

**STATE OF HAWAII  
ELECTIONS COMMISSION**

F.M. SCOTTY ANDERSON  
ELECTIONS COMMISSION CHAIR

**MINUTES**

**REGULAR MEETING OF THE  
ELECTIONS COMMISSION**

**MARCH 13, 2017 @ 10:00 AM  
STATE OFFICE TOWER  
235 SOUTH BERETANIA STREET, ROOM 203  
HONOLULU, HAWAII 96813**

Commissioners in Attendance:

Mr. F.M. Scotty Anderson, Chair  
Mr. Bill Bates  
Ms. Patricia Berg  
Mr. Charles King  
Ms. Zale Okazaki  
Mr. Steven Steffey  
Ms. Cynthia Takenaka  
Mr. Victor Vierra

Technical Support Staff in Attendance:

Ms. Robyn Chun, Department of the Attorney General  
Mr. Scott Nago, Chief Election Officer (CEO)  
Ms. Ruth Ah Hee, Office of Elections  
Mr. Joseph Bird, Office of Elections  
Ms. Nedielyn Bueno, Office of Elections  
Ms. Judy Gold, Office of Elections  
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  
Ms. Kristen Uyeda, Office of Elections

Guests in Attendance:

Ms. Corie Tanida, Common Cause Hawaii

PROCEEDINGS

I. Call to Order

Chair Anderson called the meeting to order at 10:00 a.m. on March 13, 2017 at the State Office Tower, Room 203.

II. Roll Call and Determination of a Quorum

Elections Commission (EC) Secretary conducted roll call. Commissioner Orikasa was not in attendance. All other Commissioners were in attendance and the Commission had a quorum.

III. Approval of Minutes for the Meeting of December 2, 2016

Commissioner Steffey moved that the minutes be approved, the motion was seconded by Commissioner King, and approved unanimously by the Commissioners.

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

CEO Nago explained that during the last legislative session, Act 167 was passed, which removes the requirement for an applicant to provide their nine-digit Social Security Number (SSN) to register to vote. Instead, applicants must provide their Hawaii Driver License or State Identification card number. CEO Nago stated that this new requirement necessitates a redesign of the voter registration form, which the Office of Elections (OE) is currently working on and will go live on January 1, 2018.

Commissioner King asked CEO Nago if this change will only apply to new registrations. CEO Nago clarified that the SSN will no longer be required whether a person is registering for the first time or updating their existing registration. He added that an individual would only need to provide the last four digits of their SSN if they did not have a driver license or state ID card. In the circumstance that a person did not have an SSN, the clerk's office would assign a unique identifier number.

CEO Nago stated that OE submitted four bills for consideration this session:

- HB 291/ SB 459: Implementing all-mail elections
- HB 292/ SB 460: Implementing automatic voter registration
- HB 293/ SB 461: Increasing the maximum fine for voter fraud from \$1,000 to \$10,000 to be consistent with the penalty for all other Class C felonies
- HB 294/ SB 462: Removing the requirement for a signatory to a nomination paper provide the last four digits of their SSN

CEO Nago explained that SB 462 was the only bill of the four to cross over. He added that although OE's all-mail bill did not pass, HB 1401/SB 334 did; one would implement all-mail elections statewide, and the other would do so in a staggered fashion. CEO Nago stated that OE prefers the Senate version of the bill because it allows for implementation as early as 2018 if necessary.

CEO Nago said that OE acknowledges that there are concerns regarding fraud in elections, however they believe that there are sufficient safeguards in place. For absentee mail ballots, a signature is required on the outer envelope, which is verified by the clerk's office against the signature on file. In addition, a yellow card is sent to the mailing address of every voter prior to the election, which is the same address the absentee ballot would be mailed to. Thus, CEO Nago explained that if a person did not receive their yellow card, it would prompt them to follow up and update their registration if necessary.

CEO Nago reported that OE has been working on transitioning to the new statewide voter registration system by testing the workflow and customizing the processes for each county. The new system is scheduled to go live on June 30, 2017. Commissioner Berg asked CEO Nago if he is referring to the two systems that previously did not "talk to each other," to which CEO Nago confirmed that he is. He elaborated that the new system was implemented for online voter registration, which previously needed to communicate with the old system. The new statewide voter registration system will be a standalone system that will eliminate that issue.

CEO Nago stated that OE has been doing a lot of outreach with businesses, nonprofits, and community groups, including the Chamber of Commerce, for recruitment of 2018 election day officials. He added that OE staff also attended the Secondary Student Conference to discuss voting in Hawaii, as well as the

Self-Advocacy Advisory Committee's annual meeting to conduct a voter education presentation.

Commissioner King asked CEO Nago how OE's report to the legislature regarding the statewide voter registration system was received. CEO Nago replied that OE submitted the report and have not heard anything back.

Chair Anderson pointed out that there is a lot of concern regarding fraud in elections, and asked CEO Nago to review the safeguards that are currently in place regarding absentee mail ballots. CEO Nago explained that when a person registers to vote or makes any changes to their existing registration, they include their signature on the application, which is captured and saved on file. When an individual is returning their voted absentee ballot, they are required to sign the outer envelope, which is then checked against the signature on file. If the signatures do not match or the outer envelope is not signed, the ballot is either sent back to the voter or held, depending on the county.

Chair Anderson asked CEO Nago how the signature verification is done. CEO Nago stated that it is currently done manually by checking the signature on the computer screen against the signature on the ballot envelope.

CEO Nago reiterated that every voter is mailed a yellow card; thus, if a person attempted to change your mailing address and you did not receive your yellow card, you would be prompted to check on the status of your registration. In regards to the issue of voter intimidation, CEO Nago stated that one could vote uninfluenced at an absentee walk site, or at a regular polling place on election day.

Commissioner Steffey asked CEO Nago if the signatures are verified at the same time as when the votes are counted. CEO Nago replied that they are not, and explained that the signatures are verified as quickly as possible when they are received in the mail, and then the ballots are opened and counted on election day. Commissioner Steffey commented that the process sounds very time consuming, to which CEO Nago responded that it is. CEO Nago said that he thinks that the City Clerk's Office is considering the possibility of automating the signature process.

Commissioner King asked CEO Nago if the counties are responsible for the signature verification process, to which CEO Nago confirmed that they are. Commissioner Vierra asked CEO Nago if the county clerks have any objections regarding all-mail elections, to which CEO Nago answered that they do not. He added that OE received two letters in opposition of all-mail elections: one from the League of Women Voters (LWV), and one from the Kauai Republican Party. Commissioner Bates said that he thought that LWV supported all-mail elections.

CEO Nago explained that one member of LWV had raised concerns after speaking to a representative from the elections office in Colorado, who expressed a negative opinion about their all-mail elections. CEO Nago stated that OE does not prefer the Colorado model either, as every voter is mailed a ballot *and* has the option to vote at a polling place on election day. CEO Nago said that this system defeats the purpose of all-mail elections, and that OE would not do it this way.

Commissioner Takenaka asked CEO Nago to describe the process step by step, beginning with the City Clerk's Office receiving the voted absentee ballots by mail. CEO Nago explained that the City Clerk's Office verifies the signature on the outside of the envelope against the signature on file, and separates those that could not be authenticated. The ballots then get sent to the Capitol on election day, where they are opened and counted.

Commissioner Berg expressed concerns regarding the possibility of businesses or unions requiring their employees or members to bring in their ballots and vote a certain way. CEO Nago stated that it is explicitly prohibited in statute that one cannot tell another how to vote, and that he would urge anyone who has been in this situation to report it to OE so that they can do a complete investigation. He added that this issue could be occurring now with absentee mail ballots, but they have not heard of any such reports. Commissioner Okazaki asked CEO Nago if the election day workers are prepped on this issue. CEO Nago replied that the election day workers receive a manual that contains information regarding who is and is not allowed into the polling booth with a voter. Furthermore, if a voter requests assistance and brings another person into the polling booth, the election day workers are trained to note the incident in the record book.

Chair Anderson asked CEO Nago to confirm that HB 293/ SB 461 (Relating to Class C Felonies) did not cross over, which CEO Nago did. Chair Anderson stated that he was very disappointed that this bill did not pass, as the penalty for voter fraud should be accompanied by a hefty fine. CEO Nago explained that voter registration fraud is considered a Class C felony, which is typically associated with a \$10,000 fine, but for some reason the fine was dropped to \$1,000. Commissioner Steffey asked CEO Nago how many people have been prosecuted under this statute, to which CEO Nago answered that there were very few, and that the last case occurred in the 1980s.

In regards to the legislative tracking sheet provided to the EC, Commissioner King asked CEO Nago what it means when a measure is "offered." CEO Nago clarified that it is a legislative term that means a bill is pending referral.

Commissioner Berg asked CEO Nago how many voted absentee ballots a person is allowed to drop off at the Clerk's Office. CEO Nago replied that he

thinks that there is no limit, and Mr. Aaron Schulaner (OE General Counsel) confirmed that to be true. CEO Nago stated that this is not an issue because the signature on the outer envelope is still verified against the signature on file. He added that anyone can collect and submit voted absentee ballots, as long as they are not the employer or union agent. Commissioner King asked CEO Nago what happens if the voter can only place a mark (versus a signature) on the envelope. CEO Nago said that in such a circumstance, the witness signature would be the one on record that is verified.

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

No public testimony was given.

- VI. 2017 Legislative Session

- a. Letter from Republican Party of Kauai re: All-Mail Elections

Chair Anderson stated that he and OE received a letter of concern from the Republican Party of Kauai, and that he and CEO Nago sent responses back. He explained that most of their concerns were in relation to the security of the ballot, which was just discussed. Chair Anderson said that they have not heard anything more from the Republican Party of Kauai.

- VII. 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.

No public comments were made.

With no further comments, Chair Anderson asked for a motion to go into executive session to approve the executive session minutes for the meeting of December 2, 2016.

The motion was made by Commissioner Okazaki, seconded by Commissioner Berg, and approved unanimously by the Commissioners.

The Commission dissolved into Executive Session at 10:17 a.m.

VIII. Executive Session

Pursuant to Section 92-5(a)(4), HRS, consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities.

The Commission resolved into open meeting at 10:22 a.m.

IX. Adjournment

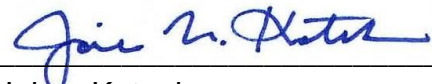
Commissioner Takenaka asked if it is the EC's role to encourage the Governor to pass or veto bills that affect them. Commissioner Okazaki responded that the responsibility of the EC is to oversee CEO Nago.

With legislative session ending on May 4th, Chair Anderson stated that he will discuss with CEO Nago, and look at scheduling the next meeting around the middle or end of May.

With no further business before the Commission, Chair Anderson asked for a motion to adjourn the meeting. The motion was made by Commissioner King, seconded by Commissioner Takenaka, and approved unanimously by the Commissioners.

Elections Commission meeting was adjourned at 10:26 a.m.

Respectfully submitted,



Jaime Kataoka

Elections Commission Secretary