STATE OF HAWAII
ELECTIONS COMMISSION

F.M. SCOTTY ANDERSON
ELECTIONS COMMISSION CHAIR

MINUTES

REGULAR MEETING OF THE
ELECTIONS COMMISSION

MAY 18, 2016 @ 10:00 AM
KALANIMOKU BUILDING
1151 PUNCHBOWL STREET, ROOM 132
HONOLULU, HAWAII 96813

COURTESY VIDEO CONFERENCE SITES
OPEN FOR PUBLIC ATTENDANCE

No Commission member will be physically attending these courtesy sites.
The Commission meeting will continue even if video conference connection is lost.

MAUI	BIG ISLAND	KAUAI
Wailuku State Office Building	Hilo State Office Building	Lihue State Office Building
54 South High Street, 3rd Floor	75 Aupuni Street, Basement	3060 Eiwa Street, Basement
Wailuku, Hawaii 96793	Hilo, Hawaii 96720	Lihue, Hawaii 96766

Commissioners in Attendance:

Mr. F.M. Scotty Anderson, Chair
Ms. Patricia Berg
Mr. Kenneth Hiraki
Ms. Terry Lynn Moore
Mr. Victor Vierra
Mr. Danny Young

Technical Support Staff in Attendance:

Ms. Valri Kunimoto, Department of the Attorney General
Mr. Scott Nago, Chief Election Officer
Ms. Ruthie Ah Hee, Office of Elections
Mr. Joseph Bird, Office of Elections
Ms. Nedielyn Bueno, Office of Elections – Lihue State Office Building

Mr. Raymund de Vega, Office of Elections – Wailuku State Office Building
Ms. Judy Gold, Office of Elections – Hilo State Office Building
Ms. Jaime Kataoka, 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
Mr. Chris Wong, Office of Elections

Guests in Attendance

Ms. Julia Allen, Office of Senator Sam Slom
Mr. Kevin Dayton, Star Advertiser
Ms. Sarah Di Bella
Mr. Peter Fritz
Ms. Pat Nakamoto, County of Hawaii – Hilo State Office Building
Mr. Kendrick Settsu
Ms. Corie Tanida, Common Cause
Mr. Lyndon Yoshioka, County of Kauai – Lihue State Office Building

PROCEEDINGS

I. Call to Order

Chair Anderson called the meeting to order at 10:01 a.m. on May 18, 2016 at the Kalanimoku Building, Room 132.

II. Roll Call and Determination of a Quorum

Elections Commission (EC) Secretary conducted roll call. Commissioners King, Kitaoka, Orikasa, and Young were not in attendance. All other Commissioners were in attendance and the Commission had a quorum.

III. Approval of Minutes for the Meeting of January 13, 2016

Commissioner Vierra moved that the minutes be approved; the motion was seconded by Commissioner Moore and approved unanimously by the Commissioners.

IV. Public Testimony – Any interested person may submit comments or testimony on any agenda item

Mr. Peter Fritz: Mr. Peter Fritz introduced himself as an attorney, and an individual with a hearing disability. He explained that the EC materials on the Office of Elections (OE) website had been posted in a PDF format that was inaccessible for screen readers, and therefore violated ADA standards. Mr. Fritz said that the website is required to comply with Section 508 of the Rehabilitation Act and Title II of the ADA, and provided the EC with documents citing court cases in which ADA standards had been violated. However, Mr. Fritz stated that these issues have since been fixed by OE staff member, Mr. Anthony Akamine. Mr. Fritz mentioned that he had just learned that the new voter registration system, Total Vote, is only certified by "JAWS," a screen reading program that costs $900, and that there had been no testing for other screen reading programs such as Apple One Voice or Window-Eyes. Mr. Fritz expressed concerns regarding legislation that was passed this session. He said that HB 1564 authorizes ballots to be sent out electronically, and that he did not see anything in Chief Election Officer (CEO) Nago's report that addressed the rights of disabled individuals. Mr. Fritz cited a discrimination case in Maryland in 2014 in which electronic ballots were provided, using software that was not accessible by visually impaired individuals. He added that Maryland had subsequently developed and implemented accessible software. Mr. Fritz recalled a time when he had gone to an early walk-in voting site and the voice of the person assisting him fell outside of his hearing range. Mr. Fritz stated that he thinks that OE does not have adequate training or a policy regarding the disabled, and hopes that the EC will be able to address these issues.

Commissioner Young entered at 10:09 a.m.

Chair Anderson stated that the EC will need to address these issues, but was not sure that they would be able to address all of them today.

Commissioner Moore asked Mr. Fritz for the spelling of his name, which Mr. Fritz provided. Mr. Fritz added that he left his contact number, a relay number, on the sign-in sheet. He explained that relay numbers utilize translators to relay phone messages to individuals with hearing disabilities.

Commissioner Berg asked Mr. Fritz what the acronym "JAWS" stands for, to which Mr. Fritz replied that he does not know. He explained that in addition to JAWS, the other Windows compatible screen readers include Window-Eyes and NBDA, and the Apple compatible program is Voiceover.

CEO Nago asked Chair Anderson if he wanted him to address some of Mr. Fritz's concerns, to which Chair Anderson agreed. CEO Nago explained that

Mr. Fritz had called and informed OE that he was unable to access the PDF documents on the OE website, at which time OE staff member, Mr. Anthony Akamine, converted the PDFs so that they were readable. CEO Nago went on to say that ADA accessible kits, which include tools such as signature guides, flash cards for the hearing impaired, and magnifying glasses, are available at the polling places to address voters with disabilities.

Chair Anderson asked CEO Nago if these ADA kits are available at every precinct, to which CEO Nago responded that they are. CEO Nago stated that every precinct and walk-in site also has a direct recording electronic (DRE) voting system, which provides accessibility for individuals with visual disabilities. He added that mailed absentee ballots are currently available only in paper form. CEO Nago said that OE can work with Mr. Fritz in regards to any recommendations that he may have.

V. Status of Operations Report from the Chief Election Officer, discussion and action, if appropriate

CEO Nago stated that the Primary Election is on August 13th, which is less than 100 days away, and the General Election is on November 8th. CEO Nago reported that OE is currently working on recruiting and staffing the polling places with over 4,000 Election Day Officials, as well as ballot proofing and design, and inventorying and packing supplies. The candidate filing deadline is June 7th, which is followed by ballot production, layout, proofing, and printing.

In regards to Legislation, CEO Nago explained that three election related bills passed this session and are awaiting signature by the Governor:

1. HB 27, SD 1 – Relating to Elections

This bill allows voters to post an image of their own voted ballot to social media. CEO Nago stated that OE's interpretation is that the current law already does not prohibit this action, so this bill simply clarifies that "ballot selfies" are not illegal. He added that the main concern is that disruption at the polling places is minimized.

2. HB 1055, HD 2, SD 1 – Relating to Elections

This measure replaces the requirement for applicants who are registering to vote to provide their nine-digit Social Security Number, and instead requires only their driver's license number or state identification number. If an applicant has neither, they will be required to provide the last four digits of their Social Security Number. This bill mirrors the federal requirements of the Help America Vote Act, and will require the Department of Transportation to enter into an agreement with

the Social Security Administration for use of the Help America Vote Verification. This measure will take effect on January 1, 2018.

3. HB 1654, HD 1 – Relating to Absentee Elections

This measure authorizes all voters, within five days of an election, to request and submit a replacement ballot electronically via fax, email, or an online ballot delivery and return system. Under the current law, only Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) voters are permitted to do so. This bill will expand this policy to all voters.

Additionally, CEO Nago reported that the Senate adopted a resolution requesting OE to provide a status update on the implementation of Hawaii's new voter registration system. OE is required to provide a report including a project management schedule, completed deliverable and amounts paid to the State's contractor, a description of the process, a management plan (i.e., projected annual operational costs, risk mitigation, and user support), and how federal funds are being used.

CEO Nago explained that legislation was passed in 2012 that required that voters would be allowed to register to vote online. Thus, the new voter registration system, TotalVote, has been implemented in order to meet this requirement. OE is currently running two systems that capture voter registration information, which is reconciled with each other once a week. The functionality of TotalVote will be thoroughly tested and finalized in 2017, and utilized in its entirety for the 2018 election cycle.

CEO Nago stated that OE's media campaign launched in February, which focuses on online voter registration. The media campaign will run through August, with topics including Precinct Official recruitment, voter registration deadlines, and early walk-in voting.

CEO Nago added that he was asked at the last EC meeting to look at issues of voter fraud that were sent to the prosecuting attorney. He reported that there was one issue last year on the Big Island, and prior to that, the last voter fraud issue sent to the prosecutor was in the '80s.

Commissioner Berg asked for clarification regarding the two voter registration systems. She explained that her understanding is that there are two systems: the paper system that transmits information to the online system, and the online system that transmits information to the paper system. Commissioner Berg said that the two systems currently do not run in true parallel, but the issue will be solved when an entirely new system is implemented in 2018. She asked CEO Nago if her understanding is accurate, to which he replied that she is

partially correct. CEO Nago explained that rather than a brand new system, the current paper system will be eliminated, and the current online system, TotalVote, will be the only system for voter registration. Commissioner Berg asked if TotalVote will be improved to provide for the accessibility issues raised by Mr. Fritz, to which CEO Nago agreed.

Commissioner Moore acknowledged that she is aware of the ADA accessible kits at the polling places, and that training for these kits are provided to the precinct officials. She asked CEO Nago if funding for these kits are provided by the Help America Vote Act (HAVA), to which CEO Nago confirmed. Commissioner Moore asked CEO Nago if the ADA accessible kits could be emphasized in some way since the issue has been brought to their attention. CEO Nago replied that OE can look into it.

Mr. Fritz wanted to clarify that the people at the early walk-in voting site were very accommodating, and that he was raising the issue for individuals such as those who can only communicate in American Sign Language (ASL). Mr. Fritz explained that many individuals who are hearing impaired are often unable to read well, as ASL is constructed differently than English.

Chair Anderson asked CEO Nago about the bills that did not pass during this legislative session. CEO Nago stated that the "elections by mail" bill went all the way to conference for the second session in a row, and did not pass at the conference. Chair Anderson asked CEO Nago why he thinks it did not pass. CEO Nago answered that the first time it did not pass was because it was thought that "elections by mail" would repeal election day registration, however he could not determine why it did not pass this session. Commissioner Berg asked CEO Nago if the bill will get carried over to the next legislative session, to which CEO Nago replied that it will not. He explained that any bills that did not pass die this year since this is the end of the biennium.

Chair Anderson asked the neighbor island courtesy video conference (VC) sites if attendees had any comments to make regarding anything that has been discussed so far. At the Big Island VC site, OE staff member, Ms. Judy Gold, said that there were no comments. At the Kauai VC site, OE staff member, Ms. Nedielyn Bueno said that there were no comments. At the Maui VC site, OE staff member, Mr. Raymund de Vega said that there were no comments.

Commissioner Moore requested that all of the Commissioners receive copies of the documents that Mr. Fritz submitted. Chair Anderson agreed and asked EC Secretary, Jaime Kataoka to scan and distribute Mr. Fritz's materials to the Commissioners.

VI. 2016 Legislative Session

Chair Anderson stated that they have finished discussing legislation during CEO Nago's Status of Operations report.

VII. New Business – Issues for 2016 Elections

a. Voter Registration

CEO Nago reiterated that the new voter registration system, TotalVote will be utilized in its entirety in 2018.

VIII. Open Forum: Public comments on issues for the Commission's consideration for the next Commission meeting and action, if appropriate. Presentations limited to three minutes.

Chair Anderson confirmed that Mr. Fritz's concerns regarding ADA accessibility will be discussed at the next EC meeting.

Chair Anderson announced that the terms of four of the EC members will be ending on June 30, 2016. Commissioner Young is retiring after serving two consecutive four-year terms, and three other Commissioners are not seeking reappointment: Commissioners Hiraki, Moore, and Kitaoka. Chair Anderson thanked each of them for their service with the EC.

Chair Anderson asked CEO Nago how soon he thinks OE can address Mr. Fritz's ADA accessibility concerns. CEO Nago requested a copy of the documents that Mr. Fritz had provided, and said that OE will need to understand the details of the issues before they can determine how they will be able to address them. He added that OE staff member, Mr. Anthony Akamine is dedicated to ADA accessibility. Chair Anderson stated that he would like to try to reconvene sometime before the end of June.

Commissioner Moore stated that at the next meeting, she would like updates on candidate filing and the training for the election day workers. She asked CEO Nago if the trainings have commenced, to which CEO Nago replied that they have not. He explained that the first training is on June 1st, which is the training for the trainers.

Chair Anderson asked CEO Nago how far along OE is with recruiting their 4,000 Election Day officials, to which CEO Nago replied that they have recruited approximately 50% of their precinct officials so far.

Commissioner Young mentioned that he and past EC member, Ms. Zale Okazaki, had previously worked with OE on the ballot issue that had occurred in 2012, and asked CEO Nago if OE has worked out a new system to prevent the same issue from reoccurring. CEO Nago explained that in 2012, a miscalculation resulted in a shortage of ballots at the polling places. In order to address this, OE is now sending out one ballot per voter, even if they do not vote at their polling place. Furthermore, OE has developed a system to deliver additional ballots if any polling place does require more. CEO Nago added that in remote areas, the reserved ballots are sent out before they are requested. Commissioner Vierra asked CEO Nago how this change increases the total cost of elections, to which CEO Nago replied that it does not. He explained that the change simply involved allocating more ballots to each polling place rather than holding back as was done in 2012.

VIII. Adjournment

With no further business before the Commission, Chair Anderson adjourned the meeting.

Elections Commission meeting was adjourned at 10:30 a.m.

Respectfully submitted:

Jaime Kataoka
Elections Commission Secretary