



**STATE OF HAWAII
ELECTIONS COMMISSION**

MINUTES

WILLIAM B. MARSTON
ELECTION COMMISSION CHAIR

**REGULAR MEETING OF THE
ELECTIONS COMMISSION**

**JUNE 20, 2014 @ 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
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:

Mr. Wayne Cocklett
Ms. Malia Gray - Office of Representative Johanson
Ms. Shirley Magarifuji – County of Maui
Ms. Pat Nakamoto - County of Hawaii
Ms. Tisha Panter - Senate Minority Research Office
Mr. Dan Purcell
Senator Sam Slom
Mr. Lyndon Yoshioka – County of Kauai
Mr. Ricky Watanabe - County of Kauai

PROCEEDINGS

I. Call to Order

Chair Marston called the meeting to order at 10:00 a.m. on June 20, 2014 at the State Office Tower, Room 203.

II. Roll Call and Determination of a Quorum

Elections Commission Secretary conducted roll call. Commissioners Marshall, Kitaoka and Okazaki were not in attendance.

III. Approval of Minutes for the March 28, 2014 Elections Commission Meeting

With no corrections, Chair Marston asked for a motion to approve the minutes. Commissioner King moved that the minutes be approved, the motion was seconded by Commissioner Vierra 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

CEO Scott Nago reported that the Office of Elections has made a selection for the Statewide Voter Registration System. A total of six (6) vendors submitted proposals and BPro, Inc., based out of South Dakota, received the highest score. The final price is \$1.6 million and the project is expected to be completed in time for the 2016 elections. Chair Marston asked what amount was appropriated by the State Legislature for this project and CEO Nago explained that federal Help America Vote Act (HAVA) funds will be used for this project. Chair Marston then asked if there will be any state funds used for this project and CEO Nago explained that state funds will be used in the subsequent years for the ongoing maintenance of the program.

Commissioner King asked how the scoring for this RFP was done. CEO Nago responded that criteria for scoring was included in the RFP. Commissioner Berg asked if there were any local companies that

participated. CEO Nago responded yes but BPro, Inc. received the highest score.

CEO Nago reported that the 2014 election seasonal staff recruitment is almost completed. The OE is currently looking for one more clerical staff and the OE hotline, precinct operations, ballot operations, and counting center operations seasonal positions have all been filled.

Candidate Filing was closed on June 3rd. There was an issue with the nonpartisan candidates running for Governor because there are no nonpartisan candidates for the Lt. Governor's race. The OE appeared in Circuit Court to have the nonpartisan candidates for Governor removed from the ballot.

There is one (1) organization voicing interest in participating in the split shift pilot project, however, no commitment has been made. The OE is also continuing its recruitment for facility officials and poll workers for polling places. The Counting Center Operations has begun its training on the outer islands and they have also secured the three (3) Counting Center Managers.

CEO Nago then noted that the next item he will report on is listed as Agenda Item No. VIII. He asked if the Commission wanted him to continue reporting or wait until the agenda item is up for discussion. Chair Marston asked him to continue reporting.

CEO Nago reported that the OE is doing a variety of things to increase voter registration and voter turnout. One is that OE will be sending voter registration forms to households in targeted areas such as Kapahulu, McCully, Moiliili, Kalihi, Palama, Iwilei, Chinatown, Waipahu, Kapolei, Makaha, Waialua and Helemano. OE has also created a Hawaii Votes Brochure to be used as a resource by Hawaii voters. This brochure will be sent to each household with a registered voter. The brochure will contain information on absentee voting, how to vote on primary election day and will also be printed in a multilingual version.

CEO Nago went on to report on the Young Voters Registration Program (YVRP). He noted that for school year 2013 - 2014, a total of 3,445 voter registration forms were distributed to the State's high school seniors. Of these forms, a total of 372 were returned and a total of 13 schools participated. Commissioner Berg wanted to clarify that these forms were distributed to high school seniors and CEO Nago responded yes. Commissioner Berg then asked if these forms were set aside or were they

counted in the total number of registered voters. CEO Nago explained that the system is built so that the students will only be counted as registered voters when they turn 18 years of age. They are considered "pre-registered" until they turn 18 years of age. Commissioner King asked if the number of returned forms seemed low. CEO Nago responded that based on previous years, the number is about average. He noted that as mentioned in a previous meeting, the OE is working with the DOE Superintendent to find other ways of increasing this number.

CEO Nago reported that the OE is currently running a 15 second Precinct Official recruitment ad on TV and a 30 second ad on the radio. These ads will run until the end of June. After that, additional ads will run for the primary election voter registration deadlines, single party primary, early voting and permanent absentee. This process will then be repeated for the General Election. Commissioner Young asked what other languages this information will be available in. CEO Nago responded that for Honolulu, it will be available in Chinese, Ilocano, and Japanese. He also noted that the languages are determined by the US Census data.

Commissioner Orikasa asked how the target areas for the voter registration form mail out was determined. CEO Nago responded that a study of the number of eligible voter population versus the number of actual registered voters was done and they found that there is a low number of registered voters in these target districts.

Commissioner Berg commented that she recently read the article in the StarAdvertiser which covered the PEW report of the 2012 Elections. She noted that Hawaii dropped from 25th in the nation to 41st, basically due to low voter turnout and the ballot shortage situation. She also read other articles which referred to voters being registered in more than one state. She contacted her County Clerk's office, and was pleased that they took the time to explain what procedures are currently in place. Based on what she learned from them, she feels that a good job is being done to keep the voter rolls clean.

Chair Marston pointed out that in the minutes of the last meeting, it was noted that an RFP was put out for a voter education campaign. He asked if this RFP was actually put out and CEO Nago responded yes, however, the proposals that were returned were not reasonably priced so another avenue is being used to promote voter education beginning with the ads that are currently being aired.

Commissioner Berg noted that another point made by the PEW report was that certain voting information tools were missing from our webpage and she asked if that was going to be addressed. CEO Nago responded that most of the missing tools being referred to will be addressed when we assume responsibility for the Statewide Voter Registration System.

Commissioner Berg then asked if a tool is in place to notify the state that an individual is currently registered in, if he/she is registering to vote in this state. CEO Nago explained that the voter registration form has a section that asks if you are currently registered in another state. If that section is filled out, a notification is sent to that state to let them know that the individual is now registering to vote in our state. The opposite will also apply if an individual currently registered in our state is registering to vote in another state. This system works if the individual registering to vote is accurate in filling out this portion of the registration form.

Audience member Dan Purcell commented for the Commission that he was unable to hear the CEO during his testimony and feels that arrangements should be made so that the audience is able to hear him better.

Commissioner Orikasa asked where OE stood with the precinct official recruitment. CEO Nago responded that OE is currently at 60% filled and we are continuing to actively recruit. He also noted that state workers received a payroll message on their paystub today asking for election day workers. The OE is also receiving calls as a result of the commercials.

Commissioner Berg asked about the split shift pilot project for election day poll workers. CEO Nago explained that there are organizations that are looking at maximizing the benefits of working a split shift. He also noted that the Office of Elections will continue to do split shifts in future elections. Commissioner Berg asked that we try to use the split shift program to hold on to the more experienced workers which it was originally intended to do.

Commissioner Vierra asked if any efforts have been made to involve high school students in the voting process by having them fill out a mock ballot that resembles ballots used at the polls. CEO Nago responded that there is a program, not done by the OE, called Kids Vote that does something similar. CEO Nago commented that there is a "civics" component that is currently missing from the high school teaching program. The OE has asked the DOE to reinstate it in the curriculum since it would teach the importance of voting instead of just giving the student a registration form and asking them to register. Commissioner Vierra noted that if the

students went through the voting process they may continue to vote when they become eligible voters. He also notes that since we are the ones that answer to low voter turnouts, this may be a way to fix the problem. CEO Nago said that he will look into what can be done.

Commissioner Vierra asked what the Counting Center training currently taking place on the Big Island entails. CEO Nago responded that the Counting Center covers things from opening and counting the AB mail, tabulating ballot totals and performing various audits. He explained that recruitment and training is done for people who work in the counting center performing these duties. Commissioner Vierra then asked to explain what is meant by "Observers Test". CEO explained that various groups appoint Observers that participate in the Observers Test. The Observers basically mark ballots and run them through the counting machines to certify that the machines are working properly.

Chair Marston asked if there were any additional comments. Since there were none, he moved on to agenda item IX since agenda items VI, VII, and VIII were already discussed under agenda item no. V - Status Report from the Chief Election Officer.

VI. Review of 2014 Primary Election preparations and action, if appropriate

Please refer to the CEO Status Report under agenda item no. V.

VII. Discussion of the 2014 Elections split shift program and action, if appropriate

Please refer to the CEO Status Report under agenda item no. V.

VIII. Discussion of potential programs to increase voter turnout and action, if appropriate

Please refer to the CEO Status Report under agenda item no. V.

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

Chair Marston noted for the audience that this item is on the agenda to give the audience an opportunity to request approval for items of discussion to be placed on the next meeting's agenda.

Dan Purcell noted for the Commission that even though this is the State Elections Commission, it looks like a Honolulu set up. There is no video available for off island people to watch or participate in the Commission meetings. He feels one of the reasons voter turnout is bad is because the voter feels that the system is bad or corrupt. He also noted that having an Elections Commission that is inaccessible is also not helpful. He asked if the Commission welcomed public comments throughout the meeting or just in the beginning. Chair Marston answered that there are two parts to answering this. Agenda item no. IV gives the audience an opportunity to provide testimony based on the subjects that are on the agenda. Dan Purcell then commented that the agenda is vague and feels that one cannot discuss or comment on the agenda item until discussion on the agenda item is heard. He also feels that, in his opinion, the presentation for an election year was not adequate and being that this was a "state" commission meeting, the meetings are not accessible to the outer islands. Chair Marston explained that the Commission has not attempted to meet on other islands because it currently operates with no budget. The Commission has been working to make sure that the meetings and meeting materials are open and made accessible to the public. He notes that the Commission welcomes everyone and would like to see the public, including Legislators, attend meetings.

Dan Purcell commented once again that there was no substance to the meeting. Chair Marston responded that he apologized if he felt there was no substance in the discussion. The Commission's concerns and questions are aimed at making sure that the 2014 election is on track and the OE has answered those questions. Dan Purcell asked why the closing of the early voting location on the windward side was not discussed. Commissioner Berg asked if the City Clerk was there to address this concern but the Clerk was not available.

Senator Slom noted that he has also asked the Commission to move public testimony to the later part of the agenda, after discussions have been done on the agenda items. He feels that this would be a better way to go. He also notes that he was disappointed that there was no discussion on enacted 2014 legislative bills and how they would impact the Office of Elections. He asked if the Commission would consider meeting soon after the Primary Election to address and resolve any problems before the General Election.

Chair Marston noted for the group that the Office of Elections has prepared a Primer for Elections. He added that it was an eye opener for him because it contained a vast amount of information on how elections

are conducted. It is available to anyone and he encourages people to get it because a great deal could be learned from it.

Commissioner Berg asked Sen. Slom if he could possibly brief the Commission on any legislative items that he may be familiar with. Sen. Slom responded that the number one issue would be the same day voter registration bill. He knows that the bill is currently before the Governor for his signature and he wanted to get an update as to whether or not the bill was signed. CEO Nago responded that the Governor has not yet signed the bill and the bill would not impact elections until 2016. CEO Nago further noted that the two other bills that would impact the office would be one that requires a candidate, who goes over their spending limit, to report to the "Office of Elections" rather than the "Chief Election Officer". The other bill would make it a felony to provide false information on the day of the election. Neither bill has been signed.

CEO Nago asked the Commission if they would like for him to address the closing of the Windward AB site. The Commission responded yes. CEO Nago stated that as noted in the Primer, absentee voting is the responsibility of the County Clerks, which is why he did not bring it up for discussion. The Office of Elections has nothing to do with the opening or the closing of the early vote sites. Commissioner Berg asked if the Clerk mentioned why it was closed. CEO Nago said that he heard it was a reallocation of resources to better serve the public, but he could not speak for the Clerk.

Senator Slom asked if the Status Report is available online for the public and if it would be possible to have copies available at the meetings. The Commission Secretary agreed and copies will be made available at the meetings.

Dan Purcell asked if there were any representatives from the County Clerk's Office at the meeting. Commissioner Young noted that they usually attend. Dan Purcell asked if there were any comments from any of the representatives there since we are heading into an election. Kauai County Clerk Ricky Watanabe noted that the County Clerks are not under the purview of the Elections Commission but the County does work closely with the Office of Elections during the elections. Commissioner Berg commented that the Kauai County Clerk's office is usually well represented at the Commission meetings.

With no other comments or questions, Chair Marston called for a motion to enter into Executive Session. The motion was moved by Commissioner

Vierra, seconded by Commissioner Berg and approved by the remaining Commissioners.

VIII. Executive Session

The Commission resolved into Executive Session at 10:45 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 11:17 am.

IX. Adjournment

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

Next Commission meeting is scheduled for Friday, August 22, 2014.

Elections Commission meeting was adjourned at 11:18 a.m.

Respectfully submitted,



Carolyn L. Roldan
Elections Commission Secretary