



**STATE OF HAWAII
ELECTIONS COMMISSION**

MINUTES

WILLIAM B. MARSTON
ELECTION COMMISSION CHAIR

**REGULAR MEETING OF THE
ELECTIONS COMMISSION**

**DECEMBER 18, 2012 @ 10:00 AM
STATE OFFICE TOWER
235 SO. BERETANIA STREET, ROOM 203
HONOLULU, HAWAII 96813**

Commissioners in Attendance:

Mr. William Marston, Chair
Ms. Patricia Berg
Mr. Charles King
Ms. Carol Kitaoka
Ms. Zale Okazaki
Mr. Warren Oriyasa
Mr. Danny Young

Technical Support Staff in Attendance:

Ms. Robyn Chun, Department of the Attorney General
Mr. Scott Nago, Chief Election Officer
Ms. Judy Gold, Office of Elections
Ms. Sheri Ann Longoria, Office of Elections
Ms. Kristen Oka, Office of Elections
Mr. Rex Quidilla, Office of Elections
Ms. Carolyn Roldan, Office of Elections
Mr. David Rosenbrock, Office of Elections
Mr. Rhowell Ruiz, Office of Elections
Mr. Aaron Schulaner, Office of Elections
Ms. Auli'i Tenn, Office of Elections

Guests in Attendance:

Mr. Rick Daysog, Hawaii News Now
Mr. Nathan Eagle, Civil Beat
Mr. Jeffrey Keating, Department of the Attorney General

Mr. Jeffrey Kuwada, County of Maui
Ms. Shirley Magarifuji, County of Maui
Ms. Janet Mason, League of Women Voters
Ms. Bernice Mau, City and County of Honolulu
Mr. Ricky Watanabe, County of Kauai
Mr. Lyndon Yoshioka, County of Kauai
Mr. Robin Yahiku, DAGS
Ms. Lara Yamada, KITV

PROCEEDINGS

I. Call to Order

Chair Marston called the meeting to order at 10:00 a.m. on December 18, 2012, at the State Office Tower, Room 203.

II. Roll Call and Determination of a Quorum

Elections Commission Secretary conducted roll call. Commissioner Masunaga, was not in attendance.

III. Approval of Minutes for the November 27, 2012, Elections Commission Meeting

With no additions or corrections to the minutes, Chair Marston called for a motion to approve the minutes. Commissioner Young moved that the minutes be approved and Commissioner Berg seconded the motion. The Elections Commission approved the minutes unanimously.

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

No public testimony was given.

V. Status report from the Chief Election Officer

CEO Nago reported that the Office of Elections staff has been working on payroll for election day workers and these payroll checks have been mailed out. The Office of Elections also prepared for the Electoral College held on December 17, 2012, at which time electoral votes were cast for the President and Vice President.

CEO Nago also reported that a list of outstanding legal cases has been provided for the Commission in the Status of Operations Report and he will answer any questions that they may have regarding these cases. With no further questions, Chair Marston asked CEO Nago where the Office of Elections is in the budgeting process for the upcoming year. CEO Nago responded that DAGS has already submitted the proposed budget to the Governor.

Commissioner Berg asked CEO Nago what technology items were approved in last years budget request. CEO Nago explained that the request for the vote counting system was approved and monies for the online voter registration system was also approved. The work on this system will begin on a non election year and the Office will be working with a design firm and the State's Chief Information Officer since the Office of Elections does not have the expertise to design this system.

Commissioner Okazaki asked CEO Nago what positions he held in the Office of Elections in November of 2012. CEO Nago responded that he also oversaw the operations for the Counting Center. This included everything from recruitment to overseeing the operations of the Counting Center on election day. Commissioner Okazaki asked if this was a position that the CEO normally holds and CEO Nago responded no, he held the position because he did not have anyone to fill the position. Commissioner Okazaki asked CEO Nago when the position became vacant and CEO Nago responded that the position became vacant when he was appointed the Chief Election Officer. However, this position has been filled and the incumbent is now being trained and will be overseeing the Counting Center operations during the 2014 elections. Commissioner Okazaki asked CEO Nago if there were any other positions that he held in November 2012 and he responded no.

VI. Report of the Sub-Committee findings of the 2012 General Election ballot shortage

Chair Marston noted that the Commission appreciated the work Commissioners Okazaki and Young did for this investigation.

Commissioner Young reported that he and Commissioner Okazaki went to the Office of Elections the Monday following the last Commission meeting. While there, they interviewed the Chief Election Officer and several key election staff members. Because of the public outcry, he noted that they called today's meeting to report their findings to the Commission instead of waiting until the previously scheduled meeting in January. He also noted that they were not looking for fault but for solutions to insure that this will not happen again and they will disclose their findings during Executive Session.

Janet Mason from the League of Women Voters asked Commissioner Young if they intended to promote their solutions, based on their investigation findings, during the 2013 Session. Commissioner Young responded yes. He also noted that there is still another interview that they want to conduct but the person is off island.

Chair Marston asked Commissioner Young if the investigation is not complete and Commissioner Young responded that he wouldn't say that but they are interested in interviewing the individual that is living off island.

Chair Marston asked Commissioner Young if there is any information that they would like to share with the audience and Commissioner Okazaki responded no and that they will be disclosing their findings during Executive Session.

Chair Marston called for a motion for the Commission to go into executive session. Motion was moved by Commissioner Young, seconded by Commissioner Berg and carried unanimously.

Rick Daysog from Hawaii News Now asked the Commission to state the reason why they were going into Executive Session. Chair Marston responded that the Commission will report what they could after Executive Session. Rick Daysog wanted his objection noted.

VII. Executive Session

Approval of Minutes for the November 27, 2012 meeting.

Pursuant to Haw. Rev. Stat. 92-5 (a) and (5)

Consider and evaluate the role/performance of the Office of Elections and Chief Election Officer in preparing for, and conducting, the 2012 General Election and take action, if appropriate; and

Consult with the Commission's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities and liabilities.

The Commission resolved into executive session at 10:13 a.m. and reconvened in open session at 11:35 a.m.

XIII. Adjournment

Chair Marston stated that the basis for going into Executive Session is as stated on agenda item no. VII, however, because the sub-committees findings and

recommendations were not final today, the Commission did not consider or evaluate the performance of the Chief Election Officer but we did consult with our attorney as to our powers, duties, immunities and liabilities. The sub-committee has reported to the Commission their preliminary findings after interviewing several individuals. Additional interviews are being scheduled and the sub-committees findings and recommendations will be discussed at the next meeting. Until this is accomplished, no deliberation or decision making by the full Commission will occur.

Chair Marston called for a motion that the meeting be adjourned. Motion was moved by Commissioner Okazaki, seconded by Commissioner Young and approved unanimously by the remaining Commissioners.

Elections Commission meeting was adjourned at 11:36 a.m.

Respectfully submitted,



Carolyn L. Roldan
Elections Commission Secretary