



**STATE OF HAWAII  
ELECTIONS COMMISSION**

F.M. SCOTTY ANDERSON  
ELECTIONS COMMISSION CHAIR

**MINUTES**

**REGULAR MEETING OF THE  
ELECTIONS COMMISSION**

**OCTOBER 29, 2019 @ 10:00 AM  
STATE OFFICE TOWER  
235 SOUTH BERETANIA STREET, ROOM 203  
HONOLULU, HAWAII 96813**

**Commissioners in Attendance:**

Mr. F.M. Scotty Anderson, Chair  
Mr. Bill Bates  
Mr. Michael Curtis  
Ms. Carol Seielstad  
Ms. Cynthia Takenaka  
Mr. Victor Vierra

**Technical Support Staff in Attendance:**

Ms. Valri Kunimoto, Department of the Attorney General (AG)  
Mr. Scott Nago, Chief Election Officer (CEO)  
Ms. Ruth Ah Hee, Office of Elections  
Mr. Marc Arakawa, Office of Elections  
Mr. Joseph Bird, Office of Elections  
Ms. Nedielyn Bueno, Office of Elections  
Ms. Jaime Kataoka, Office of Elections  
Ms. Jasmine Ko, Office of Elections  
Mr. Aaron Schulaner, Office of Elections  
Ms. 'Auli'i Tenn, Office of Elections  
Ms. Kristen Uyeda, Office of Elections

**Guests in Attendance:**

Ms. Piilani Kaopuiki, League of Women Voters of Hawaii  
Mr. Ron Lakalaka, Hawaii State Capitol

Ms. Sandy Ma, Common Cause Hawaii  
Ms. Janet Mason, League of Women Voters of Hawaii

## PROCEEDINGS

### I. Call to Order

Chair Anderson called the meeting to order at 10:00 a.m. on October 29, 2019 at the State Office Tower, Room 203.

### II. Roll Call and Determination of a Quorum

Elections Commission (EC) Secretary conducted roll call. Commissioners Kuwada, Okazaki, Steffey, and Takenaka were not in attendance. All other Commissioners were in attendance and the Commission had a quorum.

### III. Approval of Minutes for the Meeting of June 12, 2019

Commissioner Curtis stated that on page four, paragraph four of the draft minutes for the meeting of June 12, 2019, an exchange had occurred between he and Deputy AG Kunimoto that was not reflected. He said that he had asked where the wording for the constitutional amendment questions came from, and that Deputy AG Kunimoto had said that the language is a collaboration between the AG's Office, the House, and the Senate, subject to the review and approval of the Chief Election Officer (CEO). Commissioner Curtis requested that this exchange be added to the draft minutes.

Commissioner Takenaka entered the room at 10:03 AM.

Deputy AG Kunimoto asked Commissioner Curtis if he is referring to the constitutional amendments that are proposed, and explained that those are proposed by the Legislature. Commissioner Curtis said that he is referring to the actual language that appears on the ballot, and that Deputy AG Kunimoto had made the comment that the language is a collaboration between the AG's Office, the House, and the Senate.

Deputy AG Kunimoto said that if that was Commissioner Curtis' recollection, she is going to retract that statement, and reiterated that the language of the constitutional amendment questions are proposed by the Legislature. She clarified that the language of the constitutional amendments are included in the

bill, and that statute requires that the Legislature propose the exact wording of the question that will be presented to the voters.

Commissioner Curtis stated that if that is the law, then the wording on the last ballot came from legislation that was passed, and was not at all changed by the AG's Office. He said that he must have misheard, and that he will retract his statement.

Commissioner Curtis moved that the minutes be approved; the motion was seconded by Commissioner Seielstad, and approved unanimously by the Commissioners.

#### IV. Status of Operations Report from the Chief Election Officer

CEO Nago stated that he is going to combine this agenda item with the next one because his status report has a lot to do with OE's preparations for all-mail elections.

CEO Nago reported that OE is working collaboratively with the counties, and that their focus has been on educating voters about all-mail elections in 2020. He said that a mailer with this information was sent to each voter in July, a sample of which was included in the EC's meeting packets. CEO Nago explained that the National Voter Registration Act, a federal law, states that the only way a voter can be removed from the rolls is by a returned mailing. In describing the process, CEO Nago stated that if a voter has forwarded their address, their registration will get flagged. The counties will then follow up with another card called the "white card," and the voter's status is changed to "inactive." The voter then has two election cycles, or two general elections to correct their registration. If they fail to do so within that time parameter, the voter is removed from the rolls.

CEO Nago stated that a second mailer will be sent in January, notifying the voters of important dates and information regarding the voter service centers. In April, a signature capture card will be sent, requesting an updated sample of the voter's signature. CEO Nago clarified that the signature sample is checked against the signature on the ballot envelope, which is one of the ways a voter's identity is verified.

CEO Nago said that OE will be running television, digital, and radio advertisements beginning in April, asking voters to return the signature capture card with a current signature. In July and October, OE will be running an ad for the voter registration deadline. CEO Nago added that although there is a voter registration deadline, voters still have the opportunity to register and vote at a

voter service center on election day. At the end of July, OE will run ads explaining the importance of signing the return envelope, and another in August regarding instructions for voting in a single party primary election.

Regarding election security, CEO Nago stated that they have been noticing misinformation on social media, such as false claims of closed polling places. He said OE wants to make sure that their website has the most accurate information. In addition, OE is working with the National Governors Association on cybersecurity messaging.

Chair Anderson stated that there will be a certain percentage of voters who do not return the signature capture card the first time. He asked CEO Nago what their second opportunity will be. CEO Nago replied that if a voter does not have a signature on file, there is a remedy period written into the elections by mail bill during which time the voter can come in to sign their ballot and verify their identity. Chair Anderson asked if a voter would still receive a ballot if they did not return the signature capture card. CEO Nago confirmed that all voters whose registrations are up to date will receive a ballot.

Commissioner Curtis said that CEO Nago had mentioned that there is 30-day period prior to the election to register, otherwise individuals can register on election day at a voter service center. CEO Nago answered that is correct.

V. Preparations for All-Mail Elections

All discussion related to all-mail elections was covered during CEO Nago's Status of Operations Report.

VI. Public Testimony – Any interested person may submit comments or testimony on any agenda item.

**Ms. Janet Mason – League of Women Voters of Hawaii (LWV):**

Chair Anderson invited Ms. Mason to present the LWV's testimony, and thanked LWV for all of their hard work during the last legislative session.

Ms. Mason stated that she will be presenting testimony on behalf of Ms. Piilani Kaopuiki, who was unable to attend today's meeting. She explained that in response to CEO Nago's status of operations report, the LWV has concerns regarding the stated number of cards that were sent out to registered voters. Ms. Mason said that the 680,000 cards that were mailed seemed like a low number compared to the total number of registered voters in November 2018. She expressed concern that approximately 9% of individuals were

removed from the voter rolls over the past two years, and that the LWV does not want anyone removed from the rolls erroneously. In reference to CEO Nago's status of operations report, Ms. Mason stated that approximately 2,300 voters were mistakenly removed from the rolls. She said that the LWV is requesting that a list of voters whose names will be removed from the rolls be published so that the public has an opportunity to correct any mistakes.

CEO Nago explained that the 680,000 notification cards were sent only to active voters, and that the number from November 2018 that Ms. Mason referred to included both active and inactive voters. He clarified that the inactive voters are those who were sent the mailing which bounced back, then were subsequently sent a forwardable card and had four years or two general elections to correct their registration. CEO Nago said that this most recent notification card was not forwardable, so if they were sent to inactive voters, they would just be returned as undeliverable. Thus, the most recent notification card was only sent to active voters. As an example, CEO Nago stated that approximately 25,000 voters were removed from the white card mailing in August 2019, meaning they were flagged as inactive voters four years ago.

Commissioner Curtis asked CEO Nago if the voters who were removed were the individuals whose cards bounced back. CEO replied that is correct.

Ms. Mason stated that the LWV's request still stands regarding the publishing of the names of voters who are at risk of being removed from the rolls. She said that although she understands what CEO Nago is saying, she does not think that it addresses the issue of the 2,300 voters whose information was incorrectly updated after the second mailing. Ms. Mason added that it is a difficult task, but an important one, and the LWV does not want any voter to be unintentionally disenfranchised.

Regarding the 2,300 voters that Ms. Mason referred to, CEO Nago explained that they should have been flagged as inactive and sent the forwardable cards to begin the four-year period to correct their registration. Instead, these voters had updated their addresses, and the mailer was mistakenly sent to their updated mainland address. CEO Nago said that if this error had gone unnoticed, these voters would not have been flagged as they should have been.

Chair Anderson asked CEO Nago if OE has ever looked into publishing the names of voters. CEO Nago answered that the counties are in charge of the voter registration rolls, so an individual who is interested in purchasing the lists would need to contact the counties. He added that it would be up to each individual county whether they want to publish the voter rolls.

Commissioner Vierra asked Ms. Mason if the LWV has contacted the counties. Ms. Mason replied that they have not, stating that CEO Nago's report seemed to imply that he was speaking on behalf of the counties regarding what had been done with the voter rolls. She added that the LWV is aware that the counties maintain the voter registration rolls. Commissioner Vierra asked CEO Nago if he can ask the counties about this issue, and report back with their responses at the next meeting. CEO confirmed that he would.

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

No public comments were made.

- VIII. Discussion, Review, and Implementation of Method of Evaluation for the Chief Election Officer and action, if appropriate.

Chair Anderson referred the EC to the CEO evaluation questions in their meeting packets, and explained that they will be evaluating them. He asked CEO Nago if his term ends in February. CEO Nago replied that his term ends January 31st, and that the new term would begin on February 1st.

Chair Anderson asked the EC if they had a chance to review the questions, and if they had anything to add. He asked EC Secretary Ms. Jaime Kataoka how she wanted the EC to handle this process. Ms. Kataoka answered that the EC can discuss any changes they want to make to the questions, then she will finalize and distribute them. Chair Anderson asked Ms. Kataoka if she wanted them to have this discussion now or if they should take it home and send her the changes later. Ms. Kataoka responded that it is up to the EC how they want to handle the process.

Chair Anderson said that the packet is lengthy and suggested that the EC take it home for review. Commissioner Takenaka asked Chair Anderson to give the EC a deadline, to which Chair Anderson said they have until November 15th to provide any suggested changes to Ms. Kataoka.

- IX. Selection or Consideration of Procedures for Selection of Commission Chair (Chair Scotty Anderson's term to expire on December 3, 2019); discussion and action, if appropriate.

Chair Anderson announced to the EC that the end of his first term is approaching, and that he is willing to serve a second term if the EC is agreeable.

He excused himself from the room and turned the meeting over to Commissioner Vierra so that the EC could have a discussion.

Chair Anderson left the room.

Commissioner Vierra stated that he will take any comments regarding Chair Anderson's reappointment or non-reappointment. Since there were no comments, Commissioner Vierra asked for a motion to reappoint Chair Anderson as EC Chair. The motion was made by Commissioner Seielstad, seconded by Commissioner Curtis, and approved unanimously by the Commissioners.

Chair Anderson entered the room.

With no further comments, Chair Anderson stated that the EC will go into executive session as stated in the agenda, i.e., to approve the minutes for the executive session for the meeting of June 12, 2019; 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, and action, if appropriate; and pursuant to Section 92-5(a)(2), HRS, the Commission may go into executive session to evaluate, discuss the selection of the Chair, and take action, if appropriate.

The Commission went into executive session at 10:21 a.m.

#### X. Executive Session

Approval of Minutes for the Executive Session for the Meeting of June 12, 2019

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

Pursuant to Section 92-5(a)(2), HRS, the Commission may go into executive session to evaluate, discuss the selection of the Chair, and take action, if appropriate.

The Commission reconvened into open meeting at 10:28 a.m.

#### XI. Adjournment


Commissioner Curtis stated that until the EC clarifies Chair Anderson's right to vote for himself as EC Chair, he is going to ask for another vote including

Chair Anderson's vote. He said that if it is ruled invalid, the EC will address later. Commissioner Curtis made a motion to reappoint Chair Anderson as EC Chair, which was seconded by Commissioner Takenaka, and approved unanimously by the Commissioners. Deputy AG Kunimoto added that Chair Anderson can hold over as EC Chair in any circumstance.

With no further business before the Commission, Chair Anderson adjourned the meeting.

Elections Commission meeting was adjourned at 10:30 a.m.

Respectfully submitted,



---

Jaime Kataoka  
Elections Commission Secretary