

NOTICE OF PUBLIC HEARING
OFFICE OF ELECTIONS
STATE OF HAWAII

Notice is given that the Chief Election Officer, under the authority of section 11-4, Hawaii Revised Statutes (“HRS”), and pursuant to Chapter 91, HRS, will hold a public hearing at the following time and location:

December 10, 2009
10:00 a.m.

Keoni Ana Building Videoconference Center
Keoni Ana Building
1177 Alakea Street, Room 302
Honolulu, Hawaii 96813

Videoconferencing will be made available at the following locations:

Hilo Videoconference Center
Hilo State Office Building
75 Aupuni Street, Basement
Hilo, Hawaii 96720

Kona Videoconference Center
Hawaii County Council – Kona Office
75-5706 Hanama Place, Suite 109
Kailua-Kona, Hawaii 96740

Wailuku Videoconference Center
Wailuku Judiciary Building
2145 Main Street, First Floor
Wailuku, Hawaii 96793

Lihue Videoconference Center
Lihue State Office Building
3060 Eiwa Street, Basement
Lihue, Hawaii 96766

If, for technical reasons, a video connection cannot be made and/or is disrupted, the hearing will continue. Those persons unable to testify by videoconference will still be able to submit written testimony.

The Chief Election Officer proposes to repeal Hawaii Administrative Rules, Title 2, Chapters 50 through 54, and adopt Hawaii Administrative Rules Title 2, Chapter 171 through 176.

The repeal of Title 2, Chapters 50 through 54, and adoption of Title 2, Chapters 171 through 176 is necessary to address the statutory transfer of the Office of Elections from the Office of the Lieutenant Governor (Title 2) to the Department of Accounting and General Services (Title 3). Additionally, the proposed rules are necessary to address changes in the administration of elections and to make housekeeping changes.

The subjects involved in the repeal of Title 2, Chapters 50 through 54 are as follows:

- a. The process for the adoption, amendment or repeal of rules by the Chief Election Officer (Chapter 50).
- b. Voting procedures (Chapter 51). The chapter includes 12 subchapters of rules covering the following areas: (1) general provisions; (2) voter education; (3) voter registration; (4) voter challenges and appeals; (5) political parties; (6) precinct officials and watchers; (7) ballot printing and delivery; (8) voting procedures at polling places; (9) vote disposition; (10) presidential petitions; and (11) access to government records.
- c. Nomination paper procedures (Chapter 52).
- d. Absentee voting procedures (Chapter 53).
- e. Voting systems (Chapter 54).

The subjects involved in the adoption of Title 3, Chapters 171 through 176 are as follows:

- a. Establish and clarify process for the adoption, amendment or repeal of rules by the Chief Election Officer (Chapter 171). The proposed rules include the following: (1) initiation of the adoption, amendment or repeal of rules by the Chief Election Officer; (2) petitions for the adoption, amendment, or repeal of rules; (3) adoption, amendment, or repeal of rules; (4) conduct of hearing; (5) the decision and taking effect of rules; (6) emergency rule making; and (7) construction of rules.
- b. Establish and clarify voting procedures (Chapter 172). This involves the creation of 12 subchapters of proposed rules covering the following areas: (1) general provisions; (2) voter education; (3) voter registration; (4) voter challenges and appeals; (5) political parties; (6) precinct officials and watchers; (7) ballot printing and delivery; (8) voting procedures at polling places; (9) vote disposition; (10) presidential petitions; (11) access to government records; and (12) provisional voting.
- c. Establish and clarify procedures relating to nomination papers (Chapter 173). The proposed rules include the following: (1) when nomination papers are available; (2) qualifications of signatories; (3) verification of signatories; (4) candidate name on the ballot; (5) political party affiliation or nonpartisan designation, and (6) the payment of filings fees.
- d. Establish and clarify absentee voting procedures (Chapter 174). The proposed rules include the following: (1) definitions; (2) general provisions; (3) who may vote by absentee

ballots; (4) contents of application for absentee voter ballot; (5) reproduction of application; (6) waiver of requirements for application; (7) absentee polling places; (8) administration and operation of the absentee polling place; (9) accountability and security of ballots and ballot boxes; (10) return and receipt of mail absentee return envelopes; (11) signature validation of mail absentee return envelopes; (12) processing of damaged, duplicate, or unidentifiable by the clerk mail absentee return envelopes; (13) receipt at precincts of mail absentee return envelope; (14) procedures after the polls close, in an election using a paper ballot voting system, for mail absentee return envelopes; (15) transfer to the counting center of walk-in and mail absentee ballots; (16) receipt at the counting center of absentee ballots; (17) processing at the counting center, in an election using an electronic voting system, of mail absentee return envelopes; (18) processing at the counting center of absentee ballots; (19) replacement by facsimile transmission of mail absentee ballots; (20) processing of federal write-in ballots and ballots transmitted by facsimile; (21) absentee voting in remote areas; (22) voting, registration, and counting of absentee ballots of overseas citizens; and (23) absentee ballot for presidential election.

e. Establish and clarify elections by mail (Chapter 175). The proposed rules include the following: (1) purpose; (2) proclamation; (3) board of registration; (4) contents of ballots packets; (5) date for the mailing of ballots; (6) absentee polling places; (7) voter procedure; (8) return of ballots and postage; (9) ballot collection sites; (10) replacement ballots and ballots cast upon receipt; (11) deadline for submittal of ballots; (12) extension of deadline for receiving ballots; (13) verification of affirmation signatures; (14) processing and tabulation of ballots; (15) receipt and disposition of late ballots; and (16) deadlines for all-mail elections.

f. Establish and clarify matters relating to the voting systems used in elections (Chapter 176). The proposed rules include the following: (1) voting system requirements; (2) optional voting system requirements; (3) approval of all voting equipment, materials, and procedures; (4) assistance for county elections; (5) provisions and charges for election services; (6) testing computer program and related equipment for electronic voting systems; (7) rules and procedure for experimental voting systems; and (8) public information program for experimental voting systems.

All interested persons wishing to testify on the proposed repeal and adoption of rules should submit written testimony to the Chief Election Officer, at least twenty-four hours prior to the hearing. Written testimony may be submitted by facsimile to (808) 453-6006, by email to elections@hawaii.gov, by mail to Office of Elections, 802 Lehua Avenue, Pearl City, Hawaii 96782, or by delivering the written testimony in person to the Office of Elections.

Any person submitting written testimony on the day of the hearing shall furnish ten copies of such testimony to the Chief Election Officer's staff.

The Chief Election Officer may impose a time limit for each person presenting testimony at the hearing.

In addition, or in lieu of written testimony, any person may file with the Chief Election Officer within two days following the close of the public hearing a written protest or other comments or recommendations in support of or in opposition to the proposed rule making. Such

persons shall notify the Chief Election Officer at the time of the hearing that they intend to file written materials after the hearing. The period for filing written protests, comments, or recommendations may be extended by the Chief Election Officer for good cause.

A copy of the proposed rules to be adopted and the rules proposed to be repealed will be available to be reviewed in person between the hours of 7:45 a.m. to 4:30 p.m., Mondays through Fridays (excluding holidays or other days that the office is legally closed), at the Office of Elections, 802 Lehua Avenue, Pearl City, Hawaii 96782, through the day the public hearing is held.

A copy of the proposed rules to be adopted and the rules proposed to be repealed will be mailed to any interested person who requests a copy and pays the required fees for the copy and the postage. A requestor may, in lieu of paying postage, pick up the copy in person at the Office of Election by paying the applicable copying cost of 10 cents per page.

Requests may be made by calling the Office of Elections at 453-8683 or 1-800-442-8683 (neighbor islands), or by asking in person at the Office of Elections. In addition, requests may be made in writing by submitting the request by facsimile to 453-6006, by email to elections@hawaii.gov, or by mail to Office of Elections, 802 Lehua Avenue, Pearl City, Hawaii 96782.

The request should include the name, address, and telephone number of the requestor. Contact information will be used by the Office of Elections to inform requestors of applicable fees for copy and postage. Upon receipt of payment the rules will be mailed to the requestor.

The proposed rules to be adopted and the rules proposed to be repealed are also available at the Office of Elections website at www.hawaii.gov/elections.

Any person(s) with a disability desiring special accommodations should contact the Office of Elections at least 10 days before the scheduled public hearing.