



MICHAEL CURTIS
ELECTIONS COMMISSION CHAIR

STATE OF HAWAII ELECTIONS COMMISSION

MINUTES

REGULAR MEETING OF THE ELECTIONS COMMISSION

August 27, 2024 @ 10:00 AM

Pursuant to Section 92-.37, Hawaii Revised Statutes, the Elections Commission (EC) will be meeting remotely using interactive conference technology.

Commissioners in Attendance:

Michael Curtis, Chair
Dylan Andrion
Anita Aquino
Ralph Cushnie
Jeffrey Kuwada
Clare McAdam
Jeffrey Osterkamp
Kahiolani Papalimu
Peter Young

Support Staff in Attendance:

Bryan Yee, Department of the Attorney General (AG)
Christopher Leong, Department of the Attorney General (AG)
Jazelle Aolahiko, Elections Commission Secretary, Office of Elections

PROCEEDINGS

I. Call to Order [10:00 a.m.]

The meeting of the Elections Commission was called to order by the Elections Commission Chair Michael Curtis at 10:00 a.m.

II. Swearing In of New Elections Commission Members [10:04 a.m.]

New Commissioners Osterkamp and Young already signed their oath of office at the start of their term and took this time to introduce themselves to the Commission.

III. Roll call and Determination of a Quorum [10:00 a.m.]

Chair Curtis conducted roll call. All members of the Elections Commission were present at the meeting with the excused absence of Commissioner Andrion.

Commissioner Andrion later entered the meeting at 12:14 p.m.

IV. Legal Counsel to the Commission [10:02 a.m.]

Deputy Attorney General Bryan Yee introduced himself and stated that he will be answering some questions that were asked at the last meeting.

V. Approval of Minutes for the June 19, 2024 meeting [10:03 a.m.]

Commissioner Young made a motion to approve the June 19, 2024 minutes. The motion was seconded by Commissioner McAdam and carried unanimously noting the excused absence of Commissioner Andrion.

VI. Public Testimony [10:05 a.m.]

Kellyna Campbell provided testimony, demanding the resignation of Chair Curtis and the termination of election officer Scott Nago, citing serious concerns about election integrity and potential legal violations.

Doug Pasnik provided testimony, pointing out significant lapses in the documentation and certification process for the 2022 General Election, highlighting missing required certifications and inadequate audits.

Kathryn Meyer Fenzl provided testimony, calling for Scott Nago's removal for either incompetence or intentional interference with election transparency.

Jamie Detwiler provided testimony, emphasizing the need for transparency and preservation of ballots for an upcoming audit, while expressing concerns about election integrity and the handling of voting data.

Signe Godfrey provided testimony, questioning the legitimacy of extending the ballot pickup time to 6:45 PM, despite election law stating ballot boxes should close at 7:00 PM.

Andy Crossland provided testimony, calling for the censure and removal of Chair Mike Curtis for allegedly violating parliamentary procedures and abusing his authority during a previous meeting.

Jennifer provided testimony, raising concerns about the lack of official observers during ballot handling, questioning the integrity of the chain of custody and suggesting a return to simpler precinct voting for transparency.

Adriel Lam provided testimony, expressing concerns about election integrity in Hawaii, highlighting issues with inaccurate voter records, premature release of ballot data, and low voter turnout with mail-in voting.

Haunani Kahea provided testimony, emphasizing the need for in-person voting with ID, better voter roll management, and restoring public trust in the electoral process in Hawaii.

Martin Choy provided testimony, urging the commissioners to understand and preserve the true meaning of Aloha, highlighting its importance in maintaining the spirit of Hawaii and its paradise-like essence.

AnnMarie Hamilton provided testimony, urging the repeal of universal mail-in voting in Hawaii, citing concerns about missing ballots, the inadequacy of audits, and a lack of transparency in the vote-counting process.

Nolan Chang provided testimony, asking for updates on six motions related to election procedures and accountability from various officials.

Rosemarie Jauch provided testimony, demanding a return to in-person voting in Hawaii, citing concerns about election security, manipulation of digital ballots, and questionable staffing practices.

Austin Martin provided testimony, criticizing the election oversight process in Hawaii, claiming a lack of transparency and threatening behavior towards observers, and called for accountability and adherence to the rule of law.

Paul Deslauriers provided testimony, wanting counties to use their own ballot counters to improve election security instead of relying on vulnerable digital systems and contractors.

Brahkruz provided testimony, criticizing Hawaii's election system for limited in-person voting options, inaccessible ballot drop-off locations, and calls for the Chair to be more transparent and responsive to public concerns.

Karl Dicks provided testimony, expressing frustration over ignored objections to election processes, questioned the legitimacy of reported in-person voting numbers, and calls for accountability within Hawaii's Election Commission.

Brett Kulbis provided testimony, urging Election Commissioners to fulfill their responsibilities by reviewing election operations and procedures at counting

centers and voting service centers to improve the electoral process.

Tara Rojas provided testimony, criticizing the meeting's incorrect Zoom link and lack of public access, urging for immediate updates and emphasizing the need for in-person voting to restore trust and transparency.

Jaerick provided testimony, criticizing the current election process in Hawaii, calling for a redo of the Primary due to alleged corruption, and urging for local control over voting procedures.

Sherilyn Wells provided testimony, calling out election integrity issues in Hawaii, highlighting failures by election officials and urging action to address potential federal law violations and restore public trust.

Ikaika Kailiawa-Smith provided testimony about a high rate of discarded votes in Hawaii's elections due to counting machine errors and questions the integrity of the electoral process, urging for hand recounts and transparency.

Jessica Priya provided testimony, expressing gratitude for the in-person meeting, criticized the Chair's demeanor, and highlighted ongoing issues with the election office while encouraging others to continue speaking out against corruption.

Tamara McKay provided testimony, criticizing current officials for disregarding laws and transparency, urging a return to inclusive practices and paper ballots, and called for accountability from election leadership.

Wallyn Christian provided testimony, criticizing election practices in Hawaii, claiming illegal requirements for party affiliation on ballots, ineffective mail-in voting, and issues with non-citizens voting, urging for accountability and reform.

Jennifer Cabjuan provided testimony, expressing concerns about the lack of response regarding her inquiry into ballot signature verification for her father. She questioned the adequacy of ballot security procedures and asked for backup plans for electronic voting in case of a system failure.

Noela provided testimony, expressing deep concerns about the potential use of the ERIC system in elections, questioning its safety and the lack of options for opting out, and emphasizes her desire for transparency and protection of voter information.

Wendy Balidoy provided testimony, expressing her concerns about the state of governance in Hawaii, urging officials to be courageous and listen to the people's needs while offering her prayers for discernment.

Wendell Elento provided testimony, highlighting a lack of investigations and

public hearings regarding election issues, emphasizing the need for accountability and action from the Elections Commission.

Donald Sakamoto provided testimony, raising concerns about the verification process for ballots marked with an "X" by blind voters and the need for registered witnesses.

Forrest provided testimony, calling for the removal of Chair Mike Curtis and Scott Nago due to alleged corruption and disregard for due process.

Shigemi provided testimony, raising concerns about election transparency, ballot processing issues, and the disrespectful behavior of Chairman Curtis during meetings.

Keikilani Ho provided testimony, expressing frustration over unanswered questions, lack of improvements in the election process, confusing ballot layouts, and low voter turnout, urging the Commission to better serve the public.

Steve Yoder provided testimony, criticizing mail-in voting as flawed and corrupt, and questioned the Election Commission's efforts to communicate concerns to legislators and advocate for in-person voting.

Dave provided testimony, calling for the removal of Chair Curtis, viewing him as a roadblock to necessary changes and progress in addressing corruption.

Marcin Wyszogrodzki provided testimony, expressing concern about the lack of transparency in Hawaii's election process, comparing it to his experiences in Poland.

Karen Fetzer provided testimony, questioning the credibility of the election commission for not addressing verified election integrity issues despite receiving numerous testimonies and evidence.

Gary Cordery provided testimony, expressing frustration over the Election Commission's inaction and asked if they will consider returning to in-person voting with ID verification, highlighting the public's mistrust in the voting process.

Shelby Billionaire provided testimony, claiming there are significant discrepancies in election voter statistics, suggesting potential fraud in the voting process and urging the Commission to investigate the data.

Adriel Lam provided additional testimony, expressing concerns about election transparency and integrity, citing a lack of verifiable data and urging the Commission to restore public trust through traditional methods of ballot counting.

Lono Mack provided testimony, addressing concerns about the integrity of the

election process after his nomination papers were denied due to the use of electronic signatures, arguing that Hawaii law does not prohibit their use.

Debra provided testimony, raising concerns about the lack of voter ID checks and uniformity in military ballots, and criticized the Maui County clerk for not adhering to election laws and restricting her observations.

Cece provided testimony about irregularities in Primary Election results, highlighting "ghost votes" for parties without candidates and calling for a forensic audit of voting equipment to address recorded errors.

Nicolette Vonwiegandt provided testimony, expressing frustration over the voting process, demanding a return to paper ballots and in-person voting, citing concerns about ballot security and accessibility.

Daniel Gabriel provided testimony, criticizing the voting system's lack of transparency and demands a return to in-person voting with paper ballots and proper identification, citing concerns about corruption and vote integrity.

Mary Healy provided testimony, calling for increased transparency and accountability in Hawaii's mail-in ballot system, emphasizing the need to access and verify paper ballots to ensure election integrity.

Wendell Elento provided additional testimony, emphasizing the importance of allowing simultaneous communication during meetings, as outlined in Robert's Rules of Order, to enhance interaction and efficiency.

Doug Pasnik provided additional testimony, raising serious concerns about election certification irregularities and the lack of compliance with legal requirements, questioning the integrity of the election process and the actions of the Chief Elections Officer, Mr. Nago.

Andy Crossland provided additional testimony, criticizing the Commission for violating the Sunshine Law by changing the Zoom link on the day of the meeting, making it difficult for public participation and jeopardizing the meeting's validity.

Wallyn Christian provided additional testimony, raising concerns about a deceased candidate remaining on the ballot and called for stricter voter registration processes to prevent deceased individuals from receiving ballots and to ensure accurate voter lists.

VII. Communications & Correspondence [1:21 p.m.]

Commissioner Andrion made a motion to enable the chat. The motion was seconded by Commissioner Cushnie. No vote was taken. [12:52 p.m.]

Commissioner Cushnie made a motion to have the Deputy Attorney General give his opinion on whether the Chief Election Officer has the authority to change the voting method from mail-in to day-of, in person voting, at the precinct with voter ID required. The motion was seconded by Commissioner Aquino. Motion **carried**. [1:01 p.m.]

YES: Andrion, Aquino, Cushnie, Curtis, McAdam, Papalimu

NO: Kuwada, Osterkamp

Commissioner Cushnie made a motion to request ballot box chain of custody documentation from the counties. The motion was seconded by Commissioner Aquino and **carried** unanimously. [1:20 p.m.]

YES: Andrion, Aquino, Cushnie, Kuwada, McAdam, Osterkamp, Papalimu, Young, Curtis

NO: N/A

Commissioner Cushnie made a motion to have all testifiers questions answered in writing by the chair within 15 days of the meeting and have it posted online. The motion was seconded by Commissioner Andrion. Motion **failed**. [1:23 p.m.]

YES: Andrion, Aquino, Cushnie, Papalimu

NO: Kuwada, McAdam, Osterkamp, Young, Curtis

Commissioner Cushnie made a motion to have the Deputy Attorney General answer his email on the removal of Scott Nago. The motion was seconded by Commissioner Aquino. Motion **failed**. [1:32 p.m.]

YES: Andrion, Aquino, Cushnie, Papalimu

NO: Kuwada, McAdam, Osterkamp, Young, Curtis

Commissioner Cushnie made a motion to remove Deputy Attorney General Leong and have his June 23, 2024 letter answered by the new Deputy Attorney General. The motion died for a lack of a second. [1:34 p.m.]

Commissioner Cushnie made a motion to sanction Deputy Attorney General Leong for insubordination. The motion died for a lack of a second. [1:35 p.m.]

Commissioner Cushnie made a motion to have Deputy Attorney General Leong answer the questions raised in previous meetings. There was no second and no vote was taken as the motion was followed by Deputy Attorney General Yee answering the six questions in the moment. [1:35 p.m.]

Commissioner Cushnie made a motion to ask the Deputy Attorney General how they can represent the Commission in court without advising the

Commission that they are doing so. The motion was seconded by Commissioner Andrion. No vote was taken as the motion was followed by Deputy Attorney General Yee answering the question in the moment and agreeing to keep the Commission informed on any lawsuits filed against them. [2:04 p.m.]

Commissioner Cushnie made a motion to censure the chair. The motion was seconded by Commissioner Andrion. Motion **failed**. [2:08 p.m.]

YES: Andrion, Aquino, Cushnie, Papalimu

NO: Kuwada, McAdam, Osterkamp, Young

ABSTAINED: Curtis

Commissioner Cushnie made a motion to assign a special master to the investigation into sensitivity settings. The motion was seconded by Commissioner Aquino. Motion **failed**. [2:12 p.m.]

YES: Andrion, Aquino, Cushnie, Papalimu

NO: Kuwada, McAdam, Osterkamp, Young, Curtis

Commissioner Cushnie made a motion to have Scott Nago explain the legal definition of a ballot image. The motion was seconded by Commissioner Aquino. Motion **carried**. [2:18 p.m.]

YES: Andrion, Aquino, Cushnie, McAdam, Papalimu, Young

NO: Kuwada, Osterkamp, Curtis

Commissioner Cushnie made a motion to have the Deputy Attorney General answer the question of ballot constitutionality in this meeting and follow up in writing. The motion was seconded by Commissioner Andrion. Motion **carried**. [2:22 p.m.]

YES: Andrion, Aquino, Cushnie, McAdam, Papalimu, Young, Curtis

NO: Kuwada, Osterkamp

Commissioner Cushnie made a motion to put Scott Nago on probation for not responding to all inquiries within 14 business days. The motion was seconded by Commissioner Andrion. Motion **failed**. [2:23 p.m.]

YES: Andrion, Aquino, Cushnie, Papalimu

NO: Kuwada, McAdam, Osterkamp, Young, Curtis

Commissioner Cushnie made a motion to have Scott Nago tell the Commission about the 22-month rule and follow up with it in writing within 5

days. The motion was seconded by Commissioner Andrion. Motion **carried**. [2:31 p.m.]

YES: Andrion, Aquino, Cushnie, Curtis, McAdam, Papalimu, Young, Curtis

NO: Kuwada, Osterkamp

Commissioner Papalimu left the meeting at 2:32 p.m.

Commissioner Cushnie made a motion to advise the Chief Election Officer to forward to the legislature to have elections in person, one day, in the precincts, hand counting paper ballots. The motion was seconded by Commissioner Andrion. Motion **carried** noting the excused absence of Commissioner Papalimu. [2:36 p.m.]

YES: Andrion, Aquino, Cushnie, Young, Curtis

NO: Kuwada, McAdam, Osterkamp

Commissioner Cushnie made a motion to have the Chair and Secretary acknowledge receipt of documentation sent to them and tell the sender what action will be taken with the document. The motion was seconded by Commissioner Andrion and **failed** noting the excused absence of Commissioner Papalimu. [2:38 p.m.]

YES: Andrion, Aquino, Cushnie, Young

NO: Kuwada, McAdam, Osterkamp, Curtis

Commissioner Cushnie made a motion to have the Office of Elections follow HRS 16-42 as it is written, by auditing a random sample of not less than ten per cent of the precincts employing the electronic voting system, to verify that the electronic tallies generated by the system in those precincts equal hand tallies of the paper ballots generated by the system in those precincts, counting all races on the ballots in accordance with HRS 11-125. No ballot images. The motion was seconded by Commissioner Aquino and **failed** noting the excused absence of Commissioner Papalimu. [2:42 p.m.]

YES: Andrion, Aquino, Cushnie

NO: Kuwada, McAdam, Osterkamp, Young, Curtis

Commissioner Cushnie made a motion to have the Deputy Attorney General answer in writing the legality of writing a certificate of election for the Governor and Lt. Governor prior to the 2022 election being certified. The motion was seconded by Commissioner Andrion and **carried** noting the excused absence of Commissioner Papalimu. [2:47 p.m.]

YES: Andrion, Aquino, Cushnie, McAdam, Young, Curtis

NO: Kuwada, Osterkamp

Commissioner Cushnie made a motion to recommend having the Chief Election Officer certify that the statutory requirements of HRS 11-155 are met prior to certifying an election. The motion was seconded by Commissioner Andrion. Motion **failed** noting the excused absence of Commissioner Papalimu. [2:50 p.m]

YES: Andrion, Aquino, Cushnie, Young

NO: Kuwada, McAdam, Osterkamp, Curtis

Commissioner Cushnie made a motion to have the over under report be compared to how many ballots the county collected and handed the state, by precinct, using the chain of custody forms generated from the counties. The motion was seconded by Commissioner Aquino and **failed** noting the excused absence of Commissioner Papalimu. [2:52 p.m.]

YES: Andrion, Aquino, Cushnie, Curtis

NO: Kuwada, McAdam, Osterkamp, Young

VIII. Primary Election Metrics [2:54 p.m.]

Scott Nago stated that he will get back to the Commission with more finite numbers from the Counties as his office just wrapped up the election.

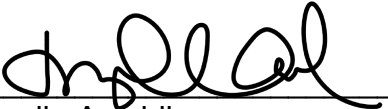
IX. Executive Session

The Commission did not enter Executive Session.

X. Adjournment [2:55 p.m.]

Elections Commission meeting was adjourned at 2:55 p.m.

Respectfully submitted,



Jazelle Aolahiko
Elections Commission Secretary