



**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 GOVERNMENT REFORM
ON HOUSE BILL NO. 2386
RELATING TO ELECTIONS

February 4, 2022

Chair McKelvey and members of the House Committee on Government Reform, thank you for the opportunity provide comments on House Bill No. 2386. This bill requires the Office of Elections to prepare a digital voter guide to be posted on its website; requires the Office of Elections to mail a notice with each ballot notifying voters that a voter information guide may be found on its website; and makes an appropriation.

We believe an informed electorate is important for the health of our democracy, however, our office must remain apolitical. As such, to compile a voter information guide, we would ask all candidates to submit a statement and photo for inclusion in a voter information guide when they file their nomination paper. After the candidate filing deadline, we would translate and compile these statements and publish a notice in the newspapers that it is available on our website. The voter information guide would need to be available at least 45 days before the primary election to coincide with ballots being sent to uniformed and overseas voters.

Our cost estimate is \$95,000 to provide a voter information guide in this manner including translations, printing, and inserting.

We would also ask that the effective date for this measure be January 1, 2023, for the 2024 Elections as ballots would already be in the process of assembling for mailout at the July 1 effective date.

Thank you for the opportunity to provide comments on House Bill No. 2386.

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
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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 HOUSE COMMITTEE ON GOVERNMENT REFORM
ON
HOUSE BILL NO. 2386

February 4, 2022
9:30 a.m.
Room 309 and Videoconference

RELATING TO ELECTIONS

The Department of Budget and Finance (B&F) offers comments on House Bill (H.B.) No. 2386.

H.B. No. 2386 requires the Office of Elections (OE) to: 1) prepare a digital voter registration guide to be posted on its website; and 2) mail a notice with each ballot notifying voters that a voter information guide may be found on its website. The measure also appropriates unspecified general funds in FY 23 to OE 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

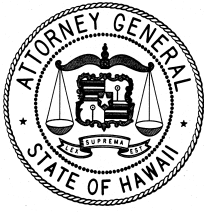
- Higher education in FY 22 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

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.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTY-FIRST LEGISLATURE, 2022**

ON THE FOLLOWING MEASURE:
H.B. NO. 2386, RELATING TO ELECTIONS.

BEFORE THE:
HOUSE COMMITTEE ON GOVERNMENT REFORM

DATE: Friday, February 4, 2022 **TIME:** 9:30 a.m.

LOCATION: State Capitol, Room 309, Via Videoconference

TESTIFIER(S): Holly T. Shikada, Attorney General, or
Reese Nakamura, Deputy Attorney General or
Patricia Ohara, Deputy Attorney General

Chair McKelvey and Members of the Committee:

The Department of the Attorney General (Department) provides the following comments.

The purpose of the bill is to add to part VIII of chapter 11, Hawaii Revised Statutes (HRS), a new section requiring the Office of Elections to prepare and post a digital voter information guide on its website. The digital voter information guide shall include candidate photos, candidate statements, a statement by the Attorney General explaining each proposed constitutional amendment, county charter amendment, or proposed initiative or referendum issue, and a notice that a digital voter information guide may be found on the Office of Elections website.

The Department has concerns with the new section 11- (a)(3) set forth in section 1 on page 1, line 16, to page 2, line 2, of the bill, which requires the inclusion of "[a] clear and concise explanation drafted by the department of the attorney general of each proposed state constitutional amendment, county charter amendment, or proposed initiative or referendum issue."

The Department presently is required under section 11-118.5(b), HRS, to prepare a statement addressing the purpose, limitations, and effects of each proposed constitutional amendment. Section 11-118.5(b), however, only requires that the Attorney General's statement address constitutional amendments. It does not require

the Attorney General to address proposed county charter amendments, proposed initiatives, or referendum issues.

The Department, therefore, respectfully suggests it would be more appropriate for the counties' corporation counsels to draft the statements relating to any proposed county charter amendments, county-related initiatives, or county-related referendum issues, and respectfully recommends the bill be amended accordingly.

Thank you for the opportunity to provide these comments.

Statement Before The
HOUSE COMMITTEE ON GOVERNMENT REFORM
Friday, February 4, 2022
9:30 AM
Via Videoconference and Conference Room 309

in consideration of
HB 2386
RELATING TO ELECTIONS.

Chair McKELVEY, Vice Chair WILDBERGER, and Members of the House Government Reform Committee

Common Cause Hawaii supports HB 2386, which (1) requires the Office of Elections to prepare a digital voter registration guide to be posted on its website, (2) requires the Office of Election to mail a notice with each ballot notifying voters that a voter information guide may be found on its website, and (3) makes an appropriation

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. Limiting information contained in the guide to less than 150 words per candidate may make the information less than helpful and provide only cursory, superficial information. See HB 2386, at page 1, lines 8-15.
- 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 offices, and other locations where people are likely to gather. Further, it is unclear why the voter information guide is not just preemptively mailed to voters with the primary ballot package and just the notice of the guide is mailed with the ballot package. See HB 2386 at page 2, lines 3-6.
- 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_A

[pril 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 2386 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 2386. If you have any questions of me, please contact me at sma@commoncause.org.

Very respectfully yours,

Sandy Ma
Executive Director, Common Cause Hawaii



National Federation of the Blind of Hawaii
Testimony before the Committee on Government Reform (GVR)
Hawaii State House of Representatives
Thirty-First Legislature, Regular Session of 2022
February 4, 2022, 9:30 AM, hearing on HB2386

Good morning Mr. chairman, Madam vice chair, and committee members. I am James Gashel, representing the National Federation of the Blind of Hawaii, fully supporting HB2386 and suggesting two simple amendments.

This bill calls for creation of a digital voter information guide to be posted on the Office of Elections website. The bill specifies that the guide is to have text information and a photo for each candidate for public office. The guide will also include brief summaries of proposed constitutional amendments and other public questions. We entirely support the objectives of this bill.

Members of the National Federation of the Blind (NFB) of Hawaii are blind. By definition we can not see or read the information on computer screens. We can not see the information posted on a website. We can read the information, however, provided the information is prepared in a format accessible to the electronic screen reading technology we use. Not all digital formats are accessible to screen readers.

Our first amendment suggests a solution to this by adding a few words to section 1, subsection (a), before paragraph (1), adding the following new sentence after “website.” “The guide shall be posted in a screen reader accessible format used by people who are blind or unable to read standard print due to a disability.”

Regarding this language, complying would not impose a burden on the Office of Elections. The Office could choose the format, but standard HTML would almost certainly be best. PDF would definitely not be the best as far as screen reader accessibility is concerned.

Subsection (b) of section 1 would require the Office of Elections to mail a notice to inform voters of the digital voter information guide. The notice would be mailed along with each voter’s printed ballot. This is fine, but it completely misses the point for people unable to read the printed notice. I call such papers “unidentified print objects.”

This leads to our second suggested amendment. The vote by mail law gives voters with special needs the opportunity to request an electronic alternate format ballot at the time of registration or later. The voter so registered for an electronic alternate format ballot receives the ballot as an email attachment.

In view of this, the amendment we suggest is to add the following to subsection (b) to be inserted after “website.” “The notice shall be sent by email to all voters with special needs who have registered to receive electronic alternate format ballots.”

Thank you Mr. chairman, Madam vice chair, and members. The point of our position is to be sure that blind voters and others with special needs do not end up on the wrong side of the digital divide if the legislature directs the Office of Elections to create and post a digital voter information guide. Mahalo for your consideration of the two amendments we suggest.

HB-2386

Submitted on: 2/1/2022 4:37:26 PM

Testimony for GVR on 2/4/2022 9:30:00 AM

| Submitted By | Organization | Testifier Position | Remote Testimony Requested |
|---------------------|---------------------|---------------------------|-----------------------------------|
| Leimomi Khan | Individual | Support | No |

Comments:

The provisions of the bill will help voters to better understand the voting process.