

STAND. COM. REP. NO. **2051**

Honolulu, Hawaii

FEB 03 2022

RE: S.B. No. 741
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. 741 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 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; and
- (2) Require an alternate to vote in place of the original elector if the original elector fails to vote for the proper candidate.

Your Committee received testimony in support of this measure from the League of Women Voters of Hawaii, Common Cause Hawaii, and one individual.

Your Committee finds that the formalities of presidential and vice-presidential selection under the United States Constitution have revolved around the electoral college. Despite this formal constancy, the realities of the selection process have changed dramatically over the years, to the point that the electoral



college actually functions in a way that could hardly have been imagined by those who promulgated the constitutional provisions. The dissonance between formality and reality has opened room for what are called "faithless electors," members of the electoral college who vote for candidates for president or vice president other than those for whom the popular electoral majority assumed it was casting its votes for. Faithless electors hold the potential for serious damage to the democratic processes. This measure renders a vote by a faithless elector invalid thereby establishing a safeguard from electors who seek to subvert the will of the people.

Your Committee has amended this measure by:

- (1) Clarifying that if an alternate elector fails to vote for the candidates whose names appeared on the presidential general election ballot and who are of the political party or group which the alternate elector represents the alternate elector's vote shall be invalidated; and
- (2) Providing for a definition for "mentally disabled."

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. 741, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 741, S.D. 1, and be placed on the calendar for Third Reading.

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



KARL RHOADS, Chair



