



**STATE OF HAWAII
OFFICE OF ELECTIONS**

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SCOTT T. NAGO
CHIEF ELECTION OFFICER

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To: Elections Commission

From: Scott T. Nago
Chief Election Officer

Re: Status of Operations

Since the start of 2019, the office has been tracking election-related measures through the 2019 Legislative Session. On April 30, 2019, the Legislature passed HB 1248 CD 1 implementing elections by mail for the 2020 Elections. While the bill is being reviewed by the Governor, our office is working with the County Elections Divisions to coordinate and plan for the statewide transition to all-mail elections.

LEGISLATION

The Office of Elections tracks election-related measures and provides testimony regarding the conduct and administration of the elections. For the 2019 Legislative Session, our office submitted 3 bills: 1) HB 166 and SB 134 implementing automatic voter registration; 2) HB 167 and SB 135 amending the requirements of signatories to a nomination paper; and 3) HB 168 and SB 136 allowing voters with special needs to receive a ballot by electronic transmission. Of these measures, HB 168 SD1, Relating to the Electronic Transmission of Ballots, has been transmitted to the Governor, and a measure substantially similar to HB 167, Relating to Election Nomination Papers, has been enacted as Act 022, SLH 2019 (HB 31 HD1).

The purpose of HB 168 SD1 is to ensure the accessibility of voting by mail. This measure allows a voter with special needs to request a ballot by electronic transmission which can be voted using a compatible device. In previous elections, a ballot could be electronically transmitted to meet the requirements of the Uniformed and Overseas Citizen Absentee Voting Act (UOCAVA), or to an absentee mail voter within 5 days of the election. With this measure, and looking to implement elections by mail, a voter with special needs may request a ballot by electronic transmission when the ballot packets are made available approximately 18 days prior to the election.

HB 31 HD1, Relating to Election Nomination Papers, removes the requirement for signatories to provide the last 4 digits of their Social Security Number and year of their birth on a candidate's nomination paper. Previous legislation removed Social Security Number as a requirement to register to vote. Since we no longer require or obtain the Social Security Number of every voter, we cannot use it to verify a signatory's information. We are able to verify a signatory to a nomination paper based on the required information: name, residence address, and month and day of birth.

The Legislature also passed bills to implement automatic recounts for contests within 0.25% vote difference; specify that if a voter becomes ineligible after casting their ballot the ballot will still be counted; and require the Department of the Attorney General to provide a statement about proposed constitutional amendment questions to be voted on in the general election. Similarly, the Senate adopted a resolution for the Legislative Reference Bureau to establish a task force to review the voter education system and propose improvements.

All bills introduced this Legislative Session carry over to the 2020 Legislative Session.

IMPLEMENTING ELECTIONS BY MAIL

The Office of Elections supports elections by mail because we believe it is convenient and accessible for voters and will streamline the administration of

elections. The bill specifies that the Office of Elections is responsible for the printing and counting of ballots, and each County Elections Division is responsible for voter registration, mailing and receipt of ballots, and establishing and operating voter service centers and places of deposit. We have projected that conducting elections by mail will save our office \$750,000 in the cost of election day officials.

In an elections by mail model, all properly registered voters are automatically sent a ballot to the mailing address associated with their voter registration 18 days prior to the election. Voters still have the option to vote in person at a voter service center, or may request a ballot be sent to a temporary address (e.g., if they are travelling out-of-state for a selected election – primary, general, or both).

In the coming months, we will be focusing on executing a voter education and awareness campaign and list maintenance of the voter registration rolls. We will also be drafting administrative rules relating to procedures for elections by mail, updating the voter registration application by removing the permanent absentee option, preparing for candidate filing, which begins on February 3, 2020, and adapting our counting center operations.

VOTER EDUCATION AND LIST MAINTENANCE

Our office is working with the County Elections Divisions to coordinate a statewide notification card mailing to all registered voters. This card serves a dual purpose of notifying the voter of the transition to elections by mail beginning with the 2020 Elections and list maintenance.

The integrity of the voter registration rolls and the validity of voters' addresses is essential to elections and especially in the implementation of elections by mail. We rely on voters to update their voter registration record as they move to a new residence, update their mailing address, or change their name. The removal of ineligible voters from the registration rolls ensures the accuracy and integrity of our elections. As such, the National Voter Registration Act of 1993 (NVRA) provides a mechanism to maintain and clean up the voter registration rolls

through address confirmation procedures to determine if a voter no longer resides in the jurisdiction.

The notification card will be part of a series of mailings that will help County Election Officials to conduct list maintenance. The notification card, scheduled to be mailed in August 2019, will be addressed to each voter and sent by nonforwardable mail. If the U.S. Postal Service is unable to deliver the notification card as addressed, it will be returned to the County Elections Division as an indication that the voter may no longer live at the address associated with their voter registration record. Election Officials will then send a second notification card by forwardable mail asking the voter to update their registration record. All voters who are mailed a second notification card will be designated inactive and removed from the voter registration rolls if they fail to update their registration within the next 2 election cycles (after the 2022 General Election).

Voters designated inactive will not be mailed a ballot for the election until they update their registration. Voters may update their registration at any time using the online voter registration system or by submitting a voter registration application to their County Elections Division.

When the notification card is mailed, we will also issue a press release to inform voters about the purpose of the notification card and to ask that they return the card to their County Elections Division if a voter no longer resides or receives mail at that address (e.g., parents who still receive mail for their children long after they have moved to the mainland).

Subsequent mailings will be sent to voters statewide including a signature capture card in early 2020, and yellow cards beginning around the end of March 2020. The signature capture card asks each voter to provide their signature to be used to validate their voted ballot return envelope, while the yellow card, or notification of voter registration, provides election information. We will launch a media campaign to raise awareness about the importance of these cards.

CONCLUSION

Preparation is ongoing for the 2020 Elections. Hawaii was recently selected as one of six states to work with the National Governors Association to improve election-related cybersecurity through interagency communication and developing response plans through a policy academy running from June through December. In November 2019, we will be submitting a report to the Legislature regarding our progress, expenditures, and recommended legislation to improve the conduct and implementation of elections by mail. In 2020, the election cycle begins in February with the candidate filing period that runs through June 2. The election proclamation listing the voter service centers and places of deposit will be posted in May 2020.

If you have any questions, please feel free to contact me at (808) 453-VOTE (8683) or 1-800-442-VOTE (8683).