



**STATE OF HAWAII
ELECTIONS COMMISSION**

MINUTES

WILLIAM B. MARSTON
ELECTION COMMISSION CHAIR

**REGULAR MEETING OF THE
ELECTIONS COMMISSION**

**May 15, 2013 @ 10:00 AM
STATE OFFICE TOWER
235 SO. BERETANIA STREET, ROOM 203
HONOLULU, HAWAII 96813**

Commissioners in Attendance:

Mr. William Marston, Chair
Ms. Patricia Berg
Mr. Charles King
Ms. Carol Kitaoka
Ms. Xara Marshall
Ms. Zale Okazaki
Mr. Warren Orikasa
Mr. Victor Vierra
Mr. Danny Young

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
Ms. Sheri Ann Longoria, Office of Elections
Ms. Kristen Oka, 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

Guests in Attendance:

Mr. Jeffrey Kuwada, County of Maui
Mr. Chad Blair, Civil Beat

PROCEEDINGS

I. Call to Order

Chair Marston called the meeting to order at 10:00 a.m. on May 15, 2013, at the State Office Tower, Room 203.

II. Swearing in of new Commissioner Victor V. Vierra

General Counsel Aaron H. Schulaner did the swearing in of new Commissioner Victor V. Vierra.

III. Roll Call and Determination of a Quorum

Elections Commission Secretary conducted roll call. All Commissioners were in attendance.

IV. Approval of Minutes for the January 15, 2013, Elections Commission Meeting

With no additions or corrections to the minutes, Chair Marston asked for a motion to approve the minutes. Commissioner King moved that the minutes be approved, Commissioner Marshall seconded the motion and the minutes were approved unanimously by the remaining Commissioners.

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

No public testimony was given.

VI. Status report from the Chief Election Officer

Chief Election Officer Scott Nago noted for the Commission that his status report will cover agenda items no. VII, VIII, IX and X.

CEO Nago reported that two bills passed by the Legislature will affect the Office of Elections. One bill is related to the Office of Hawaiian Affairs board members in which the board members will be elected through a system of nonpartisan primary and general elections beginning in 2014. This bill is currently on the Governor's desk awaiting his signature.

The second measure relates to election offenses. This measure prohibits candidates and their agents from assisting voters with completing their absentee ballots or ballots in a polling place.

Commissioner Marshall asked CEO Nago if the measure that required absentee ballots be sent to absentee voters that updated their information passed. CEO Nago said that it did not pass the Senate. Commissioner King asked if the measure that required a performance evaluation for the Chief Election Officer passed and CEO Nago stated that there was a procedural error with that measure.

CEO Nago reported that the Office of Elections has been working on its Standard Operating Procedures (SOP's) since the last Commission meeting. He noted that a disk with the draft procedures is included in their meeting packet. Commissioner Okazaki asked if the new procedures correlated with the previous ones. CEO Nago responded that some did but noted that the prior SOP's were based on a punch card voting system which is very different from the system currently being used. The procedures were updated to reflect the current system. Commissioner Okazaki then asked if the punch card voting system procedures were used for the 2012 elections. CEO Nago responded no, there were internal procedures for the current system being used. Updating the SOP's formalized the change in procedure.

Commissioner Okazaki asked if the previous procedures were posted. CEO Nago responded that each section had folders with their procedures filed in them. Commissioner Okazaki asked if the current updated procedures could be accessed by anyone in the office and if the office could be cross trained. CEO Nago responded yes. Commissioner King asked if the procedures were only on disk or were they on-line. CEO Nago stated that the procedures are currently on the Office of Elections network and can be updated when necessary.

CEO Nago reported that petitions for political parties have been given out and the groups have until February of the next election year to qualify as a political party.

He also reported that the OE is still working with DAGS-Pers and DHRD in the civil service conversion process and hopes to complete it as soon as possible. He explained that the Section Head positions have already been converted and the staff positions are now being worked on. Commissioner Okazaki asked if the Office of Elections submitted all the paper needed for the conversion to DAGS -Pers. CEO Nago explained that we are working with DAGS-Pers to accommodate their time frame, so in doing this, we are submitting paperwork to them as they request it.

CEO Nago reported that the OE currently has \$6.5 million dollars in Help America Votes Act Funds (HAVA) and the bulk of these funds are currently earmarked for the Statewide Voter Registration System (SVRS). He also

reported that an appropriation of \$500,000 was made in 2011 for the design of the SVRS. He noted for the Commission that HAVA funds are also used for voter education.

CEO Nago explained that the SVRS is currently housed with and was built by the City and County. This system will be migrated and housed with the State. Approval was sought from the Office of Information Management Technology (OIMT) to procure a professional service consultant to assist with this conversion. The request was approved and a procurement was done. The award was made to Six Head Corporation to help with the design of the voter registration system. The contract amount was not to exceed \$95,000.

Commissioner King asked if OIMT assisted with the selection of the vendor and CEO Nago responded that a list of vendors was provided by the OIMT. Commissioner Young asked if this system will cover everything and CEO Nago explained that it covered the voter registration system and the absentee ballot system. Commissioner Young asked about procedures for election day and CEO Nago responded that those procedures are not included in the conversion plan but will be developed by the Office of Elections.

Commissioner Young then asked CEO Nago what plans have been developed to avoid ballot shortages on election day. CEO Nago explained that the newly drafted SOP's for ballot orders outlines that ballots will be ordered in excess of 100% of registered voters. Absentee ballot usage will also be monitored by election staff prior to election day.

Commissioner Young asked what procedures have been put into place to avoid not delivering enough ballots to the polling places. CEO Nago explained that if ballots are monitored closely you will know prior to the polls opening if the polling place is short of ballots and additional ballots can then be delivered to the polling place before it opens. Commissioner Young asked if having ballots held in various locations away from the capitol will help trouble shooters get ballots to the polling places quicker. CEO Nago responded that it will be part of the backup plan. However, there will be a sufficient amount of ballots delivered to the polls. Ballots for a hundred percent of the registered voters minus the already voted absentee walk and absentee mail voters will be delivered to the polls.

Commissioner Okazaki asked who specifically trains the trouble shooters and CEO Nago responded that the Precinct Operations Section Head is responsible for training all of the trouble shooters. Commissioner Young asked if there was a procedure in place for training and CEO Nago responded that the Precinct Operations Section Head has a procedure in place for training.

Commissioner Okazaki asked CEO Nago if he personally drafted the SOP's for the office. CEO Nago responded that the Section Heads drafted the SOP's for their sections and he reviewed them.

Commissioner Kitaoka asked CEO Nago if OE still planned to use cabs on election day. CEO Nago explained that the OE puts out a procurement for transportation with election specifications. On the island of Oahu, the cab company wins the bid. Commissioner Kitaoka asked what the cabs are used for and CEO Nago explained that the cabs deliver the ballots to the polls in the mornings and pick them up after the polls close in the evenings. Commissioner Marshall asked why we are not using school buses that are owned by the State and CEO Nago explained that the State does not own school buses but contracts them. Commissioner Marshall asked if there were transportation cost figures available for the rest of the counties. CEO Nago responded that he did not have those figures with him but will get the numbers and forward the information to the Commission.

Commissioner King asked if there was a concern with control when ballots are transported by the trouble shooters and CEO Nago explained that the ballots are sealed with a unique numbered seal and the seal number is documented on various documents and if there was tampering, it would be detected.

Commissioner Berg asked what the status of the four vacant positions in the OE was. CEO Nago reported that two of the positions were filled and two were abolished due to budget cuts.

Commissioner Kitaoka remarked that the Department of Education (DOE) commented that they would like to do voter education in the schools and would like to know if HAVA funds would be available for them to use. CEO Nago explained that we currently have a program in place with the schools called the Young Voter Registration Program (YVRP). In the past, voter education and early voter registration was done with the students in a civics class. However, because the DOE did not want to continue this practice, an agreement was made with them to send a voter information packet containing a letter, voter information and a registration form to each student. Commissioner Kitaoka commented that there may be a change in DOE's policy and she would like to know if HAVA funds would be available for them to use for voter education. CEO Nago responded yes and he will have someone follow up and work with the DOE.

Commissioner Vierra asked if the employees converted to civil service will be excluded. CEO Nago responded yes.

Commissioner Berg inquired if the contract for the online voter registration system was a multi-year contract. CEO Nago explained that Act 225, which was passed in 2012, authorized online voter registration for people who had a state identification or a state drivers license. This would be implemented for the 2016 election. An appropriation of \$500,000 was made by the legislature to design this system. However, since then, the system design has changed to a system that will not be retro fitted to the old system but will be an entirely new system. Of the \$500,000 appropriation, \$95,000 will be used to design the new system and HAVA monies will be used to purchase and build the new system.

VII. Status of Help America Vote Act (HAVA) money.

How federal government appropriates funds to states including Hawaii (ie. amount and funding period).

Amount State received, when State received it and how State has used it and will use it and balance remaining, if any.

Refer to Agenda item no. VI

VIII. Office of Elections FY 2013 – 2015 budget

Request for \$500,000 currently pending before the Legislature, original request, intended purpose and status of request/bill.

Refer to Agenda item no. VI

IX. Discussion of Legislative Bills

Refer to Agenda item no. VI

X. Report from Chief Election Officer on steps taken to prevent ballot shortages for future elections.

Refer to Agenda item no. VI

XI. Chief Election Officer – review of conditions for continued employment.

Chair Marston stated that at the last Commission meeting, a condition of management and supervisory education was placed on the CEO. He was also asked to develop failsafe operating procedures for the Office of Elections to be sure that there will be no more ballot shortages in future elections. He was also

asked to give status reports to the Commission. During Executive Session, the Commission will review and discuss these personnel issues in detail.

Commissioner Okazaki asked CEO Nago if he has been taking classes. CEO Nago responded yes. Commissioner Okazaki then asked if these classes were taken on his own time and CEO Nago responded that he took personal leave time to attend the classes. He reported that to date he has completed six (6) classes.

With no further discussion, Chair Marston asked for a motion to go into Executive Session. Motion was moved by Commissioner Marshall, seconded by Commissioner Young and approved unanimously by the remaining Commissioners.

XII. Executive Session

The Commission resolved into executive session at 10:32 a.m.

Pursuant to Haw. Rev. Stat. 92-5 (a)(4) Consult with the Commission's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities and liabilities and action, if appropriate.

Pursuant to Haw. Rev. Stat. 92-5 (a)(2) Performance evaluation of the Chief Election Officer and status of conditions for continues employment.

The Commission resolved into open meeting at 11:25 am.

XIII. Adjournment

With no further business before the Commission, Chair Marston asked for a motion to adjourn the meeting. Motion was moved by Commissioner Marshall, seconded by Commissioner King and approved unanimously by the remaining Commissioners.

Elections Commission meeting was adjourned at 11:28 a.m.

Respectfully submitted,



Carolyn L. Roldan
Elections Commission Secretary