



The Judiciary, State of Hawai'i

Testimony to the Thirty-Third State Legislature, 2025 Regular Session

Senate Committee on Judiciary

Senator Karl Rhoads, Chair

Senator Mike Gabbard, Vice Chair

Thursday, February 6, 2025, 9:15 a.m.

State Capitol, Conference Room 016 & Videoconference

by:

Jeannette H. Castagnetti

Chief Judge of the First Circuit

Peter T. Cahill

Chief Judge of the Second Circuit

Wendy M. DeWeese

Chief Judge of the Third Circuit

Randal G.B. Valenciano

Chief Judge of the Fifth Circuit

WRITTEN TESTIMONY ONLY

Bill Number and Title: Senate Bill Number 1515, Relating to Elections.

Purpose: Replaces the boards of registration with on-call circuit judges to hear elections disputes.

Judiciary's Position:

The Judiciary respectfully opposes this measure, which seeks to replace the board of registration with an on-call circuit judge to hear elections disputes. The intent of this measure is noble, namely to streamline the process for appealing decisions by precinct officials during voter challenges; however, replacing the board of registration with an on-call circuit judge will have the opposite effect.



First, the current board of registration is comprised of several three-member boards for the islands of Hawai'i; O'ahu; Kaua'i and Ni'ihau; and Maui, Lāna'i, and Kaho'olawe, pursuant to HRS § 11-41. These members each are appointed by the governor and with the advice and consent of the senate for the specific purpose of serving on the board of registration. Board members serve four-year terms and, by law, in no case shall any board consist entirely of members of one political party. In their four-year terms, board members will undoubtedly obtain experience and insight about voter challenges as they will hear every disputed issue that may arise in each county. An "on-call circuit court judge" will be a rotating assignment for circuit court judges without the specialized focus of a carefully selected board member.

Furthermore, even if the circuit court takes over the board's role as initial decision maker, that will unfortunately not reduce the inevitable appeals of the initial decision to the Intermediate Court of Appeals, as required by HRS §11-51. In essence, this bill will have the practical effect of substituting one decision maker with another, while simultaneously losing the expertise of the board of registration.

For these reasons, we respectfully oppose Senate Bill 1515. Thank you for the opportunity to testify on this measure.



Committee on Judiciary
Chair Karl Rhoads, Vice Chair Mike Gabbard and committee members

Feb. 6, 2025, 9:15 a.m., Rm. 016
SB1515 Relating to the Elections

TESTIMONY
Amy Monk, Legislative Committee, League of Women Voters of Hawaii

The League of Women Voters of Hawaii supports SB1515

Aloha Chair Rhoads, Vice Chair Gabbard and committee members,

Thank you for considering testimony in support of SB1515 which removes provision for county Boards of Registration and requires election complaints to be heard and ruled upon for an on-call circuit judge.

The League of Women Voters (LWV) notes the importance of transparency and the widest possible participation of America's citizens and voters in the selection of their candidates and elected leaders. In order to insure transparency and instill confidence in our electoral system, LWV believes expediency and fair hearing of complaints are important.

LWV believes that an on-call circuit judge would be also able to provide fair hearing without convening a 4-person Board of Registration in every county. We acknowledge the difficulty of appointing 16 volunteers every election to staff the Board of Registration.

Thank you for the opportunity to submit testimony.

SB-1515

Submitted on: 2/2/2025 6:35:40 AM

Testimony for JDC on 2/6/2025 9:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Daniel R Freund	Individual	Support	Written Testimony Only

Comments:

Aloha e,

I served on the Board of Registration of the Islands of Kauai and Niihau from 2020 through the first half of 2024. During that period we dealt with a total of 0 appeals. Here is my testimony -

Executive Summary

Boards of Registration, which hear appeals of voting registration decisions, are (1) rarely used, (2) subject to abuse, and (3) waste government resources. Hawai'i should sunset the Boards and replace them with on-call judges.

Boards of Registration

Each Hawai'i county has a Board of Registration that hears appeals from a clerk's ruling regarding a person's right to vote. HRS §§ 11-13 (last sentence), 11-25, 11-26, & 11-41(a). They were useful when Hawai'i operated with a polling place model because they allowed for immediate resolutions for voter challenges of precinct chairpersons rulings. This is not an issue under the current vote by mail structure.

Unused

The Kauai Board of Registration has heard a total of zero (0) appeals since at least the summer of 2020. Anecdotally, a potential voter did make an appeal several years ago but, by the time the board had assembled to hear the appeal, the potential voter had departed.

Potential for Abuse

The statutes assign certain duties to Boards of Registration but do not explicitly restrict them from acting beyond those duties. In the 2022 election cycle a member of the Kauai Board of Registration pointed to Boards' unlimited powers under HRS § 11-43 (summon and examine witnesses and punish for contempt) to argue that the Kauai Board could and should investigate the Kauai Clerk's conduct of elections. That argument did not carry the day this time. But, with a three member board, it would take only one additional board member to change the outcome next time.

Waste of Government Resources

Staffing. Keeping the unused Boards of Registration staffed takes the time of the governor's office to recruit candidates to nominate and the time of the legislature to advise and consent.

Operating. The office of elections and county clerk offices must devote resources every election to organizing, convening, and supporting Board of Registration meetings. Because there are no appeals, all that effort results in two brief meetings on election day (one when the polls open to call the meeting to order and, after a lengthy recess, one when the polls close to adjourn). If one of the board members wants to use the Board to investigate the Clerk's conduct of the election then the office of elections and the attorney general's office will spend additional hours trying to keep the Board from going off the rails.

Solution: An on-call judge

But what to do to resolve disputes regarding a person's right to vote? The simple answer is have one judge in each county on-call on election day to hear any appeal from a clerk's decision. Judges are experienced adjudicators and can quickly hear and decide any voter qualification issue that may be brought before them.

Respectfully submitted,

Dan Freund, Kapaa