

**SB-1076-SD-2**

Submitted on: 3/15/2023 1:31:20 PM

Testimony for JHA on 3/17/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Daniel Foley	Commission to Improve Standards of Conduct	Support	Remotely Via Zoom

Comments:

Dear Mr. Chairman and members of the Judiciary and hawaiian Affairs Committee,

As Chair of the Commission to Improve Standards of Conduct, I support SB 1076, SD2, a bill that is similar to one proposed by the Commission and deferred by your committee. See Commission's December 1, 2022 Final Report at page 34.

This bill, as the one proposed by the Commission, would create greater voter access to information on candidates and issues on the ballot and hopefully increase voter turnout as a result. Id.

Mahalo, Judge Foley (ret.)



**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 HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS  
ON SENATE BILL NO. 1076, SD 2  
RELATING TO ELECTIONS

March 17, 2023

Chair Tarnas and members of the House Committee on Judiciary & Hawaiian Affairs, thank you for the opportunity to provide comments on Senate Bill No. 1076, SD 2. This bill requires the Office of Elections to prepare a digital voter information guide; post the guide on its website in compliance with certain accessibility standards; and mail each ballot with a notice that states a voter information guide may be found on its website; requires the Attorney General and county corporation counsels to translate explanations of ballot questions into certain languages for purposes of the digital voter information guide; and appropriates funds.

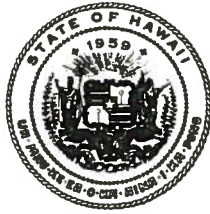
We believe an informed electorate is important for the health of our democracy, however, it is important for the integrity of the election that our office remain apolitical. As such, to compile a voter information guide, we would ask all candidates to submit their statement for inclusion in the voter information guide when they file their nomination paper. After the candidate filing deadline, we would translate and compile these statements to make them available on our website. In addition to Olelo Hawaii, as provided by this bill, we would also translate the voter guide into the languages covered by the federal Voting Rights Act, which are Chinese, Ilocano, and Tagalog. The voter information guide would need to be available at least 45 days before each election to coincide with ballots being sent to uniformed and overseas voters.

Our initial cost estimate totals \$171,248 for both elections.

Testimony on SB 1076, SD 2  
Relating to Elections  
March 17, 2023  
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	<b>Primary</b>	<b>General</b>	<b>Total</b>
Translations	53,280	0	53,280
Printed Instructions	30,000	30,000	60,000
Inserting Instructions	15,000	15,000	30,000
Copies to Libraries	13,984	13,984	27,968
<b>Total</b>	<b>\$112,264</b>	<b>\$58,984</b>	<b>\$171,248</b>

Thank you for the opportunity to provide comments on Senate Bill  
No. 1076, SD 2.



## DISABILITY AND COMMUNICATION ACCESS BOARD

1010 Richards Street, Room 118 • Honolulu, Hawaii 96813  
Ph. (808) 586-8121 (V) • TTY (808) 586-8162 • Fax (808) 586-8129

March 17, 2023

TESTIMONY TO THE HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Senate Bill 1076 SD2 – Relating to Elections

The Disability and Communication Access Board (DCAB) supports Senate Bill 1076 SD2 – Relating to Elections. This bill would require the Office of Elections to prepare a digital voter information guide and post it on their website in a screen reader accessible format. Also, this bill would require the Office of Elections to prepare a notice to voters that a digital voter information guide is available on their website, and email the notice to all voters with disabilities who have registered to receive alternate format ballots.

It is important that digital information is accessible to people with disabilities to ensure communication with people with disabilities is equally effective as communication with people without disabilities. This bill would require information made available over the internet to meet or exceed Section 508 of the Rehabilitation Act of 1973, as amended, and the Web Content Accessibility Guidelines 2.0.

Thank you for the opportunity to provide testimony.

Respectfully submitted,

KIRBY L. SHAW  
Executive Director

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# A BILL FOR AN ACT

RELATING TO ELECTIONS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Chapter 11, Hawaii Revised Statutes, is amended  
2 by adding a new section to part VIII to be appropriately  
3 designated and to read as follows:

4           "§11-     Digital voter information guide.   (a) The office  
5 of elections shall:

6           (1) Prepare a digital voter information guide, which shall  
7           be posted on the office of elections website in a  
8           screen reader-accessible format for voters with  
9           special needs who are unable to read standard print  
10           due to disability;

11           (2) Provide a translation of the digital voter information  
12           guide in Olelo Hawaii on its website; and

13           (3) Provide printed copies of the digital voter  
14           information guide to all public libraries for viewing  
15           by the public.

16           (b) The digital voter information guide shall include:



- 1       (1) A photograph and short statement of less than one  
2       hundred fifty words for each candidate running for  
3       public office, to be prepared by the candidate;  
4       provided that the office of elections may uniformly  
5       limit the number of words for the candidate statement  
6       by applicable public office;
- 7       (2) The explanation drafted by the department of the  
8       attorney general of each state constitutional  
9       amendment that will be proposed to voters in the next  
10       general election pursuant to section 11-118.5(b);  
11       provided that the department of the attorney general  
12       shall transmit the materials required by this  
13       paragraph to the office of elections no later than  
14       seventy-five days before the general election;
- 15       (3) A clear and concise explanation, drafted by the  
16       appropriate county corporation counsel, for each  
17       proposed county charter amendment, proposed  
18       initiative, and proposed referendum issue; provided  
19       that the respective corporation counsel shall:
- 20       (A) Translate the explanation into Olelo Hawaii and  
21       any other languages required under the federal



1                   Voting Rights Act, as specified by the office of  
2                   elections; and

3           (B) Transmit the materials required by this paragraph  
4           to the office of elections no later than  
5           seventy-five days before the general election;  
6           and

7           (4) Information regarding mailing deadlines, drop box  
8           locations, same day voter registration, accessible  
9           voting locations, and opening hours of voter service  
10           centers.

11           (c) The office of elections shall prepare and mail with  
12 each ballot for a primary election a notice to voters that a  
13 digital voter information guide is available on the office of  
14 elections website. The notice shall be sent by email to all  
15 voters with special needs who have registered to receive  
16 alternate format ballots.

17           (d) Information made available over the Internet pursuant  
18 to this section shall meet or exceed the most current, ratified  
19 standards under section 508 of the federal Rehabilitation Act of  
20 1973 (29 U.S.C. 794d), as amended, and the Web Content



1 Accessibility Guidelines 2.0 adopted by the World Wide Web  
2 Consortium for accessibility."

3 SECTION 2. Section 11-118.5, Hawaii Revised Statutes, is  
4 amended by amending subsection (b) to read as follows:

5 "(b) The attorney general~~[, in]~~ shall:

6 (1) In consultation with the legislative reference bureau,  
7 ~~[shall]~~ prepare a statement in English and ~~[Hawaiian]~~  
8 Olelo Hawaii for each proposed constitutional  
9 amendment in language that is clear and that indicates  
10 the purpose, limitations, and effects of the proposed  
11 amendment~~[- The attorney general shall distribute];~~

12 (2) Translate the statement into other languages required  
13 under the federal Voting Rights Act, as specified by  
14 the office of elections; and

15 (3) Distribute each statement, including the translations,  
16 to the state office of elections pursuant to  
17 section 11- (b) and all county clerks for further  
18 distribution.

19 The office of elections and county clerks shall make the  
20 statement available to the public at all polling places in the





1 State and on [~~a website operated by~~] the office of elections[~~+~~]  
2 website pursuant to section 11- ."

3 SECTION 3. There is appropriated out of the general  
4 revenues of the State of Hawaii the sum of \$ or so much  
5 thereof as may be necessary for fiscal year 2023-2024 and the  
6 same sum or so much thereof as may be necessary for fiscal year  
7 2024-2025 for the office of elections to prepare and mail a  
8 notice to voters that a digital voter information guide may be  
9 found on the office of elections website.

10 The sums appropriated shall be expended by the office of  
11 elections for the purposes of this Act.

12 SECTION 4. Statutory material to be repealed is bracketed  
13 and stricken. New statutory material is underscored.

14 SECTION 5. This Act shall take effect on July 1, 2050.



**Report Title:**

Digital Voter Information Guide; Ballot; Office of Elections;  
AG; Counties; Corporation Counsel; Appropriation

**Description:**

Requires the Office of Elections to prepare a digital voter information guide; post the guide on its website in compliance with certain accessibility standards; and mail each ballot with a notice that states a voter information guide may be found on its website. Requires the Attorney General and county corporation counsels to translate explanations of ballot questions into certain languages for purposes of the digital voter information guide. Appropriates funds. Effective 7/1/2050. (SD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*





Committee on Judiciary and Hawaiian Affairs  
Chair David A. Tarnas, Vice Chair Gregory Takayama

Friday, March 17, 2023, 2:00 p.m. Room 325 & Via Videoconference

SB 1076 SD2 RELATING TO ELECTIONS

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 *strongly supports* SB 1076 SD2 that requires the Office of Elections to prepare a digital voter guide to be posted on its website in compliance with accessibility standards. The bill also requires the Office of Elections to mail each ballot with a notice that states a voter information guide may be found on its website.**

Our research on voter education in four other Western states found that candidate statements, a plain English explanation of ballot measures and a pro/con analysis of ballot questions provided by public officials are common in Colorado, Washington, Oregon, and California.

Such voter education is long overdue in Hawaii but is now more compelling because it was a specific recommendation from the ***Commission to Improve Standards of Conduct***. It is incumbent on the legislature to provide this basic public service because elections are the primary way the voting public holds its elected officials responsible for their work as legislators as well as the way they conduct themselves in public service.

We have received objections that such voter education is campaigning, but voter education and campaigning are two different processes, though both are important. Campaigning occurs when political candidates, parties or interest groups conduct activities to support their views and encourage people to vote for them. Such activities might include advertising, canvassing, etc. The goal of all these is to win the election by persuading candidates to vote for a particular candidate or party.

In contrast, voter education aims to increase civic knowledge and engagement, especially making sure citizens are able to vote and participate in democracy. Voter education entails informing citizens about the voting process and can include information about candidates.

This type of voter education is normally conducted by public elections officials, and by nonpartisan organizations such as the League of Women Voters in its "VOTE 411" activities. However, worthy nonprofits like League do not have the resources to sustain a long-term, statewide effort to educate voters about every Hawaii candidate running for office.

We point out that the Office of Elections will be providing candidates guidelines for their statements and expect they would follow jurisdictions like San Diego which limit the statement to a recitation of the candidate's own personal background and qualifications, prohibiting candidates in any way make from reference to other candidates or to another candidate's qualifications, character, or activities.

That leaves the question of how to reach eligible voters. We support a guide published on the Office of Elections website as well as the idea of mailing a notice to voters with their ballot to inform them the guide is available. This version of the measure leaves physical distribution of copies of the Election Guide up to the Office of Elections, who have indicated in prior testimony they would make copies of the Guide available at all public libraries statewide rather than dissemination to individuals upon request. With approximately fifty copies distributed to each of Hawaii's 51 branches across 6 islands, this should provide reasonable access to a paper copy.

We fully support translation of the voter guide into Olole Hawaii and languages required under the Federal Voting Rights Act, as well as making information made available over the internet pursuant to ratified standards under section 508 of the federal Rehabilitation Act of 1973 (29 U.S.C. 794d), as amended, and the Web Content Accessibility Guidelines 2.0 adopted by the World Wide Web Consortium. These precautions should provide accessibility and information protection for Hawaii's citizens.

We support an adequate appropriation to the Office of Elections, the Attorney General and the Corporation Counsels of the Counties for the activities described in this bill. The Office of Elections has recommended \$171, 248 as adequate for their coordination and production of the guide. The Attorney General and Corporation Counsels soon provide explanations of their costs.

We hope this measure has an effective date of October 1, 2023, which should make it possible to have a voter information guide available for the General Election in 2024, but we defer to the Office of Elections as to the earliest practical date.

Thank you for the opportunity to submit testimony.

League of Women Voters of Hawaii  
P.O. Box 235026 ♦ Honolulu, HI 96823  
Voicemail 808.377.6727 ♦ [my.lwv.org/hawaii](http://my.lwv.org/hawaii) ♦ voters@lwvhi.org

**SB-1076-SD-2**

Submitted on: 3/15/2023 2:29:45 PM

Testimony for JHA on 3/17/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Beppie Shapiro	Individual	Support	Remotely Via Zoom

Comments:

Many states provide voter guides which allow voters to preview their ballot. When these guides provide enough information to enable voters to understand and meaningfully respond to ballot measures, the problem of misconceptions of what the measures would do, and what different response options mean, are ameliorated. Voter guides can also provide basic information on candidates, either by a free-format paragraph submitted by the candidate, or by responses to a survey of candidate policies on important issues relevant to the office they seek, or, most usefully, both.

Every year I get calls from friends and acquaintances asking who to vote for and how to respond to ballot questions. Please pass this bill so voters can figure out their own preferences.

**SB-1076-SD-2**

Submitted on: 3/15/2023 11:46:59 AM

Testimony for JHA on 3/17/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Leimomi Khan	Individual	Support	Written Testimony Only

Comments:

Continue to support this bill. An informed population results in informed decisions. As not all candidates have the funds to reach voters statewide, this bill provides equal opportunity to all candidates to get their message to the voting population. Pono legislation, please pass.

**SB-1076-SD-2**

Submitted on: 3/15/2023 7:43:25 PM

Testimony for JHA on 3/17/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Andrew Crossland	Individual	Support	Written Testimony Only

Comments:

I support this Bill.



**SB-1076-SD-2**

Submitted on: 3/15/2023 7:58:59 PM

Testimony for JHA on 3/17/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kevin Mulkern	Individual	Support	Written Testimony Only

Comments:

Seattle mails out a voters guide an electronic voters guide is the least Hawaii can do.

Kevin Mulkern

808 396 6596

**SB-1076-SD-2**

Submitted on: 3/15/2023 10:12:07 PM

Testimony for JHA on 3/17/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Will Caron	Individual	Support	Written Testimony Only

Comments:

Please support SB1076 SD2.