



**STATE OF HAWAII
OFFICE OF ELECTIONS**

802 LEHUA AVENUE
PEARL CITY, HAWAII 96782
elections.hawaii.gov

SCOTT T. NAGO
CHIEF ELECTION OFFICER

TESTIMONY OF THE
CHIEF ELECTION OFFICER, OFFICE OF ELECTIONS
TO THE SENATE COMMITTEE ON JUDICIARY
ON HOUSE BILL NO. 124, HD 1
RELATING TO ELECTIONS

March 17, 2022

Chair Rhoads and members of the Senate Committee on Judiciary, thank you for the opportunity to provide comments on House Bill No. 124, HD 1. This bill requires the chief election officer to develop and distribute a voter information guide for all candidates running for state office, including candidates running for any trustee position of the office of Hawaiian affairs; and appropriates funds.

We believe an informed electorate is essential for the health of our democracy; however, our office must remain apolitical. As such, to compile a voter information guide, we would ask candidates to submit, in their own words, a 150-word statement for inclusion in a voter information guide when they file their nomination paper. We also propose amending this measure to include candidates for federal office.

At the close of candidate filing, we would translate the statements into the languages covered by the federal Voting Rights Act – Chinese, Ilocano, and Tagalog. The voter information guide would be made available 45 days before each election to coincide with ballots sent to uniformed and overseas voters.

There are many ways to compile and disseminate a voter information guide. Our cost estimates are based on 320 candidates each providing a 150-word statement. We propose posting the voter information guide on our website and advertising that it is available. Our cost estimate is \$119,690.

	Primary	General	Total
Translations	\$39,690	\$0	\$39,690
Advertising	\$40,000	\$40,000	\$80,000
Total	\$79,690	\$40,000	\$119,690

Another option would be to distribute the voter information guide directly to voters. The costs would include printing and mailing it to approximately 783,000 voters, advertising, and sending a notice in every mail ballot packet. We would also note that in this model, the printed copy would be distributed in English, and a dual-language version would be sent to targeted areas.

	Primary	General	Total
Translations	\$39,690	\$0	\$39,690
Advertising	\$40,000	\$40,000	\$80,000
Printed notice	\$45,000	\$45,000	\$90,000
Printed copy	\$614,250	\$614,250	\$1,228,500
Mailing	\$533,264	\$533,264	\$1,066,528
Total	\$1,272,204	\$1,232,514	\$2,504,718

Additionally, as we are already conducting candidate filing and preparing for the 2022 Elections, we ask that this measure take effect for the 2024 Elections.

Thank you for the opportunity to provide comments on House Bill No. 124, HD 1.

Statement Before The
SENATE COMMITTEE ON JUDICIARY

Thursday, March 17, 2022

9:35 AM

Via Videoconference and Conference Room 016

in consideration of
HB 124, HD1
RELATING TO ELECTIONS.

Chair RHOADS, Vice Chair KEOHOKALOLE, and Members of the Senate Judiciary Committee

Common Cause Hawaii supports HB 124, HD1, which requires the chief election officer to develop and distribute a voter information guide for all candidates running for state office, including candidates running for any trustee position of the Office of Hawaiian Affairs and appropriates funds.

Common Cause Hawaii is a nonprofit, nonpartisan, grassroots organization dedicated to upholding the core values of our representative democracy through efforts that increase civic engagement, voter turnout, and voter participation in our democratic processes.

A voter information guide would create a more informed voting public and hopefully increase voter participation in our elections. A significant number of states have official voter guides published by the state secretaries of state, which is equivalent to our State Office of Elections. See https://ballotpedia.org/Features_of_official_voter_guides,_compared_by_state#Comparison_of_voter_guides (retrieved Jan. 28, 2022); see also <https://www.ncsl.org/research/elections-and-campaigns/fiscal-impact-statements.aspx> (retrieved Jan. 28, 2022).

For voter information guides to be trusted and useful to the public, they must:

- Be neutral and written in plain language.
- Be readily available to the public. They should not be disseminated by one means only, such as via electronic means, mail, or in the newspaper. As the current pandemic has revealed, many people do not have access to broadband and/or reliable mail delivery. Voter information guides must be made available at banks, grocery stores, community centers, public libraries, government buildings, and other locations where people are likely to gather.
- Be translated into different languages for all of Hawaii's citizens to be able to access. Hawaii is the most diverse state in the nation with a diversity index of 76% according to the 2020 U.S. Census. The April 2016 DBEDT Research and Economic Analysis Division report on Non-English Speaking Population in Hawaii indicates that Non-English speakers at home in Hawaii increased by 44% from 1980 to 2014. See https://files.hawaii.gov/dbedt/economic/data_reports/Non_English_Speaking_Population_in_Hawaii_April_2016.pdf at Executive Summary pg. i (retrieved Jan. 28, 2022). Ilocano, Tagalog, and Japanese were the top three most common non-English languages spoken at home in Hawaii. *Id.*
- Be accessible to our disability community.
- Include county ballot initiatives and charter amendments and constitutional amendments and not be limited to candidates.

Common Cause Hawaii supports HB 124, HD1, creating voter information guides for a more informed and engaged public for the betterment of our representative democracy.

Thank you for the opportunity to testify in support of HB 124, HD1. If you have any questions of me, please contact me at sma@commoncause.org.

Very respectfully yours,

Sandy Ma
Executive Director, Common Cause Hawaii





Committee on Judiciary
Senator Karl Rhoads, Chair, Senator Jarrett Keohokalole Vice Chair

Thursday, March 17, 2022, 9:35 a.m.

HB124 HD1 RELATING TO ELECTIONS
TESTIMONY

Janet Mason, Legislative Committee, League of Women Voters of Hawaii

Chair Rhoads, Vice Chair Keohokalole, and Committee Members:

The League of Women Voters of Hawaii strongly supports HB 124, HD1 that requires the Office of Elections to prepare a voter information guide. Since the intent of this measure and that of SB 2210, SD2 are the same, we hope your committee will combine the details of SB2210 HD2 to this measure.

HB124 HD1 permits distribution of the guide by “whatever means is practical” for the Chief Elections Officer. As we previously testified, it is acceptable to us to prepare a digital guide to be posted on the Office of Elections website, as long as this office can mail a notice with each voter ballot notifying voters that a voter information guide may be found on its website. To further assure access, a hard copy voter information guide must be available for free to any voter who requests it, but providing one hard copy per household seems sufficient, since a primary election guide will be approximately 95 pages long and a general election guide would be about 86 pages long!

This bill should be amended to specify what the voter information guide should contain. Regarding content of the guide, an excellent summary of important topics, namely candidate statements, and an explanation of any ballot questions with their fiscal impacts, are specified in SB 2210 SD2. This same measure also contains a reasonable process for arguments in support and opposition of ballot questions and rebuttals by appointed committees.

We do think candidates should be tasked with preparing their own statements for voters, instead of relying on the Office of Elections to do so. This is a more cost-effective approach for a project which benefits candidates as well as voters because it raises the candidate’s profile in the community. To avoid some of the disputes or arguments which may arise in publishing these statements we suggest providing a template for biographical data, and basic questions such as “why do you seek this office,” or “which issues are important to you.”

We respectfully suggest the digital and hard copy voter guide include a link to the Campaign Spending Commission website so that voters can easily access campaign

finance activity for each candidate. This can be accomplished at little/no additional cost. And our examination of digital voter education in four other states suggests that a link to relevant campaign finance information is common.

We also look to the language of SB 2210, SD2 , Section 11-H to adopt language prohibiting the use of campaign material that is similar in design or appearance to a voters' information guide.

This project is complicated the first time it's undertaken, requiring the cooperation of the State's Chief Elections Officer, the County Clerks, the Department of Budget and Finance, state, and county legislative bodies, to name a few. But it can be done and will help sustain Hawaii's reputation for having one of the most modern voting and elections systems in the country.

The combination of digital voter guide plus mailed guide upon requests has reduced the original cost of a proposed guide bill from \$16 million. In testimony on February 22, 2022, the Office of Elections estimated it will cost approximately \$2.4 million per election cycle for the voter guide. This is a modest new investment in informed voting for all eligible voters.

Timing for passage of this measure in the 2022 session is excellent. The effective date of the bill should be January 1, 2023 (after the filing deadline for the 2024 elections but before the July 2024 ballot packet distribution.)

We thank all legislators and testifiers who are trying to move Hawaii toward having better informed voters. Based on our experience with voter education, a voter information guide can help raise the level of campaigning to being more qualification focused. There is no substitute for an official voter information guide, as already published in at least nine states.¹

Thank you for the opportunity to submit testimony.

¹ https://ballotpedia.org/Features_of_official_voter_guides,_compared_by_state#Comparison_of_voter_guides

DAVID Y. IGE
GOVERNOR



CRAIG K. HIRAI
DIRECTOR

GLORIA CHANG
DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
OFFICE OF THE PUBLIC DEFENDER

STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE
P.O. BOX 150
HONOLULU, HAWAII 96810-0150

ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND
MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

WRITTEN ONLY
TESTIMONY BY CRAIG K. HIRAI
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE SENATE COMMITTEE ON JUDICIARY
ON
HOUSE BILL NO. 124, H.D. 1

March 17, 2022
9:35 a.m.
Room 016 and Videoconference

RELATING TO ELECTIONS

The Department of Budget and Finance (B&F) offers comments on House Bill (H.B.) No. 124, H.D. 1.

H.B. No. 124, H.D. 1, requires the Chief Election Officer to develop and distribute a voter information guide for all candidates running for State office, including candidates running for any trustee position of the Office of Hawaiian Affairs. The measure also appropriates unspecified general funds in FY 23 to the Office of Elections for this purpose.

B&F notes that, with respect to the general fund appropriation in this bill, the federal Coronavirus Response and Relief Supplemental Appropriations Act requires that states receiving Elementary and Secondary School Emergency Relief (ESSER) II funds and Governor's Emergency Education Relief II funds must maintain state support for:

- Elementary and secondary education in FY 22 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and

- Higher education in FY 22 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

Further, the federal American Rescue Plan (ARP) Act requires that states receiving ARP ESSER funds must maintain state support for:

- Elementary and secondary education in FY 22 and FY 23 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 and FY 23 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

The U.S. Department of Education has issued rules governing how these maintenance of effort (MOE) requirements are to be administered. B&F will be working with the money committees of the Legislature to ensure that the State of Hawai'i complies with these ESSER MOE requirements.

Thank you for your consideration of our comments.

COMMUNITY ALLIANCE ON PRISONS

P.O. Box 37158, Honolulu, HI 96837-0158

Phone/E-Mail: (808) 927-1214 / kat.caphi@gmail.com



COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair

Senator Jarrett Keohokalole, Vice Chair

Thursday, March 17, 2022

9:35 AM

STRONG SUPPORT - HB 124 HD1 - VOTER GUIDE

Aloha Chair Rhoads, Vice Chair Keohokalole and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai'i for more than two decades. This testimony is respectfully offered on behalf HD1 of the more than 4,008 Hawai'i individuals living behind bars¹ under the "care and custody" of the Department of Public Safety on any given day. We are always mindful that 1,110 of Hawai'i's imprisoned people are serving their sentences abroad -- thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

Community Alliance on Prisons is grateful for the opportunity to testify in strong support of this measure. HB 124 HD1 requires the Chief Elections Office to develop and distribute a voter information guide. We support giving voters as much information as possible. **A vibrant democracy depends on an informed electorate. A responsible and responsive democracy is inclusive and accessible.** We respectfully share some important things to think about when developing this guide.

- Ensure that it is nonpartisan, written in plain language, and is accessible to all.
- To ensure wide user-ability, the guide must be translated into the languages spoken in Hawai'i including, but not limited to, Chuukese, Chinese, Hawaiian, Ilokano, Japanese, Samoan, Tagalog, Tongan, Vietnamese, etc.
- To ensure wide accessibility, besides the normal channels, newspapers, websites, social media, community newsletters, the guide should be available at local businesses and places where people gather - banks, grocery stores, libraries, community centers, government buildings, jails, etc.

Many states have voter guides and many have them translated into the languages spoken by their people. Alaska's guide is translated into 12 different languages!

Community Alliance on Prisons looks forward to the day when incarcerated persons will be treated as full citizens and afforded the right to vote!

¹ Department of Public Safety, Weekly Population Report, March 7, 2022.

<https://dps.hawaii.gov/wp-content/uploads/2022/03/Pop-Reports-Weekly-2022-03-97.pdf>