

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

FEBRUARY 5, 2008

10:00 A.M.

**LEIOPAPA A KAMEHAMEHA BUILDING, ROOM 204
235 S. BERETANIA STREET
HONOLULU, HI 96813**

Commissioners in Attendance:

Mr. John Chan
Mr. William Marston, Chair
Mr. Harold Masumoto
Mr. Harold Nelson
Ms. Zale Okazaki
Ms. Susan Russell
Ms. Donna Soares
Ms. Yuki Lei Sugimura
Mr. Richard Swift

Technical Support Staff in Attendance:

Ms. Robyn Chun, Department of the Attorney General
Mr. Kevin Cronin, Chief Election Officer
Ms. Ciress Cuevo, Office of Elections
Mr. Scott Nago, Office of Elections
Mr. David Rosenbrock, Office of Elections
Mr. Russell Suzuki, Department of the Attorney General

Guests in Attendance:

Ms. Cori Lau, Alston Hunt Floyd and Ing Lawyers
Mr. Walter Nakasato, Election Systems and Software
Mr. Chris Pablo, Premier Election Systems and Goodsill etal
Mr. Ralph Takazawa, Election Systems and Software

PROCEEDINGS

I. Call to Order

The meeting was called to order by Chair William Marston at 10:02 a.m. on February 5, 2008 at the Leiopapa A Kamehameha Building in room 204.

II. Roll and Quorum Determined

Ms. Ciress Cuevo, Elections Commission Secretary, conducted roll call. All Commissioners were present.

Ms. Robyn Chun, Department of the Attorney General presented the new Chief Election Officer, Mr. Kevin Cronin and the new Commission Chair, Mr. Marston with leis.

III. Approval of Minutes of Meeting of December 4, 2007

Ms. Donna Soares moved to approve the minutes of the meeting of December 4, 2007. Ms. Susan Russell seconded, and the motion carried unanimously.

The Commission recognized Ms. Susan Russell for serving as the Acting Chair.

IV. Public Testimony – Any interested person may submit data, views or arguments on any agenda item

No public testimony was received.

V. Update on Voting System RFP – Report by Office of Elections

Mr. Kevin Cronin provided an overview of the RFP process and noted that three vendors were selected to conduct an on-site demonstration. After the demonstrations, the selection committee made its recommendation for a vendor. Mr. Cronin informed the Commission that the selection committee is comprised of the County Clerks and interested parties, as well as noted that cost constituted 15% of the score points.

Mr. Scott Nago, Office of Elections further explained the RFP process to the Commission, noting the names of the vendors that were represented at the pre-proposal conference, the names of the vendors that conducted demonstrations, and important dates. Also, Mr. Nago informed the Commission that the notice of award was issued to Hart on January 31, 2007.

In response to Mr. Harold Nelson's question regarding the point system for the RFP, Mr. Nago provided the breakdown of points. Per Ms. Zale Okazaki's request, Mr. Nago noted that he will provide the Commission with the breakdown of the RFP scores.

Ms. Susan Russell inquired whether the State will use the same machines for the lifetime of the contract and if the same Hart system provided in the last election will be used. Mr. Nago replied that the RFP states that all machines must continue to be in compliance with law. Additionally, Mr. Nago noted that Hart proposed one

refresh (upgrade). The State will use the same electronic voting system that was used in the past two election cycles.

In response to Mr. Harold Masumoto's question regarding the protest period, Mr. Nago noted that the Office of Elections submitted a request to debrief and that the vendors have three days to file.

Chair Marston inquired if the Commission could have more information on the debrief and whether the Commission could attend. Mr. Cronin noted that the Commission will be provided with the time and location of the debrief and expressed that the debrief should be a public process.

Regarding Ms. Donna Soares' question on how the selection committee is selected, Mr. Nago stated that the selection committee is appointed by the Contract Administrator, who serves as the chair of the committee. The list of names of the members on the selection committee was provided to the Commission.

In regards to the funding issue for the voting system, Mr. Cronin noted that he was made aware that there are some Federal funds. Mr. Cronin also stated that the counties participate in a pro rata share system.

In response to Ms. Yuki Lei Sugimura's inquiry whether the Office of Elections will be prepared for the elections given the schedule, Mr. Cronin stated that the vendor assured the Office of Elections that there is sufficient time to implement the system and to get it up and running. Mr. Cronin noted that the Office of Elections will be meeting with Hart on February 7, 2008.

Mr. Harold Nelson inquired whether the RFP has a penalty clause and what would happen in the event that the vendor was not prepared to implement the system for the election. Mr. Nago noted that there is a liquidated damage clause in the RFP and that if the vendor did not perform, it would be considered a major breach of contract.

In response to Chair Marston's question whether the Commission can have a demonstration on the systems, Mr. Nago stated that a demonstration can be setup for the Commission.

VI. Discussion to identify election topics of interest to the Commission – Chief Election Officer

Mr. Kevin Cronin noted that the Commission's primary function is to advise the Chief Election Officer. Mr. Cronin proposed that the Commission identify election matters that are of interest to the Commission, so that discussions can begin on how the Office of Elections can best serve elections and the public.

Mr. Nelson stated that he has no interest in micromanaging the Office of Elections and noted that he spoke with other Commissioners that shared the same feeling. Mr. John Chan concurred with Mr. Nelson's comments.

Ms. Susan Russell noted that it is important to educate people on what elections looks like and how it is administered. Ms. Russell recommended that a simple explanation be provided on the website. Chair Marston recommended that the Office of Elections have a public relations campaign.

Mr. Cronin expressed that Hawaii does it right because it audits the results on Election Day, so people can take comfort in the results that are released. Additionally, Mr. Cronin noted that not many states do this.

VII. Elections Commission: Discussion re: meeting schedule, agenda items, and other procedural/administrative matters - Chair Marston

The next meetings of the Elections Commission are scheduled for April 8, 2008 and July 8, 2008.

Chair Marston asked Commissioners to submit agenda items 10 days prior to the Elections Commission meeting.

Ms. Donna Soares asked Mr. Cronin to check if Commissioners can attend voting system trainings at their respective county, instead of having a demonstration for the Commission. Mr. Cronin noted that he will speak with the County Clerks.

VIII. Adjournment

Chair Marston adjourned the meeting at 10:51 a.m.

Respectfully submitted,
Ciress Cuevo
Elections Commission Secretary