

Proposal to the Legislature on the Cost and Personnel Required to Prepare and Distribute a Voter Information Guide

December 27, 2023

This report has been prepared by the Office of Elections pursuant to House Concurrent Resolution 87, Thirty-Second Legislature, 2023.

For additional information or questions, please contact the Office of Elections by emailing elections@hawaii.gov or by calling (808) 453-VOTE (8683) or toll-free 1-800-442-VOTE (8683).

2024 ELECTIONS CALENDAR

Thursday, February 1	Pick up nomination paper from the Office of Elections or County Elections Division (HRS §12-2.5)
Thursday, February 22	Deadline for qualified political parties to file their party rules and officers (HRS §§11-63 & 11-64) Deadline for new political parties to file their petition to qualify to field candidates for the 2024 Elections (HRS §11-62)
Tuesday, June 4	Last day to file nomination papers with the Office of Elections or County Elections Division (HRS §12-6)
Wednesday, June 5	Deadline to withdraw candidacy for any reason to the Office of Elections or County Elections Division (HRS §11-117)
Wednesday, June 12	Deadline to file objections to a nomination paper with the Office of Elections, County Elections Division, or Circuit Court (HRS §12-8)
Friday, June 21	Deadline to submit a request to withdraw from the Primary Election for reasons of ill health to the Office of Elections or County Elections Division (HRS §11-117)
Wednesday, June 26	Deadline for Clerk's Offices to mail ballots to overseas voters (52 USC §20302 & HRS §15D-9) Primary Election digital voter guide made available online. (Act 115, SLH 2023)

Saturday, July 20	Deadline for qualified political parties to submit names of voter service center watchers for the Primary Election to the County Elections Division (HRS §11-77)
Tuesday, July 23	Voters start receiving Primary Election mail ballot packet at least 18 days prior to the election (HRS §11-102). Places of deposit may open as early as the mailing of ballots, as determined by the County Elections Division (HRS §11-109) Primary Election digital voter guide made available to view at state public libraries (Act 115, SLH 2023)
Monday, July 29	Voter service centers open and same day voter registration for the Primary Election (HRS §§11-15.2 & 11-109)
Wednesday, July 31	Deadline to submit paper Voter Registration Application for the Primary Election to the County Elections Division. (HRS §11-24). Paper applications must be postmarked to your County Elections Division by this date. After this date, applicants may continue to register for the Primary Election using the Online voter registration system or at a voter service center (HRS §11-15.2)
Saturday, August 3	Deadline to request an absentee mail ballot for the Primary Election from the County Elections Division (HRS §15-4)
Wednesday, August 7	Deadline for a nonpartisan candidate to file a presidential petition to appear on the General Election ballot (HRS §11-113(c)(2))

Saturday, August 10	<p>PRIMARY ELECTION (HRS §12-2)</p> <p>Voter service centers and places of deposit close. Voted ballots must be received by the County Elections Division by 7:00 pm. (HRS §§11-104 & 11-131)</p>
Monday, August 19	<p>Deadline to cure a deficient return envelope for the Primary Election with the County Elections Division (HRS §11-106)</p>
Thursday, August 22	<p>Deadline to submit Constitutional Amendment questions, County Charter Amendment questions, and County Initiative questions to the Office of Elections (HRS §11-119)</p>
Friday, August 23	<p>Deadline to file complaint on contests for cause in the Primary Election with the Hawaii State Supreme Court (HRS §11-173.5)</p>
Friday, September 6	<p>Deadline for qualified political parties to certify nominees for president and vice president (HRS §11-113(c)(1))</p> <p>Deadline to submit names and addresses of nominees for president elector and alternates to the Office of Elections (HRS §14-21)</p>
Monday, September 16	<p>Deadline to submit a request to withdraw from the General Election for reasons of ill health to the Office of Elections or County Elections Division (HRS §11-117)</p>
Friday, September 20	<p>Deadline for Clerk's Offices to mail ballots to overseas voters (52 USC §20302 & HRS §15D-9)</p> <p>General Election digital voter guide made available online. (Act 115, SLH 2023)</p>

Wednesday, October 16	Deadline for qualified political parties to submit names of voter service center watchers for the General Election to the County Elections Division (HRS §11-77)
Friday, October 18	<p>Voters start receiving General Election mail ballot packet at least 18 days prior to the election (HRS §11-102).</p> <p>Places of deposit may open as early as the mailing of ballots, as determined by the County Elections Division (HRS §11-109)</p> <p>General Election digital voter guide made available to view at state public libraries (Act 115, SLH 2023)</p>
Tuesday, October 22	Voter service centers open and same day voter registration for the General Election (HRS §§11-15.2 & 11-109)
Monday, October 28	Deadline to submit paper Voter Registration Application for the General Election to the County Elections Division. (HRS §11-24). Paper applications must be postmarked to your County Elections Division by this date. After this date, applicants may continue to register for the General Election using the Online voter registration system or at a voter service center (HRS §11-15.2)
Tuesday, October 29	Deadline to request an absentee mail ballot for the General Election from the County Elections Division (HRS §15-4)

Tuesday, November 5	GENERAL ELECTION (State Constitution, Article II, Section 8) Voter service centers and places of deposit close. Voted ballots must be received by the County Elections Division by 7:00 pm. (HRS §§11-104 & 11-131)
Wednesday, November 13	Deadline to cure a deficient return envelope for the General Election with the County Elections Division (HRS §11-106)
Monday, November 25	Deadline to file complaint on contests for cause in the General Election with the Hawaii State Supreme Court (HRS §11-174.5)
Tuesday, December 17	Electoral College (3 U.S.C §7)
Wednesday, March 5, 2025	Deadline to determine political party disqualifications (HRS §11-65)

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INTRODUCTION

Providing secure, accessible, and convenient election services to all citizens statewide is the mission of the Office of Elections. The office's goals and objectives are to 1) conduct honest and efficient elections; 2) encourage participation in the electoral process; 3) protect voter rights; and 4) promote elections. In furtherance of this, it conducts candidate filing; prints, counts, and tabulates ballots; and provides voter education. This is done in coordination with the county clerks, who are in charge of voting - by mail and in person, along with voter registration.

In 2023, the Legislature passed House Concurrent Resolution (HCR) 87, Requesting the Office of Elections to Submit a Proposal to the Legislature on the Cost and Personnel Required to Prepare and Distribute a Voter Information Guide to include:

- (A) Cost and personnel required to prepare and distribute a voter information guide in a printed format, digital format, and screen reader-accessible format for voters with special needs who are unable to read standard print due to disability; and a translation of the digital voter information guide in Olelo Hawaii, Chinese, Ilocano, and Tagalog, and any other language as required by federal or state law on the Office of Elections' website. The voter information guide would include:

- (1) A photograph and short statement of less than one hundred fifty words for each candidate running for public office, to be prepared by the candidate; provided that the Office of Elections may uniformly limit the number of words for the candidate statement by applicable public office;

- (2) A clear and concise explanation drafted by the Department of the Attorney General of each state constitutional amendment that will be proposed to voters in the next general election; and

- (3) A clear and concise explanation drafted by the appropriate county corporation counsel for each proposed county charter amendment, proposed initiative, and proposed referendum issue;
- (B) Cost to print and mail a physical copy of the voter information guide to any voter upon request, and to prepare and mail with each ballot for a primary election a notice to voters that a digital voter information guide is available on the Office of Elections' website and send the notice by electronic mail to all voters with special needs who have registered to receive alternate format ballots;
- (C) Information made available over the Internet as part of the voter information guide would need to meet or exceed the most current, ratified standards under section 508 of the federal Rehabilitation Act of 1973 (29 U.S.C. 794d), as amended, and the Web Content Accessibility Guidelines 2.0 adopted by the World Wide Web Consortium for accessibility;
- (D) Submit the proposal to the Legislature no later than twenty days prior to the convening of the Regular Session of 2024;

Additionally, Act 115, Session Laws of Hawaii (SLH) 2023 was enacted requiring the Office of Elections to prepare a digital voter information guide, post the guide on its website in compliance with certain accessibility standards, and mail each ballot with a notice that states a voter information guide may be found on its website; and requires the Attorney General and county corporation counsels to draft explanations of proposed constitutional or charter amendment ballot questions and translate them into certain languages for purposes of the digital voter information guide. As such, our proposal covers the implementation of Act 115, SLH 2023 for the 2024 Elections.

ACT 115, SESSION LAWS OF HAWAII 2023

We believe an informed electorate is important for the health of our democracy. However, it is important for the integrity of our elections that our office remains apolitical.

To compile a voter information guide, we will ask all candidates to submit their statement and photo for inclusion in the digital voter information guide when they file their nomination paper. Our office will translate and compile these statements and make the digital voter information guide available on our website. In addition to Olelo Hawaii, as provided by this bill, we will also translate the digital voter information guide into the languages covered by the federal Voting Rights Act, which are Chinese, Ilocano, and Tagalog. The digital voter information guide will be available at least 45 days before each election to coincide with ballots being sent to uniformed and overseas voters. Additionally, to address voters who may not have internet access or prefer to view a print replica, we will provide physical copies to state libraries for public viewing.

Office of Elections personnel involved in compiling a digital voter information guide includes the Ballot Operation section which coordinates and conducts candidate filing, the Computer Services section which provides technical support, and the Voter Services section which provides voter education. We do not envision requesting additional personnel to be responsible for the digital information voter guide.

Candidate Statement and Photo

When candidates are issued a nomination paper, they will be reminded that they may provide a statement for inclusion in the digital voter information guide. Candidates will be provided with a link to a webpage to submit their statement and photo. When using the webpage, the number of words is restricted to less than 150 words, based on Act 115, SLH 2023, and once submitted, the candidate will be sent an email confirmation. Candidates should submit their statement and photo through the webpage before returning to file their nomination paper and will be asked to confirm the submission is correct as part of the filing process. Candidates will not be permitted to submit a statement or photo after they have filed their nomination paper.

Candidates who appear on the primary election ballot will be included in the primary election digital voter information guide. The general election digital voter information guide will re-publish the statements and photos of the candidates appearing on the general election ballot and add the ballot question explanations from the Department of the Attorney General for constitutional amendment questions and the respective County Corporation Counsel for charter amendment questions.

Ballot Questions

Our office is working with the Department of the Attorney General and the County Corporation Counsels to receive the ballot questions explanations and translations at least 75 days before the general election. One concern we have heard from one of the County Clerks is that while there is a statutory requirement to submit ballot questions to the Office of Elections, there is no specific deadline to account for the time required by the Corporation Counsel to draft the explanation and get it translated. Functionally, this may cause confusion and disagreement as charter amendment questions are considered by a County Council or by initiative or referendum. Our office is considering proposed legislation to address this to be submitted to the 33rd Legislature for the 2025-2026 biennium.

Layout & Logistics

As the candidate statements are received, they will be translated into Chinese, Olelo Hawaii, Ilocano, and Tagalog. The guide will be created in each language, rather than a single multi-language version. In planning the digital voter information guide, our office contemplated various layouts to create a version that would be accessible and work digitally and as a printed replica. The layout we are pursuing is based on the digital and print replica of the MidWeek and Honolulu Star Advertiser. This will provide a familiar format and we understand that it follows the accessibility standards.

For the primary, the process to layout the digital voter information guide will be ongoing as we receive candidate statements and translations; and proofing will start immediately after the candidate filing deadline. For the general, layout and proofing will start as ballot questions are received. We would note that candidates have up until the 50th day before each election to withdraw for reasons of ill health and if a candidate were to withdraw a notice would be included in the voter information guide.

Our office will post the link to the digital voter information guide at least 45 days before each election to meet the deadline to send out ballot packets to uniformed and overseas citizens. The print replica, in each language, will be provided to state public libraries for public viewing 18 days before the election to coincide with the delivery of mail ballot packets to voters.

The notice of the voter information guide will be provided on the ballot directing voters to elections.hawaii.gov. The voter information guide will be readily accessible from our homepage.

The appropriation provided by Act 115, SLH 2023 will be used for a vendor to layout the digital voter information guide, print replica, and for the printing and distribution of copies to the state public libraries.

Cost

The following is a table of costs for the 2024 Elections.

	Primary	General	Total
Translations	\$68,700	\$27,860	\$96,560
Layout & formatting	\$25,000	\$25,000	\$50,000
Print replica to libraries	\$14,750	\$14,750	\$29,500
Total	\$108,450	\$67,610	<u>\$176,060</u>

The calculation of cost is based on the following assumptions:

- 300 candidates filing a nomination paper
- 149-word statements from each candidate
- 4 covered languages: Olelo Hawaii, Chinese, Ilocano, Tagalog
- 50 copies of English print replicas to each public library (51 statewide)
- 5 copies of each covered language print replica to each public library (51 statewide)

For the 2024 Elections, we do not have an accurate way of projecting how many voters may want a print replica, so we would instead direct voters to a state public library.

The total of \$176,060 will be used to represent the base cost in our proposal of alternate methods of distribution below.

ALTERNATE METHODS OF DISTRIBUTION

As we plan for future elections in 2026 and beyond, we anticipate that interest and use of the voter information guide will grow as voters become more familiar with it. We also understand that interest may drive alternative methods of distribution. As such, we have proposed options for distribution and projected costs. For each option, our calculations are based on the following projections:

- \$176,060 base cost of translations, layout and formatting, and print copies to libraries
- Over 949,000 registered voters for the 2026 General Election representing a 5% increase in voter registration each election cycle
- \$0.75 per piece to print
- \$5.60 per piece for postage in-house mailing
- \$1.52 per piece for postage through mailing service

Mailing by request

To be able to mail the printed copies by request, we would order an inventory of 5% of voter registration, or 47,450 voters for English and 500 of each covered language to have on hand.

	Primary	General	Total
Base cost	\$108,450	\$67,610	\$176,060
Print cost	\$37,088	\$37,088	\$74,176
Postage	\$276,920	\$276,920	\$553,840
Total	\$422,458	\$381,618	<u>\$804,075</u>

Mailing to all households

The U.S. Census Bureau reports that there are over 478,000 households in Hawaii. We would send out the English version with a notice that language assistance is available by contacting our office. To accommodate a language request, we would order an inventory

of 500 copies for each covered language to send out on request. We would also continue to provide the voter information guide to the state public libraries for viewing.

	Primary	General	Total
Base cost	\$108,450	\$67,610	\$176,060
Print cost	\$360,000	\$360,000	\$720,000
Postage	\$737,760	\$737,760	\$1,475,520
Total	\$1,206,210	\$1,165,370	<u>\$2,371,580</u>

Personalized mailing to each voter

As an estimated projection, we plan for a 5% increase in voter registration each election cycle to calculate that there would be over 949,000 voters in the 2026 election cycle. We would send out the English version with a notice that language assistance is available by contacting our office. To accommodate a language request, we would order an inventory of 500 copies for each covered language to send out on request. In addition to mailing a voter information guide to each voter, we would continue to provide the voter information guide to the state public libraries for viewing.

	Primary	General	Total
Base cost	\$108,450	\$67,610	\$176,060
Print cost	\$713,250	\$713,250	\$1,426,500
Postage	\$1,453,680	\$1,453,680	\$2,907,360
Total	\$2,275,380	\$2,234,540	<u>\$4,509,920</u>

RECOMMENDATION

Our recommendation is to maintain the model provided by Act 115 SLH 2023 to create a primarily digital voter information guide with the ability to view the print replica at state public libraries. In the long run, we believe that focusing on a digital format will be more useful to voters as an online version could eventually be created by district/precinct. The voter would search for their district/precinct by entering their address. Then, the voter would be presented with the candidates they are eligible to vote for and appear on their ballot for each election, instead of a compilation of all candidates for all contests and districts that they would have to flip through. We would note that the printed copies

would remain all-inclusive listing all contests and candidates up for election rather than one version for each district/precinct.

Additionally, we will be submitting a request for Fiscal Year 2025-26 to include the voter guide as part of our ongoing budget.