



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
**OFFICE OF LANGUAGE ACCESS**  
1177 Alakea Street, Room B-100  
Honolulu, HI 96801-3378  
doh.ola@doh.hawaii.gov

APHIRAK BAMRUNGRUAN  
EXECUTIVE DIRECTOR

**Testimony in SUPPORT of SB2161 SD1  
RELATING TO ELECTION**

SENATOR KARL RHOADS, CHAIR  
SENATE COMMITTEE ON JUDICIARY

Hearing Date: 2/28/2022

Room Number: Via Videoconference

1 **Agency Position:** The Office of Language Access (OLA) supports the intent of this measure, as  
2 it requires the exterior of the envelope containing the ballot package to include instructions on  
3 how to obtain language translation services in Hawaiian and, at minimum, the five most utilized  
4 foreign languages by Limited English Proficient (LEP) persons in the State.

5 **Agency Testimony:** OLA notes that the aspirational and exploratory goal of this measure are in  
6 line with the mission of OLA, which is to address the language access needs of LEP persons.  
7 OLA's task is to provide technical assistance and coordinate resources to reduce the burden of  
8 meeting language access obligations. OLA is charged with providing oversight, central  
9 coordination, and technical assistance to all state and state-funded agencies in their  
10 implementation of language access compliance.

11 Voting in an election is one of the most important rights and responsibilities of US citizens.  
12 However, LEP persons may not be able to fully participate in voting due to their limited ability  
13 to understand English. This measure could provide an important component of language access  
14 implementation by providing notice about the availability of language assistance services. This is  
15 an important step to ensure meaningful access for LEP persons.

16 Thank you for the opportunity to submit testimony on this measure.



530 S KING ST RM 100  
HONOLULU HI 96813  
(808) 768-3800  
WWW.HONOLULUELECTIONS.US

TESTIMONY OF REX QUIDILLA  
ELECTIONS ADMINISTRATOR,  
CITY AND COUNTY OF HONOLULU  
TO THE SENATE COMMITTEE ON JUDICIARY  
ON SENATE BILL NO. 2161, SD1  
RELATING TO ELECTIONS

February 28, 2022

Chair Rhoads and Committee members:

Thank you for the opportunity to provide comments on Senate Bill No. 2161, SD1 that proposes to include instructions on how to obtain language translation service in Hawaiian and, at a minimum, the five most utilized foreign languages by limited English proficient persons in the State.

Past efforts to provide multilingual support focused solely on “covered” languages pursuant to the Federal Voting Rights Act (VRA). The covered languages for Honolulu are Chinese and Filipino (Ilocano, Tagalog). The County of Maui is covered under Filipino. The Counties of Kauai and Hawaii are not covered by any language under the VRA.

VRA compliance entails the translation of the full suite of voter information available to English speaking voters. This includes brochures, forms, signage, website, and most importantly, the ballot. Support for languages not covered by the VRA is left to the discretion of the various elections offices and their respective resources.

To that end, the City mailed packets which included translated the ballot, ballot instructions, and return envelopes in the VRA-covered languages. The translated ballot packets are mailed to voters by request. In the 2020 General Election, approximately 1,102 and 682 ballot packets were mailed to Chinese and Ilocano voters, respectively.





530 S KING ST RM 100  
HONOLULU HI 96813  
(808) 768-3800  
WWW.HONOLULUELECTIONS.US

For the 2020 elections, recognizing the significant change in election scheme, the City produced a primer explaining the mechanics of voting. The primer was not only translated in the 2 languages required by the VRA but we added 15 additional language translations, one of which was Hawaiian. We think this effort was positive first step in enhancing accessibility to the elections process

For the 2022 Elections, the Honolulu Elections Division will continue to support language access by providing Over the Phone Interpretation (OPI) to voters who call our office as well as Video Remote Interpretation (VRI) for voters at the Voter Service Center. Additionally, the City will be expanding the written translated materials available to voters.

The City and County of Honolulu supports SB 2161, SD1 and will work with the State Office of Elections on the exterior of the ballot packet envelope.

Thank you for the opportunity to testify on SB 2161, SD1.





**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 SENATE BILL NO. 2161, SD1  
RELATING TO ELECTIONS

February 28, 2022

Chair Rhoads and members of the Senate Committee on Judiciary, thank you for the opportunity to testify in support of Senate Bill No. 2161, SD1. This bill requires the exterior of the envelope containing the ballot package to include instructions on how to obtain language translation services in Hawaiian and certain foreign languages.

This bill supports voters needing assistance and specifies the languages that should be provided. We also want to note our support that the effective date begins with the 2024 Primary Election. Due to supply chain issues, we have already started the production of the envelopes for the 2022 Elections and would not be able to add the languages.

For the 2022 Elections, the exterior of the envelope already contains the statement, "For language assistance please call the Office of Elections at (808) 453-8683" in Traditional Chinese, Ilocano, and Tagalog, which are covered languages pursuant to Section 203 of the Federal Voting Rights Act. When calling our office, these voters would be assisted using a translation service.

Thank you for the opportunity to testify in support of Senate Bill No. 2161, SD1.



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

Monday, February 28, 2022, 10:30 a.m. Via Videoconference  
SB 2161 S.D. 1 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 SB2161 S.D. 1** that requires the exterior of the envelope containing the ballot package include instructions on how to obtain language translation services in Hawaiian and certain foreign languages.

This bill is an important aspect of protecting access to voting for eligible voters who are not proficient in English. What is new here is providing instructions on the outside ballot envelope, a logical first step in voting by mail for registered voters who receive a ballot but are not proficient in English. We applaud other efforts to provide multilingual support on brochures, forms, signage etc. as described in testimony by the Honolulu City and County Elections Administrator.

The League of Women Voters is confident our County Clerks understand which languages are triggered under the Federal Voting Rights Act for language assistance in their respective counties and work carefully with the State Office of Elections to make sure printed ballot and voting material corresponds with these requirements. As suggested by the Hawaii Friends of Civil Rights please amend

this measure to add language to this measure indicating that language compliance with this Federal Act is one intention of the bill.

The Office of Elections has reported that for the 2022 elections they have already started printing envelopes in Chinese, Ilocano, and Tagalog (but not in Hawaiian). Since Ka Olelo Hawaii is one of the official languages of our State **we urge that Hawaiian language instructions appear on the exterior ballot beginning with the 2022 elections** as required under the original version of this bill. Isn't it possible for the Office of Elections to incur extra expense and expediting expense necessary to do this? That would be the respectful and correct approach for this official State ballot.

Thank you for the opportunity to submit testimony.



## HAWAI'I FRIENDS OF CIVIL RIGHTS

February 25, 2022

TO: Senator Karl Rhoads, Chair  
Senator Jarrett Keohokalole, Vice-Chair

FROM: Amy Agbayani, Co-Chair & Pat McManaman, Co-Chair

SUBJECT: **SB2456, SD1 Relating to Elections**

HEARING: February 28, 2022, 10:30 AM  
Via Videoconference

The Hawai'i Friends of Civil Rights stands in **Strong Support of SB2456, SD1**, including the Hawaiian language and the addition of the five most foreign languages spoken by limited English proficient persons to the exterior of ballot envelopes mailed to voters.

Section 203 of the federal Voting Rights Act (VRA) requires states and counties to provide language assistance during elections for certain languages once the federal threshold is triggered.<sup>1</sup> Language assistance, as defined under Section 203 of the VRA, means “all

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<sup>1</sup> “Section 203 mandates that a state or political subdivision must provide language assistance to voters if more than five (5) percent of voting-age citizens are members of a single-language minority group and do not ‘speak or understand English adequately enough to participate in the electoral process,’ and if the rate of those citizens who have not completed the fifth grade is higher than the national rate of voting-age citizens who have not completed the fifth grade. When a state is covered for a particular language minority group, an exception is made for any political subdivision in which less than five (5) percent of the voting-age citizens are minority groups who are unable to speak or understand English adequately enough to participate in the electoral process. Under Section 203 of the VRA, according to the calculations recently released on Dec. 8, 2021, in the Federal Register, Honolulu County must provide translation services in Chinese (including Taiwanese) and Filipino and Maui County must provide translation services in Filipino. 86 Fed. Reg. 69611 (Dec. 8, 2021).

information that is provided in English.” This includes voter registration materials, polling place notices, sample ballots, instructional forms, voter information pamphlets, **and ballots**. As such, the state Office of Elections is **required** to provide **mail-in ballots** in “Chinese including Taiwanese” and “Filipino” for Oahu County and in “Filipino” for Maui County, in addition to English ballots.

This measure preserves the Section 203 requirements and extends assistance to additional limited English proficient persons. Voting is a fundamental political right. See, *Yick Wo v. Hopkins*, 118 US 356, 370 (1886). Yet, Between January 1 and December 7, 2021, at least 19 states passed 34 laws restricting access to voting.<sup>2</sup> This measure sets Hawai‘i apart from those states seeking to limit voting access and signals to our sister states that access sustains democracy.

Thank you for the opportunity to testify on this measure,

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<sup>2</sup> Voting Laws Roundup: December 2021, Brennan Center for Justice, <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-december-2021>, (Accessed 1/31/2022).



**SB-2161-SD-1**

Submitted on: 2/25/2022 3:28:13 PM

Testimony for JDC on 2/28/2022 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Michael Golojuch Jr	Testifying for Stonewall Caucus of the Democratic Party of Hawaii	Support	No

Comments:

Aloha Senators,

The Stonewall Caucus of the Democratic Party of Hawai'i (formerly the LGBT Caucus) Hawai'i's oldest and largest policy and political LGBTQIA+ focused organization fully supports SB 2161 SD 1.

We hope you all will support this important piece of legislation.

Mahalo nui loa,

Michael Golojuch, Jr.  
Chair and SCC Representative  
Stonewall Caucus for the DPH

Statement Before The  
**SENATE COMMITTEE ON JUDICIARY**

Monday, February 28, 2022

10:30 AM

Via Videoconference

in consideration of  
**SB 2161, HD1**  
**RELATING TO ELECTIONS.**

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

Common Cause Hawaii supports SB 2161, HD1, which requires the exterior of the envelope containing the ballot package to include instructions on how to obtain language translation services in Hawaiian and certain foreign languages.

Common Cause Hawaii is a nonprofit, nonpartisan, grassroots organization dedicated to reforming government and strengthening our representative democracy by improving and modernizing our voting and elections systems to ensure that they are equitable and work for everyone.

Section 203 of the Voting Rights Act (VRA) requires that, once determinations are met<sup>1</sup>, state and counties must provide language assistance during elections for certain language minority groups who are unable to speak or understand English adequately enough to participate in the electoral process. Under Section 203 of the VRA, according to the calculations recently released on Dec. 8, 2021 in the Federal Register, Honolulu County must provide translation services in Chinese (including Taiwanese) and Filipino and Maui County must provide translation services in Filipino. 86 Fed. Reg. 69611 (Dec. 8, 2021).

While this is a good start for Hawaii, this is insufficient, and Hawaii must do better for our voting limited English proficient citizens. The recent Decennial Census shows that Hawaii is the most diverse state in the nation with a diversity index of 76.0%. See <https://www.census.gov/library/visualizations/interactive/racial-and-ethnic-diversity-in-the-united-states-2010-and-2020-census.html> (retrieved Jan. 31, 2022). Further, fifteen percent of eligible voters in Hawaii are immigrants. See [https://www.pewresearch.org/hispanic/wp-content/uploads/sites/5/2020/02/GMD\\_2020.02.26\\_Immigrant-Eligible-Voters.pdf](https://www.pewresearch.org/hispanic/wp-content/uploads/sites/5/2020/02/GMD_2020.02.26_Immigrant-Eligible-Voters.pdf) (retrieved Feb. 25, 2022).

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<sup>1</sup> “Section 203 mandates that a state or political subdivision must provide language assistance to voters if more than five (5) percent of voting-age citizens are members of a single-language minority group and do not ‘speak or understand English adequately enough to participate in the electoral process,’ and if the rate of those citizens who have not completed the fifth grade is higher than the national rate of voting-age citizens who have not completed the fifth grade. When a state is covered for a particular language minority group, an exception is made for any political subdivision in which less than five (5) percent of the voting-age citizens are members of the minority group and are limited in English proficiency, unless the political subdivision is covered independently. A political subdivision is also covered if more than 10,000 of the voting-age citizens are members of a single-language minority group, do not ‘speak or understand English adequately enough to participate in the electoral process,’ and the rate of those citizens who have not completed the fifth grade is higher than the national rate of voting-age citizens who have not completed the fifth grade.” See <https://www.federalregister.gov/documents/2021/12/08/2021-26547/voting-rights-act-amendments-of-2006-determinations-under-section-203> (retrieved Jan. 31, 2022).

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](https://files.hawaii.gov/dbedt/economic/data_reports/Non_English_Speaking_Population_in_Hawaii_April_2016.pdf) at Executive Summary (retrieved Jan. 31, 2022). Ilocano, Tagalog, and Japanese were the top three most common non-English languages spoken at home in Hawaii. *Id.* However, English proficiency among the non-English speaking population varied substantially by language with proficiency being low -- less than 40% of the Korean, Vietnamese, Chinese and Ilocano speaking population speak English very well. *Id.*

Voting “is regarded as a fundamental political right [ ] preservative of all rights.” *Yick Wo v. Hopkins*, 118 US 356, 370 (1886). A voting citizen’s right to notice of ballot translation services should not be dependent, especially here in Hawaii, on which county the person resides, especially when printing of ballots and translation services are provided by the State Office of Elections.

Moreover, amendments to the Hawaii State Constitution in 1978, including the reinclusion of the Hawaiian language as an official language of the state of Hawaii, were intended to require the State to institute measures that are reasonably calculated to revive the Hawaiian language. See *Clarabal v. Department of Education*, 145 Haw. 69, 446 P.3d 986 (2019); Haw. Const. art. XV, § 4. Providing notice of translation services on voting materials in the Hawaiian language is long overdue and would be an important step in recognizing the equal dignity of Hawaiians and their language in Hawaii.

Thus, according to Section 203 of the VRA, Honolulu and Maui counties must provide electoral “information that is provided in English . . . in the minority language as well. This covers not only the ballot, but all election information - voter registration, candidate qualifying, polling place notices, sample ballots, instructional forms, voter information pamphlets, and absentee and regular ballots - from details about voter registration through the actual casting of the ballot, and the questions that regularly come up in the polling place.” See <https://www.justice.gov/crt/language-minority-citizens> (retrieved Jan. 31, 2022). Hawaii’s voting citizens on Kauai and Hawaii counties should also be informed of language access rights, and SB 2161, SD1 will help to achieve that. We should also endeavor to provide more than the minimum language translations required by law to ensure that all our limited English proficient citizens may fully engage in the electoral process.

For these reasons, Common Cause Hawaii supports SB 2161, SD1 and respectfully urges the Committee members to pass SB 2161, SD1 out of your Committee. If you have questions for me, please contact me at [sma@commoncause.org](mailto:sma@commoncause.org).

Very respectfully yours,

Sandy Ma  
Executive Director, Common Cause Hawaii





www.hicir.org | Instagram @hicir  
hicoalitionforimmigrantrights@gmail.com

**Testimony in SUPPORT of SB 2161  
RELATING TO ELECTIONS**

COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair

Senator Jarrett Keohokalole, Vice Chair

Hearing Date: 2/28/2022

Room Number: Via Videoconference

Dear Committee Members,

We write to SUPPORT SB 2161. Voting is a fundamental right, and language access must not be a barrier. It is not only necessary as a matter of civil rights—it is also the federal law.

Section 203 of the federal Voting Rights Act (VRA) requires that once language assistance determinations are met, state and counties must provide language assistance during elections for certain languages.<sup>1</sup> As the Department of Justice has explained, Section 203 of the VRA requires that “[a]ll information that is provided in English.... covers not only the ballot, but all election information - voter registration, candidate qualifying, polling place notices, sample ballots, instructional forms, voter information pamphlets, *and absentee and regular ballots.*” (emphasis added).<sup>2</sup>

Thus, under federal law, the Hawai`i state Office of Elections is required to provide all registered voters ballots in the required Section 203 languages (“Chinese including Taiwanese for Honolulu

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<sup>1</sup> Federal law mandates that a state or political subdivision must provide language assistance to voters if more than five (5) percent of voting-age citizens are members of a single-language minority group and do not “speak or understand English adequately enough to participate in the electoral process,” and if the rate of those citizens who have not completed the fifth grade is higher than the national rate of voting-age citizens who have not completed the fifth grade. When a state is covered for a particular language minority group, an exception is made for any political subdivision in which less than five (5) percent of the voting-age citizens are minority groups who are unable to speak or understand English adequately enough to participate in the electoral process. *See Section 203 Language Determinations*, U.S. Census Bureau, <https://www.census.gov/programs-surveys/decennial-census/about/voting-rights/voting-rights-determination-file.html> (last accessed Feb. 2, 2022).

<sup>2</sup> *Language Minority Citizens*, U.S. Dept. of Justice, <https://www.justice.gov/crt/language-minority-citizens> (last accessed Feb. 2, 2022).



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[hicoalitionforimmigrantrights@gmail.com](mailto:hicoalitionforimmigrantrights@gmail.com)

County and Filipino for Maui County”<sup>3</sup> This applies to all forms of ballots, including absentee/mail-in ballots or regular ballots.

These requirements create a legal “floor” and Hawai`i must do at least these federal requirements to provide language assistance, whether or not the state have other measures to further language access. *See California Fed. S.L. Assn. V. Guerra*, 479 U.S. 272 (1987).

Finally, in addition to federal requirements, this bill is important, because the entire electorate, including limited English proficient individuals, deserves to have their voices heard. More than 23 million U.S. naturalized immigrants were eligible to vote in the 2020 presidential election, making up more than 10% of the nation’s overall electorate.<sup>4</sup>

Thank you for your support and consideration.

Catherine Chen, Co-chair, Hawai`i Coalition for Immigrant Rights  
Liza Ryan Gill, Co-chair, Hawai`i Coalition for Immigrant Rights

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<sup>3</sup> Under Section 203 of the VRA, according to the calculations recently released on Dec. 8, 2021 in the Federal Register, Honolulu County must provide translation services in Chinese (including Taiwanese) and Filipino and Maui County must provide translation services in Filipino. 86 Fed. Reg. 69611 (Dec. 8, 2021).

<sup>4</sup> Naturalized Citizens Make-Up Record One in Ten U.S. Eligible Voters in 2020, Pew Research Center, <https://www.pewresearch.org/hispanic/2020/02/26/naturalized-citizens-make-up-record-one-in-ten-u-s-eligible-voters-in-2020/>, (Accessed 1/31/2022).

**SB-2161-SD-1**

Submitted on: 2/25/2022 3:35:53 PM

Testimony for JDC on 2/28/2022 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
laurie boyle	Individual	Support	No

Comments:

Aloha,

I support SB2161 for the simple reason that since a large number of citizens in Hawai'i are foreign-born and English is their second language, voting instructions and the measures themselves may be difficult to understand, so access to translations should be made available. It is sometimes difficult to understand the English meaning of some of the measures.

**SB-2161-SD-1**

Submitted on: 2/25/2022 5:50:09 PM

Testimony for JDC on 2/28/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
tlaloc tokuda	Individual	Support	No

Comments:

**Dear JDC Chair and committee,**

I am a volunteer with Common Cause and i agree with many of their positions on many of the bills they are supporting or opposing.

*[SB2161](#), is relating to Elections, Requires the exterior of the envelope containing the ballot package to include instructions on how to obtain language translation services in Hawaiian and in certain foreign languages*

This is very important for Hawaii because of the recently released *Decennial Census* which highlighted Hawaii's number 1 position for the most ethnically diverse State in the US.

Mahalo for your consideration,

tlaloc tokuda

Kailua Kona, HI 96740

**SB-2161-SD-1**

Submitted on: 2/26/2022 3:55:28 AM

Testimony for JDC on 2/28/2022 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
David Anderson	Individual	Support	No

Comments:

The recent Decennial Census shows that Hawaii is the most diverse state in the nation with a diversity index of 76.0%.

Fifteen percent of eligible voters in Hawaii are immigrants.

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. Ilocano, Tagalog, and Japanese were the top three most common non-English languages spoken at home in Hawaii.

However, English proficiency among the non-English speaking population varied substantially by language with proficiency being low -- less than 40% of the Korean, Vietnamese, Chinese and Ilocano speaking population speak English very well.

Further, providing notice of translation services on voting materials in the Hawaiian language is long overdue and would be an important step in recognizing the equal dignity of Hawaiians and their language in Hawaii.

Thank you for the opportunity to submit testimony in support of SB2161, SD1.



**SB-2161-SD-1**

Submitted on: 2/25/2022 9:12:56 PM

Testimony for JDC on 2/28/2022 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Donna Ambrose	Individual	Oppose	No

Comments:

Citizens whose first language is Vietnamese, Korean, Ilocano or anything other than English find it difficult to participate in our democratic processes when they can't read voting materials. SB2161 will enable English-language-challenged individuals to obtain those materials in their native language. Please provide access to translation services by passing this bill. Mahalo.

**LATE**

**SB-2161-SD-1**

Submitted on: 2/27/2022 8:16:21 PM

Testimony for JDC on 2/28/2022 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Gerard Silva	Individual	Oppose	No

Comments:

Every thing should be in English if not then they should not be Voting! NO ILLEGALS IN HAWAII!!