



**STATE OF HAWAII  
OFFICE OF ELECTIONS**

802 LEHUA AVENUE  
PEARL CITY, HAWAII 96782  
[www.hawaii.gov/elections](http://www.hawaii.gov/elections)

SCOTT T. NAGO  
CHIEF ELECTION OFFICER

November 1, 2013

To: Elections Commission

From: Scott T. Nago  
Chief Election Officer

Re: STATUS OF OPERATIONS

Since our last meeting, the Office of Elections has been focused on the online voter registration project, preparations for the 2014 Elections, and voter registration outreach.

Status of Online Voter Registration Project (Act 225, SLH 2012)

As reported at our last meeting, we have procured a professional services consultant to work with us on developing specifications for this project. A draft of the specifications was discussed with the counties and the Office of Elections in late September. An updated version of the specifications, based on those discussions, will be provided by the consultant to us the first week of November.

In addition to our discussions with the counties, the Office of Elections have held meetings with the Department of Transportation (DOT) and the City and County of Honolulu's Department of Information Technology (DIT), which manages the state driver license and state identification card databases, on behalf of DOT. The purpose of these meetings is to work toward formalizing a memorandum of agreement between the Office of Elections and Department of Transportation to allow access to those databases, as envisioned by the online voter registration law and the Help America Vote Act. While there is general agreement that access should be provided, given the law, the focus of these discussions has been on the technical issues associated with how that access will be provided and how the two systems will interact with one another.

As for funding, while we plan to use Help America Vote Act funds, we envision that there will be some annual costs associated with the system. Specifically, we envision that we will need a systems manager and that there will

be ongoing software maintenance and upgrade costs. Given this we have submitted a supplemental budget request, which has been reviewed by the Department of Accounting and General Services (DAGS), and is now with the Department of Budget and Finance (B&F). By the end of the year, we expect to be informed as to whether it will be approved as part of the administration's supplemental budget.

As it stands, we believe we are on pace to get the online voter registration system in place by 2016, as required by Act 225, SLH 2012.

#### Preparations for the 2014 Elections

The Office of Elections continues to prepare for the 2014 Elections. In addition to confirming the availability of polling places and training locations, updating manuals, and similar matters, we have been focused on coordinating with the counties and voting system vendor, precinct official recruitment, staffing, and voter registration outreach.

##### 1. Coordination with the Counties

The counties are statutorily responsible for voter registration and absentee voting, while the Office of Elections is primarily responsible for polling place operations and the counting of ballots (i.e. control center, counting center, and precinct official recruitment). However, given that the Office of Elections is based on Oahu, we have historically delegated state responsibilities to the neighbor island counties, pursuant to HRS § 11-2(a).

This delegation of responsibility has been financially offset through the proration schedule between the counties and the State in which various expenses by the neighbor island counties are charged to the State as part of the overall apportioning of costs between the State and counties under HRS § 11-184 for combined State and county elections. Additionally, the State provides technical support and works with the counties to ensure that the State responsibilities are met.

With this in mind, the need for the counties and the Office of Elections to work cooperatively and to coordinate efforts cannot be understated. As such, with the election year fast approaching we have been holding numerous in-person meetings and telephone conferences with the various counties to nail down various operational matters. Our most recent in-person meeting on Oahu with all of the counties was on October 18, 2012, where we reviewed ballot operations, precinct operations, election support services, and counting center

operations forms and procedures. We are planning to have another in-person meeting with all of the counties later in the month of November to discuss additional operational issues.

## 2. Voting System Vendor

On October 9 & 10, 2013, we met with the voting system vendor to go over various matters in preparation for the 2014 Elections. The focus of the meeting was primarily on the ballot production and printing processes. The voting system vendor uses a local printing company for the ballots. As such, arrangements were made for us to tour the printing company's facilities and to speak to the company about its production process and our printing specifications. As the election year gets closer, we will be having more meetings with the voting system vendor to go over various logistical matters.

## 3. Precinct Official Recruitment

As we are all well aware, precinct officials are the backbone of our elections. With over 3,000 precinct officials required for each election, spread out over 230 plus polling places statewide, our elections could not function without them. With this in mind, precinct official recruitment has always been a priority for the Office of Elections.

The recruitment of precinct officials faces challenges that are not typical for most positions. For example, precinct officials are paid a small stipend (\$85-\$175) for a very long work day. The typical workday begins at 5:30 a.m. and ends not at 6:00 p.m., at the close of polls, but more typically 7:00 p.m., as the last voter in line needs to be permitted to vote and the polling place must be shut down and packed up for the delivery collection team to receive the ballots and related materials (i.e. an approximately 13.5 hour day). This works out to less than \$6.30 an hour or less than the minimum wage. However, most precinct officials will say it is not the stipend, but their desire to give back and serve their community that causes them to serve. The stipend is set by administrative rule and is based on the funding made available to the Office of Elections for that purpose.

In recent years, with changes in technology from the days of punch cards to optical scan readers and direct recording electronic devices, along with new legal requirements, the amount of information that our precinct officials have been expected to handle has increased exponentially. This has resulted in two to three hour trainings that all precinct officials must take before being permitted to serve and the need to be familiar with a precinct official manual that typically

can be over a 100 pages long. All of this is currently necessary to volunteer for the Primary Election and/or General Election.

As a result of this, many precinct officials, despite their desire to continue serving the State every two years, are expressing reservations about returning or being able to absorb and execute their duties as expressed in their training materials and training sessions.

Given this we are reviewing our trainings to see if we can shorten them and to streamline our manuals to strike the right balance of providing valuable information, while not overloading our precinct officials. It is our hope that our responsiveness on this matter will help to retain precinct official and to encourage positive word of mouth as to the precinct official experience.

As it relates to pay, as we noted the stipend is set by administrative rule and is based on the funds appropriated for that purpose. Given the austerity measures currently in place for state government it is difficult to obtain additional funds or to establish that any nominal increase will make the difference between a person volunteering or not volunteering to serve their community.

In regard to the hours, as indicated in the Elections Commission's agenda, Mrs. Nina Magoun has written to the Office of Elections and the Elections Commission to consider the utilization of split shifts. This topic has been discussed over the years and the positives and negatives have been considered. Historically, it has been determined that the positives of such an option would not outweigh the risk of precinct official recruitment suffering and the administrative difficulties associated with managing a larger amount of precinct officials, overlapping shift changes, continuity of election day knowledge being lost when a new shift volunteer takes over for a prior shift volunteer, and issues of discrimination relating to determining who will be and won't be given the option to work half a day.

For the 2012 Primary Election we sought to fill 3,150 positions and we were able to recruit 3,077 volunteers, with ultimately 2,682 working on the day of the election. Similarly, for the 2012 General Election we sought to fill 3,150 positions and we were able to recruit 2,987 volunteers, consisting of returnees and those who only volunteered for the General Election, with ultimately 2,816 working on the day of the election. This works out to an election day fill rate of 85.14% for the Primary Election (i.e. 2,682) and 89.40% for the General Election (i.e. 2,816). As an aside, the County of Kauai, where Mrs. Thatcher Magoun has volunteered her services, had a 94.5% election day fill rate for the Primary Election and a 96.0% election day fill rate for the General Election.

It should be noted that our recruitment goal of 3,150 positions is based on the assumption that there will be a 100 percent turnout at the polls of every single registered voter in the State. As such, we have found that the actual amount of precinct officials who appear on election day to serve their community has been sufficient, with the Chairperson making adjustments as appropriate.

Against this backdrop, we are wary to significantly change our present recruitment model in which volunteers are asked to serve a full election day, as opposed to being given the option to only serve half a day.

The Office of Elections' staff along with the staffs of the neighbor island counties make thousands of calls in an election year to recruit precinct officials. From these thousands of calls comes the collective experience of these recruiters that the present system of recruitment works and that essentially giving the nearly 3,000 precinct officials that they are normally able to recruit the option of only working half a day, creates an unnecessary variable of risk that some may take advantage of that option and as a result some polling places may become difficult to fill.

Having said this, our staff does not generally hear comments that would lead them to believe that there is a significant pool of possible new volunteers who would only volunteer if they could work a half day (i.e. attend training, read a hundred page manual, and work 6.75 hours on election day for \$42.50).

However, the issue is not necessarily whether the overall statewide average amount of volunteers will increase or decrease, but whether this additional variable may compromise the ability to recruit for specific polling places. In other words, a net increase or decrease in 100 or 500 volunteers statewide, is not in and of itself a deal breaker. What matters is where those volunteers are situated and what specific shifts and locations are they willing to work.

Specifically, when it comes to recruiting we are actually focused on over 230 distinct precincts as opposed to hitting a certain target goal for the county or the State. For example, if you are 100 precinct officials short for various precincts in East Honolulu, you can't logistically assume that you can take advantage of a surplus of 100 people who live in Kapolei, who have expressed a desire to volunteer in Kapolei precincts, and who have expressed various desires for a full shift, half day shift in the morning, or a half day shift in the afternoon. Ultimately, you may find you can only get 20 volunteers to agree to travel to East

Honolulu, 10 who will do a full shift, 5 who will do a morning shift, and 5 who will do an afternoon shift (i.e. functionally only 15 full day workers).

#### 4. Staffing

In terms of staffing, the Counting Center Operations Section Head position was filled, effective October 1, 2013, after it had gone through the civil service recruitment process. While that position has been filled, the Office of Elections, effective October 9, 2013, similar to other state agencies, was subjected to a hiring freeze. The freeze imposed by Governor Neil Abercrombie is meant to control labor costs, as the State may experience future financial impacts related to the federal shutdown.

This hiring freeze directly impacts the Office of Elections in that it normally hires seasonal employees beginning in November. Specifically, the Ballot Operations Section, planned to hire its seasonal election specialist in mid to late November in order to train the person and utilize them in preparing for the opening of candidate filing season on February 3, 2014. Additional seasonal staff, in the form of an election specialist for the Counting Center Operations Section, logistic workers (i.e. warehouse workers) and clerical support for the Election Support Services Section, election assistants for the Precinct Operations Section to help recruit poll workers, are generally phased in over the first quarter of the year, with hotline operators for the Voter Services Section to handle telephone calls from the public, being phased in closer to the Primary Election.

Given this, we consulted with DAGS and determined that we should submit a request to the Governor to authorize the filling of the seasonal election specialist position for the Ballot Operations Section, as it was the most immediate position to be filled, and it was unknown as to how long the freeze would be in place. The request has been approved by DAGS and is currently at B&F for approval, prior to being sent to the Governor.

Approximately a week after the hiring freeze was instituted, the federal shutdown was temporarily resolved. However, as the freeze has not been lifted and the federal shutdown may resume again in February, if a resolution is not found before that time, it appears that the hiring freeze will not be lifted in the immediate future. Given this, we are sending a request to the Governor to authorize the filling of the remaining seasonal positions, as we cannot wait until February to obtain authorization to fill these positions.

In addition to our current hiring freeze, our Ballot Operations Section Head position and an Information Communication Systems Analyst position were

abolished as a result of the last biennium budget. The functions of the Ballot Operations Section Head position are being temporarily handled by a Voter Services Section election specialist who has been handling those responsibilities, since approximately January. As for the Information Communication Systems Analyst position, the Computer Services Section Head and the remaining Information Communication Systems Analyst has been handling the workload. However, with the election year fast approaching they will need additional support. As such, as part of our supplemental budget request, we have sought for those two positions to be reestablished.

5. Voter Registration

a. Memorandum of Agreement with Kanu Hawaii

We have finalized a memorandum of agreement with Kanu Hawaii for community outreach and voter registration. Specifically, we will be developing state approved online outreach efforts, social media campaigns, and voter education/information literature with Kanu Hawaii. Additionally, Kanu Hawaii volunteers will be trained to distribute and collect voter registration forms. This project is related to our responsibility to maximize the registration of eligible voter statewide, with an effort to equalize registration between districts, with a particular effort in those districts in which the Office of Elections determines registration is significantly lower than other districts. Kanu Hawaii will provide its assistance at no expense to the State, while the State will pay for postage, materials, and related items associated with this memorandum of agreement.

b. National Voter Registration Act Compliance Activities

As reported in our previous status report, we have been reaching out to various state agencies as it relates to compliance with the National Voter Registration Act (NVRA). The law requires the Chief Election Officer to "designate as voter registration agencies -- (a) all offices in the State that provide public assistance; and (b) all offices in the State that provide State-funded programs primarily engaged in providing services to persons with disabilities." 42 § USC 1973gg-5(a)(2).

Under the federal law, these agencies will provide voter registration materials and assistance in voter registration, if necessary, in addition to completing collected applications for delivery to election officials. In the past, these programs were generally associated with the Department of Health (DOH) and the Department of Human Services (DHS).

On a related note, recently we have been questioned as to whether the Hawaii Health Connector, which is a non-profit entity created by statute to serve as the State's health insurance exchange under the Affordable Care Act, is a covered agency under the NVRA, as certain recipients might receive "public assistance" in the form of tax credits to defray the cost of insurance. We have checked with the Department of the Attorney General and it has advised us that the Hawaii Health Connector is not a State agency and is not covered by the NVRA. Having said that, we have still tried to open the lines of communication with the Hawaii Health Connector to see if they will voluntarily assist in disseminating voter registration materials.

In addition to mandatory voter registration agencies, the Chief Election Officer may designate other offices within the State as voter registration agencies. As such, we have been in discussions with the Department of Education (DOE) to work on distributing voter registration forms to all students who are eligible to preregister to vote, when they turn sixteen.

#### DHS

On October 18, 2013, we met with various division administrators at DHS to discuss ways to improve compliance under the NVRA.

Currently a Wikiwiki Voter Registration & Permanent Absentee Application and NVRA assistance form, which outlines that the agency will provide assistance to the individual in filling out the voter registration application, is supposed to be included with every application for DHS services. Additionally, DHS is supposed to keep track of how many voter registration applications and NVRA forms are distributed.

In order to avoid human error, in the form of overworked staff members forgetting to enclose the voter registration application and NVRA form with the public assistance applications that they mail out, we recommended that DHS consider incorporating the NVRA form and voter registration application into the actual DHS public benefits application. By incorporating it into the public benefits application this way, it would guarantee that every applicant for DHS benefits would receive the voter registration application and NVRA form.

DHS has expressed a willingness to do this and we are currently working with them on finalizing how the material will be incorporated into the DHS application.

### Hawaii Health Connector

As previously noted, it has been argued that the Hawaii Health Connector, while not a State agency, should be covered by the NVRA, as certain recipients might receive “public assistance” in the form of tax credits to defray the cost of insurance. While it has been determined that it is not covered by the NVRA, we have continued to have discussions with the Hawaii Health Connector.

Most recently, the Hawaii Health Connector informed us that it will be routing all Hawaii Health Connector applicants who wish to see if they qualify for a tax credit through the DHS-Medicaid application process. This means that the applicant would be handled by DHS, an NVRA mandated agency, and they will receive a voter registration application and the NVRA assistance form.

### DOE

The DOE has recently informed us that they are definitely willing to work with us on a voter registration program and that Educational Specialist Rosanna Fukuda, who has been developing a proposal, will be contacting us shortly to discuss it.

### DOH

We have spoken to DOH’s NVRA liaison and are in the process of scheduling a meeting in November to discuss NVRA compliance. Similar to DHS, we will be recommending that DOH consider incorporating the voter registration application and NVRA assistance form into appropriate DOH applications for public assistance and applications related to the provision of services to individuals with disabilities.

If you have any questions, please feel free to contact me at (808) 453-VOTE (8683) or 1-800-442-VOTE (8683).