



**STATE OF HAWAII  
ELECTIONS COMMISSION**

**MINUTES**

WILLIAM B. MARSTON  
ELECTION COMMISSION CHAIR

**REGULAR MEETING OF THE  
ELECTIONS COMMISSION**

**MARCH 28, 2014 @ 10:00 AM  
STATE OFFICE TOWER  
235 SO. BERETANIA STREET, ROOM 204  
HONOLULU, HAWAII 96813**

**Commissioners in Attendance:**

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

**Technical Support Staff in Attendance:**

Ms. Valri Kunimoto, Department of the Attorney General  
Mr. Scott Nago, Chief Election Officer  
Ms. Judy Gold, Office of Elections  
Ms. Carolyn Roldan, Office of Elections  
Mr. Aaron Schulaner, Office of Elections

**Guests in Attendance:**

Ms. Shirley Magarifuji – County of Maui  
Mr. Josiah Nishita – County of Maui  
Ms. Leissan Sadykova – Common Cause  
Mr. Kendrick Setsu

**PROCEEDINGS**

**I. Call to Order**

Chair Marston called the meeting to order at 10:00 a.m. on March 28, 2014 at the State Office Tower, Room 204.

II. Roll Call and Determination of a Quorum

Elections Commission Secretary conducted roll call. Commissioners King and Okazaki were not in attendance.

III. Approval of Minutes for the February 5, 2014 Elections Commission Meeting

With no corrections to the minutes, Chair Marston asked for a motion to approve the minutes. Commissioner Young moved that the minutes be approved, the motion was seconded by Commissioner Orikasa and approved by the remaining Commissioners.

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

No public testimony was given.

V. Status Report from the Chief Election Officer

Chief Election Officer Nago reported that the bills that are still alive in the Legislature are listed on the Status Report. He noted for the Commission that the bill discussed at the last meeting, which required the Commission to do an evaluation of the Chief Election Officer every six months, was no longer alive for this session.

The Office of Elections (OE) has issued a Request for Proposals (RFP) for the voter education campaign. A request was put out for vendors to create television commercials promoting elections for the 2014 and future elections. Also issued was an RFP for the Statewide Voter Registration System that would include an online voter registration system and an election management system. The pre-proposal conference for this RFP was held on March 17th and the deadline for submissions is April 4, 2014.

He continued to report that the OE is currently in the process of candidate filing. The OE is opening a second location for candidate filing in room 203 of the State Office Tower on Tuesday, April 1, 2014. The deadline date for candidate filing is 4:30 pm on June 3, 2014. Finally, the Split Shift Test Plan was forwarded to the Commission earlier this month. The test plan will be limited to the precincts on Honolulu which are three units and

higher. This amounts to approximately 108 precincts and the Precinct Chairs will need to be on board with the plan before it can be implemented.

Chair Marston noted that at the last meeting he expressed concerns regarding the 2014 elections. He would like to make sure that there are no glitches and things will run smoothly during the 2014 elections. He asked if CEO Nago feels comfortable with taking on this project and CEO Nago responded yes. Commissioner Berg noted that she was pleased to see the plan and wanted to know how the OE will know if the plan was successful. CEO Nago responded that after every election, a debriefing is held with the Precinct Chairs and the feedback will determine if the project was successful or not.

Commissioner Orikasa asked CEO Nago if he was comfortable with implementing this pilot project knowing that even a small incident could trigger criticism due to the events that occurred during the 2012 Elections. CEO Nago responded that he was comfortable because the project only involves one position from units with higher numbers of workers.

Commissioner Young questioned what the new ballot procedures were for this election. CEO Nago responded that the new procedures are what the OE had reported to the Commission earlier. The formula for the ballot orders have been revised so that there is 100% of ballots for registered voters and procedures for early detection of ballot shortages are in place. Commissioner Young then asked if this was in writing and CEO Nago responded yes, it was in the new SOP's that were previously sent to the Commissioners for review.

Commissioner Young asked if the ballots were only going to be picked up at the Capitol and CEO Nago responded no. The ballots were going to be picked up from various relay sites. Commissioner Young asked if the OE was still going to use cabs for this service. CEO Nago responded that it would depend on who responds to the transportation bid. He noted that the cab services have been used in the past because they have the vehicles in place needed for this type service.

Commissioner Orikasa asked CEO Nago how many vendors responded to the voter registration RFP and how many participated in the pre-proposal conference. CEO Nago responded that there were 11 vendors. Since the OE was still in the procurement process, he was unable to identify the vendors that are participating. Commissioner Orikasa asked if there were local companies and was told yes, as well as, mainland companies.

Commissioner Orikasa commented that a lot of effort was being put into voter education and getting young adults registered to vote. He inquired if there was any consideration given to how you would actually get them to vote. CEO Nago responded that in keeping in line with HAVA policies and how their monies can be spent, the OE there focuses on the mechanics of voting and not why one should be voting.

- VI. Discussion on 2014 Legislative bills as they affect the Office of Elections and the Elections Commission and action, if appropriate

Commissioner Vierra asked CEO Nago how many pieces of legislation were introduced for the Office of Elections and what was the success rate during this session. CEO Nago responded that the OE did not have any legislation introduced this year because legislation that was introduced in the first half of the legislative cycle were still alive and being monitored.

- VII. Open Forum: Public comments on issues for the Commission's consideration for the next Commission meeting and action, if appropriate

Michael Palcic noted for the Commission that he served as the chair for the Oahu Apportionment Advisory Council during this last Reapportionment. He further stated that the appeal for the 2011 Reapportionment Plan was denied by the Supreme Court therefore allowing the Reapportionment Plan devised by the Reapportionment Commission to stand as law. As a result, the exclusion of 108,000 citizens deemed to be living in Hawaii by the Federal Census, are deprived of apportionment to any legislative body and has had their citizenship diminished. He further states that in comparison, incarcerated felons and registered aliens are counted for apportionment to the legislature and Congress here in Hawaii.

He further noted that Senator Ihara is considering introducing legislation to have the Hawaii apportionment count be the same as the US Census therefore eliminating any extractions. He noted that he has brought this before the Commission because he feels they are concerned with having fair and honest elections. He also hopes that if Senator Ihara does introduce legislation to correct the current situation, the Commission will consider supporting the legislation.

Commissioner Vierra asked Mr. Palcic how military personnel are counted in other states. Mr. Palcic responded that military personnel living in other states are counted in that states apportionment. Hawaii is the only state that does an extraction such as this. Commissioner Orikasa asked where

do military personnel vote. Mr. Palcic answered that they can vote where they choose. For instance, if they are stationed here but are residents of another state, they can vote in that state.

Chair Marston asked if Senator Ihara was going to bring this correction up as a bill and Mr. Palcic responded that the Senator will probably do this through a constitutional amendment. He further noted that the Senator held off with any action pending the decision of the Supreme Court. Chair Marston then asked if it would be better for the Commission to hold off on any action until corrective action is taken. Mr. Palcic agreed and noted that he brought this issue up now in order to alert the Commission of any possible future action.

With no other comments or questions, Chair Marston called for a motion to enter into Executive Session. The motion was moved by Commissioner Young, seconded by Commissioner Berg and approved by the remaining Commissioners.

#### VIII. Executive Session

The Commission resolved into Executive Session at 10:19 am.

Pursuant to Section 92-5 (a)(4), HRS, to consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities.

Discussion on Commission appointments and action, if appropriate

The Commission resolved into open meeting at 10:38 am.

#### IX. Adjournment

Commissioner Orikasa thanked Chair Marston for introducing the Open Forum item to the agenda and feels that this was a positive action. Chair Marston noted that he took this idea from the OIP manual and feels that this would be a good opportunity for individuals to openly express what items they would like placed on the next meeting's agenda. The placement of the item on the agenda would need the Commission's approval.

With no further business before the Commission, Chair Marston asked for a motion to adjourn the meeting. Motion was moved by Commissioner

Berg, seconded by Commissioner Marshall and approved unanimously by the remaining Commissioners.

Next Commission meeting is scheduled for Friday, June 20, 2014.

Elections Commission meeting was adjourned at 10:39 a.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Carolyn L. Roldan', written over a horizontal line.

Carolyn L. Roldan  
Elections Commission Secretary