

STAND. COM. REP. NO.

3338

Honolulu, Hawaii

MAR 23 2022

RE: H.B. No. 1883
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred H.B. No. 1883, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ELECTIONS,"

begs leave to report as follows:

The purpose and intent of this measure is to require the exterior of the envelope containing the ballot package for elections by mail to include instructions on how to obtain language translation services in Hawaiian and certain other non-English languages, for all elections beginning with the 2022 Primary Election.

Your Committee received testimony in support of this measure from the Office of Elections, Office of Language Access, University of Hawai'i System, Elections Administrator of the City and County of Honolulu, Common Cause Hawaii, Hawai'i Alliance for Progressive Action, Hawai'i Public Health Institute, Hawai'i Coalition for Immigrant Rights, Hawai'i Friends of Civil Rights, and twelve individuals. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that Hawaii is the most diverse state in the country with a diversity index of seventy-six percent, and fifteen percent of its eligible voters are immigrants. According to a report published in April 2016 by the Department of Business,



Economic development, and Tourism's Research and Economic Analysis Division, titled "Non-English Speaking Population in Hawaii", one-in-four people in Hawaii ages five and older speak a language other than English at home, and nineteen percent of the non-English speakers in Hawaii, or about 62,000 people, speak English "not well" or "not at all". The report also provided that Ilocano, Tagalog, and Japanese were the top three most common non-English languages spoken at home, comprising approximately half of the non-English speakers.

Your Committee finds that section 203 of the federal Voting Rights Act of 1965, as amended, requires state and political subdivisions to provide language assistance to voters if more than five percent of voting-age citizens are members of a single-language minority group and do not speak or understand English adequately enough to participate in the electoral process. Your Committee believes that voting is one of the most important rights and responsibilities of a United States citizen, and thus, it is imperative that non-English speaking voters are adequately apprised of language translation services, including when voting by mail. This measure will ensure that voters who are limited in English proficiency are informed as to how they can obtain language translation services when voting by mail.

Your Committee notes the testimony of the Office of Elections requesting that this measure be applied to elections beginning with the 2024 Primary Election, rather than the 2022 Primary Election because production of the envelopes for the 2022 elections has already begun and it is too late to include additional language.

Accordingly, your Committee has amended this measure by:

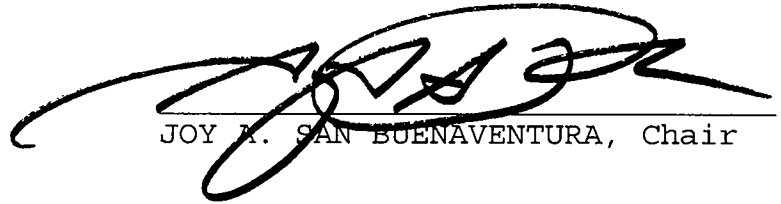
- (1) Clarifying that nothing in this measure exempts or supplants the requirements of section 203 of the federal Voting Rights Act of 1965, as amended;
- (2) Making the measure applicable to elections beginning with the 2024 Primary Election;
- (3) Making it effective upon its approval; and



- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1883, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1883, H.D. 1, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Human Services,



JOY N. SAN BUENAVENTURA, Chair



