

**MINUTES
OF THE
REGULAR MEETING OF THE
ELECTIONS COMMISSION**

APRIL 8, 2008

10:00 A.M.

**KALANIMOKU BUILDING, ROOM 320C
1151 PUNCHBOWL STREET
HONOLULU, HAWAII 96813**

Commissioners in Attendance:

Mr. John Chan
Mr. William Marston, Chair
Mr. Harold Masumoto
Mr. Harold Nelson
Ms. Susan Russell
Ms. Donna Soares
Ms. Yuki Lei Sugimura
Mr. Richard Swift

Technical Support Staff in Attendance:

Ms. Robyn Chun, Department of the Attorney General
Mr. Kevin Cronin, Chief Election Officer
Ms. Ciress Cuevo, Office of Elections
Mr. David Rosenbrock, Office of Elections
Mr. Russell Suzuki, Department of the Attorney General

Guests in Attendance:

Ms. Barbara Annis, Department of Accounting and General Services
Mr. Bart Dame, Democratic Party of Hawaii
Ms. Florence Kong Kee, Democratic Party of Hawaii

PROCEEDINGS

I. Call to Order

The meeting was called to order by Chair William Marston at 10:03 a.m. on April 8, 2008 at the Kalanimoku Building in room 320C.

II. Roll Call and Determination of a Quorum

Ms. Ciress Cuevo, Elections Commission Secretary conducted roll call. Ms. Zale Okazaki was absent.

III. Approval of Minutes of Meeting of February 5, 2008

Mr. Kevin Cronin, Chief Election Officer (CEO) recommended that the minutes be amended to note that the state issued the notice of award to Hart under item V of paragraph two.

Ms. Donna Soares moved to approve the minutes of the meeting of February 5, 2008 with amendments. Ms. Yuki Lei Sugimura seconded, and the motion carried unanimously.

IV. Public Testimony – Any interested person may submit data, views or arguments on any agenda item

Mr. Bart Dame, Democratic Party of Hawaii expressed his concerns regarding the procurement process for the voting machines and noted his disagreement in the lack of openness of the process to the public.

In response to Mr. Richard Swift's inquiry regarding what is Mr. Dame's expectation of the state at this time, Mr. Dame noted that the state is in a bad position and that he does not have a solution.

Chair Marston asked Mr. Dame whether he was present for meetings with the voting system vendors. Mr. Dame responded that he was in discussions with Elections Systems & Software (ES&S) and Premier. Mr. Dame also noted that he was not allowed to attend the debrief that was conducted by the state. Mr. Dame added that ES&S provided him with a transcript of the debrief.

V. Review and Discussion re: House Concurrent Resolution 267, HD1

The CEO noted that the House committee heard testimony for House Concurrent Resolution 267, HD1. The committee voted to defer the resolution.

Mr. Russell Suzuki, Department of the Attorney General explained that if the House Concurrent Resolution did not move out of the committee then it would die in the legislative session.

VI. Role of the Office of Elections in Political Party Caucuses

The CEO anecdotally commented that the public did not have sufficient information from the political party. The Office of Elections received many phone calls. The

number of calls received was not logged. The office did not get involved because the caucus is not a state regulated function.

Commissioners shared their experiences and observations regarding the caucus. Ms. Florence Kong Kee, Democratic Party of Hawaii inquired how many phone calls the Office of Elections received. Mr. David Rosenbrock, Office of Elections noted that the phone calls received by the Office of Elections were non-stop from open to close of the business day. Mr. Rosenbrock also stated that the public was upset with the difficulty in reaching the political party and the lack of available information.

VII. 2008 Primary and General Elections Planning and Preparation

The CEO stated that the Office of Elections (OE) is under a stay for the voting system's procurement process. Additionally, Mr. Cronin reported what OE has been doing to prepare for the elections. OE staff is actively recruiting Precinct Officials (20% ahead of the March goal), discussing ballot layout, making arrangements for Control Center setup, meeting with political parties to assist candidates through the filing process and is in communication with the Comptroller's Office to discuss technical strategies on how OE can release election night results itself as opposed to the media.

In response to Ms. Soares request for more information about election results, Mr. Rosenbrock provided background on how results are released.

The CEO stated that the federal government is interested in election night reporting and dedicated grant money to award to five states. The state of Hawaii was invited to Washington to learn more about this effort. The grant application is due on April 28, 2008 and states will be awarded by May 28, 2008.

In response to Mr. John Chan's inquiry whether Hawaii has a significant number of overseas voters that maintain residency in the state, the CEO said no.

VIII. Review Role of In-house Counsel for the Office of Elections

Mr. Swift inquired about the necessity of the in-house counsel position at the Office of Elections. The CEO expressed the need to have the position in the office. Although Robyn Chun and Russell Suzuki provide good legal advice to the office, it is beneficial to the staff to have to have an in-house counsel to address day to day legal questions.

Mr. Suzuki explained that the position was created by the Legislature, which is modeled after the Campaign Spending Commission. The position is able to work complimentary to the Attorney General's Office in addressing Election Day challenges. Mr. Suzuki also noted that this position provides legal counsel to the CEO.

- IX. Executive Session pursuant to Haw. Rev. Stat. §92-5(2),(4). Review Chief Election Officer's salary and consult with counsel re: same [confidential attorney/client communication]

Mr. Harold Masumoto moved for the Commission to go in to executive session. Ms. Yuki Lei Sugimura seconded, and the motion carried unanimously.

The Commission resolved to executive session at 10:50 a.m.

- X. Executive Session pursuant to Haw. Rev. Stat. §92-5(4). Consult with counsel re: status of the Election Systems & Software protest [confidential attorney/client communication]

The Commission held a dual executive session and reconvened in open meeting at 12:04 p.m.

- XI. Adjournment

Chair Marston adjourned the meeting at 12:12 p.m. The next meeting date of the Elections Commission is to be determined.

Respectfully submitted,
Ciress Cuevo
Elections Commission Secretary