

OFFICE OF THE LIEUTENANT GOVERNOR
Ke Ke'ena O Ka Hope Kia'aina

TO: Chair Kyle Yamashita
Vice Chair Lisa Kitagawa
Members of the House Committee on Finance

FROM: Sylvia Luke, Lieutenant Governor

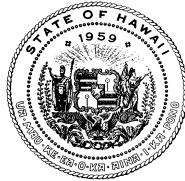
RE: Testimony for H.B. 964 – Relating to the Certification of Documents

DATE: February 24, 2023

Thank you for the opportunity to provide testimony in **strong support of H.B. 964 with a proposed technical amendment to Section 2 on page 3, line 3 which should reference the “apostilles and certifications special fund.”** H.B. 964 increases the fee for the issuance of an apostille or certification from \$1 to \$10 and establishes the apostilles and certifications special fund.

As Secretary of State, the Lieutenant Governor annually provides approximately 7,500 authentication services for all public and general documents that are used overseas including powers of attorney, marriage certificates, birth certificates, divorce decrees, probated and un-probated wills, judgments, agreements, transcripts, and more. In the short period that I have been in office, my staff and I have witnessed firsthand that the current system is archaic and does not serve the public as intended. Since our office is unable to accept credit card or web-based payment, those seeking an apostille or certification must either pay \$1 in cash or obtain a cashier's check that most banks charge \$15 to process. If there are errors in dropped-off paper applications that require our office to mail documents back to the applicant, our office pays between 60 cents to \$2.00 per return. Lastly, if an applicant is out-of-country, they do not have the ability to purchase US postage and cannot provide a self-addressed stamped envelope, resulting in our office paying between \$1.45 - \$4.00 per international mailing. Passage of this measure will ensure that my office has sufficient funding to execute its constitutional obligations without burdening the state treasury.

Thank you for the opportunity to provide testimony in strong support of H.B. 964.



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**Testimony COMMENTING on HB964 HD1
RELATING TO CERTIFICATION OF DOCUMENTS**

REP. KYLE YAMASHITA, CHAIR
HOUSE COMMITTEE ON FINANCE

Hearing Date: February 24, 2023

Room Number: 308

1 **Fiscal Implications:** Proposed \$10 fee for the issuance of an apostille.

2 **Department Testimony:** The Department of Health looks forward to formal codification of
3 statue governing the issuance of apostilles. A keyword search of Hawaii Revised Statutes for
4 “apostille” returns one result in [section 503B-2, Hawaii Revised Statutes](#), in the chapter “Time
5 Share Commissioners of Deeds.”

6 The apostille process involves three agencies: the Department of Health, the Office of the
7 Lieutenant Governor, and the Judiciary. Apostilles authenticate the seals and signatures of
8 officials on public documents such as birth certificates, court orders, or any other document
9 issued by a federal agency or certified by a U.S. or foreign consul. An apostille certifies the
10 document(s), so the document can be recognized in foreign countries that are members of
11 the [1961 Hague Convention](#)

12 In 2022, DOH issued over 8,000 apostilles, with each apostille requiring:

- 13 • Accepting an order form in hard copy by mail
 - 14 ○ Including a self-addressed stamped envelope
- 15 • Collection of fees
 - 16 ○ \$12.50 for a certified copy of a birth or marriage certificate,
 - 17 ○ \$10 for a certified copy of a death certificate,
 - 18 ○ \$1 for the Office of the Lieutenant Governor, and

- 1 ○ An additional \$3 if the country requiring the apostille is a non-Hague Convention
- 2 signatory
- 3 ○ Note – emergency and expedited requests are not uncommon and a higher fee
- 4 may be considered for these circumstances
- 5 • DOH staff review of the appropriateness of the requestor’s right to access vital records
- 6 pursuant to [section 338-18, Hawaii Revised Statutes](#),
- 7 ○ Return documents to sender if applications are incomplete or further information
- 8 is required
- 9 ○ Manual data entry to complete the application and processing of the birth,
- 10 marriage, or death certificate,
- 11 • DOH staff prepares each request for authentication for wet ink signature by the State
- 12 Registrar, followed by notarization and hand-written documentation of each notarization,
- 13 • Completed applications are hand-carried to the Office of the Lieutenant Governor,
- 14 ○ For countries that are not Hague Convention signatories, the completed
- 15 applications are instead hand-carried to the First Circuit Court of the Judiciary of
- 16 the State of Hawaii for certification, after which they are mailed from the
- 17 Judiciary to the Office of the Lieutenant Governor,
- 18 • The Office of the Lieutenant Governor makes the final authentication which are mailed to
- 19 the original requestor in the provided self-addressed stamped envelope.
- 20 • Only cash, money order, or cashier’s check are accepted.
- 21 ○ Note – there is no mass reconciliation of funds among agencies, for example
- 22 journal vouchering quarterly or semi-annually, rather, deposits consisting of one
- 23 dollar bills and \$1-money orders are made daily or weekly.

24 DOH looks forward to the ongoing conversation to memorialize apostilles in HRS, as well as
25 improving and modernizing the systems and processes that support it.

26 Thank you for the opportunity to testify.

27 **Offered Amendments:** N/A.

