

Honolulu, Hawaii

FEB 11 2022

RE: S.B. No. 2210
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 Judiciary, to which was referred S.B. No. 2210 entitled:

"A BILL FOR AN ACT RELATING TO ELECTIONS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require the Chief Election Officer, with assistance from the county clerks for elections that involve county offices and countywide ballot issues, to publish and distribute a voters' pamphlet; and
- (2) Appropriate monies to allow the Chief Election Officer to publish and distribute a voters' pamphlet for each election.

Your Committee received testimony in support of this measure from the League of Women Voters of Hawaii, Common Cause Hawaii, Green Party of Hawai'i, and seven individuals. Your Committee received comments on this measure from the Department of Budget and Finance, Department of the Attorney General, Office of Elections, and Office of the County Clerk of the County of Kaua'i.

Your Committee finds that all states make an effort to inform the electorate about upcoming elections, where and when the elections will be held, and how to cast a vote. Your Committee



further finds that some states publish and distribute voters' pamphlets to registered voters that contain valuable information such as candidate information, judicial performance reviews, descriptions of elected offices, or background information on constitutional amendments or ballot measures. This measure will provide for voters' pamphlets, which will create a more informed and engaged voting public.

Your Committee notes that should this measure continue this legislative session, the effective date should be amended to July 1, 2023, and the publishing of the voter's pamphlets should be implemented starting with the 2024 primary. Since the implementation would not start until the 2024 primary, there would be no appropriation needed in the 2022-2023 fiscal year. Your Committee further notes that the Office of Elections has testified that it will need \$16,300,000 to publish and distribute the voters' pamphlet. The Office of Elections also testified that they would produce a five hundred page master ballot. There was discussion amongst your Committee's members regarding only distributing the relevant portions of the master ballot to each voter. Your Committee also notes that several committee members had serious questions about candidate statements and whether or not they should be removed from the voters' pamphlets or whether the Office of Elections should write a general statement about the candidates rather than have the candidates write the statements themselves. Also, committee members discussed the possibility of including the website address or QR codes for a candidate on the voters' pamphlets and whether that would inequitably burden voters who are low income or lack access to internet technology. Your Committee notes that there were also discussions by committee members regarding whether to use a digital voters' pamphlet instead of a printed voters' pamphlet to reduce costs. Finally, your Committee notes that this measure is a work in progress.

Your Committee has amended this measure by:

- (1) Clarifying that the Department of Budget and Finance for each statewide ballot issue or by the respective county counterpart agency for each countywide ballot issue listed on the ballot shall prepare the fiscal impact statement;



- (2) Specifying that the voters' pamphlets shall be distributed no later than the day the ballot package is mailed, either included in the ballot package or mailed separately;
- (3) Specifying that the fiscal impact statement shall contain an estimate on the fiscal impact of a ballot issue failing to pass;
- (4) Specifying that a candidate shall not challenge an argument statement;
- (5) Clarifying that the candidate may petition the circuit court of competent jurisdiction for a judicial determination if the candidate believes a candidate statement, not an argument or rebuttal statement, contains false or defamatory information;
- (6) Exempting the counties, in addition to the State, from liability for damages resulting from the publication of the argument, rebuttal, or candidate statement unless the chief election officer or county clerks publish the statement in violation of an order;
- (7) Specifying that upon agreement to resolve a dispute, if an argument statement committee has not yet submitted its rebuttal statement, its deadline to submit a rebuttal statement is extended by five days;
- (8) Specifying that upon agreement to resolve a dispute, if an argument statement committee has submitted a rebuttal statement, the committee may revise the rebuttal statement to address the change within five days of the filing of the revised argument with the chief election officer;
- (9) Removing the appropriation;
- (10) Inserting an effective date of July 30, 2075, to encourage further discussion; and
- (11) 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 Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2210, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2210, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2210	JDC, NAM	02-03-22		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
KEOHOKALOOLE, Jarrett (VC)	✓			
ACASIO, Laura				✓
GABBARD, Mike	✓			
KIM, Donna Mercado		✓		
LEE, Chris	✓			
FEVELLA, Kurt		✓		
TOTAL	4	2	-	1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<i>Karl Rhoads</i>				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes