



COMMITTEE ON JUDICIARY
Senator Karl Rhoads, Chair
Senator Jared Kaohokalole, Vice Chair

Tuesday, January 25, 2022, 9:30 a.m., Via Videoconference
SB 741 RELATING TO ELECTIONS

TESTIMONY

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

Chair Rhoads, Vice Chair Kaohokalole, and Committee Members:

The League of Women Voters of Hawaii supports SB 741, that would require Hawaii electors to vote for the candidates whose names appear on the presidential general election ballot and who are of the same political party or group they represent and invalidates an elector's vote for failure to vote accordingly and would also require an alternate to vote in place of the original elector if the original elector fails to vote for the proper candidate.

The Electoral College arises from Article II, Section 1, Clauses 2 and 3, of the U.S. Constitution which permits each state to "appoint electors "in such manner as the Legislature may direct." Based on my lay reading of this provision, Hawaii has the right to prohibit "faithless electors" who do not vote for the candidate for whom they had pledged to vote.

This bill is important and will protect the choices for president and vice president made by the people of Hawaii during a presidential general election. A "rogue" elector can subvert the will of the electorate if he or she casts a vote contrary to the winner of such elections, and this is completely contrary to democratic principles. The League thanks the introducers of this bill for trying to build a safeguard to prevent this in the future. We hope the measure will take effect upon passage.

However, the League of Women Voters does not support the Electoral College. We believe that the Electoral College should be abolished entirely because the national direct popular-vote method for electing the President and Vice-President is essential to representative government. If our country could achieve such direct election, bills like this would not be necessary.

Thank you for the opportunity to submit testimony.

Statement Before The
SENATE COMMITTEE ON JUDICIARY

Tuesday, January 25, 2022

9:30 AM

Via Videoconference

in consideration of

SB 741**RELATING TO ELECTIONS.**

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

Common Cause Hawaii supports SB 741, which increases (1) requires an elector to vote for the candidates whose names appeared on the presidential general election ballot and who are of the political party or group they represent and invalidates an elector's vote for failure to vote accordingly and (2) requires an alternate to vote in place of the original elector if the original elector fails to vote for the proper candidate.

Common Cause Hawaii is a nonprofit, nonpartisan, grassroots organization dedicated to reforming government and strengthening our representative democracy.

Faithless electors are rare and have never affected a presidential election. Hawaii has not yet had a faithless elector. The U.S. Supreme Court has held that states may remove presidential electors. Chiafalo v. Washington, 591 U.S. ___, 140 S. Ct. 2316 (2020).

Even though rare, there have been faithless electors throughout the nation's history. See https://www.fairvote.org/faithless_electors_old (retrieved Jan. 22, 2022). Faithless electors seek to overturn the will of the people expressed at the ballot box, which violates the very foundations of our democratic society and governance.

Common Cause Hawaii supports SB 741 to ensure that the political will of the people as expressed at the ballot box is not overturned by a faithless elector. The Uniform Law Commission has approved the Uniform Faithful President Electors Act and recommends states adopt a faithless elector law to address this persistent issue. See <https://www.uniformlaws.org/viewdocument/enactment-kit-21?CommunityKey=6b56b4c1-5004-48a5-add2-0c410cce587d&tab=librarydocuments> (retrieved Jan. 22, 2022).

Thank you for the opportunity to testify in support of SB 741. If you have further questions of me, please contact me at sma@commoncause.org.

Very respectfully yours,

Sandy Ma
Executive Director, Common Cause Hawaii

SB-741

Submitted on: 1/21/2022 1:14:25 PM

Testimony for JDC on 1/25/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
lynne matusow	Individual	Support	No

Comments:

I cannot believe it has come to this. I was very active in a political party for many years and we expected the electors to vote for the candidate that was on the ballot. How times have changed that this must now be enacted into law. You might also want to look at what has occurred in at least seven mainland states where Joe Biden won the vote and republicans submitted, to the national archives, their bogus list of electors. None of these passed muster, but... In those states these fraudulent lists are now being investigated by state attorneys general and the justice department. We need to be sure that does not happen here.

Please support this bill.