Two, Common Cause Hawaii questions the need to insert the sentence -- "If additional time or information is required to validate an application, the application shall be provided a provisional ballot." -- at the end of new HRS § 11-15.2(c) at page 10, lines 11-13, for Section 6 of SB 548, SD1. Hawaii has Same Day Voter Registration to permit people to register to vote. Additionally, "additional time" is vague and overbroad and may be used to disenfranchise minority populations, people needing language assistance, people with disabilities, and more, through possibly having them cast provisional ballots instead of regular ballots. See <https://www.americanprogress.org/press/release/2014/10/29/99809/release-the-racially-discriminatory-effects-of-provisional-ballots/>.

Three, Common Cause Hawaii requests that for Section 7 of SB 548, SD1, pertaining to HRS § 11-17, the original subsection (d) be kept, but without reference to "section 11-24" to ensure that people removed from the voter registration roll understand that they may lawfully register to vote again.

Four, Common Cause Hawaii suggests amending Section 21 of SB 548, SD1 (referring to HRS § 11-107) to delete any references that ballots may be returned by electronic transmission. “Online voting is not secure. The Federal Bureau of Investigation (FBI), the National Institute of Standards and Technology (NIST), the Election Assistance Commission (EAC) and the Department of Homeland Security all agree that no practically proven method exists to securely, verifiably, or privately return voted materials over the internet.” See <https://verifiedvoting.org/wp-content/uploads/2020/06/Election-Security-and-Accessible-VBM.5.20-1.pdf>. These four agencies stated “[e]lectronic ballot return faces significant security risks to the confidentiality, integrity, and availability of voted ballots. These risks can ultimately affect the tabulation and **results** and can occur at scale.” *Id.* “[V]oting by email or via web portals jeopardizes the integrity of the election results; votes can be manipulated or deleted without the voter’s knowledge and the voter’s selections could be traced back to the individual voter. *Id.*”

Five, Common Cause Hawaii finds that Section 23 of SB 548, SD1, pertaining to HRS § 11-109(a), at page 34, lines 20-21 and page 35, lines 1-6, provides that a Voter Service Center **shall** be established at the office of the clerk. This means that Oahu will only need to have one Voter Service Center (even if there is more than one clerk’s office), Maui County will need to only have one Voter Service Center, Hawaii County will need to only have Voter Service Center (even if there is more than one clerk’s office), and Kauai County will need to only have Voter Service Center. The Voter Service Centers will need to be open for 10 days prior to election day during regular hours until closing hour of voting on election day.

Additionally, Common Cause Hawaii finds that Section 23 of SB 548, SD1, pertaining to HRS § 11-109(b), at page page 35, lines 11-21, provides that the clerks **may** operate additional Voter Service Centers with varying days or hours of operations, provided that Hawaii County, Maui Island, Molokai, Lanai and Kauai **must have one** additional Voter Service Center on election day and Oahu **must have three** additional Voter Service Centers on election day (with one to be located on the Windward side). This is an improvement over the total number of Voter Service Centers that were established for the 2020 elections, which were 8 statewide (2 on Oahu, 2 on Hawaii County, 1 Maui Island, 1 on Molokai, 1 on Kauai, and 1 Lanai). **However, Maui Island and Hawaii County may only have two total Voter Service Centers under HRS §§ 11-109(a) and (b), pursuant to Section 23 of SB 548, SD1 and they may need more given the geography and population distribution.** Further, Oahu may need one Voter Service Centers open for 10 days prior to election day during regular hours until closing hour of voting on election day under HRS §§ 11-109(a), pursuant to Section 23 of SB 548, SD1.

Common Cause Hawaii further requests that Section 23 of SB 548, SD1 require county clerks to locate and establish a minimum number of Voter Service Centers **and** places of deposit in a county based upon a good faith determination of the following factors, which has not been done in Hawaii, in addition to other pertinent considerations not referenced below:

Transportation

- Proximity to public transit
- Access to free parking
- Traffic patterns
- Proximity to communities with low rates of vehicle ownership
- Time and distance a voter must travel to reach a location

Geography

- Proximity to population centers
- Proximity to geographically isolated populations

Underrepresented Voters

- Proximity to language minority communities
- Proximity to low-income communities
- Proximity to voters with disabilities
- The need for alternate voting methods for voters with disabilities
- Proximity to communities with historically low vote by mail usage
- Proximity to communities of eligible voters that are not registered

See California Civic Engagement Project, Best Practices: Siting Vote Centers and Drop Boxes, <https://static1.squarespace.com/static/57b8c7ce15d5dbf599fb46ab/t/5d409b2d9ee54a0001483b84/1564515161760/CCEP+VCA+Brief+3+Companion+2-Pager+Siting.pdf>.

Six, Common Cause Hawaii supports the intent of Section 26, at page 39, lines 13-15, designating any area of a voter service center or drop box where a person is waiting to vote as an area that should be free from voter intimidation or harassment or campaigning, but the language appears overbroad and vague.

Seven, Common Cause Hawaii supports Section 43 providing guidance for the siting and number of drop boxes. For places of deposit, there should be 1 drop box per 15,000 to 20,000 registered voters. See https://www.eac.gov/sites/default/files/electionofficials/vbm/Ballot_Drop_Box.pdf. Clearly, Hawaii was well short of this standard, for the 2020 elections.

In summary, Common Cause Hawaii supports SB 548, SD1 to increase Voter Service Centers, having DPS inform people released from custody of their voting rights and how to register to vote, having guidance for siting of drop boxes, and protections for voters waiting in line to vote, questions the necessity of the provisional ballot language, and suggests retaining HRS § 11-17(d) to ensure that people are aware that they may re-register to vote and removing the provision dealing with electronic voting.

Thank you for the opportunity to testify in support of SB 548, SD1 with suggested amendments. If you have further questions of me, please contact me at sma@commoncause.org.

Very respectfully yours,

Sandy Ma
Executive Director, Common Cause Hawaii



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The State Legislature
House Committee on Judiciary and Hawaiian Affairs
Friday, March 12, 2021, 2:00 p.m.

TO: The Honorable Mark Nakashima, Chair
RE: S.B. 548 SD1 Relating to Elections by Mail

Dear Chair Nakashima and Members of the Committee:

My name is Keali'i Lopez and I am the State Director for AARP Hawai'i. AARP is a membership organization of people age fifty and over, with nearly 145,000 members in Hawai'i.

AARP Hawai'i supports S.B. 548 SD 1 which makes amendments to the elections law to clarify the administration of elections by mail. AARP supports public policies that adopt voter registration and voting systems and procedures that expand the range of voting choices. We believe that Hawaii should encourage and promote maximum participation in the electoral process. This means ensuring that all eligible voters have access and the opportunity to submit their ballots, and not disenfranchising minority populations, people needing language assistance and people with disabilities.

We respectfully want to comment on Section 23 of SB 548, SD1, that states that a Voter Service Center be established at the office of the clerk. Based on the recent experience of long lines at these Voter Service Centers on the 2020 General Elections Day, there is a need for more centers, places of ballot deposits (drop boxes) and convenient hours to improve access for voters in both populous and rural communities. Their locations should be in proximity to both transportation and underrepresented communities, and should be mindful of geographical distances to ensure that they are truly accessible to those who choose to vote in person. For example, Maui Island and Hawaii County may only have two total Voter Service Centers under HRS §§ 11-109(a) and (b), pursuant to Section 23 of SB 548 SD1, but they may need more given the geography and population distribution. Further, Oahu may need two Voter Service Centers open for 10 days prior to election day during regular hours until closing hour of voting on election day under HRS §§ 11-109(a), pursuant to Section 23 of SB 548 SD1, as well as another voter center in the North Shore/Windward districts. While the amendments in S.B. 548 SD 1 is a step in the right direction, there is always room to strengthen and enhance Hawai'i's voting systems so that voters can safely exercise their right to vote. Thank you very much for the opportunity to support S.B. 548 S.D.1 with our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Keali'i Lopez".

Keali'i Lopez, State Director

SB-548-SD-1

Submitted on: 3/11/2021 8:54:17 AM

Testimony for JHA on 3/12/2021 2:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---|---------------------------|---------------------------|
| Michael Golojuch Jr | LGBT Caucus of the Democratic Party of Hawaii | Support | No |

Comments:

Aloha Representatives,

The LGBT Caucus of the Democratic Party of Hawai'i, Hawaii's oldest and largest policy and political LGBTQIA+ focused organization, supports Senate Bill 548 SD1.

Mahalo nui loa for your time and consideration,

Michael Golojuch, Jr.

Chair

LGBT Caucus of the Democratic Party of Hawai'i

March 11, 2021

Written testimony on SB 549

I am writing from the [American Association for the Advancement of Science's \(AAAS\) Center for Scientific Evidence in Public Issues](#) regarding Hawaii's consideration of electronic ballot return. AAAS, the world's largest multidisciplinary scientific society, provides an unbiased, non-partisan voice for science on societal issues and promotes the responsible use of science and technology in public policy.

Section 21 of SB 549 (referring to HRS § 11-107) would permit ballots to be forwarded and returned by electronic transmission. The electronic return of a marked ballot via email, fax, web-based portal, or mobile apps, is not a secure solution for voting in Hawaii or elsewhere, nor will it be in the foreseeable future. There is broad agreement among election, computing and intelligence experts that such online voting poses unacceptable risks to the security of elections as well as voters' privacy. In April 2020, we [wrote to every governor, secretary of state, and state election director](#) across the country detailing the scientific and technical risks of internet voting. To date, more than 80 leading organizations, scientists, and security experts have signed the letter, which documents that:

- All internet voting systems and technologies are currently inherently insecure.
- No technical evidence exists that any internet voting technology is safe or can be made so in the foreseeable future; rather, all research performed to date demonstrates the opposite.

These statements reflect the findings of both recent and two decades of rigorous, science-based analysis. In May, the Cybersecurity and Infrastructure Security Agency (CISA), the Election Assistance Commission (EAC), the Federal Bureau of Investigation (FBI), and the National Institute of Standards and Technology (NIST) released [additional guidance](#) describing the electronic return of marked ballots as “high-risk even with controls in place.”

The guidance explains that “electronic ballot return, the digital return of a voted ballot by the voter, creates significant security risks to the confidentiality of ballot and voter data (e.g., voter privacy and ballot secrecy), integrity of the voted ballot, and availability of the system... Securing the return of voted ballots via the internet while ensuring ballot integrity and maintaining voter privacy is difficult, if not impossible, at this time.”

These concerns echo a [2018 consensus study report on election security by the National Academies of Science, Engineering, and Medicine \(NASEM\)](#), the most definitive and comprehensive report on the scientific evidence behind voting security in the U.S. which stated:

“At the present time, the Internet (or any network connected to the Internet) should not be used for the return of marked ballots. Further, Internet voting should not be

used in the future until and unless very robust guarantees of security and verifiability are developed and in place, as no known technology guarantees the secrecy, security, and verifiability of a marked ballot transmitted over the Internet.”

Hawaii can demonstrate leadership in election security by committing to scientifically sound election systems that embrace both accessibility and security. [As noted in these remote voting recommendations](#), more secure alternatives exist to provide accessible remote voting for overseas uniformed personnel, individuals with disabilities, and others who may have difficulty accessing the ballot. Hawaii election officials should attempt to use these alternative strategies whenever possible and limit electronic ballot return to situations where ballot return is otherwise impossible or imposes a severe burden on voters.

We would welcome the opportunity to discuss more secure alternatives to internet voting with you and your colleagues, including accessible remote voting by mail, and to connect you with leading experts on these technologies.

Thank you,

A handwritten signature in cursive script, appearing to read "Michael Fernandez".

Michael D. Fernandez, Director
Center for Scientific Evidence in Public Issues
American Association for the
Advancement of Science
1200 New York Avenue, NW
Washington, DC 20005
202-326-7056
mdfernandez@aaas.org

Statement Before The
House Committee on Judiciary and Hawaiian Affairs
Friday, March 11, 2021
2:00 PM
Written Remarks

in consideration of
SB 548
RELATING TO ELECTIONS BY MAIL.

Submitted by Susannah Goodman
Director, Election Security Program, Common Cause

Chair Nakashima, Vice Chair Matayoshi and Members of the House Committee on Judiciary and Hawaiian Affairs. Thank you for the opportunity to submit testimony today.

My name is Susannah Goodman, and I am the Director of the Election Security Program at Common Cause, a national citizen advocacy organization with 1.5 million members and supporters nationally and 6000 in Hawaii. We are devoted to reforming government and strengthening democracy. My testimony today is meant to complement the work of the Executive Director of our state organization Common Cause Hawaii.

I comment today exclusively on the provision in this legislation which expands internet voting in the state of Hawaii. As an organization we oppose internet voting of any kind. Hawaii has long had the provision which allows voters to receive and cast ballots over the Internet five days prior to the election. This legislation would expand the opportunity to vote electronically to voters with disabilities over a longer period of time corresponding with the vote by mail cycle.

We oppose this provision. Voters with disabilities should receive their ballots electronically and be able to mark them electronically. But to protect that ballot from tampering and deletion we don't believe return ballot should be permitted. Currently the State of Hawaii contracts with a vendor to allow remote access vote by mail so that voters with disabilities may receive their ballots electronically, mark the electronically with an adaptive device, and print them and send them out.

Our position on this issue is informed by a joint advisory document released this year by four federal agencies including the Department of Homeland Security, the Elections Assistance Commission, the National Institutes of Standards and Technology, and the Cybersecurity Infrastructure Security Agency. These four agencies put forth a [statement](#) which unequivocally stated that internet voting was high risk.

In part the statement read, "Electronic ballot return faces significant security risks to the confidentiality, integrity, and availability of voted ballots. These risks can ultimately affect the tabulation and **results**

and can occur at scale.” “Voting by email or via web portals jeopardizes the integrity of the election results; votes can be manipulated or deleted without the voter’s knowledge and the voter’s selections could be traced back to the individual voter.”

Our election infrastructure remains at risk of cyber-attack. The Solar Winds event illustrates again how exceedingly difficult it is to keep a persistent adversary out. With Solar Winds, US agencies — including parts of the Pentagon, the Department of Homeland Security, the State Department, the Department of Energy, the National Nuclear Security Administration, and the Treasury were all victims of a stealth hack that went undiscovered for months. The extent of the damage is still not known.

That is why it is so critical for our election infrastructure to be resilient. It’s not a matter of if, but when, an attacker compromises the system. That is why it’s so critical that voting occur on paper that voters then verify. Paper can’t be hacked. Paper ballots can be marked and verified by the voter. And then stored and used later if the race is so close a recount is needed or if the state requires an audit of the voting counting system.

Thank you for the opportunity to provide comment on this critical legislation.



NATIONAL FEDERATION OF THE BLIND OF HAWAII

Testimony before the Committee on Judiciary and Hawaiian Affairs (JHA)
Hawaii State House of Representatives
Thirty-First Legislature, Regular Session of 2021
March 12, 2021, 2:00 PM, hearing on SB548 SD1

Good afternoon Mr. chairman, vice chair and committee members. I am James Gashel testifying for the National Federation of the Blind of Hawaii (NFBH), fully supporting SB548 SD1.

We believe the many changes made by this bill will improve administration of Hawaii's vote by mail law, act 136 passed in 2019. Access to the voting process and accessible use of voting technology are particularly important to our members. The amendments we suggested, now in SB548 SD1, come from our experience during the primary and general elections held in 2020.

Please consider the fact that people who are blind are unable to read and mark the printed ballot which is sent to us as in the case of all other voters. Nonetheless, according to section 301(a)(3)(A) of the Help America Vote Act, people with disabilities are supposed to be able to vote privately and independently, which are very important standards. All voters who are not blind or disabled have the right to vote privately and independently. The fact that some of us can't see to read the printed ballot should not cause us to lose the right to vote privately and independently.

One amendment which the Senate has included would give us the opportunity to request an electronic ballot to be sent by email to a voter with special needs as an alternative to only receiving a printed ballot in the mail. At present electronic ballots can be sent out under existing HRS 11-107, but this has not been clearly understood by special needs voters or by county elections personnel. We believe incorporating the request for electronic ballots into the voter registration affidavit will help to emphasize this option.

Another important amendment in SB548 SD1 incorporates language from HB737, introduced by Representative Hashimoto. This amendment calls for the appointment of special needs voters advisory committees. As the amendment provides, these advisory committees would be established at both the state and county levels to create formal channels of communication for voters to interact with election personnel rather than waiting for problems to arise. The population of voters with so-called special needs is comparatively small with needs that are either not known or not well understood. These facts alone suggest the need for regular communication between election personnel and the special needs voters who can be overlooked. Each advisory committee, whether state or county, would consist of 5 members representing voters with special needs. Members of the state committee would be appointed by the governor, and county committees would be appointed by the mayors of the respective counties.

As stated in HB737, "The purpose of the advisory committees is to ensure equal and independent access to voter registration, casting of ballots, and all other county elections division services." Each advisory committee shall meet at least annually to review election procedures, services, and technology and access to information, and shall make recommendations to the office of elections on at least an annual basis.

Also, we are pleased that language from Representative Hashimoto's bill, HB738, has been incorporated into section 20 of SB548 SD1. This will help to fulfill the standards of privacy and independence for voters unable to mark a standard printed ballot.

In this regard, we fully support new subsection (c) which would require a means of electronic authentication for voters with special needs as an alternative to use of a handwritten signature. This is essential since voters with special needs are often unable to make a consistent handwritten signature sufficient to authenticate the voter who may have a visual impairment or another disability which limits the ability to write by hand. These amendments would also preserve the voter's right to secrecy assured for all other voters.

Under current law, HRS 11-107, voters with special needs may request, receive, and return ballots by electronic transmission. In this case, two documents are sent as email attachments. One is the voter's unique ballot, showing only the races and candidate choices based on where the voter lives. The other attachment is a Waiver of Secrecy and Affirmation Statement form, containing instructions for completing and returning the marked HTML ballot. This form also includes a waiver of Secrecy which the voter must sign. Instructions in the email sent to the voter say the marked ballot will not be counted unless accompanied by the waiver of secrecy bearing the voter's handwritten signature. Both the ballot and the waiver of secrecy may be returned electronically.

Although the instructions don't say so, voters may print, and return completed alternate format ballots in the return envelope sent with all paper ballot packages. If returned by mail or placed in a dropbox, the voter's handwritten signature must appear on the outside of the return envelope.

Compared to current law, SB548 SD1 would make two important changes. First, the Office of Elections would be directed to have in place an electronic means to authenticate the voter as an alternative to the voter's handwritten signature. The second important change would be to discontinue use of the waiver of secrecy form. Both changes would only apply to special needs voters.

Having an alternative to authentication by handwritten signature is essential. This is particularly so for voters with disabilities which limit handwriting. For example, voters who are blind may not be able to write by hand so their signatures can be recognized as a match from one time to another. This is especially so when many months or years may have elapsed between signatures being compared. Equally important, SB548 SD1 would disallow use of the waiver of secrecy form, thereby assuring voters with special needs the rights all other voters have by law.

In its present form, current law, HRS11-107, is great, but allowed electronic transmission of ballots requires printing, signing, and scanning the waiver of secrecy form bearing the voter's handwritten signature. Five states, Maine, Massachusetts, Nevada, North Carolina, and West Virginia permit electronic ballot return that does not require the voter's handwritten signature. Hawaii should join this trend. We are particularly pleased that the Office of elections has supported these revisions in testimony before the senate committee on human services.

Finally, as passed by the Senate, SB548 SD1 attempts to address the acknowledged need for more in-person voting locations. The present number of eight voter service centers statewide is simply not enough given great distances such as vast rural areas on the big island. Of course, we understand the emphasis and importance of voting by mail or by electronic transmission in certain circumstances. Nonetheless, there are circumstances when voters with special needs can best be served at an in-person voting site.

In the case of people who are blind, we are somewhat transportation dependent; we can't just jump in the car and drive. Therefore, a ride of say 30 or even 50 miles to a voter service center can result in significant time and expense. This is a deterrent to voting. Having greater access to an in-person voting site is not a matter of convenience; it is a matter of necessity. Lack of sufficient physical voting locations suppresses voter participation, although somewhat offset by vote by mail and electronic return in certain circumstances. With the language in this bill as passed by the Senate, we are pleased to see that the need for more voting sites is being addressed.

Please pass SB548 as approved by the Senate with the SD1 amendment. Mahalo for your consideration.



49 South Hotel Street, Room 314 | Honolulu, HI 96813
www.lwv-hawaii.com | 808.531.7448 | voters@lwv-hawaii.com

COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

FRIDAY, March 12, 2021, 2:00 p.m. Via Videoconference
SB 548 SD1 RELATING TO ELECTIONS BY MAIL

TESTIMONY

Janet Mason, Legislative Committee, League of Women Voters of Hawaii

Chair Nakashima, Vice-Chair Matayoshi and Committee Members:

The League of Women Voters of Hawaii supports SB 548 SD1 and thanks this Committee for attending to amendments to Act 136 to clarify voting by mail elections administration.

League is gratified to see the new provision requiring notification of voter eligibility and voter registration instructions for individuals on probation or parole.

Section 23 of this measure appropriately gives County Clerks the discretion to operate voter service centers with varying days or hours of operation. Much discussion has already occurred about the minimum number of voter service centers. Determining an optimum number is difficult as the population of voters in each County changes over time, and the availability of locations for centers changes over time. We now defer to your Committee on increasing the number of voter service centers.

Thank you for the opportunity to submit testimony.

SB-548-SD-1

Submitted on: 3/11/2021 6:28:08 AM

Testimony for JHA on 3/12/2021 2:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|----------------|--------------|--------------------|--------------------|
| David Anderson | Individual | Support | No |

Comments:

I support Section 3, which directs the Department of Public Safety to inform a person, who is placed on probation or if the person is paroled after commitment to imprisonment, that the person may vote during the period of the probation or parole and how to register to vote. See Hawaii Revised Statutes (HRS) § 831-2.

I request that for Section 7 of SB 548, SD1, pertaining to HRS § 11-17, the original subsection (d) be kept, but without reference to “section 11-24” to ensure that people removed from the voter registration roll understand that they may lawfully register to vote again.

I suggest amending Section 21 of SB 548, SD1 (referring to HRS § 11-107) to delete any references that ballots may be returned by electronic transmission. Several security agencies have determined that online voting is not secure.

It is noted that Section 23 of SB 548, SD1, pertaining to HRS § 11-109(a), at page 34, lines 20-21 and page 35, lines 1-6, provides that a Voter Service Center **shall** be established at the office of the clerk. This means that Oahu will only need to have one Voter Service Center (even if there is more than one clerk’s office), Maui County will need to only have one Voter Service Center, Hawaii County will need to only have Voter Service Center (even if there is more than one clerk’s office), and Kauai County will need to only have Voter Service Center. The Voter Service Centers will need to be open for 10 days prior to election day during regular hours until closing hour of voting on election day.

It is also noted that Section 23 of SB 548, SD1, pertaining to HRS § 11-109(b), at page page 35, lines 11-21, provides that the clerks **may** operate additional Voter Service Centers with varying days or hours of operations, provided that Hawaii County, Maui Island, Molokai, Lanai and Kauai **must have one** additional Voter Service Center on election day and Oahu **must have three** additional Voter Service Centers on election day (with one to be located on the Windward side). This is an improvement over the total number of Voter Service Centers that were established for the 2020 elections, which were 8 statewide (2 on Oahu, 2 on Hawaii County, 1 Maui Island, 1 on Molokai, 1 on Kauai, and 1 Lanai). However, Maui Island and Hawaii County may only have two total Voter Service Centers under HRS §§ 11-109(a) and (b), pursuant to Section 23 of SB 548, SD1 and they may need more given the geography and population distribution.

Further, Oahu may need one Voter Service Centers open for 10 days prior to election day during regular hours until closing hour of voting on election day under HRS §§ 11-109(a), pursuant to Section 23 of SB 548, SD1.

I further request that Section 23 of SB 548, SD1 require county clerks to locate and establish a minimum number of Voter Service Centers **and** places of deposit in a county based upon a good faith determination of the following factors, which has not been done in Hawaii, in addition to other pertinent considerations not referenced below:

Transportation: Proximity to public transit, Access to free parking, Traffic patterns, Proximity to communities with low rates of vehicle ownership, Time and distance a voter must travel to reach a location

Geography: Proximity to population center, Proximity to geographically isolated populations

Underrepresented Voters: Proximity to language minority communities, Proximity to low-income communities, Proximity to voters with disabilities, The need for alternate voting methods for voters with disabilities, Proximity to communities with historically low vote by mail usage, Proximity to communities of eligible voters that are not registered

I support the intent of Section 26, at page 39, lines 13-15, designating any area of a voter service center or drop box where a person is waiting to vote as an area that should be free from voter intimidation or harassment or campaigning, but the language appears overbroad and vague.

I support Section 43 providing guidance for the siting and number of drop boxes. For places of deposit, there should be 1 drop box per 15,000 to 20,000 registered voters. Clearly, Hawaii was well short of this standard, for the 2020 elections.

Thank you for the opportunity to submit testimony in support of this bill.

SB-548-SD-1

Submitted on: 3/11/2021 6:56:23 AM

Testimony for JHA on 3/12/2021 2:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Carla Allison | Individual | Support | No |

Comments:

My name is Carla Allison and I strongly support SB548. This bill improves Hawaii's Vote by Mail law by making changes from what was learned via our first election using Vote By Mail. By making voting more accessible we uphold the right to vote that our country envisions and claims as a fundamental promise to its citizens. Please support SB548. Thank you.

Dear Chair Nakashima, Vice Chair Matayoshi, and Committee on Judiciary and Hawaiian Affairs,

Please support SB548 SD1 with Amendments.

- One, we support Section 3, which directs the Department of Public Safety to inform a person, who is placed on probation or if the person is paroled after commitment to imprisonment, that the person may vote during the period of the probation or parole and how to register to vote. See Hawaii Revised Statutes (HRS) § 831-2.
- Two, we question the need to insert the sentence -- “If additional time or information is required to validate an application, the application shall be provided a provisional ballot.” – at the end of new Hawaii Revised Statutes (HRS) § 11-15.2(c) at page 10, lines 11-13, for Section 6 of SB 548, SD1. Hawaii has Same Day Voter Registration to permit people to register to vote. Additionally, “additional time” is vague and overbroad and may be used to disenfranchise minority populations, people needing language assistance, people with disabilities, and more, through possibly having them cast provisional ballots instead of regular ballots. See <https://www.americanprogress.org/press/release/2014/10/29/99809/release-the-racially-discriminatory-effects-of-provisional-ballots/>.
- Three, we request that for Section 7 of SB 548, SD1, pertaining to HRS § 11-17, the original subsection (d) be kept, but without reference to “section 11-24” to ensure that people removed from the voter registration roll understand that they may lawfully register to vote again.
- Four, we suggest amending Section 21 of SB 548, SD1 (referring to HRS § 11-107) to delete any references that ballots may be returned by electronic transmission. “Online voting is not secure. The Federal Bureau of Investigation (FBI), the National Institute of Standards and Technology (NIST), the Election Assistance Commission (EAC) and the Department of Homeland Security all agree that no practically proven method exists to securely, verifiably, or privately return voted materials over the internet.” See <https://verifiedvoting.org/wp-content/uploads/2020/06/Election-Security-and-Accessible-VBM.5.20-1.pdf>. These four agencies stated “[e]lectronic ballot return faces significant security risks to the confidentiality, integrity, and availability of voted ballots. These risks can ultimately affect the tabulation and results and can occur at scale.” Id. “[V]oting by email or via web portals jeopardizes the integrity of the election results; votes can be manipulated or deleted without the voter’s knowledge and the voter’s selections could be traced back to the individual voter. Id.
- Five, we find that Section 23 of SB 548, SD1, pertaining to HRS § 11-109(a), at page 34, lines 20-21 and page 35, lines 1-6, provides that a Voter Service Center shall be established at the office of the clerk. This means that Oahu will only need to have one Voter Service Center (even if there is more than one clerk’s office), Maui County will need to only have one Voter Service Center, Hawaii County will need to only have Voter Service Center (even if there is more than one clerk’s office), and Kauai County will need

to only have Voter Service Center. The Voter Service Centers will need to be open for 10 days prior to election day during regular hours until closing hour of voting on election day.

- Additionally, we find that Section 23 of SB 548, SD1, pertaining to HRS § 11-109(b), at page page 35, lines 11-21, provides that the clerks may operate additional Voter Service Centers with varying days or hours of operations, provided that Hawaii County, Maui Island, Molokai, Lanai and Kauai must have one additional Voter Service Center on election day and Oahu must have three additional Voter Service Centers on election day (with one to be located on the Windward side). This is an improvement over the total number of Voter Service Centers that were established for the 2020 elections, which were 8 statewide (2 on Oahu, 2 on Hawaii County, 1 Maui Island, 1 on Molokai, 1 on Kauai, and 1 Lanai). However, Maui Island and Hawaii County may only have two total Voter Service Centers under HRS §§ 11-109(a) and (b), pursuant to Section 23 of SB 548, SD1 and they may need more given the geography and population distribution. Further, Oahu may need one Voter Service Centers open for 10 days prior to election day during regular hours until closing hour of voting on election day under HRS §§ 11-109(a), pursuant to Section 23 of SB 548, SD1.
- Common we further request that Section 23 of SB 548, SD1 require county clerks to locate and establish a minimum number of Voter Service Centers and places of deposit in a county based upon a good faith determination of the following factors, which has not been done in Hawaii, in addition to other pertinent considerations not referenced below:

Transportation

- Proximity to public transit
- Access to free parking
- Traffic patterns
- Proximity to communities with low rates of vehicle ownership
- Time and distance a voter must travel to reach a location

Geography

- Proximity to population center
- Proximity to geographically isolated populations

Underrepresented Voters

- Proximity to language minority communities
- Proximity to low-income communities
- Proximity to voters with disabilities
- The need for alternate voting methods for voters with disabilities
- Proximity to communities with historically low vote by mail usage
- Proximity to communities of eligible voters that are not registered

See California Civic Engagement Project, Best Practices: Siting Vote Centers and Drop Boxes, <https://static1.squarespace.com/static/57b8c7ce15d5dbf599fb46ab/t/5d409b2d9ee54a0001483b84/1564515161760/CCEP+VCA+Brief+3+Companion+2-+Pager+Siting.pdf>.

- Six, we support the intent of Section 26, at page 39, lines 13-15, designating any area of a voter service center or drop box where a person is waiting to vote as an area that should be free from voter intimidation or harassment or campaigning, but the language appears overbroad and vague.
- Seven, we support Section 43 providing guidance for the siting and number of drop boxes. For places of deposit, there should be 1 drop box per 15,000 to 20,000 registered voters. See https://www.eac.gov/sites/default/files/electionofficials/vbm/Ballot_Drop_Box.pdf. Clearly, Hawaii was well short of this standard, for the 2020 elections.

Thank you for taking the time to review this issues. I appreciate the opportunity to provide testimony in support of this bill.

Respectfully yours,

Caroline Kunitake

Jaclyn Leilani Borsa
Testimony before the Committee on Judiciary and Hawaiian Affairs (JHA)
Hawaii State House of Representatives
Thirty-First Legislature, Regular Session of 2021
March 12, 2021, 2:00 PM, hearing on SB548

Good morning Mr. Chairman, vice chair, and committee members. My name is Jaclyn Leilani Borsa, I am a blind woman residing at 91-031 Parish Drive, Ewa Beach, 96706 in Ewa Beach. I am a member of The National Federation of the Blind of Hawaii.

I support SB548 and ask that you pass the measure.

I strongly support the testimony submitted by The National Federation of the Blind of Hawaii and ask that you take our testimony into serious consideration.

Mahalo for your commitment to blind people of Hawaii and your consideration of my testimony supporting SB 548.

SB-548-SD-1

Submitted on: 3/11/2021 12:05:11 PM

Testimony for JHA on 3/12/2021 2:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Edward B Hanel Jr | Individual | Support | No |

Comments:

The Hawaii 2020 genral election was open and transparent while implementing a vote by mail process. But there is room for improvement and SB 548 does exactly that. Common Cause Hawaii has recommended thoughtfull amendmets which bear carefull and serious considation. Concur with Common Cause Hawaii comments, particularly concerning the need for additional Voter Service Centers. As an observer of voting locations in 2020, the long lines and excessive time it took for interested citizens to vote was troubling and needs to be addressed.

SB-548-SD-1

Submitted on: 3/11/2021 12:34:15 PM

Testimony for JHA on 3/12/2021 2:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Barbara Polk | Individual | Support | No |

Comments:

Aloha chir Nakashima and Vice Chair Matayoshi, and members of the committee.

The first use of vote by mail was a great success, but problems have been identified that made it very difficult for some people to vote. SB548 addresses those problems and makes the necessary changes.

I urge you to pass SB548

Mahalo,

Barbara Polk

Katie Keim

Testimony before the Committee on Judiciary and Hawaiian Affairs (JHA)

Hawaii State House of Representatives

Thirty-First Legislature, Regular Session of 2021

March 12, 2021, 2:00 PM, hearing on SB548

Good afternoon Mr. Chairman, vice chair, and committee members. My name is Katie Keim, a blind business woman and a member of The National Federation of the Blind of Hawaii. I reside at 2943 Kalakaua Avenue in Honolulu.

I am in strong support of SB548 and the testimony position of the NFB of Hawaii.

SB548 if passed will further support my full accessible private and independent voting experience as a long time blind voter of Hawaii. Currently although somewhat accessible, there are still frustrating barriers to my fully accessible voting experience. For some enough challenges to access their ballot, that they cannot enact their constitutional right to vote. Passing SB548, I believe will give us the full accessible ability to cast our vote equally, fairly, privately and independently.

Please pass SB548. Mahalo for your commitment to our community and serious consideration of my testimony today.

Virgil Stinnett

Testimony before the Committee on Judiciary and Hawaiian Affairs (JHA)

Hawaii State House of Representatives

Thirty-First Legislature, Regular Session of 2021

March 12, 2021, 2:00 PM, hearing on SB548

Good afternoon Mr. Chairman, vice chair, and committee members. My name is Virgil Stinnett, a resident of Honolulu at 2943 Kalakaua Avenue. I am a blind entrepreneur and leader and member of the National Federation of the Blind of Hawaii, I am in strong support of SB548 and the position of the NFB of Hawaii testimony.

Mahalo and Aloha for your commitment and serious consideration of our needs as blind voters by passing SB548.

Hoku Burrows

Testimony before the Committee on Judiciary and Hawaiian Affairs (JHA)

Hawaii State House of Representatives

Thirty-First Legislature, Regular Session of 2021

March 12, 2021, 2:00 PM, hearing on SB548

Good afternoon Mr. Chairman, vice chair, and committee members. My name is Hoku Burrows, a blind woman residing in Honolulu at 824 Laula Way, 96814 . I am a member of The National Federation of the Blind of Hawaii and support the testimony position of the NFB of Hawaii.

I support SB548 and ask that you pass the measure which will give me and others who are blind and visually impaired our private and independent access to vote.

Please take our testimony into consideration and pass SB548.

Mahalo nui loa for your commitment to the citizens of Hawaii.

Dr. Ann Lemke

Testimony before the Committee on Judiciary and Hawaiian Affairs (JHA)

Hawaii State House of Representatives

Thirty-First Legislature, Regular Session of 2021

March 12, 2021, 2:00 PM, hearing on SB548

Good afternoon Mr. Chairman, vice chair, and committee members. My name is Dr. ann Lemke, a resident of the island of Kauai, a retired blind professor of Oahu's Windward Community college, a member of The National federation of the Blind of Hawaii. I support SB548 and support the testimony position of the NFB of Hawaii.

In support of SB548, I ask that you pass the measure which will give me and others who are blind and visually impaired our private and independent access to vote.

Please take our testimony into consideration and pass SB548.

Thank you for your commitment to the citizens of Hawaii.

SB-548-SD-1

Submitted on: 3/11/2021 1:22:44 PM

Testimony for JHA on 3/12/2021 2:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Barbara Best | Individual | Support | No |

Comments:

Common Cause Hawaii has studied this thoroughly and I support their considered views.

Mahalo

Debra Braiman

Testimony before the Committee on Judiciary and Hawaiian Affairs (JHA)

Hawaii State House of Representatives

Thirty-First Legislature, Regular Session of 2021

March 12, 2021, 2:00 PM, hearing on SB548

Good afternoon Mr. Chairman, vice chair, and committee members. My name is Debra Braiman, a blind woman residing in Honolulu at 728 Kinau Street. I am a member of The National Federation of the Blind of Hawaii and support the position of the NFB of Hawaii.

I support SB548 and ask that you pass the measure which will give me and others who are blind and visually impaired our equal opportunity to cast our full, private and independent vote.

Please seriously take our testimony into consideration and pass SB548.

Mahalo for your commitment to blind people of Hawaii and your consideration of my testimony supporting SB 548.

SB-548-SD-1

Submitted on: 3/11/2021 1:42:10 PM

Testimony for JHA on 3/12/2021 2:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Douglas Moises | Individual | Support | No |

Comments:

I support this bill and the position of the National Federation of the Blind. Thank you.

SB-548-SD-1

Submitted on: 3/11/2021 1:52:05 PM

Testimony for JHA on 3/12/2021 2:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Barbara Shimei | Individual | Support | No |

Comments:

IN SUPPORT

We have the opportunity and the obligation to continue to strengthen our frontline Vote by Mail system. We need to keep election day a state holiday, to benefit both working voters and state offices whose sites may be Voter Service Centers and/or Drop Boxes. We also need to add more Voter Service Centers and Drop Boxes to avoid long lines. In a Democracy voting cannot be an endurance test.

Importance of being able to vote is proven by the high levels of turnout in 2020, and we must continue to engage our voters by making registration and voting as secure, simple, and straightforward as possible.

We can anticipate that the 2022 elections will be challenged by those who believe that voting by mail creates opportunities for fraud. We need to anticipate every possible challenge and insure that measures are put in place to reassure our voters that our procedures are safe and secure. This includes absolute clarity on procedures around dates of mailing, dates of receipt (and postmarking), secure possession and control of ballots, counting procedures, verification of identity, correction procedures, validation procedures, handling of provisional applications, security around internet balloting, procedures for observers, and procedures for certification of results.

Approximately a third of the electorate nationally does not believe the 2020 elections were free and fair. This will only get worse without transparent, irrefutable evidence to the contrary. Simply stating that there is no evidence of fraud is not enough – this is simply interpreted by sceptics to mean that no one has looked hard enough, or that courts dismissed challenges based on procedural pretexts rather than authorizing discovery and analyzing the results. We need to be able to prove unequivocally that

there is no fraud and we must be prepared to open our records, in depth and completely (not samples), to reputable bipartisan auditors, and publish the results. We must reinforce faith in free and fair elections, the bedrock of our democracy, for all our voters.

Barbara Shimei

on behalf of Indivisible Hawaii

SB-548-SD-1

Submitted on: 3/11/2021 8:25:00 PM

Testimony for JHA on 3/12/2021 2:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|----------------------|--------------|--------------------|--------------------|
| Courtney Mrowczynski | Individual | Support | No |

Comments:

I strongly **SUPPORT** SB548 for the following reasons:

- The right to vote, as well as access to voting, is fundamental to a vibrant democracy.
- Vote By Mail makes voting more accessible to the people of Hawai`i.
- This bill cleans up the previous Vote By Mail law by making changes from the lessons learned during Hawai`i's successful first-time Vote By Mail election in 2020.
- More Voter Service Centers will help to avoid voters having to wait in long lines to exercise their right and responsibility to vote.
- I also strongly **SUPPORT** requiring PSD to inform individuals on probation or parole that they have the right to vote and to provide them with information on how to register and vote. We need to help these people feel as though they belong in the community as they reintegrate back into society and change their lives for the better. This should be part of the reentry package along with available resources, referrals, opportunities, and medications when each person is released. We also suggest that this requirement be extended to the Hawai`i Paroling Authority (HPA), since they interact with parolees every single day.

SB-548-SD-1

Submitted on: 3/12/2021 8:59:39 AM

Testimony for JHA on 3/12/2021 2:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| lynne matusow | Individual | Support | No |

Comments:

Given the hours long lines on election day 2020, we need more voter service centers with longer hours. The mess in 2020 delayed for more than four hours the release of election results. This should never happen again.

Ballots to voters in all counties should be mailed at the same time, not on different days. I also believe that 18 days is not sufficient times for ballots to be mailed and returned, given the deteriorating state of the U.S. Postal Service. At times it is taking five days for in state first class mail to be delivered. A turtle could do it faster, especially when the mailing point to delivery point is less than two miles.

Online voting is not secure. All references that ballots may be forwarded and returned electronically should be deleted.