



**STATE OF HAWAII
OFFICE OF ELECTIONS**

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SCOTT T. NAGO
CHIEF ELECTION OFFICER

June 2, 2021

To: Elections Commission

From: Scott T. Nago
Chief Election Officer

Re: Status of Operations

At the close of the 2021 Legislative Session on April 29, three election-related measures were enrolled to the Governor for signature. We anticipate that these three bills will become law and are working with the County Elections Divisions to prepare for these changes. An additional bill, House Bill No. 199 HD1, has already been signed and enacted as Act 7.

We are continuing to work on an expanded ballot tracking service for voters to check that their ballot was mailed to them and their voted ballot was accepted for counting.

This year, our office will be providing logistical support and technical services to the Reapportionment Commission as they redraw the congressional, state senatorial, and state representative district lines based on the data from the decennial census. We will also be implementing new voting equipment, Verity, which continues to be operated and maintained by Hart InterCivic.

LEGISLATION

The following provides an overview of the bills that have been enrolled to the Governor.

House Bill No. 199 HD1, Act 7, repeals the requirement that election proclamations contain a statement of the time and places where an election is to be held and specifies that the county clerk, not the chief election officer, shall issue the election proclamation listing information on voter services centers and places of deposit. This legislation is also reflected in Senate Bill No. 548 SD1 HD2 CD1. This was an Office of Elections bill that was proposed to ensure the

County Elections Divisions can notify their voters promptly if there are any changes to the voting and ballot drop box locations, especially in the case of a natural disaster when time is of the essence.

Senate Bill No. 159 SD1 HD1 CD1 implements automatic voter registration. Hawaii will follow procedures like California and Delaware so that an applicant must indicate if they would like to register to vote or decline before their application for a driver license or state ID can be processed. This bill also establishes the electronic transmission of voter registration data from the Department of Transportation's database for driver licenses and state IDs to the statewide voter registration system. We are working with the Department of Transportation and vendors to establish the electronic transmission and update the applications based on this bill and Senate Bill No. 548 SD1 HD2 CD1.

Senate Bill No. 548 SD1 HD2 CD1 amends a variety of election statutes including allowing ballots to be counted beginning 18 days before the election, and moving the voter registration deadline from 30 days to 10 days before Election Day. This bill establishes five special needs advisory committees to be attached to the Office of Elections, as well as attached to each County Elections Division. It also amends the voter registration affidavit to include a statement for voters with special needs to request a ballot to be emailed each election. We will be revising the *Voter Registration Application*, *Absentee Ballot Application*, online voter registration system, as well as the *Hawaii Driver's License Application* and *Hawaii State ID Application* to include this statement.

We will also be working with the County Elections Divisions to determine the optimal number and placement of voter service centers and places of deposit. Under this bill, the County Elections Divisions continue to be responsible for establishing and operating the voter service centers and place of deposit. This bill would allow them to designate voter service centers to be open on varying dates and hours instead of the 10 days that were required during the 2020 Elections. Once the voter service centers and places of deposit are confirmed, we will make the locations available on our website. The locations must be confirmed to post in the 2022 Election proclamation that will be published by May 28, 2022.

Senate Bill No. 1350 SD1 HD2 CD1 addresses some of the concerns noted by the 2011 Reapportionment Commission including defining permanent residents. Due to the delay in redistricting data to create the Reapportionment Plan, the bill also amends the start of candidate filing, for the 2022 Election only, from February 1 to March 1. Funding for the Reapportionment Commission for the fiscal year beginning July 1, 2021 is included in this bill.

Bills that did not pass this legislative session may be considered during the 2022 Legislative Session. Of the bills that the Office of Elections submitted for consideration, many of the amendments were made in Senate Bill No 548 SD1

HD2 CD1 and automatic voter registration passed through Senate Bill 159 SD1 HD2 CD1. Two of our proposals that did not pass this session were 1) amending the timeline for a state senate vacancy, and 2) moving the deadline to conduct a recount to the five days after the election instead of 72 hours following the close of voting.

BALLOT TRACKING

For the 2020 Elections, an online ballot tracking portal that was connected to the voter registration system was available for voters to check that their ballot was sent, received by the County Elections Division, and validated for counting. Beginning with the 2022 Elections, we are looking to incorporate tracking information from the United States Postal Service (USPS). However, as we research options to partner with a vendor specializing in this service, we are finding that tracking with the USPS is not commonly used as there is only one scan point at USPS for an envelope, as opposed to the multiple scan points for a package.

In Hawaii, when outgoing ballots are being mailed to voters, the ballot envelope is scanned at the main USPS plant located near the airport in Honolulu. The delivery date for the ballot is estimated and there is no subsequent scan points and tracking information available.

We have consulted with other jurisdictions and found that other election officials are only using information from their voter registration system for ballot tracking rather than incorporating tracking information from the USPS. This allows election officials to control the message to voters. We would also note that by law, the County Elections Divisions notify voters of the ballot mailing date. Our office also shares this information on our website and platforms.

However, we remain committed to working with a ballot tracking vendor that can use both the USPS tracking information and information from our statewide voter registration system. It is expected that the vendor selected would be able to provide services like alerts by text, email, and phone for voters to opt in to, in addition to the ability to log in to a website to check the status of their ballot. These statuses would include that the voter's ballot was mailed, the voted ballot has been received by the County Elections Division, and then that the ballot has been validated for counting.

Conceptually, voters will provide their first and last name, date of birth, and residential zip code to log in to the system. From there, they can sign up to receive alerts to the status of their ballot. Voters only need to opt in to the service once and they will be enrolled for future elections. They can also cancel or edit their alert preferences at any time. Signing up for alerts is optional and voters

will continue to have the ability to manually log in to the system or contact their County Elections Divisions to check the status of their ballot.

Based on our research, we believe ballot tracking services will continue to evolve. We will continue to look for new opportunities to expand this service for future elections.

2021 REAPPORTIONMENT

The 2021 Reapportionment Commission has convened. The redistricting data from the U.S. Census Bureau has been delayed to mid-August because of the COVID-19 pandemic. Once the data is received, the staff will review the data for the Reapportionment Commission to apportion and draw new district lines. During reapportionment, the chief election officer serves as the secretary to the commission and provides logistical and technical support. This includes planning for and staffing the Commission meetings and advertising the Reapportionment Plan.

The constitutional deadline for the completion of the Reapportionment Commission's duties is September 10. However, as the data has been delayed to mid-August, the Attorney General has filed a petition with the Hawaii State Supreme Court to extend the deadline to no later than February 27, with the hope that the Reapportionment Commission will complete its duties prior to that date. These district lines must be in place before March 1 to conduct candidate filing for U.S. Representative, State Senator, and State Representative.

After we receive the final State Reapportionment Plan, we will also need to receive the final Reapportionment Plans from the County of Hawaii and the City and County of Honolulu to begin drawing the precinct lines and finalizing the associated ballot types that each voter assigned to a precinct will receive. We would note, under Senate Bill No. 548 SD1 HD2 CD1, at least four precincts per representative district will need to be established.

The County Elections Divisions will then use the precinct assignments to send voters a *Notice of Voter Registration*, also referred to as a yellow card, for the 2022 Elections. This notice serves two purposes – 1) it informs a voter they are registered, and 2) it allows election officials to conduct list maintenance according to federal law.

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