



**STATE OF HAWAII
OFFICE OF ELECTIONS**

802 LEHUA AVENUE
PEARL CITY, HAWAII 96782
www.hawaii.gov/elections

SCOTT T. NAGO
CHIEF ELECTION OFFICER

January 30, 2014

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 legislation, the online voter registration project, and preparation for the 2014 Elections.

Legislation

The Office of Elections has testified on and monitored a variety of bills this legislative session that may have an impact on the conducting of elections. We will continue to keep the Election Commission up to date on the status of these bills. However, given that it is early in the legislative session and the Legislature has an internal calendar of various bill related deadlines, it is too early to determine which bills will become law.

Of importance to the Office of Elections is the administration's supplemental budget bill, House Bill No. 1700, which includes our request for the reestablishment of two positions that were abolished in the previous legislative session. Additionally, it includes our request for funding and a computer specialist position to support the ongoing software maintenance and upgrade costs that would be associated with the online voter registration system we seek to establish.

Online Voter Registration Project

We recently finished developing a draft request for proposals (RFP), containing what we see as all of the relevant specifications, in consultation with our professional services consultant. Given the complexity of the project, we have decided to utilize the request for information (RFI) process, provided for in the state procurement code, to seek comments from the technology community on the draft RFP.

Specifically, the RFI, which was issued on December 20, 2013, solicits comments on all aspects of the draft RFP and the accomplishment of the purposes of the RFP which is to migrate the statewide voter registration system from the City and County of Honolulu to the State of Hawaii, comply with the legal requirement to have an online voter registration system in place for use in the 2016 Elections, and to upgrade our election management system.

Comments from interested vendors are due by January 31, 2014. Depending on the comments, we will decide if additional fact finding is appropriate or if we have sufficient information to move forward with finalizing the RFP. Among our considerations will be our discussions with the counties who will be the primary end-users of the system and the status of our previously mentioned budget request for ongoing funding and staffing to support the implementation of a system.

Preparations for the 2014 Elections

As we enter this election year, things have been running smoothly as our standard preparations have been moving forward. Goals and objectives have been reviewed with each section and seasonal staff is in the process of being hired.

Coordination with the Counties

We have continued to coordinate with the counties on voter registration and absentee voting matters that they are statutorily responsible for. Additionally, we have been coordinating with the neighbor island counties on polling place operations, control center, and counting center responsibilities that have been delegated to them.

In addition to frequent telephone calls, in-person meetings with the counties were held in November and December to discuss polling place training materials and the candidate filing procedures that would be used statewide.

Candidate Filing

Preparations for candidate filing, which begins on February 3, 2013, have been completed. This included the previously mentioned finalizing of candidate filing procedures, the candidate manual, and the training of a seasonal staff member to assist with candidate filing.

The Office of Elections' location in Pearl City will serve as the main candidate filing location for federal and state offices from February 3, 2014 until the close of filing on June 3, 2014. Later in the election year, as in the past, we will be maintaining a satellite location at the State Office Tower. It will open on April 1, 2014 and will serve

the public on Tuesdays and Thursdays until May 15, 2014. From May 19, 2014 to June 3, 2014, it will be open on a daily basis.

Political Party Eligibility

On January 7, 2014, the Libertarian Party of Hawaii filed its petition to be recognized as a political party on the ballot. The petition included its party rules, officers, and signatures of registered voters supporting its qualification as a statewide political party.

The law requires that a petition must contain signatures of currently registered voters comprising not less than one-tenth of one per cent of the total registered voters of the state as of the last preceding General Election (i.e. 705,668 registered in 2012 General Election = 706 signatures required). HRS § 11-62(a)(3).

As such, the signatories were then subjected to a verification process by which the information required by each signatory to be stated in the petition, such as name, residence address, and date of birth, were compared against the corresponding information in the statewide voter registration system. Only signatures in which the information matched were validated as signatures of registered voters.

This review indicated that the petition contains the requisite amount of signatures of registered voters. The deadline for any objections by another political party to the petition is 4:30 p.m. on February 5, 2014. Barring any objections to the petition, the Libertarian Party will be recognized as a political party and will be eligible to have candidates appear on the ballot.

As of this date, no other organization has filed a petition. The deadline to file a petition is 4:30 p.m. on February 20, 2014.

Utilization of Census Data for Minority Language Outreach

Under the minority language provisions of the Voting Rights Act, the U.S. Census has in the past determined that the County of Maui is covered for Filipino and the City and County of Honolulu is covered for Filipino, Chinese, and Japanese. Given this, voting materials are to be made available in those languages, in addition to English, to particular areas of the state where such materials may be beneficial. As such, we have been reviewing recently released U.S. Census data containing minority language information. It is our hope that by utilizing this data and breaking it down, to the extent the data permits, to census tracts, block groups, and similar geographic boundaries, we can refine our targeting plan.

Open Primary Litigation Will Not Impact 2014 Elections

On November 14, 2013, the U.S. District Court for the District of Hawaii granted the state's motion for summary judgment in the *Democratic Party v. Nago* case, relating to the Democratic Party of Hawaii's challenge as to the legality of the state's open primary system. While the case has been appealed to the Ninth Circuit Court of Appeals, it is understood that the briefing and resolution of the matter will not occur until after the 2014 Elections. As such, the litigation will not impact the conducting of the 2014 Elections.

Reapportionment Litigation Resolved

On January 21, 2014, the U.S. Supreme Court summarily affirmed the earlier U.S. District Court decision in *Kostick v. Nago*, regarding the validity of the reapportionment plan developed by the Hawaii State Reapportionment Commission. This removed the remote legal uncertainty over whether the U.S. Supreme Court could require that the district boundaries and related precinct boundaries would need to be altered in closed proximity to the 2014 Elections.

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