



**STATE OF HAWAII  
OFFICE OF ELECTIONS**

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SCOTT T. NAGO  
CHIEF ELECTION OFFICER

TESTIMONY OF THE  
CHIEF ELECTION OFFICER, OFFICE OF ELECTIONS  
TO THE HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS  
ON HOUSE BILL NO. 130  
RELATING TO VALIDATION OF BALLOTS

February 2, 2023

Chair Tarnas and members of the House Committee on Judiciary & Hawaiian Affairs, thank you for the opportunity to testify in support of House Bill No. 130. This bill changes the deadline for the validation of ballots following an election.

Our Office has requested this amendment to make consistent the deadline in which voters have to cure any deficiency with their return envelope, as well as the deadline for the County Elections Divisions to validate ballots. Specifically, HRS § 11-106 provides that voters have five business days after the election to cure their ballots. Currently, the Statehood Day holiday for the Primary Election and Veterans' Day holiday for the General Election make the time required for the County Elections Divisions to validate ballots up to nine calendar days after the election. This does not line up with the deadline in HRS § 11-108(c) of seven days after an election for the clerks to complete the validation process.

Thank you for the opportunity to testify in support of House Bill No. 130.



Committee on JUDICIARY AND HAWAIIAN AFFAIRS  
Rep. David Tarnas, Chair  
Rep. Greg Takayama, Vice-Chair

Thursday, February 2, 2023, 2:00 p.m.  
Conference Room 325 and VIA VIDEOCONFERENCE  
HB 130 — RELATING TO VALIDATION OF BALLOTS

#### TESTIMONY

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

Chair Tarnas, Vice Chair Takayama, and Committee Members:

**The League of Women Voters of Hawaii supports HB130 that changes the deadline for the validation of ballots following an election.**

Currently Hawaii's County Clerks are required to validate an election ballot before that ballot is included in the tabulation of votes. Our vote by mail system requires voters to submit their ballot by 7:00 p.m. on Election Day. Sometimes, however, the ballot envelope which contains the ballot is defective (e.g. a signature is missing) so before final validation of all ballots the Clerk is required to contact the voter with the defective ballot to see if the ballot can be "cured" by providing a valid signature.

The final tabulation of all ballots does not take place until several days after an election, to allow for "curing" these defective ballots. While seven days is currently permitted for final validation, allowing five business days instead of seven is reasonable from what I have seen. My understanding is the Clerk tells the voter the deadline for curing the ballot and provides instructions for doing so. This should give voters with defective ballots and the Clerks who are trying to complete validation an adequate amount of time to validate all ballots.

After all, voters are entitled to know the final election results promptly and accurately.

Thank you for the opportunity to submit testimony.

**HB-130**

Submitted on: 1/31/2023 10:03:53 PM

Testimony for JHA on 2/2/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Brett Kulbis	Individual	Oppose	Written Testimony Only

Comments:

Chair Tarnas,

I oppose HB-130. Limiting the time County Elections Office have to contact a voter who's mail in ballot envelope fails signature validation is not conducive to fair elections. This also puts an undue burden on the County Clerks to contact a voter with sufficient time for them to validate their signature.

v/r

Brett Kulbis

**HB-130**

Submitted on: 2/1/2023 12:43:37 PM

Testimony for JHA on 2/2/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Amanda Kwiatkowski	Individual	Oppose	Written Testimony Only

Comments:

we strongly oppose HB 130. please oppose this bill.