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Testimony in Support of SB 2430  
Relating to Elections  
Senate Committee on Intergovernmental Affairs  
February 9, 2006

Chairperson David Ige  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, HI 96813

Dear Chairperson Ige and Members of the Judiciary Committee:

On behalf of the Association of Clerks and Election Officers of Hawaii (ACEOH), thank you for the opportunity to submit testimony in support of Senate Bill 2430, relating to Elections. SB 2430 seeks to clarify the felony reporting information provided by the judiciary and its timing to the city and/or county clerks.

The purpose of SB 2430 is to clarify state law to ensure that the right to vote by persons convicted of a felony is preserved upon completion of terms and conditions of the sentencing order.

Section 831-2, Hawaii Revised Statutes, provides that persons sentenced for a felony **may not vote** in an election while committed to imprisonment for a felony. However, persons sentenced for a felony **may vote** if execution of the sentence is suspended with or without the defendant being placed on probation; or the defendant is paroled after commitment to imprisonment during the period of suspension or parole.

Currently, the clerks of each city/county receive varying judicial certificate reports from the circuit courts to ascertain whether a person sentenced for a felony may or may not vote.

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The lack of specificity in the various reports is problematic in that city/county clerks have had to interpret the terms and conditions of sentencing and incarceration of felons.

Examples of court certificate reports to each county are attached. The variations in each report demonstrate the difficulties and confusion in implementing the provisions of state law. In fact, there are instances when the city/county clerks receive a court report after the conviction, sentencing and release of a felon. The inability to properly identify the citizen due to insufficient information has also posed problems. This may occur when the court certificate gives the name of a citizen and, due to insufficient identifying information, the city/county clerk cannot clearly identify the citizen in the statewide voter registration system. Finding two or more similar citizen names are not uncommon.

This bill seeks to clarify the role of the clerk of the court to transmit sufficient information within twenty days after sentencing or entry of other adjudication, which would allow the city/county clerk to determine the voting status of the felon.

We believe this bill provides the necessary tools to fairly and accurately implement the law.

Constance R. Kiriu  
ACEOH President &  
Clerk of the County of Hawaii