

STAND. COM. REP. NO. 1448-22

Honolulu, Hawaii

MAR 24 , 2022

RE: S.B. No. 741
S.D. 1
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Government Reform, to which was referred
S.B. No. 741, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ELECTIONS,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Require an elector to vote for the candidates whose names appeared on the presidential general election ballot and who are of the political party or group they represent and invalidate an elector's vote for failure to vote accordingly;
- (2) Require an alternate elector to vote in place of the original elector if the original elector fails to vote for the proper candidate; and
- (3) Require an alternate elector to vote for the candidates whose names appeared on the presidential general election ballot and who are of the political party or group that the alternate elector represents and invalidate an alternate elector's vote for failure to vote accordingly.

2022-2606 SB741 HD1 HSCR HMSO



Your Committee received testimony in support of this measure from Common Cause Hawaii and nine individuals.

Your Committee finds that this measure will ensure that the political will of the people, as expressed at the ballot box, is not overturned by a faithless elector who does not vote for the candidate for whom they had pledged to vote.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2112, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Your Committee notes that this measure, in its application, would have invalidated the vote cast by a Hawaii Democratic elector for Democrat Bernie Sanders in the 2016 Electoral College and required an alternate elector to vote for the Democratic Presidential Nominee Hillary Clinton. Your Committee respectfully requests that your Committee on Judiciary & Hawaiian Affairs, should it choose to deliberate on this measure, examine whether this measure's approach to ensure the selection of the party nominee is sound public policy where this measure would invalidate the elector's principled choice.

As affirmed by the record of votes of the members of your Committee on Government Reform that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 741, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 741, S.D. 1, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on
behalf of the members of the
Committee on Government Reform,



ANGUS L.K. MCKELVEY, Chair



