



**STATE OF HAWAII
ELECTIONS COMMISSION**

MINUTES

WILLIAM B. MARSTON
ELECTION COMMISSION CHAIR

**REGULAR MEETING OF THE
ELECTIONS COMMISSION**

May 30, 2012 @ 10:00 AM
STATE OFFICE TOWER BUILDING
235 SO. BERETANIA STREET, ROOM 204
HONOLULU, HAWAII 96813

Commissioners in Attendance:

Mr. William Marston, Chair
Ms. Patricia Berg
Mr. Charles King
Ms. Margaret Masunaga
Mr. Brian Nakashima
Ms. Zale Okazaki
Mr. Warren Orikasa
Ms. Donna Soares

Technical Support Staff in Attendance:

Ms. Robyn Chun, Department of the Attorney General
Mr. Scott Nago, Chief Election Officer
Ms. Judy Gold, Office of Elections
Mr. Rex Quidilla, Office of Elections
Ms. Carolyn Roldan, Office of Elections
Mr. David Rosenbrock, Office of Elections
Mr. Rhowell Ruiz, Office of Elections
Mr. Aaron Schulaner, Office of Elections
Ms. Lori Tomczyk, Office of Elections

Guests in Attendance:

Mr. Glen Takahashi, City and County of Honolulu
Ms. Jamae Kawauchi, County of Hawaii
Ms. Arlene Boteilho, County of Hawaii
Mr. Lyndon Yoshioka, County of Kauai
Mr. Jeffrey Kuwada, County of Maui
Ms. Shirley Magarifuji, County of Maui
Councilman Dennis Onishi, County of Hawaii

PROCEEDINGS

I. Call to Order

Chair Marston called the meeting to order at 10:00 a.m. on May 30, 2012, at the State Office Tower Building, Room 204.

II. Roll Call and Determination of a Quorum

Elections Commission Secretary conducted roll call. Commissioner Young was not in attendance.

III. Approval of Minutes of the March 15, 2012 Elections Commission Meeting

Agenda item IX is corrected to read X.

Commissioner Soares moved to approve the minutes of the March 15, 2011 meeting. Chair Marston seconded, and the motion carried unanimously.

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

Chair Marston requested, if the Commission agrees, discussion on Councilman Onishi's correspondence be deferred until agenda item no. VII is open for discussion. No other public testimony was given.

V. Status Report from the Chief Election Officer

CEO Nago asked the Commission if he could report on agenda items V and VI when giving his status report. The Commission agreed. CEO Nago reported that on May 18, 2012, a hearing was held to hear a motion for a preliminary injunction seeking the revision of the Reapportionment Plan which was adopted in March of 2012. The court issued an order on May 22nd denying the motion. This allowed the Office of Elections (OE) to continue preparing for the 2012 Elections.

CEO reported that the three impacts of the late Reapportionment Plan are:

1. The OE was not able to publish the Hawaii Votes Brochure which is normally sent to every household. This brochure educates the public on various aspects of elections and voting. Some of the topics covered in this brochure are voter registration, absentee voting, proper marking of ballots, polling place information, and single party voting during the primary. The lead time needed to prepare, publish and mail the brochure would not allow for any changes that may have occurred as a result of the litigation. The OE is now working with radio and TV stations to provide public service announcements and ads to convey information published in the Hawaii Votes Brochure to the public.

2. Candidate filing was also impacted by the late Reapportionment Plan. The opening of candidate filing was moved from February 1st to March 9th. Because voter district and polling place assignments could not be completed in time, the verification of signatories on nomination papers has become a timely two step process for staff. Since the Statewide Voter Registration Data Base is not updated, it could only be used to verify that individuals are registered to vote. Staff would then have to locate the addresses on maps to verify the exact district that they live in. This would have to be done for seats that have residency requirements.
3. The last item impacted was the preparation and mailing of what is known as the voter "yellow card". This card notifies the voter that he or she is a registered voter and lets them know where they are assigned to vote. It also helps us determine if the voter information on file is correct. Due to the delays, the finalizing and mailing of the cards will not be done until mid or late July. It was noted that the "yellow card" process is performed by the Counties. Maui and Kauai County are almost done with their yellow card preparations. The City and County of Honolulu is currently working on completing their yellow cards and the County of Hawaii has just started working on their cards.

A concern of not mailing the yellow cards on time is that the public may find out too late that they are not registered and will not meet the primary election registration deadline date of July 12th. Commissioner Berg asked if there was any possible way to expedite the printing of these cards so that they could be mailed out the first of July. Unfortunately, due to the lateness of the Reapportionment plan, the yellow card process could only be started a few weeks ago and the cards will not be completed in time for a first of July mailing.

Commissioner Masunaga opened discussion on the "*Primer on Hawaii's Elections*" which was prepared by the Office of Elections. She referred to page 19, which shows Hawaii County as having 40/3 polling places. She questioned if the 3 referred to polling places that had less than 500 voters and asked if voters assigned to those polling places will be sent absentee ballots. CEO Nago explained to the Commission that with the passage of Act 100, any polling place with less than 500 voters will receive absentee ballots or will be able to vote absentee walk. Commissioner Masunaga asked what three polling places are affected and CEO Nago responded that there are two locations in the Keaau area and one, Ernest B. DeSilva Elementary School, in Hilo. Commissioner Masunaga noted that she knew there was one absentee walk location in Hilo and one at the West Hawaii Civic Center and wanted to know where the third location was. CEO Nago noted that the third location was in Waimea. Hawaii County Clerk Jamae Kawauchi confirmed that the location was the Waimea Community Center.

Commissioner Orikasa asked CEO Nago if he was comfortable with the progress of the election preparation. CEO Nago responded that due to time constraints, this is not a normal election. However, he feels that we have sped up the preparation process and we should be able to meet the goal of putting on a secure and honest election for 2012.

Commissioner Berg asked if the OE is assigning the voters to the correct precincts for the entire state. CEO Nago explained that based on statute, the voter assignment is the responsibility of the Counties. Commissioner Berg also asked if the process of verifying voters for the purpose of candidate filing is only being done by the OE. CEO Nago explained that each County performs the same function based on the seat that the candidate is running for.

Commissioner Masunaga expressed her appreciation for the preparation of the Election Primer and asked if the number shown on page one is the number of registered voters for Hawaii County. It was clarified that the number shown is the population census number for Hawaii County. She then asked if we knew the total number of registered voters for the County of Hawaii. CEO Nago noted that the estimated number is around 101,000 people. Commissioner Soares asked what the estimated number for Maui County was and it is estimated that there are approximately 85,000 registered voters on Maui. CEO Nago also noted that there are approximately 40,000 registered voters on Kauai and 464,000 on Oahu.

Commissioner Masunaga asked if the Elections Commissioners are allowed to attend the precinct official trainings. CEO Nago responded that they are and he will provide the training schedule for County of Hawaii to Commissioner Masunaga.

Commissioner Okazaki asked if the Commissioners will be given ID cards which would give them access to different locations on election day. CEO Nago said that as in past elections, all the Commissioners will be given ID passes.

VI. Discussion of Concerns and planning for the 2012 Elections

Please refer to Agenda Item V.

VII. Discussion re: Councilman Dennis Onishi Correspondence

Chair Marston announced that Councilman Onishi was in attendance and asked if he had any comments. Council Onishi stated that he was in attendance to listen to the discussion on his correspondence.

Hawaii County Clerk Jamae Kawauchi introduced herself to the Elections Commission. She noted that she was in attendance to answer any questions that the Commission had in addition to the information already provided in the letter to Councilman Onishi.

Commissioner Masunaga asked County Clerk Kawauchi if the number of her election staff was the same as the previous election. County Clerk Kawauchi responded that she has the same number of permanent staff and her previously vacant positions are temporarily filled with competent staff that have been trained by the OE. She also noted that she has an additional 3 warehouse and 10 elections clerk seasonal positions that are filled during an election year. These workers have been hired on schedule.

Commissioner Orikasa asked County Clerk Kawauchi what level of training was provided for her election staff since they did not have extensive elections background. County Clerk Kawauchi responded that she currently has two staff members that have been with the Elections Division for many years and they also have three more staff members that have worked on elections in previous years. As far as training, she has followed the OE lead and feels that the training has been very good.

Commissioner Okazaki asked County Clerk Kawauchi what her elections work background was. County Clerk Kawauchi responded that she was appointed by the incoming Council Chair and has a general understanding of election laws, administration and operations. Commissioner Okazaki explained that when the Commission was recruiting the Chief Election Officer, the expectations were that the person had to have extensive background, experience, and knowledge of elections. Commissioner Okazaki once again asked what her elections background was. County Clerk Kawauchi responded that she has a general understanding of state laws, County Charter, administration, and operations. Commissioner Okazaki also asked County Clerk Kawauchi what positions she previously held in the County, more specifically, elections positions. County Clerk Kawauchi responded that the current position is the only one.

Commissioner Orikasa asked what kind of training was being provided by the OE. CEO Nago clarified that the OE is providing training to the County staff with respect to all State functions and responsibilities such as candidate filing, precinct operations, and counting center operations. This training is provided to all counties but since there was a higher staff turnover in Hawaii County, they were provided extra training. Since staff turnover was in key election positions, Commissioner Orikasa asked County Clerk Kawauchi if the training provided was adequate enough and was she comfortable with her staffs' level of competency and ability to perform their duties with respect to conducting the elections. County Clerk Kawauchi's response was yes, she was very comfortable with her staffs' ability to conduct this years election.

Commissioner Berg expressed serious concern stating that having new staff with little election experience in key positions and dealing with the compressed election preparation time, there is a real possibility that serious problems will arise and the OE and Elections Commission will be held responsible. She suggested that, if at all possible, to explore the possibility of bringing in someone, perhaps from another county, with elections and administrative experience on a temporary basis to assist the county elections division. She also feels that benchmarks should be established and frequent discussions be held with the CEO to discuss if these benchmarks have been met. County Clerk Kawauchi said that she is exploring the possibility of having someone with experience assist them but has not found anyone yet. As far as benchmarks, County Clerk Kawauchi is willing to work with CEO Nago in establishing benchmarks and providing information and updates to the Commission.

Commissioner Orikasa noted that the Commission is looking for assurances that there will be a fail safe problem free elections and having staff with limited election experience is a real concern for him. County Clerk Kawauchi assured the Commission that she and her staff are working very hard and are doing everything they can to conduct a good election. Commissioner Orikasa also agreed that benchmarks should be established with the OE. He also noted that if he understood correctly, Councilman Onishi had the same concerns for the people of Hawaii County.

Maui County Clerk Jeffrey Kuwada commented to the Commission that he also has concerns for the Hawaii County elections. He feels that even with his highly experienced and qualified staff, conducting elections is a challenge. He suggested that Hawaii County could possibly consider returning one of its former election staff to assist with conducting this upcoming elections.

County Clerk Kawauchi reported that Hawaii County precinct official recruitment is at 89.9% full. She also reported that 80% of their voter assignments have been completed. Based on the total number of registered voters, the remaining 20% is equivalent to 20,000 registered voters that need to be assigned. The county is continuing to work with ESRI, the computer software company that was contracted to work on Redistricting, and will get assignment data in the next few days.

Commissioner Orikasa asked County Clerk Kawauchi how she viewed County Clerk Kuwada's suggestion to rehire one of the former elections staff to assist the current staff. County Clerk Kawauchi responded that she will explore what possibilities are available.

Commissioner Orikasa asked Councilman Onishi how the Clerk is selected and Onishi responded that Clerk is appointed by the Council Chair. Commissioner Orikasa then asked what opportunities are available for the Council to get

involved with getting assurances that the elections will be successful. Councilman Onishi responded that he could make a request to the Council Chair that the elections topic be placed on the agenda for the next Council meeting. He also explained that since the election time frame is so short, he wrote to the OE and the Elections Commission to see if he could get the status on the Hawaii County elections.

Commissioner Orikasa then suggested that Councilman Onishi go ahead and try to have the elections topic placed on the agenda. Councilman Onishi said that he would ask the Chair to place the topic on the next meetings agenda. Councilman Onishi also stated that his intent for going to the OE and the Elections Commission was to protect the people of Hawaii County and make sure that they have a fair and open election.

Commissioner King had asked for clarification on voter assignments for the County of Hawaii. CEO Nago said that the process has just started and County Clerk Kawauchi explained that the 20% that has not been assigned are those that have reported unusual address locations on their voter registrations and those that are on the new reapportionment boundary lines. Commissioner King asked if the 20% will be done in time and County Clerk Kawauchi responded that the office is waiting for data from ESRI and is trying to complete the process by the end of June and in time for the yellow card mailing.

Maui County Clerk Kuwada attempted to put things into context for the commission by pointing out that 20% of the Hawaii County voters is equal to at least 20,000 voters that need to be processed manually. County Clerk Kawauchi explained that it will be a difficult process for the office but they are bringing in additional staff and will be asking the public who may fall into this category, to contact their office to provide the needed information. The office will also be sending staff out to these locations and will work with the Finance Department Property Tax Division to assist with trying to identify these locations.

Elections Administrator Glen Takahashi from the City and County gave the Commissioners a brief description of the duties and responsibilities of the Counties. The Counties are responsible for voter registration and absentee voting. He also explained that since the new Reapportionment Plan was finalized, it has taken about a month to complete precincting and voters now have to be reassigned to the correct district and precinct. The voter registration database will also need to be updated. The Kauai and Maui Counties have already completed updating their files. This process for the City and County has just begun. He also noted that for the County of Hawaii, identifying the difficult locations and completing election day preparations at the same time will be very challenging. The City and County and the County of Hawaii are working to try

and have their files updated in time to send out the yellow cards before the voter registration deadline. Unfortunately the lateness of the finalized Reapportionment Plan has created many serious challenges even for the most seasoned and experienced election staff, however, every effort is being made to complete the process with the minimal amount of error and disruption.

CEO Nago wanted to clarify for the Commission that the yellow cards cannot be sent out until all voters are assigned. The statewide target was July, but as of now, only Maui and Kauai Counties have completed their assignments so their yellow cards can now be mailed out. Hawaii County and the City and County of Honolulu are working to try and meet their July target date.

Commissioner Soares noted her concern about the current election. Elections are always challenging and she is grateful for the staff that the Maui County has. She feels that if something goes wrong with the Hawaii County elections, it will be a reflection on the entire state. She encouraged County Clerk Kawauchi to ask for any assistance needed to conduct the elections. Commissioner Berg also encouraged her to try and engage more experienced staff to assist her and to set her benchmarks.

Commissioner Orikasa noted that he did not want his earlier comments misunderstood because they were not directed to anyone individually. He feels that this is a group effort and even though the commission and the OE have no jurisdiction over the county, his comments were meant to be supportive and encouraging. County Clerk Kawauchi expressed her appreciation and thanked the Commission.

Chair Marston expressed to Councilman Onishi that he hopes he will report back to the Council the concerns that the Commission has regarding elections. He also wanted to comment that the elections are a cooperative effort that involves all parties and he also encourages County Clerk Kawauchi to get whatever resources necessary to succeed in this election. Councilman Onishi suggested that if available, the Commissioners could attend the next Council meeting. Commissioners Okazaki and Masunaga said that they would be willing to attend the meeting if elections were placed on the agenda. Councilman Onishi also expressed that he is appreciative that this issue was placed on this Commission meeting agenda for discussion.

Commissioner Soares asked CEO Nago how he feels about the situation and CEO Nago responded that there is no substitute for experience. Commissioner Soares agreed and expressed concern about how problems that occur on election night will be handled. She also feels that this should be looked at by the Council.

Chair Marston thanked County Clerk Kawauchi for attending the meeting and reminded her that the Commission was there to offer help if needed.

VIII. Discussion re: Reapportionment Hearing held on May 18, 2012

CEO Nago reported that the hearing for the preliminary injunction seeking a revision of the current plan was held on May 18, 2012 and was later denied in a court order issued on May 22, 2012.

IX. Executive Session

Pursuant to Haw. Rev. Stat. §92-5(a)(2), relating to the evaluation and reappointment of the Chief Election Officer as consideration of matters involving privacy will be involved.

Commissioner Okazaki moved for the Commission to go into executive session. Motion was seconded by Commissioner Masunaga and carried unanimously.

The Commission resolved into executive session at 11:21 am and reconvened in open meeting at 11:40 am.

X. Adjournment

Commissioner Masunaga moved that the meeting be adjourned. Motion was seconded by Commissioner Okazaki and approved unanimously by the remaining Commissioners.

Elections Commission meeting was adjourned at 11:45 a.m.

Next commission meeting has been scheduled for August 22, 2012.

Respectfully submitted,



Carolyn L. Roldan
Elections Commission Secretary