

STAND. COM. REP. NO. 3021

Honolulu, Hawaii

MAR 04 2022

RE: S.B. No. 2210  
S.D. 2

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

Sir:

Your Committee on Ways and Means, to which was referred S.B. No. 2210, S.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 facilitate voter education regarding candidates for public office and ballot issues.

Specifically, the measure:

- (1) Requires the Chief Election Officer to prepare, publish, and distribute voters' pamphlets for each election, and do so with assistance from county clerks for county elections;
- (2) Requires voters' pamphlets to include, among other information:
  - (A) Candidate information and photographs; and
  - (B) Explanatory statements, fiscal impact statements, and arguments and rebuttals regarding ballot issues;

- (3) Establishes a process for judicial determinations regarding whether candidate statements, and committee arguments and rebuttals on ballot issues, may be rejected or edited for publication in the voters' pamphlet;
- (4) Prohibits the publication and distribution of campaign materials that are deceptively similar to the voters' pamphlets;
- (5) Prohibits the public inspection and copying of candidate statements, and committee arguments and rebuttals on ballot issues, until all statements have been submitted, or until the submission deadline has passed; and
- (6) Requires the Chief Election Officer to adopt rules pursuant to Chapter 91, Hawaii Revised Statutes.

Your Committee received written comments in support of this measure from Americans for Democratic Action, Common Cause Hawaii, and eight individuals.

Your Committee received written comments on this measure from the Department of the Attorney General and Office of Elections.

Your Committee believes that an informed electorate is an important component of a healthy democracy. Your Committee finds that providing registered voters with informational pamphlets would help them make their voting decisions.

Your Committee recognizes the Department of the Attorney General's concerns relating to the measure's provisions for judicial determinations regarding arguments, rebuttals, and candidate statements. Your Committee respectfully requests that the appropriate subject matter committee in the House of Representatives, and the conference committee, if one is convened on this measure, coordinate with the Department in refining the relevant proposed statutory provisions.

Your Committee has amended this measure by:

- (1) Deleting provisions relating to explanatory statements for ballot issues;



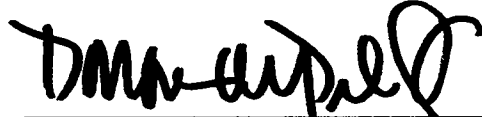
- (2) With respect to the availability of voters' pamphlets:
  - (A) Deleting a requirement for the publication of a pamphlet in a daily or weekly publication; and
  - (B) Inserting a requirement that the Chief Election Officer publish a notice in a newspaper regarding the mailing of the pamphlets and the availability of the pamphlets on a certain number of different days before an election;
- (3) Providing that a fiscal impact statement shall contain an estimated fiscal impact if a ballot issue is ratified or adopted, rather than if the ballot issue is not approved;
- (4) Deleting provisions that:
  - (A) Made candidates and committees respondents to actions for judicial determinations regarding arguments, rebuttals, and candidate statements;
  - (B) Made the Chief Election Officer a nominal party to those actions; and
  - (C) Required the Circuit Court to give priority on its calendar to those actions;
- (5) Providing that the measure shall apply to the 2024 primary election, and every state and county election thereafter;
- (6) Requiring that, before the effective date of this Act, the Chief Election Officer adopt rules, pursuant to Chapter 91, Hawaii Revised Statutes, necessary for the purposes of this measure; and
- (7) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your



Committee is in accord with the intent and purpose of S.B. No. 2210, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2210, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Ways and Means,



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DONOVAN M. DELA CRUZ, Chair



