

TO: Hawaii State Elections Commission
FROM: Sandy Ma, Executive Director
Common Cause Hawaii
DATE: March 17, 2022
RE: Testimony To The Hawaii State Elections Commission For The March 18, 2022 Meeting

Common Cause Hawaii is a nonprofit, nonpartisan, grassroots organization dedicated to strengthening our representative democracy through voting and elections modernization efforts. Common Cause Hawaii works to ensure that all citizens who are able to vote may be able to vote safely and securely for the betterment of our democracy.

Common Cause Hawaii requests the State Office of Elections (OE) provide a progress update regarding the implementation of Act 126, SLH 2021 (Automatic Voter Registration). Common Cause Hawaii also thanks OE for providing periodic progress updates in the past.

Common Cause Hawaii works with a network of current and former elections and department of transportation officials, who have implemented AVR across the nation. We are all willing to assist OE and its cooperating agencies, as necessary, with AVR implementation in any capacity that OE may need. We are willing to be test subjects to ensure AVR functionality and ease by end-user. We hope to assist, without any intent to second guess or act as Monday morning quarterbacks, OE's efforts to implement AVR; we only wish to help for the smooth implementation of AVR.

Again, Common Cause Hawaii offers the services of the Center for Civic Design (CCD) to provide suggestions on user-friendly, voter intuitive language and workflows when OE and its cooperating agencies, such as the Hawaii Department of Transportation, driver's license forms are being considered for re-design. We kindly request that OE and its cooperating agencies provide notice and advance opportunity for the public, who have specifically requested, to weigh in on form design and workflow changes. While we understand that the July 2021 updated driver's license forms do not anticipate being revised soon, agencies must have an internal sense and timing, especially for budgetary and procurement purposes, of when forms need to be re-ordered and therefore will be updated.

Also, now that the COVID numbers have substantially decreased and restrictions are being lifted, Common Cause Hawaii seeks to arrange site visits for us and a few of our partners so we may see how the AVR system is working at a few DMV branch offices. We hope to secure OE's cooperation in securing these site visits. We would like to ascertain the workflow and "scripts" used at the county DMVs when clerks are interacting with a person who is obtaining a new driver's license or a renewal. This interaction is crucial to the success of AVR and may cue a person to register to vote when obtaining a new license or a renewal.

Given AVR's live operations in Hawaii for the past few months, we request that data be shared to help understand how the new AVR system is functioning. We believe a report including a monthly report with data from the DMV, OE, and/or County Elections Divisions on total transactions at DMVs, total new registrations from DMVs, total updated registrations from DMVs, and the total number of applicants who declined an opportunity to register. Regular monthly tracking of AVR data can help the state detect if there are any anomalies which may indicate an issue with the system, and it will help all of us better understand the performance of AVR.

In our efforts to determine if there is a set interface between county DMV clerks and the end-user, as we previously reported in our January 2022 testimony at the January 12, 2022 Election Commission meeting, we learned that Kauai has a form with its Division of Motor Vehicle & Licensing that permits a person to change his/her/their driver's license address (attachment 1). Maui has also a form with its Division of Motor Vehicle & Licensing that permits a person to change his/her/their driver's license address (attachment 2), and Hawaii County allows you to change your driver's license address by mailing a letter with documents to the Vehicle Registration & Licensing Division (<https://www.hawaiicounty.gov/departments/finance/vehicle-registration-licensing/driver-licensing-general-information/changing-your-driver-license-address>).

We confirmed that the processes by which Hawaii County and Maui County permit drivers' license holders to change their addresses circumvent the need to obtain new drivers' licenses and requires people to have to re-register to vote to update their voter information without providing them with such voter registration documentation or information, bypassing AVR, and, thus, may run afoul of the NVRA. We are still trying to determine Kauai County's process. We have not seen such a form for Oahu. We request the Elections Commission and OE to provide any information and/or assistance in addressing the problematic practices at the counties.

Common Cause Hawaii raises concerns regarding private individuals or groups conducting voter fraud investigations. Such voter fraud investigations have been spurred on by the "big lie" that the election of President Joseph R. Biden was illegitimate. This has caused people and groups to canvas door-to-door from battleground states [Pennsylvania, Michigan and Florida](#) to even states that are undisputed such as [Utah](#) and [North Carolina](#). Hawaii is not immune to this. Such canvassing and/or investigations may be a form of voter intimidation, especially where there are large groups of minority voters, and Hawaii has such groups, being the most diverse state in the nation with a diversity index of 76.0% and with 15% of its eligible voters are immigrants. See <https://www.census.gov/library/visualizations/interactive/racial-and-ethnic-diversity-in-the-united-states-2010-and-2020-census.html> (retrieved Jan. 31, 2022) and see https://www.pewresearch.org/hispanic/wp-content/uploads/sites/5/2020/02/GMD_2020.02.26_Immigrant-Eligible-Voters.pdf (retrieved Feb. 25, 2022). Common Cause Hawaii is concerned that such private individuals or groups conducting voter fraud investigations, which have already been repeatedly debunked, may chill voters from exercising their fundamental right to vote. Now lawsuits are being filed against such groups to stop their chilling conduct on a fundamental right. See <https://www.usnews.com/news/politics/articles/2022-03-09/lawsuit-seeks-to-stop-groups-door-to-door-voter-fraud-hunt> (retrieved Mar. 14, 2022).

Thank you for this opportunity to provide comments, questions, and concerns.

Attachments: (1) Kauai Division of Motor Vehicle & Licensing Notice of Change of Address form
(2) Maui Division of Motor Vehicle & Licensing Notice of Change of Address form



Attachment 1

COUNTY OF KAUAI
DIVISION OF MOTOR VEHICLE & LICENSING
4444 RICE STREET, SUITE #480, LIHUE, HAWAII 96766
Email: kauaidl@kauai.gov
Phone: (808)241-4242
Fax: (808)241-6533

NOTICE OF CHANGE OF ADDRESS

(File within 30 days of change via in person, mail or by fax)

In order to record this with our office, you must include two proof of principal residence
Principal residence is defined as the location where a person currently resides even if the residence location is temporary. Please refer to acceptable proof of principal residence document checklist.

NAME OF APPLICANT

DRIVER LICENSE NUMBER OR STATE OF HAWAII DRIVER LICENSE

MAILING ADDRESS CURRENTLY ON RECORD

Mailing
Address:

STREET OR P.O. BOX ADDRESS

CITY

STATE

ZIP CODE

NEW ADDRESS

Mailing
Address:

STREET OR P.O. BOX ADDRESS

CITY

STATE

ZIP CODE

Home
Address:

STREET ADDRESS

CITY

STATE

ZIP CODE

X

SIGNATURE OF LICENSED DRIVER

PRINTED NAME OF LICENSED DRIVER

Election Integrity Testimony

Paul D. Macri
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My name is Paul Macri, House District 47 and resident of Oahu. I am appealing to you on the behalf of my children and future grandchildren. According to the Heritage Foundation and specifically The Heritage Guide to the Constitution Hawaii is ranked 51st for all the states plus the District of Columbia in the elections scorecard .(see <https://www.heritage.org/constitution/#!/articles/1/essays/19/election-regulations> and <https://www.heritage.org/electionscorecard/> and <https://www.heritage.org/electionscorecard/pages/states/hi.html>)

The primary responsibility for establishing voting laws resides in individual state legislatures from Article I, Section 4, Clause 1 of the U.S. Constitution states that “The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of choosing Senators”. The voter’s ballot is the fundamental contract of exchange in a democracy to empower elected officials to act on their behalf.

House Resolution 1 would significantly strip individual state legislatures of this responsibility, by forcing all states to implement early voting, automatic voter registration, same-day registration, online voter registration, no-fault absentee balloting, and prohibit or restrict voter identification laws by allowing voters to simply sign a statement affirming their identity instead of providing identification.

The recent changes that include all mail-in ballots, same day voter registration, the elimination of voter ID, expansion of the election period, failure to validate the election rolls, introduction of stand-alone ballot boxes in public spaces with no authorized chain of custody provisions, and weak signature verification processes have introduced questionable practices.

The elimination of precinct voting locations caused voters to travel to distant locations to vote, sometimes standing in long lines for up to four hours on election day which delayed election results for hours and the opening of mailed ballots prior to election day and entering the voted ballots into tabulation systems, which in some states were found to be connected to the internet, can expose the early ballot count to outside entities. We know all electronic machines are vulnerable to manipulation due to rogue hardware, firmware, software, and internet connectivity.

During the 2020 General Election we have example of fraud that had included signature verified voters under the names of _____, _____, _____, _____, _____, _____ and _____, and despite the obvious fraudulent cases the Hawaii State Office of Elections did not conduct a manual audit to certify the 2020 General Elections by precinct as required by law.

In April 2020, 16,008 registrations that were updated on 3/27/20 and 3/31/20 in Honolulu County were flagged as questionable. More than 4,000 of the voters associated with those questionable registrations voted in the 2020 General Election; now, therefore, be it

I believe the Hawai'i state legislators should take immediate action to implement the following measures to protect the integrity of Hawai'i residents' vote:

1. require bi-annual review and update of voter registration files to remove all invalid registrants;
2. cross reference the bar code on the ballot to a bar code for each voter;
3. require an audit of all voter computing and tabulating devices for rogue code or devices, and restrict any modifications once the devices are certified;
4. increase the number of election-day voting sites on islands to at least one for each state House District;
5. provide paper ballots for both mail-in and in-person voting to allow for validation if vote irregularities are reported;
6. improve the security of vote collection boxes by:
 - a. accepting only 1 envelope at a time;
 - b. scanning an envelope barcode when inserted; and
 - c. having cameras record the depositing of ballots;
7. ensure votes are not tabulated prior to the opening of polls on election-day;
8. validate the chain of custody of each ballot;
9. require voters to list their driver license or state ID number on the envelope of ballots that are mailed and these identifiers are cross-checked with the voter registration rolls;
10. ensure ballots are not accepted from any source after the published closing time for the election, except for voters still in line at polling sites at closing time;
11. prohibit the mailing of ballots, to include use of collection boxes, by anyone other than the individual voter, a family member living with the voter, or someone with a valid power of attorney;
12. prohibit private donors from contributing to the Office of Elections;
13. hold the County Clerk and the State Elections Officers accountable for any failure to follow requirements enacted by the Hawai'i legislature to include Completion of the Certification Audit;
14. make the results of Certification Audit public no later than 31 March of the following year; and
15. require the Hawai'i Office of Elections to maintain all physical and electronic components of the election process (envelopes, ballots, thumb drives, chain of custody reports, etc.) for no less than a four-year period;

16. investigate irregularities such as when there are more votes than registered voters and prosecute violators of election law for election fraud;
17. hold the Hawaii State Office of Elections responsible for oversight of County voter registration file maintenance and the conduct of routine audits validate voter registration; and
18. protect critical voting infrastructure using all resources necessary to conduct secure, free, and fair election operations and if need be draft citizens through jury pool selection or activation of the Hawaii National Guard

The Hawai'i's Congressional delegation should oppose any attempt to federalize state election procedures via legislation such as HR1 of the 117th Congress.

Election Commission, March 18, 2022

The duties of the Elections Commission provided under Hawaii Revised Statutes §11-7.5 include: Investigate and hold hearings for receiving evidence of any violations and complaints;

The Election Commission has the duty to initiate investigations. Prompted by Mr. Lam's information, **I move to Initiate an Investigation into the 2020 Hawaii Election operations of each County's Office of Elections.**

RATIONALE:

Mr. Lam's assertions provide information that challenges the integrity of the 2020 election.

Kauai was originally determined to be Hawaii's initial foray into Mail In Voting. The reason for this is that Kauai Office of Elections is very competent. I know this from experience. And, according to Mr. Lam, every precinct in Kauai District's 14 & 16 was audited.

Keener minds determined that the whole state should participate in this "experiment." I say "experiment" as Mail-In Voting hadn't been experienced in Hawaii previously.

The 2020 Mail-In election in Hawaii was enlightening. Mr. Lam's observations have offered information that point to several areas for improvement. The lack of "random" precinct auditing was pointed out. Also mentioned was the Audits' documentation lacked required signatures. The requirement for Observers of different parties to attend each ballot transfer was not accomplished.

The Investigation could include an audit of one "randomly chosen" precinct in each Representative District, performed by Election personnel from different Counties. In addition to revealing process inefficiencies and inaccuracies, Election staff would learn from other County's operating practices.

An Audit can reveal the errors of procedure and documentation of Elections Standard Operating Procedures, and legal requirements. The Intent of this Investigation is to increase the integrity of future Elections.

Our mutual goal of "Every Vote Counts" is advanced with this endeavor.

Michael Curtis

Election Commissioner