



**STATE OF HAWAII
OFFICE OF ELECTIONS**

802 LEHUA AVENUE
PEARL CITY, HAWAII 96782
elections.hawaii.gov

SCOTT T. NAGO
CHIEF ELECTION OFFICER

December 8, 2020

To: Elections Commission

From: Scott T. Nago
Chief Election Officer

Re: Status of Operations

The 2020 Elections were the first year that elections were conducted by mail statewide pursuant to Act 136, Session Laws of Hawaii 2019. In addition to implementing a new model of voting, election officials were impacted by the COVID-19 pandemic and operations of the United States Postal Service, which required extra precautions to ensure both the health and safety of voters and their ability to cast their ballot. With the shared statutory responsibilities, the Office of Elections works cooperatively with the Offices of the County Clerks Elections Divisions, to conduct the elections. The County Elections Divisions are responsible for voter registration, mailing and receipt of ballots, as well as establishing and operating voter service centers and places of deposit. The Office of Elections is responsible for voter education, as well as printing and counting ballots.

VOTER EDUCATION

Due to the COVID-19 pandemic, our Office had to adapt its voter education and outreach, which traditionally relies on community events, to instead focus heavily on advertising and social media. We used funding provided through the Coronavirus Aid, Relief, and Economic Security (CARES) Act, to expand our media campaign including newspaper advertisements, increasing television and radio advertising, and partnering with locally produced programs.

One of our partnerships included Kupuna Power, a platform that seeks to educate and empower Hawaii's elderly. The Office was featured on their television program and we worked with them to capture "behind the scenes" footage of our operations at the counting center during the Primary Election. In turn, they produced a one-hour election special in October, "Follow Your Vote, Election 2020," that explained how votes are counted and secured from the perspectives of a volunteer, an Official Observer, and the election community. Additionally, Kupuna Power produced and distributed flyers featuring frequently asked questions about elections, and compiled a network to disseminate reminders and updates about receiving and returning the ballot.

For the General Election, we partnered with the Hawaii State Foundation on Culture and the Arts on a community and social media campaign. They commissioned local artist, Maika'i Tubbs, to create a series of flyers reminding voters about the General Election deadlines – voter registration, receiving the ballot, and returning the ballot by mail. The flyers were disseminated at local stores and the images were posted on social media.

Our Office also used social media to conduct voter education presentations through Facebook Live. This allowed us to continue our outreach programs by directly engaging with voters, albeit through a different platform, and extend the audience as it was shared by community groups and viewers with their social networks. Presentations highlighted voter registration, voting by mail, and on December 2, we recapped the 2020 Elections and shared information about the upcoming Electoral College.

Additionally, we conducted virtual presentations to share information about the accessible Alternate Format Ballot with organizations and stakeholders who work with the disability community, such as the National Federation of the Blind, Special Parent Information Network, and Aloha Independent Living. Similar presentations, which included information about voting by mail, were conducted for the elderly community through the Lanakila Meals on Wheels Program, and advocates for the homeless through the Partners in Care organization.

The County Elections Divisions also used CARES Act funds to similarly expand their voter education and media campaigns and target the voters in their County.

BALLOT OPERATIONS

When we last met on July 23, 2020, the Primary Election ballots had just been delivered to voters. Following the Primary Election, our Office determined the winners and received County Charter amendment questions from the County Clerks, and presidential candidates from the political parties, to produce the General Election ballot. We also had to address a vacancy for Senate District 16 due to the death of the Honorable State Senator Breene Harimoto. The timing of the vacancy, pursuant to HRS §17-3(b)(3), would have impacted our ability to comply with the federal 45-day deadline for the transmission of ballots to military and overseas voters. As such, we sought clarification from the Intermediate Court of Appeals to determine that the deadline could be advanced to September 5, as it would still provide sufficient time for candidates to file, which was granted.

Ballots for military and overseas voters were sent out by the 45-day deadline of September 18. There were 2,538 ballots sent by email and 560 ballots sent by mail statewide. For all other voters, mail ballot packets were delivered to the United States Postal Service between October 5 and October 9. Statewide, there were 723,978 mail ballot packets delivered to the United States Postal Service. The mailing timeline was determined in response to the guidelines issued by the United States Postal Service for the General Election indicating that mailing by non-profit takes 3 to 10 days, and that first-class mail takes 2 to 5 days for delivery. As a result, voters were able to receive their ballot in a timely manner ahead of the statutory deadline of 18 days prior to the election, which was October 16.

COUNTING CENTER OPERATIONS

Before the Primary Election, a counting center is set up in each County. Prior to each election, the voting and vote counting system is tested by Official Observers, who serve as the “eyes and ears” of the public. By law, processing of voted ballots can begin 10 days prior to Election Day. At the counting centers, ballot return envelopes are opened, ballots are removed from the secrecy sleeve, and unfolded to be scanned. These processes are all done in the presence of Official Observers.

While the neighbor island counting centers did not use the full 10 days, the Oahu counting center operated for the majority of this time. With an anticipated increase of the volume of ballots in future elections, especially presidential elections, we anticipate that the Oahu counting center may require at least the 10 days of processing voted ballots, if not more. This would require a law change that we would propose to the Legislature.

Each counting center is operated by State Election Officials with additional support from the neighbor island County Elections Divisions. Volunteers are also recruited to help with the processing of ballots and serve as Official Observers. Despite COVID-19, volunteers were eager to serve at the counting centers and we had more than enough people interested in participating. All shifts had ample coverage and many volunteers were willing to sign up for additional shifts as they became available. Counting centers were set up to ensure social distancing and temperature checks were required before entering the buildings, along with additional measures to protect the health and safety of both volunteers and staff.

While ballots are counted over the 10 days prior to the election, no votes are tabulated until Election Day. By law, results cannot be released until the last voter in line, at the close of voting at 7:00 pm on Election Day at the voter service centers, has voted. Following the close of voting on Election Day, the County Elections Divisions notify the Oahu counting center, and once it is confirmed that all voter service centers statewide have closed, the first results report is released. The following tables indicate the number of ballots included in each report and as a percentage of all voted ballots counted.

2020 Primary Election

	Report 1		Report 2		Election Day Final	
	6:31 pm		9:33 pm		11:39 am	
Mail	368,200	91.7%	374,875	93.3%	400,952	99.8%
In-Person	-	0.0%	5,277	96.4%	5,473	100.0%
Total	368,200	90.4%	380,152	93.4%	406,425	99.8%

2020 General Election

	Report 1		Report 2		Report 3		Election Day Final	
	6:51 pm		10:54 pm		1:13 am		11:39 am	
Mail	514,877	93.4%	526,077	95.5%	528,444	95.9%	550,423	99.9%
In-Person	-	0.0%	20,677	71.9%	28,742	100.0%	28,742	100.0%
Total	514,877	88.8%	546,754	94.3%	557,186	96.1%	579,165	99.9%

In the event of an automatic recount, triggered by a difference of 0.25% or 100 votes – whichever is greater, it would need to be completed within 72 hours of the close of voting, by law. Three contests triggered a recount in the Primary Election: State Representative District 13, State Representative District 30, and Councilmember County of Kauai. There were no automatic recounts triggered in the General Election.

After Election Day, we conduct a manual audit of at least 10% of precincts, randomly selected, by hand counting results of a contest. The County Elections Divisions also transfer cured ballot return envelopes, that the voter – by law, has been allowed to correct the signature within 5 business days following the election, for a post-election count and to produce the final result reports. The final statewide results report is then released upon the completion of all County post-election counts. All voted ballots are then secured for storage for 22 months pursuant to federal law.

LEGISLATION

On November 20, 2020, our Office submitted our report, *Implementing Elections by Mail*, to the Legislature pursuant to Act 136, Session Laws of Hawaii 2019. This report, to be submitted 60 days prior to the Legislative Session through 2025, includes the implementation of elections by mail by our Office and County Elections Divisions; expenditures and resources; and challenges and recommendations. The 2019 and 2020 reports are available on our website at elections.hawaii.gov.

We will also submit our recommendations as part of our 2021 Bill Package to the Legislature. Our recommendations include allowing flexible dates and times for voter service centers, as well as amending the timelines for voters to receive the

ballot and the opening of places of deposit. These proposals are intended to maximize the time and methods for voters to receive, vote, and return their ballots. By allowing voter service centers to be established at differing dates and times, the County Elections Divisions may be able to establish additional locations in remote areas or establish more locations on Election Day. Similarly, by amending the timeline for voters to receive their ballots to be at least 18 days prior to the election, the County Elections Divisions are able to accommodate longer mailing timelines for remote areas, as well as stagger delivery to assist the United States Postal Service. We are also proposing that places of deposit open 18 days prior to the election to coincide with the mailing of ballots so voters can choose to return their ballots by mail or at a place of deposit as quickly as possible rather than waiting until 5 days prior to the election.

Additionally, we will introduce legislation to amend the timelines of a State Senate vacancy, extend the timeline to process voted ballots to 18 days prior to the election, and conduct a recount within 5 business days following the election. Currently, the law provides that a recount must be conducted within 72 hours of the close of voting at 7:00 pm on Election Day. We are proposing that the deadline for a recount to be concluded match the deadline for voters to cure the signature on their ballot return envelope as no additional counting would occur within these 5 business days. Act 136, Session Laws of Hawaii 2019 also extended the deadline to file an election contest to 13 days following the Primary Election so a group or candidate would still have time to file an election contest.

LOOKING FORWARD

The Electoral College will be held on Monday, December 14 at 2:00 p.m. at the State Capitol. Since the State Capitol is closed to the public due to the ongoing COVID-19 pandemic, we will livestream the Electoral College through Facebook Live.

As 2020 ends, we are filing reports to the U.S. Election Assistance Commission regarding the CARES Act funds which expire on December 31. We are also producing maps of the 2020 General Election turnout. These maps, like previous election turnout maps, will visualize the turnout organized by the State Senate and

State Representative districts and method of voting. We are also preparing our website for the 2022 Elections, as well as our voter education and operations.

In 2021, we will continue to work with the County Elections Divisions to improve the Statewide Voter Registration System and related services, like the Mail Ballot Status Portal and Online Candidate Issuing. We are exploring options for streamlining the process for County and State Election Officials and making information more accessible to voters.

Finally, by May 2021, the Reapportionment Commission will convene to determine the political boundaries based on the 2020 Census. The Chief Election Officer serves as the secretary to the Reapportionment Commission and provides technical services.

If you have any questions, please feel free to contact me at (808) 453-VOTE (8683) or 1-800-442-VOTE (8683).