



**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 SENATE COMMITTEE ON JUDICIARY
ON SENATE BILL NO. 548
RELATING TO ELECTIONS BY MAIL

February 5, 2021

Chair Rhoads and members of the Senate Committee on Judiciary, thank you for the opportunity to testify in support of Senate Bill No. 548. This bill makes 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, and repeals election days as designated state holiday.

This bill makes a variety of housekeeping changes that will improve the administration of elections. However, we would like to note how 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 propose amending the language of the bill to address administrative issues surrounding the deadline to clarify that voter registration applications may be received by the County Elections Division electronically, using the online voter registration system, or from a designated voter registration agency under the National Voter Registration Act of 1993 (NVRA). Agencies designated under the NVRA include driver licensing and state identification, as well as the Department Health and the Department of Human Services. Additionally, the statutory reference in Section 5 of the bill to registering electronically should be changed from HRS § 15-3 to HRS § 11-15.3.

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).

Post-Election Deadlines

As it relates to the deadline for a voter to cure a deficient ballot or for the County Elections Division to confirm the validity of ballots, we would propose referring to business days, rather than days or calendar days, to calculate that the election offices will be open on the deadline. This would address the state/federal holidays, Statehood Day following the Primary Election, and Veterans' Day following the General Election, as well as weekends. For example, for the Primary Election, the deadline to cure a deficient ballot, seven days after the election, would fall on a Saturday, which may lead to confusion as to whether a ballot validated on Monday following the Saturday deadline should be accepted for counting or if the election office should have been open on Saturday.

We would also note, the deadline to file an election contest is 13 days following the Primary Election to prepare the General Election ballot. Allowing the County Elections Divisions to validate ballots an additional three days following the deadline to cure deficient ballots may delay the post-election count and release of the final election results by the contest for cause deadline. The deadline for filing an election contest, along with its resolution, has limited flexibility, given the need to ensure that ballots for the General Election must be finalized and mailed out by the 45th day prior to the General Election.

Fiscal Impact

The fiscal impact of this measure would be related to establishing additional voter service centers to be opened on Election Day. Beginning with the 2022 Election, we are entering into a new voting and vote counting system contract which proposed providing voting equipment for eight voter service centers. To establish additional voter service centers, we estimate additional costs of the voting equipment would be \$28,606 per location, or \$171,636 for the six additional locations required by this bill.

This estimate includes accessible ballot-marking devices and precinct counters, for the term of the contract – three election cycles. However, this estimate does not include the costs to the County Elections Divisions to establish and operate a voter service center.

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



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

February 5, 2021

Chair Rhoads and Committee members:

Thank you for the opportunity to provide testimony on Senate Bill 548 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. We'd like to provide context for some of the proposed changes.

SB548 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.

SB548 also increases the period to "cure" blank or mismatched signatures on return ballot envelopes. This change more realistically reflects the time required for a voter to receive and return documentation necessary to cure the deficient ballot envelope, especially when considering mail transit times.



Another important change proposed by SB548 is amending State Law relating to voter registration list maintenance (voter removal) to accurately reflect the process required by National Voter Registration Act of 1993.

With regards to the voter service centers, the City recommends amending the bill to uniformly require all counties to establish at least one full-duration voter service center and the option to establish additional voter service centers with variable dates and times. In this way, all counties would have the ability to locate and establish service centers based on experience, election data and available resources.

Lastly, should the committee be interested in metrics regarding the 2020 vote-by-mail elections, please go to www.honoluluelections.us.

Thank you for the opportunity to testify on SB548.





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COMMITTEE ON JUDICIARY

FRIDAY, February 5, 2021, 9:30 a.m., Via Videoconference
SB 548 RELATING TO ELECTIONS BY MAIL

TESTIMONY

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

Chair Rhoads, Vice-Chair Keohokalole and Committee Members:

The League of Women Voters of Hawaii supports SB 548 and thanks this Committee for attending to amendments to Act 136 to clarify voting by mail elections administration. Many of the amendments reflect laws or practices already in use by our voting officials; we welcome incorporation of relevant elections administration in Act 136.

Regarding voter registration, this bill clarifies that same day voter registration is available electronically as well as at voter service centers on or before election day and requires that when a clerk deems a person's application for registration requires additional time or information, that person is still provided a provisional ballot. To avoid denying eligible persons the right to register (or to vote if the application is legitimate), both provisions are needed.

In our experience County clerks work very diligently to maintain accurate registration databases; making procedures for removal of names as clear as possible, as outlined in Section 11-17, is important.

Section 15 makes clear that registered voters may vote absentee in a vote by mail election using established procedures; this is fairly frequent for those temporarily away from Hawaii, so we support this.

In Section 19, we are pleased to see a proposed extension of time after the date of the election to cure a deficient return identification envelope. But even if the clerk mails such an envelope back to the voter on the day it is first received, mailing the ballot back and waiting for the corrected deficiency to be mailed back to the clerk could easily exceed 10 days, especially if this 10-day period includes weekends and holidays when mail is not typically delivered. We respectfully suggest that the time for curing such a deficiency be 14 days, instead of 10 days. We do not think this would interfere with reporting overall election results, auditing the count, mandatory recounts, or certification of the election, but would be appreciated by County Clerks and especially by voters whose envelope may have been damaged. To correspond with the Section



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19 change we propose, Section 21 would then permit validation of ballots for 14 days, instead of 10 days.

Section 22 of this measure appropriately gives County Clerks the discretion to operate voter service centers with varying days or hours of operation, yet also increases the minimum number of voter service centers. We defer to your Committee on increasing the number of voter service centers.

Voting by mail shifts many election duties from the State (which previously operated polling sites) to the County (which has conducted some type of absentee voting for more than 20 years). Please consider amending SB 548 to reflect the corresponding shift in duties for official election observers as described in SB 1289. Such observers need routine access to both State and County voting operations.

Thank you for the opportunity to submit testimony.

NATIONAL FEDERATION OF THE BLIND OF HAWAII

Testimony before the Committee on Judiciary (JDC)
Hawaii State Senate
Thirty-First Legislature, Regular Session of 2021
February 5, 2021, 9:30 AM, hearing on SB548

Good morning Mr. chairman, vice chair and committee members. I am James Gashel, testifying for the National Federation of the Blind of Hawaii (NFBH). I live in Honolulu.

NFB of Hawaii strongly supports SB548. We believe the many changes made by this bill would improve administration of Hawaii's vote by mail law, act 136 passed in 2019. I have three amendments to suggest and will make a few additional comments too.

The first amendment is suggested in section 4, beginning on page 4 of the bill. Here we suggest adding language to the voter registration application affidavit specified in HRS11-15, subsection (a). Specifically, we recommend adding the following or similar words to appear in the affidavit: "I am unable to read standard print due to a disability and request an electronic ballot to be sent to my email address -- (insert email address)."

We propose this amendment based on the experience of many NFBH members. Although accessible electronic ballots are available, it is fair to say that we all had lots of trouble getting them. To get the electronic ballot it took lots of phone calls made to the county elections office with promises that someone would call us back, but they didn't. Only the persistent managed to succeed. Therefore, the initial, one time declaration that will not expire is suggested as a remedy going forward.

The second amendment is a suggestion to insert a new section in SB548 relating to voters with special needs advisory committees. In this regard I would refer the committee to SB534, introduced by chairman Rhoads as part of the Deaf and Blind Task Force package.

The proposed advisory committees would establish 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.

Our third amendment to suggest applies to section 20 of the bill, beginning on page 27. Directing your attention to new subsection (c), we suggest striking the phrase: "but no earlier than the date that the voter's initial ballot package was or would have been transmitted." Striking this phrase is consistent with our request for new language in the voter registration affidavit.

Beyond that change 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.

Next, in section 22, beginning on page 31, the bill 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 this can be somewhat offset by vote by mail and electronic return in certain circumstances. With the language in section 22, we are pleased to see that the need for more voting sites is being addressed.

Please pass SB548 along with considering our friendly amendments. Mahalo for your consideration.

Statement Before The
SENATE COMMITTEE ON JUDICIARY

Friday, February 5, 2021

9:30 AM

Via Videoconference

in consideration of

SB 548**RELATING TO ELECTIONS BY MAIL.**

Chair RHOADS, Vice Chair KEOHOKALOLE, and Members of the Senate Judiciary Committee

Common Cause Hawaii supports SB 548, with suggested amendments, which (1) makes amendments to elections laws to clarify the administration of elections by mail, (2) renames districts as precincts, (3) extends voter registration deadlines, (4) requires additional voter service centers on election day, and (4) repeals election days as designated state holidays.

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 provides comments on Section 2 of SB 548, repealing election days as designated state holidays. Common Cause Hawaii wants to ensure that there will not be any issue or difficulty with locating voter service centers on government facilities, especially for general election Tuesday, if election day is removed as a state holiday. For the 2020 elections, there were people who confirmed that they still wanted to vote in person on general election day and showed up to the voter service centers, resulting in long lines forming. This could disrupt government operations, if it were not a state holiday. Further, SB 548 at Section 22 will require additional voter service centers on election day and available government facilities may be difficult to locate, if election day is removed as a state holiday.

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 Hawaii Revised Statutes (HRS) § 11-15.2(c) at page 7, lines 18-20, for Section 5 of SB 548. 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 6 of SB 548, 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. Common Cause Hawaii also specifically requests that Section 6 include a provision directing 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.

Four, Common Cause Hawaii suggests amending Section 20 of SB 549 (referring to HRS § 11-107) to delete any references that ballots may be forwarded and also 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 22 of SB 548, pertaining to HRS § 11-109(a), at page 31, lines 4-11, 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 22 of SB 548, pertaining to HRS § 11-109(b), at page 31, lines 12-21 and page 32, lines 1-18, 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 22 of SB 548, and 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 22 of SB 548.

Common Cause Hawaii further requests that Section 22 of SB 548 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>.

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](https://www.eac.gov/sites/default/files/electionofficials/vbm/Ballot_Drop_Box.pdf). Clearly, Hawaii is well short of this standard, for the 2020 elections.

For Section 22 of SB 548, at page 32, lines 16-18, pertaining to provisional ballots, Common Cause Hawaii reiterates the same concern as set forth above relative to Section 5 of SB 548, especially the language as to “additional time”, which is vague and overbroad.

In summary, Common Cause Hawaii supports SB 548 to increase Voter Service Centers, questions repealing the election day as a state holiday and the provisional ballot language, and suggests retaining HRS § 11-17(d) to ensure that people are aware that they may re-register to vote, having DPS inform people released from custody of their voting rights and how to register to vote, and removing the provision dealing with election voting.

Thank you for the opportunity to testify in support of SB 548 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
Committee on Judiciary and Hawaiian Affairs
Friday, February 5, 2021, 9:30 a.m.

TO: The Honorable Karl Rhoads, Chair
RE: S.B. 548 Relating to Elections by Mail

Dear Senator Rhoads 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 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 22 of SB 548, 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 22 of SB 548, 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 22 of SB 548, as well as another voter center in the North Shore/Windward districts. While the amendments in S.B. 548 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 with our comments.

Sincerely,

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

Keali'i Lopez, State Director



DISABILITY AND COMMUNICATION ACCESS BOARD

1010 Richards Street, Room 118 • Honolulu, Hawaii 96813
Ph. (808) 586-8121 (V) • Fax (808) 586-8129 • TTY (808) 586-8162

FEBRUARY 5, 2021

TESTIMONY TO THE SENATE COMMITTEE ON JUDICIARY

Senate Bill 548 – Relating to Elections By Mail

The Disability and Communication Access Board (DCAB) supports and offers comments on Senate Bill 548, which, among other things, requires additional voter service centers (VSCs) on election day and repeals election days as designated state holidays.

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, and DCAB supports this provision. DCAB would also like to offer comments on the proposed repeal of election day as a state holiday. When it comes to this, perhaps it would be beneficial to leave things as they are. Not everyone with a disability will be able to go a VSC on election day without the additional time afforded by a state holiday, especially if public transportation is an issue.

Thank you for the opportunity to testify and offer comments.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Kirby L. Shaw".

KIRBY L. SHAW
Executive Director

SB-548

Submitted on: 2/2/2021 2:42:46 PM

Testimony for JDC on 2/5/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Banner Fanene	Testifying for Common Cause Hawaii	Support	No

Comments:

One, we are commenting on Section 2 of SB 548 repealing election days as designated state holidays. Common Cause Hawaii wants to ensure that there will not be any issue or difficulty with locating voter service centers on government facilities, especially for general election Tuesday, if election day is removed as a state holiday. For the 2020 elections, there were people who confirmed that they still wanted to vote in person on general election day and showed up to the voter service centers, resulting in long lines forming. This could disrupt government operations, if it were not a state holiday. Further, SB 548 at Section 22 will require additional voter service centers on election day and available government facilities may be difficult to locate, if election day is removed as a state holiday.

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Three, we request that for Section 6 of SB 548, 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. We also specifically request that Section 6 include a provision directing 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.

Four, we suggest amending Section 20 of SB 549 (referring to HRS § 11-107) to delete any references that ballots may be forwarded and also 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 22 of SB 548, pertaining to HRS § 11-109(a), at page 31, lines 4-11, 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.

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- Access to free parking
- Traffic patterns

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<https://static1.squarespace.com/static/57b8c7ce15d5dbf599fb46ab/t/5d409b2d9ee54a0001483b84/1564515161760/CCEP+VCA+Brief+3+Companion+2-Pager+Siting.pdf>. 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 is well short of this standard, for the 2020 elections.

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In summary, we support SB 548 to increase Voter Service Centers, questions repealing the election day as a state holiday and the provisional ballot language, and suggests retaining HRS § 11-17(d) to ensure that people are aware that they may re-register to vote, have DPS inform people released from custody of their voting rights and how to register to vote, and removing the provision dealing with election voting.

Thank you for the opportunity to testify in support of SB 548 with suggested amendments.



SIERRA CLUB OF HAWAI'I

SENATE COMMITTEE ON JUDICIARY

February 5, 2021 9:30 AM Room 329

In **SUPPORT** of **SB 548**: Relating to Elections

Aloha Chair Rhoads, Vice Chair Keohokalole, and members of the committee,

On behalf of our 27,000 members and supporters, the Sierra Club of Hawai'i **supports SB 548**, which makes several housekeeping amendments to Hawai'i's elections laws to clarify and improve the administration of elections by mail.

The Sierra Club of Hawai'i is committed to ensuring a fair, open, and transparent democratic process. We encourage our members and supporters to actively protect their right to vote, have their voices heard in government, and engage in the legislative process. We believe that protecting our air, water, climate, and communities are inexplicably linked to the protection of our democracy, and we must work toward solutions that solve these issues in lockstep.

We support SB 548 because it recognizes that for voting by mail to succeed, it must be complemented with a sufficient number of voter service centers. Voter service centers allow voters to conduct in-person voting, same day voter registration, deposit ballots, and more. Section 22 of the bill establishes a minimum number of 8 voter service centers for each election to be apportioned between the counties by the chief elections officer with the counties to be able to add more. We support further increasing the number of voting centers, as well as locations for ballot drop boxes to ensure voting is accessible for communities across the state.

Multiple voting options will be vital for people without Internet and mail access, those who need assistance voting in their primary language, and people with disabilities who rely on voting machines to vote. Efforts like SB 548 help to better prepare our state for elections and safeguard a more fair and equitable democracy.

Thank you very much for this opportunity to provide testimony in **support of SB 548**.

COMMUNITY ALLIANCE ON PRISONS

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

Phone/E-Mail: (808) 927-1214 / kat.caphi@gmail.com



COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair

Senator Jarrett Keohokalole, Vice Chair

Friday, February 5, 2021

9:30 AM

SUPPORTIVE COMMENTS FOR SB 548 - VOTE BY MAIL

Aloha Chair Rhoads, Vice Chair Keohokalole, 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 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.

Community Alliance on Prisons supports this measure that will build upon and improve our successful first-time all vote by mail election of 2020. We are only commenting upon the need for more Voter Service Centers and more Places of Deposit (Drop Boxes) to avoid people waiting in long lines to exercise their right and responsibility to vote.

Community Alliance on Prisons urges the committee to increase accessibility for citizens to vote.

Mahalo for this opportunity to testify.

*The most important office, and the one which all of us can and should fill,
is that of private citizen.*

Louis Brandeis

SB-548

Submitted on: 2/3/2021 10:52:45 AM

Testimony for JDC on 2/5/2021 9:30:00 AM

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

Comments:

Aloha Senators,

The LGBT Caucus of the Democratic Party of Hawaii'i fully supports SB 548

Mahalo,

Michael Golojuch, Jr.
Chair

Brandon G. Young

980 Maunawili Rd.

Kailua, HI 96734

Phone: 808-351-6676

Email: young.brandon4@gmail.com

Testimony before the Committee on Judiciary (JDC)

Hawaii State Senate

Thirty-First Legislature, Regular Session of 2021

February 5, 2021, 9:30 AM, hearing on SB548

Good Morning Chairs and Vice-Chairs of the Judiciary Committee,

My name is Brandon Young and I am a member of the National Federation of the Blind of Hawaii. I am submitting testimony in support of the bill with some changes or amendments. I am a registered voter and am very interested in the voting process in the state of Hawaii.

During this last election cycle, the state moved to a more vote by mail process. This caused the elimination of many polling places around the island and the state. My comments and suggestions are to improve this bill for all voters in the state of Hawaii. I would also concur with the testimony that was submitted by Mr. James Gashel in representation of the National Federation of the Blind of Hawaii. I would agree that there needs to be more polling places around the island and state for those who would like to vote in person. As for the electronic ballot, there needs to be some access for those who have special needs. I would hope that the Office of Elections would work with the public and help them with this process. I am in favor of this bill. However, I am not sure that we would want this bill as well as the other bills that we have dealing with voting and improving the election process here in Hawaii for those with and without special needs. Perhaps the committee would consider joining this bill with the other bills dealing with improving the voting process for those with special needs. Thank you for considering this measure. I look forward to the decision of the committee.

SB-548

Submitted on: 2/1/2021 2:29:01 PM

Testimony for JDC on 2/5/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Brendan Ajolo	Individual	Oppose	No

Comments:

We should go back to in person voting. Less chance of fraud

SB-548

Submitted on: 2/1/2021 3:12:47 PM

Testimony for JDC on 2/5/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Edith Kawai	Individual	Oppose	No

Comments:

I oppose the section that states that deletes election day as a State holiday. It is imperative that voters be provided every opportunity and access to vote. Without a specifically dedicated day, I do not believe that employers would be encouraged to give their employees leave to go to vote. On the other hand, if all future voting is to be conducted via mail, then the need for a holiday would be unwarranted.

Edith Kawai

65-1234 Puu Opelu Road

Kamuela, HI 96743

SB-548

Submitted on: 2/2/2021 1:49:06 PM

Testimony for JDC on 2/5/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Caroline Kunitake	Individual	Support	No

Comments:

Dear Chair Rhoads, Vice Chair Keohokalole and Committee on Judiciary,

Please support SB548.

Given the timing of the COVID-19 pandemic, Hawaii was just lucky that Vote By Mail was implemented for the 2020 presidential election.

I was very disappointed to learn that some of the voter service centers were difficult to find. I heard that the signage to a center was not in clear view. The 2020 presidential elections clearly demonstrated that the people of Hawaii want to vote.

I support SB 548 to increase Voter Service Centers, question repealing the election day as a state holiday and the provisional ballot language, and suggest retaining HRS § 11-17(d) to ensure that people are aware that they may re-register to vote, have DPS inform people released from custody of their voting rights and how to register to vote, and remove the provision dealing with election voting.

Thank you so much for your time and attention to this important matter.

Mahalo,

Caroline Kunitake

SB-548

Submitted on: 2/2/2021 6:53:48 PM

Testimony for JDC on 2/5/2021 9:30:00 AM

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.

SB-548

Submitted on: 2/2/2021 7:05:36 PM

Testimony for JDC on 2/5/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
tlaloc tokuda	Individual	Support	No

Comments:

I am a member of Common Cause Hawaii and though I have copied by their respond to many of the bills. I feel the same way on the issues raised.

One, I am commenting on Section 2 of SB 548 repealing election days as designated state holidays. Common Cause Hawaii wants to ensure that there will not be any issue or difficulty with locating voter service centers on government facilities, especially for general election Tuesday, if election day is removed as a state holiday. For the 2020 elections, there were people who confirmed that they still wanted to vote in person on general election day and showed up to the voter service centers, resulting in long lines forming. This could disrupt government operations, if it were not a state holiday. Further, SB 548 at Section 22 will require additional voter service centers on election day and available government facilities may be difficult to locate, if election day is removed as a state holiday.

Two, I questioning 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 7, lines 18-20, for Section 5 of SB 548. 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, I request that for Section 6 of SB 548, 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. We also specifically request that Section 6 include a provision directing 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.

Four, I agree with Common Cause's suggestion amending Section 20 of SB 549 (referring to HRS § 11-107) to delete any references that ballots may be forwarded and also 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, I find that Section 22 of SB 548, pertaining to HRS § 11-109(a), at page 31, lines 4-11, 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 22 of SB 548, pertaining to HRS § 11-109(b), at page 31, lines 12-21 and page 32, lines 1-18, 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 22 of SB 548, and 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 22 of SB 548.

Common Cause Hawaii further requests that Section 22 of SB 548 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

Mahalo for your consideration,

Tlalo Tokuda

Kailua Kona, 96740 HI

SB-548

Submitted on: 2/3/2021 12:18:46 AM

Testimony for JDC on 2/5/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
marjorie erway	Individual	Comments	No

Comments:

Please support the concept of adding more in-person voting places on all islands. Even though we have mail-in ballots, there are still many people who want to vote in person, so it's imperative that more voting places be in use on all the islands.

Mahalo for your consideration.

SB-548

Submitted on: 2/3/2021 6:21:08 AM

Testimony for JDC on 2/5/2021 9:30:00 AM

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

Comments:

Section 2 of SB 548 repealing election days as designated state holidays. But this bill should ensure that there will not be any issue or difficulty with locating voter service centers on government facilities, especially for general election Tuesday, if election day is removed as a state holiday. For the 2020 elections, there were people who confirmed that they still wanted to vote in person on general election day and showed up to the voter service centers, resulting in long lines forming. This could disrupt government operations, if it were not a state holiday. Further, SB 548 at Section 22 will require additional voter service centers on election day and available government facilities may be difficult to locate, if election day is removed as a state holiday.

And please consider amending this statement- "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 7, lines 18-20, for Section 5 of SB 548. 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.

For Section 6 of SB 548, pertaining to HRS § 11-17, I think 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. Also specifically request that Section 6 include a provision directing 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.

Also suggest amending Section 20 of SB 549 (referring to HRS § 11-107) to delete any references that ballots may be forwarded and also 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." 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.

It appears that Section 22 of SB 548, pertaining to HRS § 11-109(a), at page 31, lines 4-11, 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.

I see that Section 22 of SB 548, pertaining to HRS § 11-109(b), at page 31, lines 12-21 and page 32, lines 1-18, 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 22 of SB 548, and 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 22 of SB 548.

Further requests that Section 22 of SB 548 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

For Section 22 of SB 548, at page 32, lines 16-18, pertaining to provisional ballots, there is the same concern as set forth above relative to Section 5 of SB 548, especially the language as to “additional time”, which is vague and overbroad.

Overall I support SB 548 to increase Voter Service Centers, questions repealing the election day as a state holiday and the provisional ballot language, and suggests retaining HRS § 11-17(d) to ensure that people are aware that they may re-register to vote, have DPS inform people released from custody of their voting rights and how to register to vote, and removing the provision dealing with election voting.

Thank you for the opportunity to testify in support of SB 548 with suggested amendments.

SB-548

Submitted on: 2/3/2021 8:40:21 AM

Testimony for JDC on 2/5/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Larry Meacham	Individual	Support	No

Comments:

Testimony SUPPORTING SB 548, With Amendments

Thank you to the Chair and the Committee for the opportunity to offer testimony.

Overall, our first vote-by-mail election went well, but there were some problems that need to be addressed. The biggest problem was long lines on Election Day because there were not enough Voter Service Centers.

-To address this, Election Day should remain a state holiday, so that the state office locations serving as Voter Service Centers can focus on voting. Therefore, language in Section 2 of SB 548 repealing Election Day as a state holiday should be dropped.

-The reference to "Section 11-24" in Section 6, page 9, lines 18-20 of SB 548 should be dropped, so that people are clear that even if their names have been dropped from the voting rolls, they can register again on Election Day. Section 6 should also include a requirement that DPS notify people on probation that they can vote.

-Electronic ballot and vote tally transmission and return are not secure. Therefore, references to these in Section 20 of SB 548 should be dropped.

-Section 22, page 31, line 4-11 of SB 548 provides for "a" Voter Service Center to be provided at the county clerk's office. The long lines we saw on Election Day show us that we need more than one. It should be amended to read "Voter Service Centers."

-Section 22 of SB 548 provides for one additional Voter Service Center for each of the Neighbor Islands and 3 more for Oahu on Election Day. However, Maui and Hawaii County may need more, considering their geography, and Oahu should have more than two that are open for ten days prior to the election. We also need more drop boxes in more convenient locations based on population, access to transportation and geography, not only at government facilities.

Thank you for the opportunity to offer testimony.

-Larry Meacham

SB-548

Submitted on: 2/3/2021 8:45:31 AM

Testimony for JDC on 2/5/2021 9:30:00 AM

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

Comments:

Concur with comments submitted by Common Cause Hawaii, including recommended amendments. Hawaii's vote by mail is an excellent process but needs some adjustments, particularly regarding the need for service centers. Common Cause Hawaii proposed amendments offer a thoughtful approach to that issue.

SB-548

Submitted on: 2/3/2021 4:14:09 PM

Testimony for JDC on 2/5/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dara Carlin, M.A.	Individual	Oppose	No

Comments:

Just no.

SB-548

Submitted on: 2/3/2021 10:01:15 PM

Testimony for JDC on 2/5/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Brodie Lockard	Individual	Support	No

Comments:

I strongly support SB548. Our 2020 election showed clearly that we need these improvements.

Brodie Lockard
Board Member, Common Cause Hawaii

SB-548

Submitted on: 2/4/2021 8:47:10 AM

Testimony for JDC on 2/5/2021 9:30:00 AM

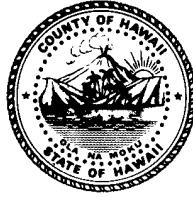
Submitted By	Organization	Testifier Position	Present at Hearing
laurie boyle	Individual	Support	No

Comments:

I support sb548 for the reasons that our new vote by mail system should be accessible to all who are registered to vote, simplified, technologically safe and a stellar example of how other states could improve the efficacy, safety, and turnout for all elections.

Mahalo

JON HENRICKS
County Clerk



AARON BROWN
Deputy County Clerk

LATE

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 SENATE COMMITTEE ON JUDICIARY
ON SENATE BILL NO. 548
RELATING TO ELECTIONS BY MAIL

February 4, 2021

Chair Rhoads and members of the Senate Committee on Judiciary, thank you for the opportunity to testify on Senate Bill No. 548. This bill makes amendments to elections laws to clarify the administration of election by mail. Renames districts as precincts. Extends voter registration deadlines. Requires additional voter service centers on Election Day. Repeals election days as designated state holidays.

The County of Hawaii, Office of the County Clerk, which is responsible for conducting Federal, State, and County Elections in coordination and collaboration with the State of Hawaii Office of Elections, offers the following comments on SB 548:

We support the provisions relating to clarifying when ballots may be mailed to eligible voters, increasing the amount of time for processing of voted ballots, and clarifying when Places of Deposit may be made available for receipt of voted ballots.

The County of Hawaii, Office of the county Clerk, does not strongly oppose the amendments to provisions for the operation of Voter Service Centers. Each county has its unique challenges and opportunities when providing services to its voters. However, our office is concerned that the flexibility and leeway that the amendments in SB 548 provide for the operation of Voter Service Centers will create expectations to expand opportunities for “in-person” voting, with emphasis on “in-person” voting on election days; i.e. the establishment of polling places as a preference to voting by mail.

Testimony on SB 548 – Relating to Elections by Mail
February 4, 2021
Page 2

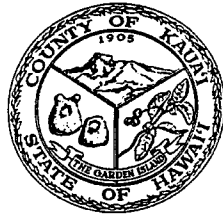
Our Office believes that the 2020 Elections were largely successful on all fronts. Turnout was extremely high. Voter issues and complaints on Hawai'i County were nominal. We established and operated Elections by Mail programs that were effective.

We believe our office will be best suited to maintain and even improve our Elections by Mail program if we are able to focus our limited resources on voting by mail, which was the primary objective of Act 136. Transitioning back to a voting environment where polling places are established to offer services to a relatively small percentage of our voters would likely not provide for the best and highest use of our limited resources.

Thank you for the opportunity to testify on Senate Bill No. 548.

JADE K. FOUNTAIN-TANIGAWA
County Clerk

Telephone: (808) 241-4800
TTY: (808) 241-5116



SCOTT K. SATO
Deputy County Clerk

Facsimile: (808) 241-6207
E-mail: elections@kauai.gov

**ELECTIONS DIVISION
OFFICE OF THE COUNTY CLERK**
4386 RICE STREET, SUITE 101
LIHU'E, KAUA'I, HAWAII 96766-1819

LATE

February 5, 2021

**TESTIMONY OF JADE K. FOUNTAIN-TANIGAWA
COUNTY CLERK, COUNTY OF KAUA'I
TO THE SENATE COMMITTEE ON JUDICIARY
ON SENATE BILL NO. 548
RELATING TO ELECTIONS BY MAIL**

Dear Chair Rhoads and Committee Members:

Thank you for the opportunity to submit testimony in support of Senate Bill No. 548. This Bill will make amendments to election laws to clarify the administration of elections by mail, rename districts as precincts, extend voter registration deadlines, and require additional voter service centers on election day. The Bill would also repeal election days as designated state holidays.

Senate Bill No. 548 will also push back the registration deadline to the tenth day prior to each election, which coincides with the start of same day voter registration services at the voter service center, this change will provide our office with the ability to offer uninterrupted voter registration services throughout the election period.

This Bill also authorizes the County Clerks to open additional voter service centers with varying days and hours of operation. This will enable each Clerk to establish and operate supplemental voter service centers to best suit the needs of a particular area.

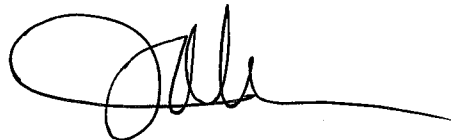
We do wish to offer an amendment and request that you please consider revising the first sentence in section 11-102 (b):

"To the extent practicable, the clerk shall mail a ballot packet by non-forwardable mail to each registered voter in the county so as to enable voters to receive the ballot package ~~approximately~~ at least eighteen days before the election."

During the 2020 Elections we found that requiring all counties in the state to mail a ballot packet so that it is received by voters approximately eighteen days before the election was problematic because there is only one (1) in-state mailing house capable of completing a project of this scale. The suggested amendment will expand the ballot mailing window and spread out the work so the counties have additional time to assemble and disseminate ballot packets. This amendment will also afford voters additional time to vote and return their ballot.

Testimony of Jade K. Fountain-Tanigawa, Kaua'i County Clerk
Senate Bill 548
Senate Committee on Judiciary
February 5, 2021

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

A handwritten signature in black ink, appearing to read 'Jade K. Fountain-Tanigawa', with a long horizontal flourish extending to the right.

JADE K. FOUNTAIN-TANIGAWA
County Clerk