



## DISABILITY AND COMMUNICATION ACCESS BOARD

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February 14, 2023

### TESTIMONY TO THE SENATE COMMITTEE ON JUDICIARY

#### Senate Bill 179 – Relating to Advisory Committees

The Disability and Communication Access Board (DCAB) supports the intent of Senate Bill 179 – Relating to Advisory Committees.

Senate Bill 179 would rename the “statewide voters with special needs advisory committee” to “statewide elections accessibility needs advisory committee” and rename the “county voters with special needs advisory committee” to “county elections accessibility needs advisory committee.” The advisory committee’s revised name would be more consistent with the advisory committee’s purpose to ensure people with disabilities have equal and independent access to voter registration, casting of ballots, and all other Office of Elections services. Also, language is the basis of thoughts and attitudes about people with disabilities. Terminology continually evolves. Staying current is important, not to show political correctness, but to communicate effectively and appropriately on the subject of disability. Without being aware of what is current and appropriate language, a person may inadvertently offend another person or convey a message that they did not intend to convey. Terminology, such as “special” or “people with special needs,” may be intended to be a positive alternative but may be perceived as patronizing and distancing by people with disabilities.

Senate Bill 179 would replace “physical disability” with “disability,” thereby recognizing that voting accessibility needs may arise from disabilities other than those of a physical nature. Under the Americans with Disabilities Act (ADA), “Disability means, with respect to an individual: (i) A physical or mental impairment that substantially limits one or more of the major life activities of such individual; (ii) A record of such an impairment; or (iii) Being regarded as having such an impairment as described in paragraph (f) of this section.” The ADA specifies that “Physical or mental impairment includes, but is not limited to, contagious and noncontagious diseases and conditions such as the following: orthopedic, visual, speech and hearing impairments, and cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disability, emotional illness, dyslexia and other specific learning disabilities, Attention Deficit Hyperactivity Disorder, Human Immunodeficiency Virus infection (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.”

Thank you for the opportunity to provide testimony.

Respectfully submitted,

KIRBY L. SHAW  
Executive Director



**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 SENATE COMMITTEE ON JUDICIARY  
ON SENATE BILL NO. 179  
RELATING TO ADVISORY COMMITTEES

February 14, 2023

Chair Rhoads and members of the Senate Committee on Judiciary, thank you for the opportunity to testify in support of Senate Bill No. 179. This bill renames the statewide and county-level voters with special needs advisory committees to elections accessibility needs advisory committees; and recognizes that voting accessibility needs may arise from disabilities other than those of a physical nature.

We support this measure as the purpose of the committee is to represent and advise on behalf of all voters with accessibility needs, and the committee's name should be reflective of that purpose.

Thank you for the opportunity to testify in support of Senate Bill No. 179.

**SB-179**

Submitted on: 2/12/2023 4:15:26 PM

Testimony for JDC on 2/14/2023 9:40:00 AM

Submitted By	Organization	Testifier Position	Testify
Patricia A. Morrissey	Individual	Support	Written Testimony Only

Comments:

February 13, 2023

Testimony on SB 179:

related to changing the name of statewide/county voters with special needs advisory committees

Submitted by: Patricia Morrissey, PhD

Chair of the Statewide Voters with Special Needs Advisory Committee

On Behalf of the Committee

To: The Hawaii Senate Committee on the Judiciary

Chairman Rhoads, Vice Chair Gabbard, and Committee Members:

I very strongly support SB 179 on behalf of the Statewide Voters with Special Needs Advisory Committee. The purpose of SB 179 is to: 1) change the name of the Statewide Voters with Special Needs Advisory Committee to the Statewide Elections Accessibility Needs Advisory Committee; 2) change the name of parallel county committees to County Elections Accessibility Advisory Committee(s); and 3) delete the reference to “physical” disability in the text of the legislation. These changes to the statute establishing Hawaii state advisory committees were recommended by the Statewide Voters with Special Needs Advisory Committee, supported by the County of Honolulu Voters with Special Needs Advisory Committee, and shared with the Hawaii Office of Elections, which then brought these technical amendments to the attention of the Committee on the Judiciary. We greatly appreciate everyone’s interest, attention, support, and quick action.

These technical amendments will clarify the purpose of the committee in its title and the scope of voters or potential voters who will benefit from committee actions. The term “voters with special needs” in the title in the current law is too general and vague. Its replacement with “elections accessibility needs” is directly tied to the committee’s purpose – identifying barriers to access to any part of the election process from registration to voting for Hawaii voters with disabilities and recommending ways to remove such barriers to the Office of Elections and the Legislature. The deletion of the reference to “physical disabilities” ensures that the Committee’s work related to barriers and recommendations will be inclusive of all voters with disabilities, not just those with physical disabilities.

We respectfully request that the Committee also include in SB 179 a technical amendment to change any reference to “voters with special needs” in Hawaiian law to “voters with accessibility needs associated with the voting process” to make all relevant Hawaiian statutory text consistent with the amendments currently in SB 179.

The Statewide Voters with Special Needs Advisory Committee is currently conducting a statewide survey of voters with disabilities. We anticipate using survey results in 2023 to establish focus groups to guide recommendations for the Office of Elections and the Legislature.

Thank you for this opportunity.

**SB-179**

Submitted on: 2/11/2023 10:23:31 PM

Testimony for JDC on 2/14/2023 9:40:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Louis Erteschik	Testifying for Hawaii Disability Rights Center	Support	Written Testimony Only

Comments:

In support.

Testimony of Virgil Stinnett

Hawaii State Senate

Thirty-second Legislature, regular session of 2023

The Hawaii Senate Committee on the Judiciary, JDC

February 14, 2023, 9:40 AM, hearing on SB179

Good morning, Chairman, Vice Chair, and Committee Members, my name is Virgil Stinnett, president of the National Federation of the Blind of Hawai'i submitting on behalf of the NFB of Hawai'i in full support of SB179. The NFB of Hawai'i gives a big Mahalo for passing into law the statewide/county voters with special needs advisory committees last session.

As an organization of blind and low vision individuals who rely on accessibility to participate independently and privately during elections, the technical amendments are in line with any individual with these requirements to engage with our community processes.

I stand in full support of the testimony submitted by the Statewide Voters with Special needs Advisory committee.

Mahalo nui loa for your consideration and yes vote to pass in support this bills amendments.

**SB-179**

Submitted on: 2/14/2023 8:20:39 AM

Testimony for JDC on 2/14/2023 9:40:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Shana Wailana Kukila	Testifying for Aloha Consultants	Support	Written Testimony Only

Comments:

Mahalo nui for this bill, which is a first step towards inclusion of all voices into the public domain. The developmentally disabled and others deserve to have their voices heard and their needs met in the government and society. In full support of this measure.

Testimony of Katie Keim

Hawaii State Senate

Thirty-second Legislature, regular session of 2023

The Hawaii Senate Committee on the Judiciary, JDC

February 14, 2023, 9:40 AM, hearing on SB179

Related to changing the name of statewide/county voters with special needs advisory committees

Good morning Chairman Rhoads, Vice Chair Gabbard, and Committee Members, My name is Katie Keim, a member of the statewide voters with special needs advisory committee, in full support of SB179. I want to thank you for recognizing the need for the statewide/county voters with special needs advisory committees and passing them into law last session.

As an individual who requires accessibility to participate independently and privately during elections, the technical amendments are in line with any individual with these requirements to engage with our community processes.

I stand in full support of the testimony submitted by the Statewide Voters with Special needs Advisory committee.

Mahalo for your serious consideration to pass in support this bills amendments.



**SB-179**

Submitted on: 2/13/2023 9:42:54 AM

Testimony for JDC on 2/14/2023 9:40:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
james gashel	Individual	Support	In Person

Comments:

Testimony of James Gashel  
Committee on the Judiciary (JDC)  
Hawaii State Senate  
Thirty-second legislature, regular session of 2023  
February 14, 2023, 9:40 AM, hearing on SB179

Good morning chair, vice chair, and members. I am James Gashel, testifying today to support SB179.

This bill will change the name of the Statewide Voters with Special Needs Advisory Committee to the Statewide Elections Accessibility Committee. The proposed name change would also apply to county level advisory committees having the same mission. These committees were established in legislation passed in 2021 as part of SB548, making several election law changes. I currently serve on the statewide committee.

Our committee proposed and voted unanimously for this name change. The term, "special needs," has been used in the election laws basically to refer to people with disabilities who may need some form of accommodation to participate. According to the Americans with Disabilities Act, disability is a "normal part of the human experience." Accommodations, which may be needed by people with disabilities are best understood as "normal," not "special." We may use different techniques and technology to register to vote and cast a ballot, but there is nothing special or unusual about our participation. It's really all about access.

Aside from the above, I want to associate myself with the testimony of PATRICIA MORRISSEY, chair of the statewide committee. We also suggest replacing the term "special needs," with "disability access needs," wherever applicable in the law. Section HRS 11-107(c), regarding electronic transmission of ballots, is one example of where "special" should be changed to "disability access." Also, Ms. Morrissey points out that the term, "physical," as applied to "disability" in the existing law is too limiting, and I agree.

Mahalo for considering the changes requested here and for your efforts on behalf of our accessibility needs.