



**STATE OF HAWAII
ELECTIONS COMMISSION**

WILLIAM B. MARSTON
ELECTION COMMISSION CHAIR

MINUTES

**REGULAR MEETING OF THE
ELECTIONS COMMISSION**

September 14, 2011 @ 10:00 AM
STATE OFFICE TOWER
235 SOUTH BERETANIA STREET, ROOM 203
HONOLULU, HAWAII 96813

Commissioners in Attendance:

Mr. William Marston, Chair
Ms. Patricia Berg
Mr. Charles King
Mr. Brian Nakashima
Ms. Zale Okazaki
Mr. Warren Orikasa
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:

Ms. Darcy Ching
Mr. Jeff Kuwada, Maui County Clerk
Ms. Shirley Magarifuji, County of Maui
Mr. Peter Nakamura, Kauai County Clerk
Mr. Glenn Takahashi, City and County
Mr. Lyndon Yoshioka, County of Kauai

PROCEEDINGS

I. Call to Order

Chair Marston called the meeting to order at 10:00 a.m. on September 14, 2011, 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 July 27, 2011 Elections Commission Meeting

Commissioner Soares moved to approve the minutes of the July 27, 2011 meeting. Commissioner Young 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, testified that he is in support of the current Chief Election Officer and asks that the Commission appoint him for another term.

Peter Nakamura, Kauai County Clerk, testified that he has submitted written testimony in support of the current Chief Election Officer and also asks that the Commission appoint him for another term.

V. Status Report from the Chief Election Officer

CEO Nago reported that the Office of Elections is currently focused on providing support to the 2011 Reapportionment Commission and is also working with DAGS-Personnel on the civil service conversion of Office of Elections positions.

CEO Nago also reported that public hearings for the proposed Reapportionment plan are currently being held to receive public testimony. After the public hearings are completed, the Reapportionment Commission must submit its final plan to the Office of Elections by September 26, 2011. A report summarizing the Commission's work must be submitted to the Legislature by December 29, 2011.

Chair Marston asked for clarification on reports that there may be a lawsuit. CEO Nago explained that there may be a lawsuit filed against the Reapportionment Commission and possibly him as the Commission's Secretary who receives the plan.

Commissioner Okazaki asked for clarification on what funding is being used for apportionment. CEO Nago explained that an emergency appropriation request was made to hire staff and cover costs for reapportionment. The Office of

Elections staff is also responsible for providing assistance to the Reapportionment Commission.

Commissioner Berg asked for clarification on the civil service conversion. CEO Nago explained that a recommendation from the Department of Human Resources (DHRD) was made many years ago to convert the Office of Elections positions. After many attempts and failure over the years, another request has again been submitted to DAGS-Personnel for review and action. After DAGS-Personnel completes its review, the request will be sent to DHRD for action. The Office of Elections currently has three (3) civil service positions and the rest are exempt appointed "at will" employees.

Commissioner Orikasa questioned what the civil service conversion would add to the office. CEO Nago explained that the current staff classified as exempt "at will" employees could be released if there is a change in the Chief Election Officer. The newly appointed CEO would be able to release the existing staff and bring in his preferred staff. This would potentially create problems because you could possibly lose continuity and institutional knowledge. With civil service employees, the employees and institutional knowledge will stay in place and only the Chief Election Officer would change.

VI. Executive Session

1. Pursuant to Haw. Rev. Stat. §92-5(a)(2), relating to the evaluation and reappointment of the Chief Election Officer as consideration of matters involving privacy will be involved.
2. Pursuant to Haw. Rev. Stat. §92-5(4), consult with counsel regarding the commission's powers, duties, privileges, immunities and liabilities regarding the evaluation and reappointment of the Chief Election Officer.

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

The Commission resolved to executive session at 10:11 am and reconvened in open meeting at 11:03 am.

VII. Discussion and action, if appropriate, regarding the reappointment of the Chief Election Officer.

Chair Marston announced that all Commissioners present voted unanimously to reappoint CEO Scott Nago for another term beginning February 1, 2012.

VIII. Adjournment

Chair Marston adjourned the meeting at 11:05 a.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Carolyn L. Roldan", written in a cursive style.

Carolyn L. Roldan
Elections Commission Secretary