

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

**JULY 22, 2009
STATE CAPITOL, ROOM 309
415 SOUTH BERETANIA STREET
HONOLULU, HAWAII 96813**

Commissioners in Attendance:

Mr. John Chan
Mr. William Marston, Chair
Mr. Brian Nakashima
Mr. Harold Nelson
Ms. Zale Okazaki
Ms. Donna Soares
Ms. Yuki Lei Sugimura
Mr. Richard Swift
Mr. Daniel Young

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. Aaron Schulaner, Office of Elections

Guests in Attendance:

Mr. Richard Borecca, Honolulu Star Bulletin
Mr. Bart Dame, Democratic Party of Hawaii
Mr. Derrick DePledge, Honolulu Advertiser
Ms. Nikki Love, Common Cause
Ms. Jo Ann Maruoka, League of Women Voters
Mr. Leonard Narimasu
Mr. Herbert Sample, Associated Press
Ms. Lori Steele, Everyone Counts

PROCEEDINGS

I. Call to Order

The meeting was called to order by Chair William Marston at 10:00 a.m. on July 22, 2009 at the State Capitol in room 309.

II. Roll Call and Determination of a Quorum

Ms. Ciress Cuevo, Elections Commission Secretary conducted roll call. All Commissioners were in attendance.

III. Approval of Minutes of Meeting of February 18, 2009

Ms. Donna Soares requested that the minutes be revised. The motion under item VI regarding HB750 relating to the appointment of the Chief Election Officer must be revised to state the opposite of what was noted. The item should state that each Commissioner contact the necessary representatives to ask that they not support HB750. Also, Ms. Soares requested that in the future when a bill is referenced in the minutes, a brief explanation of what the bill is should be included.

Mr. Harold Nelson moved to approve the minutes of the meeting of February 18, 2009 with amendments. Mr. Daniel Young seconded, and the motion carried unanimously.

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

Written testimony was submitted by Mr. Al Beeman, Mr. Albert Hamai, and Ms. Susan Dursin prior to the meeting.

V. Planning for 2010 Elections and Consideration thereof re: Budget and Furloughs

The Chief Election Officer (CEO) informed the Commission that he communicated with the Legislature regarding the issues that the Office of Elections is faced with regarding staffing and the budget. The CEO provided the Commission with a breakdown the Office of Elections' budget and further explained the office's fiscal situation. With funds being withheld by the administration, the Office of Elections is left with limited funds to conduct the elections. The CEO expressed the need to have the withheld funds restored and the restriction on the funds for the voting machines lifted.

The CEO noted that proposed legislation for all mail election was introduced at the state Legislature, but did not pass. The CEO hopes that the public understands the situation and will take advantage of absentee voting. The CEO

apprised the Commission that he would be putting together a detailed budget to submit to the Budget and Finance Committee for review for possible assistance.

The Commission recessed at 11:25 a.m. and reconvened at 11:30 a.m.

VI. Role of the Elections Commission in Light of Budget Cuts

There was a discussion on alternative methods for the Commission to meet. Chair Marston inquired about the cost of using video conference. Mr. David Rosenbrock, Office of Elections stated that there is no cost involved with using video conference and explained that it is only a matter of scheduling and reserving the facility. Chair Marston recommended that the Commission hold a meeting via video conference for a special session requirement.

Chair Marston requested that the CEO provide a roadmap for the Commission summarizing what needs to be done in order to move forward with conducting the elections and provide alternatives to address the issues.

VII. Executive Session pursuant to Haw. Rev. Stat. §92-5(2),(4). Consult with counsel re: the following lawsuits:

1. Babson v. Cronin, Civil No. 08-10-378(3)
2. Procurement appeals (ES&S v. Cronin, Civil No. 08-101657-08, Hart InterCivic v. ES&S, Civil No. 08-1-1665-08, Cronin v. ES&S, Civil No 08-1-1680-08)

[confidential attorney/client communication]

Mr. Harold Nelson 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 12:05 p.m. and reconvened in open meeting at 12:24 p.m.

VIII. Adjournment

Chair Marston adjourned the meeting at 12:26 p.m. The next meeting date of the Elections Commission is to be determined.

Respectfully submitted,
Ciress Cuevo
Elections Commission Secretary