



**STATE OF HAWAII  
OFFICE OF ELECTIONS**

802 LEHUA AVENUE  
PEARL CITY, HAWAII 96782  
www.hawaii.gov/elections

SCOTT T. NAGO  
CHIEF ELECTION OFFICER

June 1, 2011

To: Elections Commission

From: Scott T. Nago  
Chief Election Officer

Re: STATUS OF OPERATIONS

The Office of Elections, in addition to the normal preparations for the 2012 election cycle, has been focused on the following matters since the last meeting of the Elections Commission: (1) legislation, (2) reapportionment, and (3) personnel.

Legislation

A total of six election related bills passed final reading at the Legislature. Of these bills, House Bill 838 authorizing an appropriation for the Reapportionment Commission was signed into law (Act 59), while the other five are currently pending before the Governor.

The pending five bills are as follows:

1. HB 545, HD 1, SD 1, CD 1 Relating to Voter Registration

The bill proposes the establishment of a secure, computerized online voter registration system, coordinated between disparate state and county agencies with no existing relationships or appropriation to plan, design and establish this system. Furthermore, the bill also requires, without funding, disposition letters be sent to all online applicants. Our concern regarding the lack of funding has been raised with the Legislature and the Governor.

2. HB 593 HD 1, SD 1, CD 1 Relating to Nomination Papers

The bill seeks to include an additional certification to nomination papers that “the candidate has complied with the relevant provisions of the applicable county charter and county ordinances pertaining to elected officials.” However, the law already requires

that nomination papers contain a “sworn certification by self-subscribing oath by the candidate that the candidate qualifies under the law for the office the candidate is seeking.” This provision encompasses all laws including charter and county ordinances as applicable.

3. HB 716, HD 1, SD 1, CD 1 Relating to Elections

The purpose of this bill is to revise various election deadlines to be consistent with the change in the date of the State’s primary election, which occurred during the last legislative session. Act 216, Session Laws of Hawaii 2010.

4. HB 1368, HD 2, SD 2, CD 1 Relating to Elections

The purpose of this bill is to (1) Establish that a candidate who withdraws the candidate's own nomination papers prior to the close of the filing deadline will not be considered to have caused a vacancy that may be filled by a party; and (2) Define the term "party candidate" as it applies to the laws governing the filling of vacancies caused by the death, withdrawal, or disqualification of a candidate.

5. HB 1613, HD 1, SD 1, CD 1 Relating to Voting

The bill requires an application to register to vote in person or by mail to include a space to request a permanent absentee ballot. It removes the time limit on requesting an absentee or permanent absentee ballot to not later than 4:30 p.m. on the seventh day prior to the election. Finally, it permits the Office of Elections to continue to use its existing voter registration application forms where possible until such time as new forms are developed and printed.

Reapportionment

As provided for in the Hawaii State Constitution, reapportionment of the state occurs every ten years after the preceding year's national census. Article IV, Section 1. The Chief Election Officer serves as the secretary to the Reapportionment Commission and provides all necessary technical assistance. Article IV, Section 2. As such, the Office of Elections has been spending a considerable amount of time focused on the support of the Reapportionment Commission.

The Office of Elections submitted House Bill 838 to obtain a budget and personnel to support the Reapportionment Commission. The bill was signed by the Governor on May 26, 2011. Act 59, SLH 2011. The appropriation will be used to procure a geographic information system (GIS) professional services contract to support the Reapportionment Commission in the utilization of the census data and to hire four staff members for the Reapportionment Commission.

The Reapportionment Commission staff will consist of a project manager, administrative assistant, GIS analyst, and secretary. Interviews have occurred and provisional offers of employment have been made contingent on the administrative requirements related to the authorization, establishment, and filling of the positions being finalized.

While these matters are pending, the Office of Elections has established a reapportionment project office at the State Capitol, in Room 445, and assigned staff to support the Reapportionment Commission.

The Reapportionment Commission has met various times since April 29, 2011. The Office of Elections has coordinated the logistics related to those meetings. The initial meetings were spent by the initial eight members trying to decide on a ninth member to serve as chair. They were unable to do this within the required constitutional time frame, so the Supreme Court filled the vacancy with Judge Victoria Marks (Ret.). Subsequent meetings have been focused on informing the members about the reapportionment process and the preliminary determinations which need to be made before the lines begin to be drawn later this month. The primary determinations will be who they will include in the population base and whether they will have canoe districts (i.e. a district encompassing parts of more than one island unit).

### Personnel

The Office Assistant III position is now vacant and has been frozen due to a hiring freeze. However, just prior to the hiring freeze the Office was able to fill the vacant Information Communications Systems Analyst position.

The Office has been contacted by the Hawaii Civil Rights Commission that a former precinct official for the 2010 Primary Election filed a complaint that she was not used for the General Election. She claims that she was discriminated against due to her national origin or ancestry. The Office was not aware of her ancestry and the decision to not use her was triggered by complaints regarding the precinct she had worked at. A motion to dismiss the complaint has been filed with the Hawaii Civil Rights Commission on the basis that it does not have jurisdiction over stipended volunteers (i.e. she is not considered an "employee") and that the complainant has failed to make a prima facie case that her not being re-hired was due to her national origin or ancestry.

If you have any questions, please feel free to contact me at (808) 453-VOTE (8683) or 1-800-422-VOTE (8683).