

League of Women Voters of Hawaii

49 South Hotel Street, Room 314 | Honolulu, HI 96813

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State of Hawaii
Elections Commission
Tuesday, November 27, 2012
State Office Tower, 235 So. Beretania Street, Room 204

TESTIMONY REGARDING 2012 PRIMARY ELECTIONS

Chair Marston and Commission Members,

Aloha. My name is Janet Mason, Vice President of the League of Women Voters of Hawaii.

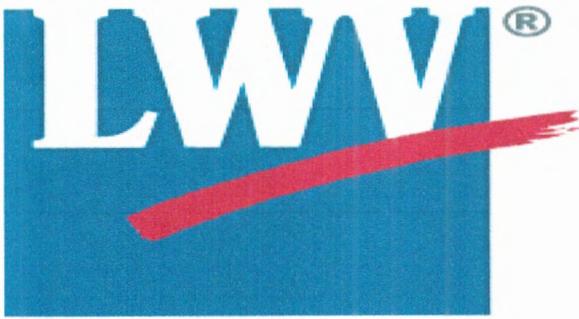
My remarks today concern the 2012 general election conducted throughout the State of Hawaii. We have read the Chief Elections Officer's report, and think it is a good disclosure of the scope and cause of ballot problems encountered during Hawaii's general elections. We are pleased that the report thoroughly addressed ballot problems, which were very serious. Because the ballot errors were not deliberate, we believe they can be prevented in future elections with systematic attention. However, we urgently ask that the Elections Commission let the public know the steps that have been taken and will be taken to prevent a recurrence.

The League has observations about other aspects of 2012 voting operations, and we will be active in election-related measures during the 2013 legislative session. First, some things went well on November 6th: In Hawaii County, we did not see a repeat of the problems that occurred there during the primary elections. Second, the reporting relationship for the Office of Elections, with an independent Chief Elections Officer together with an appointed Elections Commission, continues to permit a reasonable amount of nonpartisan elections administration, independent of any political party or any special interest group.

We note there were few, if any complaints about the tabulation of ballots, but in fairness to both voters and candidates we now believe there should be provision for automatic recounts of any statewide election, where the difference in the final outcome is extremely small.

There was widespread public dissatisfaction with the conduct of the general election, and the League concurs with much of the criticism of these operations. Many complaints were shared directly with the League office, including

- The long hold time to verify information with the Call Center;
- Precinct workers insisting voters to present a picture ID in order to cast a vote, when a utility bill would have been sufficient;
- Pollbooks not being up-to-date;
- Voters not receiving their "yellow card" before election day.



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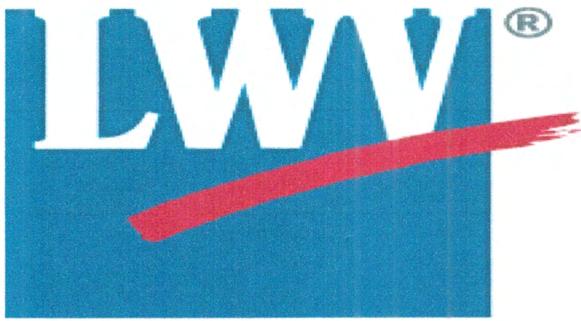
The Office of Elections is besieged by unprecedented problems, and we hope for a visionary management plan that moves forward with voting modernization while making it possible for this Office, the County offices, and the Elections Commission to function as a cohesive statewide effort. While we endorse modernized methods such as online voter registration, we do so recognizing that access to computer technology is not universal, so manual systems of registration must be maintained. Also, we do not yet support online voting.

We believe “voting modernization” includes online voter registration to supplement the current methods for registering to vote. Last year, the Legislature passed (and Governor Abercrombie signed) a measure that should make this possible by 2016. Once a secure registration database is available, it should be possible to deploy this information statewide, making it possible for voters to double-check their own registration, and making it possible for precinct officials to immediately check whether a citizen is registered to vote at a particular precinct rather than phoning in to the Elections Control Center. Electronic access to voter information is already working in other states.

This secure registration database would also make electronic pollbooks possible. These contain computer software that loads digital registration records, and are used in at least 27 states and the District of Columbia. This approach would complement Hawaii’s efforts to promptly authenticate voters’ identity, address and registration status. No voting system is 100% immune to problems, but we should be studying a secure electronic pollbook option.

We would like to see “same-day” voter registration, so unregistered voters could immediately vote, once registration has been completed. Again, the secure database, widely deployed to precinct officials, seems essential for this modernization.

The League of Women Voters of Hawaii has been a consistent supporter of mail-in (absentee) voting and early voting. Hawaii voters like and increasingly use these methods, with some 25.4% of voters casting absentee ballots in the 2008 general election, and 28.4% in the 2012 general election. As a safeguard, we suggest studying a tracking system for absentee ballots similar to that in use by Denver called Ballot TRACE (Tracking, Reporting and Communication Engine), which offers voters and officials a way to know where their ballot is at all times – from the first printing to when it’s counted. This could help answer voter questions such as “did you send me my ballot” or “has my vote been counted?” and also alert officials if certain problems arise, such as the mail carrier not delivering ballots to a certain zip code. It is prudent to introduce some type of tracking system before adopting any permanent “all mail in approach,” as a means of measuring the success rate of delivery and return of absentee votes. Analysis of recent elections should also assess whether Hawaii votes cast by mail are less likely to be counted, or more likely to be contested than those cast in our voting booths. The approach clearly offers a more efficient option than operating more than 170 polling places on six islands, so the “all mail in” approach to elections used by Oregon and Washington State deserves more consideration.



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Once a long-term modernization plan is in place, the resources and structure for implementing this must follow. While the League supports strengthening the statewide authority of the State Elections Office (to avoid problems such as those that occurred in Hawaii County in August), we heartily reject calls for reorganizing elections administration by placing this critical function under a politically-elected executive. As for your Commission, we are pleased to note that the Elections Commission started out in 2004 being very secretive and partisan, but since the latter part of 2008 has become more open.

As for resources, it appears to us the operating budget of the Elections Office has been inadequate for many years, excluding such basics as continuing education and training for staff, adequate compensation for precinct chairs and voter service officers, and adequate telecommunications. Together with more adequate compensation for precinct officials, we now call for some type of mandatory testing and annual certification for precinct and control center volunteers, to avoid providing misinformation provided to the public. This should also make it somewhat easier for the Office of Elections to recruit and retain the qualified poll workers they do have, which has been a persistent problem. The capital budget must include a reasonable amount for computer resources, both hardware and software, if we are to achieve more reliable, modern voting operations.

Citizens must be prepared to invest in a secure, "best practices," elections operation. This is not the time to either restrict or cut the budget of the Elections Office, nor leave staff positions vacant. In fact, it's already time to prepare for the next statewide elections in 2014.

Thank you for this opportunity to testify.

Office of Elections – State of Hawaii
Tuesday, November 27, 2012 - Room 404, SOT, 10 am

TESTIMONY OF STATE SENATOR SAM SLOM

I am offering brief testimony today as a voter, a representative of dozens of residents who asked me to express their outrage, and as the Senate Minority Leader who appointed two of the members of the Elections Commission.

Our right to vote is our most fundamental Constitutional right. The Office of Elections is charged with the responsibility to ensure that right and the process that goes with it. You have one task, and that is to operate a smooth, error free election, every two years. There was major failure this month that particularly affected my Senatorial District and polling places in East Honolulu. A simple, “I apologize” is not sufficient.

All of these errors were avoidable.

Quite simply, there must be a change in leadership and accountability in our election process in order to regain and retain trust.

The most recent controversy involves the mishandling of the November 6 General Election but there is a disturbing trend of leadership malfunctions over the years:

- *Irregularities in the 1998 election tally*
- *evidence of voter fraud in several subsequent elections*
- *irregularities and cost overruns in voter machine contracts*
- *errors under the control of Kevin Cronin*
- *disenfranchisement of overseas Hawaii armed forces voters*
- *action against Hawaii by the Federal Government because of late military balloting*
- *misinformation given regarding tenure of Senate during 2010 election*
- *testimony by the Office of Elections against O’ahu military voting during recent Reapportionment and subsequent legal action*
- *failed campaign to increase voter turnout*
- *Hawaii Island voter meltdown in the August Primary resulting in Governor’s intervention*
- *Ballot alpha printing mistake, duplicate Manoa ballots, missing candidate names or wrong districts and shortage in paper ballots at 24 election sites resulting in long delays and voters turned away on November 6, 2012 General Election.*

Some have called for a return of the election under control of the Lt. Governor. I do not support this effort; I believe it would be a mistake. Instead, I want to insure a strong,

independent and committed election commission.

However, there is also a growing movement to allow and encourage voting by mail or electronic voting as a more positive alternative. It is argued it will increase voter turnout, lower costs and embrace new technology.

I do not think this change per se will increase voter turnout but I do believe it is a recognition of how we do things technically today, and definitely could decrease costs and free up classrooms on election day. I know the 2013 Legislature will actively discuss this issue. I am concerned about possible voter fraud with all mail-in and/or electronic balloting.

(As I completed this written testimony, the Governor on November 26 issued a statement in favor of all mail-in voting and indicated he has asked the Attorney General to investigate your Office).

In conclusion, I would urge you today to take strong, decisive action, expediting your internal review of this year's election, adopting a specific, fail-safe future action plan, and replacement of current leadership.

Aloha,

Sam Slom
State Senator – 9th District