

SB-19

Submitted on: 3/16/2023 12:09:56 PM

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

Submitted By	Organization	Testifier Position	Testify
Jamie Detwiler	Hawaii Federation of Republican Women	Oppose	Written Testimony Only

Comments:

Submitted in strong opposition for the following reasons:

1. Unenforceable
2. Ballots are removed from signature envelopes usually within 24 hours.
3. The only way to enforce SB19 is to keep all ballots in their signed envelopes until Election Day, or get rid of election season and only allow voting on Election Day, in person.

Please vote No on SB19.

Thank you for the opportunity to testify.



COMMITTEE ON JUDICIARY
Chair, Senator Karl Rhoads
Vice Chair, Senator Mike Gabbard

Hearing on Friday, March 17, 2023 2:00pm (HST)
House Conference Room 325 Via Video Conference
SB19 Relating to Cast Ballots

TESTIMONY

Holly Plackett, Legislative Committee, League of Women Voters of Hawaii

Chair Rhoads, Vice Chair Gabbard, and Committee Members:

The League of Women Voters of Hawaii supports SB19.

The heart of SB19: “The purpose of this Act is *to guarantee the vote of eligible voters who cast their ballot* and then subsequently die or otherwise become ineligible before election day.”

It is important to state this guarantee of the vote of each eligible voter in plain language so that voters can clearly understand their vote will be counted even if, subsequently, they die or otherwise become ineligible before election day.

Additionally, the updated Chapter 11, Hawaii Revised Statutes, as it relates to mail-in ballots, absentee ballots and military-overseas ballots which is also included in SB19, is very important -- as it explains in clear language that anyone who was eligible to vote in Hawaii at the time they cast their ballot should have this ballot counted, even if they later become ineligible. Every Vote Counts.

Thank you for the opportunity to submit testimony.

Testimony in Opposition to SB19

Corinne Solomon
Oahu Resident

I oppose SB19. Current Hawaii Law already states that votes from eligible-to-ineligible voters are counted:

HRS §15-13.5 Eligibility of voter after absentee ballot cast. The absentee ballot of any voter who was eligible to vote at the time the ballot was cast shall not be deemed invalid solely because the voter became ineligible to vote after casting the ballot. For the purposes of this section, "cast" means that the voter has:

- (1) Deposited the absentee ballot in the mail for ballots mailed in accordance with section 15-9(a)(1);
- (2) Delivered the absentee ballot to the appropriate county clerk or polling place in accordance with section 15-9; or
- (3) Completed voting in person at an absentee polling place. [L 2019, c 10, §1; am L 2021, c 213, §38]

[§15D-10.5] Eligibility of covered voter after ballot cast. The military-overseas ballot of any covered voter who was eligible to vote at the time the ballot was cast in accordance with this chapter shall not be deemed invalid solely because the covered voter became ineligible to vote after casting the ballot. [L 2019, c 10, §2]

§15-3 Absentee ballot for presidential election. If ineligible to qualify as a voter in the state to which the voter has moved, any former registered voter of Hawaii may vote an absentee ballot in any presidential election occurring within twenty-four months after leaving Hawaii by requesting an application form and returning it properly executed to the county of the voter's prior Hawaii residence. When requesting an application form for an absentee ballot, the applicant shall specify the applicant's eligibility for only the presidential ballot, and the fact of applicant's ineligibility to vote at the applicant's new place of residence verified by the voter registrar or the registrar's authorized representative in the jurisdiction of the applicant's new residence. The application must be received in sufficient time for ballots to be mailed and returned prior to any presidential election at which the applicant wishes to vote. All required information pursuant to the rules promulgated by the chief election officer shall be completed in full. [L 1975, c 36, pt of §3; gen ch 1985]

How do you become an ineligible voter?

- You die
- You are convicted of a felony
- You vote in another state (you can move out of state and still vote in Hawaii elections)
- You relinquish US Citizenship

Mail ballots are separated from their envelopes either the same day of signature verification or shortly thereafter, and thus cannot be traced back to any voter, ineligible or not.

So how many potential eligible-to-ineligible voters are there?

Based on election season calendars, in an election year we are looking at roughly 6 weeks total time of voting for the Primary and General combined.

How many people potentially become ineligible to vote in 6 weeks?

We can calculate the monthly average of deaths, incarcerations for felonies, and moves out of state based on publicly available data.

Total deaths for 2021:

Hawaii County	1988
Honolulu County	9009
Kauai County	536
Maui County	1362
State Total	12,895

<https://health.hawaii.gov/vitalstatistics/preliminary-vital-statistics-for-2021/>

That's an average of 1075 deaths per month, multiply by 1.5 for 1.5 months of voting we get an average of 1612 deaths for 6 weeks of election season. Not all are voting age, not all are registered to vote. That is a large number of people to track...and if they've already voted and their mail ballots were removed from their envelopes, how would the county clerk go back and guarantee the dead persons' vote was counted?

Newly ineligible felon voters:

Publicly available data for the month of August 2022 shows there were 1235 adult felons incarcerated in state. Multiplying by 1.5 for our election season gives us an average of 1853 felons for a 6-week period.

To determine which felons were newly incarcerated and *may* have cast a ballot before going to jail is going to take some legwork on the part of the county clerks. Are they going to communicate daily with the prisons to check the mail-in ballots before they are separated from their envelopes and set aside the new felons' ballots to make sure they are counted?

Out of state moves:

Hawaii voting laws already guarantee that you can move out of state in Hawaii and still vote.

Here is the statute on what it takes to lose Hawaii residency when it comes to voting:

HRS §11-13 Rules for determining residency.

(7) A person loses the person's residence in this State if the person votes in an election held in another state by absentee ballot or in person.

On average, how many Hawaii residents move out of state in a 6 week period?
In a UHERO [study](#) 67,293 Hawaii residents moved out of state in 2018.

[Census data](#) for 2019 shows Hawaii's outmigration to other states as 68,417 for 2019. Using the 2019 census data and our 6 week voting season model, that's an average of 7894 Hawaii residents moving out in a 6 week period. 78.1% of Hawaii residents are of voting age, which means on average 6165 voting age Hawaii residents moved out of state in a 6 week period in 2019.

To effectively enforce SB19 county clerks would need to monitor the registered voters of the pool of those 6165 and somehow guarantee that after their ballots are separated from the envelopes that their votes are still counted.

Adding a 6-week average of deaths, convicted felons, and residents moving out of state gives us 9630 potential eligible-to-ineligible ballots to track, both before and after they have been removed from their signature envelopes.

SB19 offers no insight on how this would be accomplished.

To enforce SB19, either ALL the mail ballots would need to stay in their signature envelopes until election day, or voting would need to be done on election day only.

What is the reasoning to pass a bill that cannot be enforced?

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Submitted on: 3/16/2023 1:47:32 PM

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

Submitted By	Organization	Testifier Position	Testify
Adriel Lam	Individual	Oppose	In Person

Comments:

This legislation attempts to codify into the law the failure of Elections By Mail to guarantee all legal votes count and all illegal and ineligible votes do not count.

If enacted, this bill will only serve to highlight the unconstitutionality of Elections By Mail and the mishandling of ballots prior to Election Day. Under the procedures of Elections By Mail, a cast ballot prior to Election Day is already opened, scanned and entered into the systems. If the voter become ineligible before Election Day, that ballot can neither be retrieved nor canceled. As current procedure under Elections By Mail stands, this bill is unnecessary as the voter's cast ballot will be counted regardless if the voter becomes ineligible prior to Election Day. Codifying this practice into law does not make it any more right or acceptable under the Hawaii Constitution and the Constitution of the United States of America.

To ensure trust and confidence in the elections process, this bill should be amended to ensure that all ballot envelopes are not opened and separated from their ballots prior to Election Day, and only opened and counted upon verification of eligibility.

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Submitted on: 3/17/2023 5:04:09 AM

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

Submitted By	Organization	Testifier Position	Testify
Kaysha Mata-Peahu	Individual	Oppose	Remotely Via Zoom

Comments:

Aloha,

As a Native Hawaiian, Kanaka'maoli, United States Citizen and minority of 6 diff nationalities. I OPPOSE this bill. This bill goes AGAINST our constitutional rights for voting regulations. This bill does not protect voter rights or the hawaii people.

Thank you.

SB-19

Submitted on: 3/15/2023 7:46:09 PM

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

Submitted By	Organization	Testifier Position	Testify
Andrew Crossland	Individual	Oppose	Written Testimony Only

Comments:

I oppose this Bill.

SB-19

Submitted on: 3/15/2023 9:09:11 PM

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

Submitted By	Organization	Testifier Position	Testify
tania victorine	Individual	Oppose	Written Testimony Only

Comments:

voting eligibility should be ACCURATELY CONFIRMED and VERIFIED by showing a valid picture ID before ballots are sent out to avoid confusion. "Eligible" voters who "become ineligible" after voting should not be allowed to vote.

this is a right, not a privilege and should not be taken lightly or thrown around to help corrupt politicians.

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Submitted on: 3/16/2023 7:51:43 AM

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

Submitted By	Organization	Testifier Position	Testify
Jennifer Cabjuan	Individual	Oppose	Written Testimony Only

Comments:

Please do NOT support this bill. The current broken voting system Hawaii has currently will not be able to handle more chain of custody issues. Vote NO

SB-19

Submitted on: 3/16/2023 7:53:15 AM

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

Submitted By	Organization	Testifier Position	Testify
noela von	Individual	Oppose	Written Testimony Only

Comments:

I oppose. Do not separate ballots. Thank you

SB-19

Submitted on: 3/16/2023 9:32:53 AM

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

Submitted By	Organization	Testifier Position	Testify
CHESTER LUM	Individual	Oppose	Written Testimony Only

Comments:

I oppose SB19 and respectfully request you do the same.

Thank you.

Chester Lum

SB-19

Submitted on: 3/16/2023 1:48:07 PM

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

Submitted By	Organization	Testifier Position	Testify
Scott Shedko	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill!

If an early voter commits a felony after voting and before Election Day, especially if it is related in any way to an election, then their vote should not be counted, whether they are dead or alive.

Also, this bill encourages a long election season, rather than an Election Day. I believe Hawaii should only have eligible voters voting, and on one day, and in person, with a few exceptions, like overseas military or those with accessibility issues.

Thank you for this opportunity to testify!

SB-19

Submitted on: 3/17/2023 5:10:14 AM

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

Submitted By	Organization	Testifier Position	Testify
Randon Welch	Individual	Oppose	Written Testimony Only

Comments:

Aloha. I OPPOSE this bill! This bill does NOT support voter rights. You are harming the Hawaii people instead of supporting them. Thank you.

SB-19

Submitted on: 3/17/2023 5:11:56 AM

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

Submitted By	Organization	Testifier Position	Testify
Sharlene Mata	Individual	Oppose	Written Testimony Only

Comments:

Aloha.

As a West Side Native on the island of Kaua'i, I OPPOSE this bill. This bill does NOT support voter rights or election integrity. This bill HARMS the Hawaii people.

Mahalo!

SB-19

Submitted on: 3/17/2023 2:59:38 PM

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

Submitted By	Organization	Testifier Position	Testify
Michael EKM Olderr	Individual	Oppose	Written Testimony Only

Comments:

I do not see a reason for this bill to exist, or what problem this bill is trying to solve. It seems preumtively cruel to cancel a vote of someone because they happen to die, presumably by no choice of their own. It wasnt their choice, they wanted to vote and take part in constitutional right, they shouldnt be punished because they happened to die. I oppose this bill

SB-19

Submitted on: 3/17/2023 3:41:13 PM

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

Submitted By	Organization	Testifier Position	Testify
Michael Golojuch Jr	Stonewall Caucus of the Democratic Party of Hawaii	Support	Written Testimony Only

Comments:

Aloha Representatives,

The Stonewall Caucus of the Democratic Party of Hawai‘i; Hawai‘i’s oldest and largest policy and political LGBTQIA+ focused organization fully supports SB 19.

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