



**STATE OF HAWAII  
ELECTIONS COMMISSION**

F.M. SCOTTY ANDERSON  
ELECTIONS COMMISSION CHAIR

**MINUTES**

**REGULAR MEETING OF THE  
ELECTIONS COMMISSION**

**DECEMBER 2, 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**

Wailuku State Office Building  
54 South High Street, 3rd Floor  
Wailuku, Hawaii 96793

**BIG ISLAND**

Hilo State Office Building  
75 Aupuni Street, Basement  
Hilo, Hawaii 96720

**KAUAI**

Lihue State Office Building  
3060 Eiwa Street, Basement  
Lihue, Hawaii 96766

**Commissioners in Attendance:**

Mr. F.M. Scotty Anderson, Chair  
Mr. Bill Bates  
Ms. Patricia Berg  
Mr. Charles King  
Mr. Warren Oriksa  
Mr. Steven Steffey  
Ms. Cynthia Takenaka

**Technical Support Staff in Attendance:**

Ms. Valri Kunimoto, Department of the Attorney General  
Mr. Scott Nago, Chief Election Officer (CEO)  
Ms. Ruth Ah Hee, Office of Elections  
Ms. April Bautista, Office of Elections (Hilo State Office Building)  
Mr. Joseph Bird, Office of Elections  
Ms. Nedielyn Bueno, Office of Elections

Mr. Raymund de Vega, Office of Elections (Wailuku State Office Building)  
Mr. Sheldon Galdeira, Office of Elections (Lihue State Office Building)  
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  
Mr. Charles Wong, Office of Elections

Guests in Attendance:

Mr. Roderick Becker, Comptroller  
Mr. Peter Fritz  
Ms. Audrey Hidano, Deputy Comptroller  
Ms. Debbie Kaahanui-Hoyohoy, Hawaii County Clerk's Office (Hilo State Office Building)  
Ms. Nina Magoun (Lihue State Office Building)  
Ms. Janet Mason, League of Women Voters  
Ms. Cori Saiki, Hawaii County Clerk's Office (Hilo State Office Building)  
Ms. Barbara Service  
Ms. Corie Tanida, Common Cause Hawaii  
Ms. Melissa Vomvoris, Office of Senator Les Ihara, Jr.

## PROCEEDINGS

I. Call to Order

Chair Anderson called the meeting to order at 10:00 a.m. on December 2, 2016 at the Kalanimoku Building, Room 132.

II. Roll Call and Determination of a Quorum

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

III. Approval of Minutes for the Meeting of August 31, 2016

Commissioner Berg provided a correction to the minutes, under agenda item number V, Status of Operations Report from the CEO, page 4. She clarified that she did not actually witness the incident that she reported on, but rather it was relayed to her by a precinct worker.

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

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

CEO Nago reported that the Office of Elections (OE) conducted the General Election on November 8, 2016. The deadline to file an election contest with the Supreme Court was Monday, November 28, 2016, which has since passed. There were no contests filed, therefore the election has been certified.

In regards to issues on General Election Day, CEO Nago stated that the control center in Honolulu was understaffed, which caused long wait times for precinct workers to have their phone calls answered. CEO Nago explained that it is becoming increasingly difficult to recruit control center operators, and that there was a high drop-off rate the week before the election. He said that OE will need to examine their procedures for recruiting and staffing the control center so that this does not happen again.

In addition, there were 20 voting machine incidents statewide, with two occurring on the neighbor islands and the rest on Oahu. CEO Nago stated that many of these issues were attributed to things like paper ballot jams and ballot boxes getting full. In these situations, the proper procedure requires the precinct workers to collect the voted ballots into a secure container and scan them when the machines are repaired. CEO Nago said however that there were reports of precinct workers incorrectly depositing voted ballots into unsecure containers, in which case the chairperson was alerted immediately to correct the procedure. CEO Nago explained that the long lines and ballot jams could also be attributed to the two-card ballot on Oahu; voters often did not wait for the first card to be properly scanned before feeding the second card, which caused the machines to jam.

For the upcoming legislative session, CEO Nago reported that OE will be introducing four bills relating to: all-mail elections, automatic voter registration, increasing the fine on the Class C felony for voter fraud from \$1,000 to \$10,000, and removing the requirement for signatories to provide the last four digits of their SSN on candidates' nomination papers.

Commissioner King asked CEO Nago if the workers in the control center are volunteers. CEO Nago said that they are, and clarified that the control center operators are responsible for assisting all polling place workers with any extraordinary issues that may arise.

Commissioner Orikasa asked CEO Nago to confirm that this is not the first time OE will be submitting legislation relating to all mail voting. CEO Nago verified that OE has submitted the same bill several times in the past; during the last two sessions the bill got all the way to the last stage, conference, but did not pass in the end. Commissioner Orikasa said that it does not seem like there is great support in passing the all mail bill, to which CEO Nago responded that they will continue to keep trying.

Commissioner Berg recalled that CEO Nago was going to follow up on some issues after the Primary Election regarding policies for precinct workers. She asked CEO Nago if these procedures have been incorporated into the training manuals. CEO Nago responded that OE does not reprint manuals between the primary and general elections of the same year, but that all procedures are examined so that the manuals can be improved for the following election.

Commissioner Berg asked CEO Nago if OE is working on their response to the Legislature regarding the online voter registration system. CEO Nago confirmed that they are working on their response, which is due 20 days prior to the start of the legislative session. Commissioner Berg recalled that OE was also working on another legislative task; CEO Nago said that they will be working on the Hawaii Administrative Rules during the off-session in between elections.

Chair Anderson stated that during this upcoming legislative session, his main goal is to get the all mail bill passed. He said that in the last few weeks, he has met with six legislators who are key in passing this bill, and found that they have no objections. Chair Anderson urged the rest of the EC members to meet with their local legislators, and said that they could be provided with a summary sheet that highlights the benefits of all mail elections. He added that all mail voting would eliminate various issues that occurred on General Election Day, including the long lines and the machine jams. Commissioner Takenaka asked CEO Nago how much it would cost to implement all mail voting. CEO Nago explained that OE is proposing that it be implemented in phases by county, and that once it is completely carried out, there will be an estimated savings of \$800,000 per election cycle.

Commissioner Bates stated that he had visited precincts through Kihei, Lahaina, and East Maui, and observed that the precinct workers were having difficulty getting through to the county clerk's office to verify voter information. Commissioner Bates said these issues were causing long wait times and some disgruntled voters, which he shared with Maui County Clerk, Mr. Danny Mateo and staff after the election. CEO Nago stated that the same issue occurred in Honolulu with the control center, and that they will need to increase recruitment in order to avoid the same issues next time.

Commissioner Steffey asked CEO Nago if the ballot scanning machines are repaired by someone from the machine's company when there are issues on election day, to which CEO Nago confirmed that they are.

Commissioner Steffey said that he had not heard much of anything regarding volunteering for the election aside from an informational pamphlet at the elections office in Kona. CEO Nago explained that the neighbor islands were well staffed and did not experience those same issues that occurred on Oahu. He added that OE had made additional efforts in Honolulu to recruit volunteers between the primary and general elections by presenting at Neighborhood Board meetings and posting flyers throughout the community.

Commissioner Orikasa asked CEO Nago what percentage of voters are absentee and how this number compares to those of the last couple of elections. CEO Nago responded that 53% of people voted prior to Election Day, which includes absentee and early walk-in ballots. He added that the percentage increased only slightly from a couple of years ago, due to an increase in voter registration.

Commissioner Bates pointed out that many students from Seabury Hall on Maui were precinct volunteers; CEO Nago stated that the county clerks make a conscious effort to recruit staff for the polling places, many of whom are students.

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

**Ms. Nina Magoun:** Ms. Nina Magoun stated that she assists the Republican Party with poll worker recruitment, and is personally testifying today against all mail voting. Ms. Magoun said that she believes that voting by mail is more subject to fraud due to others in the home and workplace potentially influencing an individual's personal vote.

Chair Anderson said that all mail voting will be discussed during the next agenda item, therefore he will hold his response until they get there.

Mr. Peter Fritz commented that he has spoken with members of the Hawaii Association of the Blind who found the electronic voting machines at the polling places very useful and easy to work with. At his own polling place on Election Day, Mr. Fritz said that he began to spell his name in sign language to a precinct worker who appeared confused. However, a second precinct worker had understood and was able to assist him shortly thereafter. For clarification, Commissioner Orikasa asked Mr. Fritz to confirm that he prefers ballot machines, and that he is opposed to all mail voting. Mr. Fritz answered that new issues that would arise if all mail voting was implemented.

**Ms. Janet Mason, League of Women Voters (LWV):** Ms. Janet Mason stated that since 1999, LWV has strongly supported all mail voting in Hawaii. She said that a lot of progress has since been made with this effort, and that LWV is now requesting that the EC help to support this initiative. Ms. Mason reiterated that if all mail voting was implemented, the state would save approximately \$800,000 per election cycle, and some of the operational problems that occurred on election day would be completely eliminated. In response to testimony presented earlier this morning about voter fraud, Ms. Mason argued that there is no evidence that voter fraud has increased in the three states that now conduct all mail voting. She added that if a voter is concerned about voter fraud or the confidentiality of their ballot, they can always request assistance from OE or the County Clerks who can come up with a customized solution for their situation. Ms. Mason stated that a number of all mail voting bills are usually introduced each session, however LWV has a strong preference for OE's bill, which they think does a good job of integrating all mail voting with the current absentee ballot procedures.

Commissioner Orikasa asked Ms. Mason if LWV does active lobbying with the Legislature, to which Ms. Mason confirmed that they do. She explained that LWV will be ramping up their efforts this year by presenting their resolution to each of the neighborhood boards on Oahu, as well as promoting all mail voting through a statewide social media campaign. Ms. Mason said that LWV thinks that the public is ready for this change, as a majority of voters already have permanent absentee status.

**Mr. Peter Fritz:** Mr. Peter Fritz introduced himself as an attorney and an individual with a disability. He explained that although there are benefits relating to all mail voting, not all individuals with disabilities are able to vote by mail, but instead utilize the electronic voting machines at the polls. Mr. Fritz suggested that a working group be formed consisting of members from the EC, OE, and individuals with disabilities (e.g., deaf, low vision, blind, mobility issues, etc.). He said that the working group would examine the current process and look for ways to increase accessibility for voters. Mr. Fritz proposed that OE contact nursing homes prior to election days to ensure that residents are able to complete their ballots secretly and independently, and are able to comply with deadlines. He mentioned that there are a variety of tools that assist individuals with vision disabilities to complete their ballot, including large print ballots, and voting through a computer program or a central telephone. Mr. Fritz stated that there are many individuals with cognitive impairments who depend upon spouses and caregivers; he suggested training for these caregivers in regards to voter privacy and the degree of assistance that is permissible. Mr. Fritz requested that the EC consider his recommendation to either establish a working group or to incorporate some of his suggestions into legislation.

Commissioner Orikasa recapped that Mr. Fritz discussed how individuals with disabilities have challenges in executing a secret ballot without some sort of

assistance. Commissioner Orikasa asked Mr. Fritz if he observes similar difficulties for those with language barriers. Mr. Fritz replied that he does not know, but can suggest that those types of individuals be included in the aforementioned working group. Commissioner Orikasa asked Mr. Fritz to confirm that his intent is to ensure that voting will continue to be accessible for all voters, if and when the state transitions to all mail voting, to which Mr. Fritz agreed.

VI. 2017 Legislative Session

a. All Mail Voting Legislation

Chair Anderson stated that all mail voting is already implemented in Oregon, Washington, and Colorado, and that the EC and OE need to find out how those states are addressing the issues raised by Mr. Fritz. Chair Anderson asked Ms. Magoun if she had anything to add to the discussion, to which she confirmed that she did.

Ms. Magoun stated that electronic voting machines work well in conjunction with paper ballots at the polling places, as individuals who spoil their ballots can utilize the electronic machines with a little instruction. Despite the fact that all mail voting would save a lot of money and eliminate certain issues at the polls, Ms. Magoun said that there is evidence that voter fraud exists, and that new issues, such as mail interference, would arise. Chair Anderson thanked Ms. Magoun for her participation.

Commissioner Steffey explained that to his understanding of the all-mail bill, there would continue to be a period of early walk-in voting, so that would still be an option for those who are unable to vote by mail. Chair Anderson confirmed that to be true. Commissioner Steffey added that the issue of mail fraud is a criminal code concern, and is not something that would be addressed by an all-mail bill.

Commissioner Orikasa asked the neighbor island attendees if having the opportunity to participate at these video conferenced meetings is a great benefit or just a general convenience. Ms. Magoun replied that it is a benefit as she resides on Kauai, and thanked the EC for the opportunity. Chair Anderson inquired about the two attendees in Hilo, who CEO Nago identified as the County Clerk's staff.

In regards to page three of the all-mail bill, Commissioner Bates asked CEO Nago if the state would be paying for the postage on the return envelopes. CEO Nago confirmed that they would, as OE currently does for the absentee ballot return envelopes.

Commissioner Berg asked CEO Nago if OE is working on some kind of feedback system so that a voter would know if their ballot has been received and counted. CEO Nago explained that the new voter registration system that will be implemented for the 2018 elections will be able to track exactly where in the process a ballot is.

Commissioner Bates asked CEO Nago to confirm that a Class C felony for voter fraud is punishable by imprisonment not exceeding five years. CEO Nago clarified that when the bill was redrafted, the maximum fine was lowered from \$10,000 to \$1,000. OE's proposed bill would raise the maximum fine back up to \$10,000 so that it is consistent with the maximum fine for all other Class C felonies.

- 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 discuss the salary adjustment of the Chief Election Officer.

The motion was made by Commissioner Orikasa, seconded by Commissioner King, and approved unanimously by the Commissioners.

The Commission dissolved into Executive Session at 10:39 a.m.

- VIII. Executive Session

Pursuant to Section 92-5(a)(2), HRS, discuss the salary adjustment of the Chief Election Officer, if any, pursuant to Section 11-1.6(e), HRS, and action, if appropriate.

The Commission resolved into open meeting at 11:21 a.m.

- IX. Salary adjustment of the Chief Election Officer, pursuant to 11-1.6(e), HRS, if applicable.

Chair Anderson announced that the EC approved a 12% salary increase for CEO Nago, effective July 1, 2016. He requested that the EC to take a vote on the decision, which was approved unanimously by the Commissioners. CEO Nago thanked the EC, and Chair Anderson stated that he earned it. CEO Nago replied that the staff earned it.

Chair Anderson suggested that the EC schedule their next meeting sometime during the legislative session. Commissioner Berg reminded the rest of the members about the approaching deadline for the EC's report to the Legislature. Commissioner Takenaka asked if that report gets routed through the Governor's Office, to which CEO Nago answered that by law, it is directly submitted to the Senate President and the House Speaker of the Legislature.

Commissioner Berg asked when legislative session officially starts, to which CEO Nago said January 18, 2017. Commissioner Berg inquired if the report is due 120 days after January 18th. Deputy AG Kunimoto replied that it is actually due 20 days prior to the start of legislative session. She explained that it is a biennial evaluation of the elections operations that has historically been submitted by the EC Chair. Commissioners Orikasa and Berg requested that Chair Anderson share his report with the rest of the EC prior to submittal, to which Chair Anderson agreed that he would.

Commissioner Orikasa congratulated CEO Nago and his staff, and said that they are doing a really good job. He told Ms. Janet Mason (LWV) that her input is always important and that he appreciates her perspective and her attendance at the EC meetings. CEO Nago thanked the EC on behalf of OE.

X. Adjournment

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

Elections Commission meeting was adjourned at 11:29 a.m.

Respectfully submitted,



---

Jaime Kataoka  
Elections Commission Secretary