

May 26, 2020

The Honorable David Y. Ige
Executive Chambers
Hawai'i State Capitol
415 South Beretania St.
Honolulu, HI 96813

Hawai'i State Legislators
Hawai'i State Capitol
415 South Beretania St.
Honolulu, HI 96813

The Honorable Harry Kim
Mayor of Hawai'i
25 Aupuni Street
Hilo, HI 96720

Council of the County of Hawai'i
Council Chambers – Room 1401
County Building
25 Aupuni Street
Hilo, HI 96820

The Honorable Michael Victorino
Mayor of Maui
200 S. High Street
Wailuku, HI 96793

Council of the County of Maui
200 South High Street
Wailuku, HI 96793

The Honorable Kirk Caldwell
City and County of Honolulu Mayor
530 South King Street, Room 200
Honolulu, HI 96813

Council of the City and County of Honolulu
530 South King Street, Room 300
Honolulu, HI 96813

The Honorable Derek S.K. Kawakami
Mayor of Kauai
4444 Rice St., Suite 235
Lihue, HI 96766

Council of the County of Kauai
4396 Rice Street, Suite 209
Lihue, HI 96766

Re: Voting During A Public Health Crisis

Dear Governor Ige, Mayors, and Lawmakers:

Even with the many COVID-19 pandemic related crises facing Hawaii, Hawaii still has to properly plan for the 2020 elections during these difficult times. Hawaii has numerous public offices to fill at the federal, state, and county levels with the August 8, 2020 primary elections and November 3, 2020 general elections. The 2020 elections have been described as the most consequential elections of our lifetimes.

Elections, as with everything else during pandemic times, cannot be conducted under business as usual scenarios. Certainly, with Hawaii's 2020 elections, it would not have been voting as usual regardless, because this will be the first year that Hawaii will be voting statewide by mail without traditional polling locations. While many Hawaii voters voted absentee and walk-in early in previous elections, there were still a significant fraction of voters who voted in-person in traditional polling locations on election days. Furthermore, historically marginalized groups, lower-income voters, young voters, houseless voters – all with less constant mailing addresses – and people needing language assistance usually vote in-person at traditional polling locations. Thus, the transition to all vote-by-mail was always going to take significant education, effort, and work for the public at-large to adjust to.

Now with the advent of COVID-19, voting during a pandemic is even more fraught for the portion of the public who will be voting in-person and even for people who are willing to vote-by-mail but may have questions about the new mail-in voting process. The State Office of Elections and County Clerks by [Proclamation dated May 15, 2020](#) stated that Hawaii's first all vote-by-mail elections – during a public health crisis no less – will only have eight Voter Service Centers statewide to conduct in-person voting, same day register voters, collect voted ballots, and more, such as respond to the confusion, mistakes, mishaps, and countless questions that vote-by-mail's launch will inevitably bring. These eight Voter Service Centers will only be open 10 days prior to elections from 8 am to 4:30 pm Monday through Saturday and on election days from 7 am to 7 pm.

Clearly, eight Voter Service Centers statewide will not be sufficient. There is a significant risk that lines may form with only eight Voter Service Centers statewide, jeopardizing public health and elections' staff safety, especially as medical experts have opined that a second wave of the coronavirus is expected to impact the country in the fall / winter months, when Hawaii is voting.

Additionally, the Proclamation sets forth Places of Deposit to collect voted ballots for people who may not trust the postal service or who may want to turn in ballots personally, as there may not be enough time to mail ballots, given that they must be received by 7 pm on election days. Many of these Places of Deposit are not open 24 hours and are located on government facilities (similar to Voter Service Centers) and public parks.

This leads to the inevitable questions – what will happen to Voter Service Centers and Places of Deposit if a second wave of COVID-19 in the fall / winter months causes the

shuttering of government facilities and public parks? Will people still be able to vote in-person and where? Will people still be able to same day register to vote and where? Will people still be able to turn in their ballots personally and where?

The Proclamation does not address these issues and perhaps it is not the correct vehicle for addressing these issues. However, the State Office of Elections and County Clerks should be planning and preparing for voting during a pandemic. The State Office of Elections received nearly \$3.3 million for election security from the CARES Act to be spent by December 31, 2020 “to prevent, prepare for, and respond to the coronavirus for the 2020 Federal election cycle.” With this funding more than the stated number of Voter Service Centers and Places of Deposit located on government property should have been realized. These suggestions have been repeatedly communicated to the State Office of Elections and County Clerks without success.

We, therefore, respectfully ask, that the legislative branch exercise its oversight authority over the State Office of Elections and County Clerks to ensure that the 2020 Hawaii elections are conducted with the health and safety of voters and elections staff in mind and at a minimum require a portion of the nearly \$3.3 million CARES Act funding for election security be used for:

- Additional Voter Service Centers in all counties in convenient locations and open during convenient hours.
- Additional drop boxes in all counties in convenient locations, such as being co-located in essential businesses, e.g., grocery stores and pharmacies, and open during convenient hours.
- Enacting an actual plan for voting during a pandemic and including interested non-partisan stakeholders in the discussions for how to prevent, prepare for, and respond to the coronavirus in relation to the 2020 elections.

Voting is a fundamental right preservative of all other rights. *Yick Wo v. Hopkins*, 118 U.S. 356, 370 (1886). “No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live,” and “[o]ther rights, even the most basic, are illusory if the right to vote is undermined.” *Wesberry v. Sanders*, 376 U.S. 1, 17 (1964). As recognized by the Hawaii Supreme Court in *Green Party of Hawai'i v. Nago*, 138 Hawai'i 228, 378 P.3d 944 (2016), “[t]he right to vote is of fundamental importance.”

The State Office of Elections and County Clerks must fully and properly plan for people to vote-by-mail with a sufficient number of Voter Service Centers and drop boxes at convenient locations and hours of operations during this public health crisis. Failure to do so is tantamount to creating barriers to voting. Voting is crucial to our democracy. People should not have to choose between our constitutional, democratic right to vote and our health in the most consequential elections of our lifetimes. Our government can and must do better. Your voters expect it.

Very respectfully yours,

350Hawaii.org

American Association of University Women State Public Policy Committee

American Civil Liberties Union of Hawai'i

Americans for Democratic Action Hawaii

Chinatown Gateway Plaza Tenant Association

Common Cause Hawaii

Democratic Party of Hawai'i Education Caucus

H.A.P.A Hawai'i Alliance for Progressive Action

Hawai'i Health & Harm Reduction Center

Imua Alliance

Indivisible Hawaii

Labor Caucus of the Democratic Party of Hawaii

Law Office of Lance D Collins, A Law Corporation

League of Women Voters Hawai'i County

LGBT Caucus of the Democratic Party of Hawaii

Pride at Work - Hawaii

Sierra Club of Hawai'i