

**MINUTES
OF THE
REGULAR MEETING OF THE
ELECTIONS COMMISSION**

MAY 10, 2007

10:00 a.m.

**LEIOPAPA A KAMEHAMEHA BUILDING, ROOM 204
235 SOUTH BERETANIA STREET
HONOLULU, HAWAII 96813**

Commissioners in Attendance:

Mr. John Chan
Mr. Harold Masumoto
Mr. Harold Neslon
Ms. Zale Okazaki
Ms. Susan Russell, Acting Chair
Ms. Donna Soares
Ms. Yuki Lei Sugimura

Technical Support Staff in Attendance:

Mr. Steven Chang, Office of Elections
Ms. Robyn Chun, Department of the Attorney General
Ms. Ciress Cuevo, Office of Elections
Ms. Judy Gold, Office of Elections
Mr. Scott Nago, Office of Elections
Ms. Julie Noji, Department of Accounting and General Services/Personnel
Office
Mr. Rex Quidilla, Office of Elections
Ms. Carolyn Roldan, Office of Elections
Mr. David Rosenbrock, Office of Elections
Mr. Russell Suzuki, Department of the Attorney General
Ms. Lori Tomczyk, Office of Elections

Guests in Attendance:

Ms. Julia Allen
Ms. Annelle Amaral, Democratic Party of Hawaii – Oahu
Ms. Jean Aoki, League of Women Voters
Mr. Bob Babson, Maui Election Observer
Ms. Cira Castillo, Elections Systems & Software
Mr. Roy Hiraga, Maui County Clerk
Ms. Nikki Love, Senator Ihara's Office
Ms. JoAnn Maruoka, League of Women Voters

Ms. Suzanne Meisenzahl, League of Women Voters
Mr. Walter Nakasato, Elections Systems & Software
Ms. Jacqueline Parnell, League of Women Voters
Mr. Glen Takahashi, City Clerk's Office
Mr. Ralph Takazawa, Elections Systems & Software
Ms. Eliza Talbot, Hawaii Republican Party
Ms. Malia Zimmerman, Hawaii Reporter

PROCEEDINGS

I. Call to Order

The meeting was called to order by acting chair, Ms. Susan Russell at 9:59 a.m. on May 10, 2007 at the Leiopapa A Kamehameha Building in room 204.

II. Swearing in of New Commission Member

Chair Russell declared a vacancy of the Commission seat previously held by Mr. Daryl Yamamoto and announced that Ms. Yuki Lei Sugimura of Maui was appointed to fill the seat.

Robyn Chun, Deputy Attorney General swore in Ms. Yuki Lei Sugimura as a Commissioner.

III. Roll and Quorum Determined

Chair Russell declared that the Commission declared that a quorum is present. Mr. Richard Swift was noted absent.

IV. Approval of Minutes of Meeting of March 1, 2007

Ms. Donna Soares moved to approve the minutes of the meeting of March 1, 2007. Mr. John Chan seconded, and the motion carried unanimously.

V. Public Testimony: Any member of the public may present testimony on any agenda item at this time

Mr. Bob Babson, Maui Election Official Observer, provided written and oral testimony regarding his concerns about the 2006 Primary and General Elections. Mr. Babson also shared his recommendations for the upcoming 2008 elections.

Ms. Annelie Amaral, Chair of the O'ahu County Committee, Democratic Party of Hawaii, provided oral testimony to express the following: the need to select the ninth member of the Commission, to acquire a election

system that is voter verifiable and accountable, and to conduct an adequate and transparent search for the Chief Election Officer.

VI. Report from the Fact Finding Committee: Commissioner Okazaki Report on Chief Election Officer Recruitment Process

Ms. Okazaki referred to the amended position description for the Chief Election Officer and opened discussion to the Commission.

The Commission discussed the position description for the Chief Election Officer. Ms. Donna Soares recommended that item “h” under section IV be amended to replace the “ability to drive a motorized vehicle” with the “ability to travel within the State of Hawaii.” Ms. Soares also recommended that all percentages be removed from the position description. This suggestion would allow the Commission flexibility to evaluate and weight their scores. The Commission voted unanimously to adopt these amendments to the position description.

Chair Russell inquired what the next step would be to advertise the position. Ms. Julie Noji, Department of Accounting and General Services (DAGS) noted that the Department of Human Resources Development (DHRD) can develop the advertisement for the position for placement both locally and nationally. Ms. Zale Okazaki asked Ms. Noji to contact DHRD to move forward with advertising the position.

Mr. Nelson moved to send the position description to DAGS Personnel for advertising. Ms. Soares seconded, and the motion carried unanimously.

VII. Hearing Update on Administrative Rules: Commissioner Nelson Report on Adoption of rules

Mr. Nelson noted receipt of the draft rules signed by Governor Lingle and requested that additional copies of the rules to be available at all public hearing locations on May 31, 2007.

Mr. Russell Suzuki, Deputy Attorney General advised that the amendments be read aloud. Mr. Nelson responded that he will read the amendments as Hearing Officer.

Chair Russell inquired about Ms. Soares’ recommendation of the 90 days period for a complaint to be submitted. Ms. Soares also inquired whether the hearing was the appropriate time to address her recommendation. Mr. Suzuki noted that the hearing is the appropriate time to read the amendments, so that it is open for public comment.

VIII. Legislative Report: Bills re: Elections, Election Office and Commission

Mr. Rex Quidilla, Interim Chief Election Officer provided the Commission with the legislative report. Mr. Quidilla noted that bills relating to permanent absentee voting and same day voter registration stalled in conference committee. All Office of Elections items requested in the administration budget were passed out in the final version of the budget.

IX. Report on Acquisition of Voting System

Mr. Scott Nago, Counting Center Operations Coordinator provided the Commission with the report and timeline on the acquisition of a voting system for the State of Hawaii. The presentation provided an overview of the State's past and present voting systems, as well as a review of the voting systems certified by the National Association of State Election Directors (NASD).

Mr. Quidilla emphasized the need and importance of acquiring a system in a timely manner in order to provide adequate time to install the new voting system for the 2008 elections.

X. Executive Session: Commission's authority relating to election challenges and ballot security. The Commission anticipates convening an executive session to consult with its attorney concerning the Commission's powers, duties, privileges, immunities, and liabilities pursuant to Haw. Rev. Stat. § 92-5(a)(4), relating to election challenges and security.

Chair Russell moved for the Commission to convene in executive session. Ms. Yuki Lei Sugimura seconded, and the motion carried unanimously.

The Commission resolved to executive session at 11:10 a.m. and reconvened in open meeting at 11:38 am.

XI. Election Security: The Interim Chief Election Officer intends to provide a synopsis of the issues raised by the April 16, 2007 letter of Robert Babson, and report on the actions of the Office of Election to date

Mr. Quidilla stated that the issue has been referred to the Attorney General's Office and that the Office of Elections is cooperating with the office.

Ms. Okazaki moved to amend the agenda to consult with legal counsel regarding the powers and duties of the Office of Elections. Donna Soares seconded, and the motion carried unanimously.

Ms. Sugimura moved for the Commission to meet in executive session. Mr. Masumoto seconded, and the motion passed unanimously.

Mr. Harold Masumoto left the meeting during the executive session.

The Commission resolved to executive session at 11:40 a.m. and reconvened in open meeting at 11:58 p.m.

XII. Re-Appointment of Interim Chief Election Officer

Ms. Soares moved to re-appoint Mr. Rex Quidilla to serve as the Interim Chief Election Offer until the permanent Chief Election Officer is selected. Mr. Nelson seconded, and the motion carried unanimously.

Mr. Quidilla accepted the position to serve as Interim Chief Election Officer.

XIII. Adjournment

Chair Russell noted the importance of selecting the ninth member of the Commission. She expressed interest in posting the position information on the internet.

There being no further business to discuss, Chair Russell adjourned the meeting at 12:00 p.m.

Respectfully submitted,
Rex M. Quidilla
Elections Commission Secretary