



**STATE OF HAWAII
ELECTIONS COMMISSION**

WILLIAM B. MARSTON
ELECTION COMMISSION CHAIR

MINUTES

**REGULAR MEETING OF THE
ELECTIONS COMMISSION**

July 27, 2011 @ 10:00 AM
STATE CAPITOL
415 SOUTH BERETANIA STREET, ROOM 309
HONOLULU, HAWAII 96813

Commissioners in Attendance:

Mr. William Marston, Chair
Ms. Patricia Berg
Mr. Charles King
Mr. Brian Nakashima
Ms. Zale Okazaki
Ms. Donna Soares
Mr. Danny Young

Technical Support Staff in Attendance:

Ms. Robyn Chun, Department of the Attorney General
Mr. Scott Nago, Chief Election Officer
Ms. Carolyn Roldan, Office of Elections
Mr. Rhowell Ruiz, Office of Elections
Mr. Aaron Schulaner, Office of Elections

Attendees:

Mr. Jeff Kuwada, Maui County Clerk
Ms. Shirley Magarifuji, County of Maui
Mr. Lyndon Yoshioka, County of Kauai

PROCEEDINGS

I. Call to Order

Chair Marston called the meeting to order at 10:01 a.m. on July 27, 2011, at the State Capitol, Room 309.

II. Roll Call and Determination of a Quorum

Elections Commission Secretary conducted roll call. Ms. Margaret Masunaga and Mr. Warren Orikasa were not in attendance.

III. Approval of Minutes for the June 8, 2011 Elections Commission Meeting

Ms. Donna Soares moved to approve the minutes of the June 8, 2011 meeting. Mr. Charles King seconded, and the motion carried unanimously.

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

Jeffrey Kuwada, Maui County Clerk, expressed that he is in support of the current Chief Election Officer and would ask that the Commission consider appointing him for another term.

V. Status Report from the Chief Election Officer

Commissioner Soares questioned what the current law was with regard to Act 159. CEO Nago stated that the candidates are currently allowed to withdraw for any reason no later than the day after the filing deadline date. Withdrawal for health reasons is no later than 20 days prior to the election. The current law also states that the party can fill the vacancy created by this withdrawal. Act 159 states that a candidate's withdrawal prior to the filing deadline date will not create a vacancy that needs to be filled by the party. The Office of Elections did not have a position on this bill and did not testify.

Commissioner Okazaki asked what the staffing arrangements were between the Office of Elections and the Reapportionment Commission. CEO Nago explained that he is the Reapportionment Commissions Secretary and by statute, the Office of Elections provides support to the Reapportionment Commission. Additional staff was hired to work with the Commission and funding was provided for the purpose of reapportionment.

CEO Nago also reported that the Reapportionment Commission is approaching their deadline date to present their proposed plan at public hearings. He also reported that we did not know how the boundary lines were being drawn, that the Commission voted to include the military in the population count and they voted against having canoe districts.

VI. Discussion and Adoption of Performance Evaluation Tool and agreement on methodology for CEO performance evaluation

Chair Marston announced that CEO Nago has submitted his petition to serve another term as Chief Election Officer. He also reported that he prepared a suggested methodology on how he felt the appraisal forms should be used.

Commissioner Berg commented that in addition to the questions currently listed on the self evaluation form, she would like to include other issues such as what cost cutting measures were created and implemented; and what things were done to improve staff moral and well being.

Commissioner Nakashima asked how the answers to the self appraisal questionnaire will be rated. Chair Marston noted that in his methodology outline, he suggests that the answers to the self appraisal questionnaire be discussed and rated in Executive Session.

Chair Marston made a motion to include Commissioner Berg's suggested question of what cost cutting measures were created and implemented, be included as question number 11 on the self evaluation form. The motion was moved by Commissioner Young and seconded by Commissioner Soares and carried unanimously.

CEO Nago was asked to complete and turn his self appraisal questionnaire in to the Commission Secretary by August 25th. The completed self appraisal questionnaire will then be distributed to the Commission by September 1, 2011 for review prior to the next scheduled Election Commission meeting being held on September 14, 2011.

The Commission reviewed the County Clerk Performance Survey. Grammatical corrections were made to the questionnaire and as suggested by Commissioner King, "Comments" was added as item number 11. Chair Marston suggested names of Commissioners that should contact their respective County Clerks to set up meetings to go over the County Clerk Performance Survey.

Commissioner Nakashima suggested that in addition to the County Clerks, perhaps the Election Administrators could also be included in the interviews since the Chief Election Officer works closely with them during the election season. The Commission agreed that it will be left up to the County Clerks whether they wish to include Election Administrators in their interview.

Chair Marston made a motion that meetings with the County Clerks will be scheduled by his suggested Commissioners and the completed County Clerk Performance Surveys will be turned into the Commission Secretary by August 25th. A compilation of all the County Clerk surveys will then be distributed to the Elections Commission on September 1, 2011 for review prior to the next scheduled Election Commission meeting being held on September 14, 2011.

The motion was moved by Commissioner Okazaki and seconded by Commissioner Young and carried unanimously.

In reviewing the Commissioners Evaluation Questionnaire, Commissioner Berg commented that the CEO's interaction with the Commission is also very important. She suggested that questions such as, is the CEO adequately prepared for Commission meetings and what is his ability to answer questions posed by the Commission be included. Other questions suggested were, how effectively does he respond to requests from the Commission, what is his ability to provide his expertise to the Commission and how well does he accept suggestions and recommendations made by the commission.

Chair Marston made a motion to include these questions on the questionnaire for the Commissioners. The motion was moved by Commissioner Young and seconded by Commissioner King and carried unanimously. Chair Marston also noted that the discussion of the Self Appraisal Form, County Clerk Performance Survey and Commission questionnaire will be discussed in Executive Session at the next scheduled Election Commission meeting on September 14, 2011.

VII. Executive Session: Pursuant to Haw. Rev. Stat. §92-5(4), consult with counsel regarding the commission's powers, duties, privileges, immunities and liabilities re:

1. Procurement appeals (ES&S v. Cronin, Civil No. 08-101657-08, Hart InterCivic v. ES&S, Civil No. 08-1-1665-08, Cronin v. ES&S, Civil No. 08-1-1680-08)

Commissioner Okazaki moved for the Commission to go into executive session. Motion was seconded by Commissioner Young and carried unanimously.

The Commission resolved to executive session at 10:52 am and reconvened in open meeting at 10:57 am.

VIII. Adjournment

Chair Marston adjourned the meeting at 10:58 a.m.

Respectfully submitted,



Carolyn L. Roldan
Elections Commission Secretary