



MICHAEL CURTIS
ELECTIONS COMMISSION CHAIR

STATE OF HAWAII ELECTIONS COMMISSION

NOTICE OF ELECTIONS COMMISSION MEETING

Date: Wednesday, December 18, 2024
Time: 10:00 a.m.
Place: Department of Land and Natural Resources
Kalanimoku Building at 1151 Punchbowl St,
Room 132, Honolulu, HI 96813
or via Video Conference or Telephone*

*Pursuant to Section 92-3.7, Hawaii Revised Statutes, the Elections Commission will be using interactive conference technology. The public may view the video and audio of the meeting through the following video conferencing link or dialing one of the following telephone numbers (you will need the Meeting ID below, but will not have a panelist number) and complying with the instructions to join:

Video: <https://us02web.zoom.us/j/81327916139>

Telephone: +1 253 215 8782 +1 507 473 4847
 +1 346 248 7799 +1 564 217 2000
 +1 669 444 9171 +1 646 558 8656
 +1 669 900 9128 +1 646 931 3860
 +1 719 359 4580 +1 689 278 1000
 +1 253 205 0468 +1 301 715 8592
 +1 312 626 6799 +1 305 224 1968
 +1 360 209 5623 +1 309 205 3325
 +1 386 347 5053

Meeting ID: 813 2791 6139

In the event audiovisual communication cannot be maintained with all Commissioners participating in the meeting, the meeting shall be automatically recessed for up to thirty (30) minutes to allow staff to attempt to restore communication.

If, however, audiovisual communication cannot be restored, please go to <https://elections.hawaii.gov/about-us/boards-and-commissions/elections-commission/> for more information including reconnection instructions.

MEETING INFORMATION

Public Testimony

Pursuant to Section 92-3, Hawaii Revised Statutes and Section 3-170-11, Hawaii Administrative Rules, oral testimony may be limited to three (3) minutes at the discretion of the presiding officer and will be accepted only on matters directly related to the board agenda. Generally, each agenda item is addressed (and testimony received) in the order listed in the agenda; however, agenda items may occur out of order without notice and testimony is not accepted for completed agenda items. The Board agenda and meeting materials for this meeting are also made available for inspection on the Elections Commission website at: <https://elections.hawaii.gov/about-us/boards-and-commissions/elections-commission/>.

- **Internet Access:**
If you wish to testify through the internet, please click the Raise Hand button found on your Zoom screen. Board staff will individually enable that testifier to unmute their microphone. When recognized by the Chair, please unmute your microphone before speaking and mute your microphone after you finish speaking in order to prevent audio feedback.
- **Phone Access:**
If you wish to testify by phone, you may indicate you want to testify by entering “*” and then “9”, a voice prompt will let you know that the host of the meeting has been notified. When recognized by the Chair, you may unmute yourself by pressing “*” and then “6” on your phone. A voice prompt will let you know that you are unmuted. Once you are finished speaking, please enter “*” and then “6” again to mute yourself.

Written Testimony

Pursuant to Section 3-170-11, Hawaii Administrative Rules, to ensure the public, as well as its board members, receive such testimony in a timely manner, written testimony should be submitted no later than two workdays prior to the scheduled meeting date and time. Any written testimony submitted after such time cannot be guaranteed to be distributed in time for the meeting. Written testimony may be submitted by one of the methods listed below:

- By email to: elections.commission@hawaii.gov
- By U.S. Postal Mail: 802 Lehua Avenue, Pearl City, Hawaii 96782
- By facsimile to: (808) 453-6006

Written Testimony submitted to the Elections Commission will be made a public record and any contact information contained therein will be available for public inspection and copying. Please do not include information in your testimony that you do not want disclosed to the public.

Public Note

For propriety, all comments are to be addressed to the Elections Commission Chair. Arguments and side discussions will not be tolerated.

For Further Assistance

If you require special assistance or auxiliary aids and/or services to participate in the public hearing process of the Elections Commission, please contact the Office of Elections at (808) 453-8683 or toll free at 1-800-442-8683 or email elections.commission@hawaii.gov as soon as possible. Requests made as early as possible will allow adequate time to fulfill your request.

A G E N D A*

- I. **Call to Order**
- II. **Roll Call and Determination of a Quorum**
- III. **Approval of the Written Minutes from the August 27, 2024 meeting**

Written Minutes: <https://elections.hawaii.gov/wp-content/uploads/2024-08-27-EC-Regular-Mtg-Minutes-DRAFT.pdf>

Video Recording: <https://www.youtube.com/watch?v=i3ZrT095rpQ>

Written Summary of the Video Recording: <https://elections.hawaii.gov/wp-content/uploads/2024-08-27-EC-Written-Summary.pdf>
- IV. **Whether to Request the Deputy Attorney General to Give an 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.**
[Email from Commissioner Cushnie dated September 29, 2024](#)
[Email from Commissioner Aquino dated September 30, 2024](#)
- V. **Whether to Request Ballot Box Chain of Custody Documentation from the Counties**
[Email from Commissioner Cushnie dated September 4, 2024](#)
- VI. **Whether to Have Scott Nago Explain the Legal Definition of a Ballot Image**
[Email from Office of Elections dated September 4, 2024](#)
- VII. **Whether to Request the Deputy Attorney General to Give an Opinion on the Question of Ballot Constitutionality and to Follow Up in Writing**
- VIII. **Whether to Have Scott Nago Tell the Commission About the 22-month Rule and Follow Up with it in Writing within Five Days**
- IX. **Whether to Request the Deputy Attorney General to Give an Opinion in Writing on the Legality of Writing a Certificate of Election for the Governor and Lt. Governor prior to the 2022 Election Being Certified**
- X. **Update on Sunshine Law Complaint (S Appeal 25-02)**
[Email from Commissioner Cushnie dated September 8, 2024,](#)
[September 23, 2024,](#) [September 25, 2024,](#) [September 26, 2024](#)

Letter from the Office of Information Practices dated [September 18, 2024](#)

XI. Discussion and Possible Decision Making on Signature Verification Initial Report

Email from Commissioner Cushnie dated [September 12, 2024](#),
[September 23, 2024](#)

XII. Discussion and Possible Decision Making on Manipulation of Ballot Images

[Email from Commissioner Cushnie dated September 25, 2024](#)
[Email from James Viets dated October 19, 2024](#)

XIII. Discussion and Possible Decision Making on Counting Center Operations

[Email from Commissioner Cushnie dated November 2, 2024](#)
[Email from Jennifer Hunt dated November 8, 2024](#)

XIV. Performance Criteria for Chief Elections Officer

XV. Communications & Correspondence

The following is correspondence received by the Elections Commission.

Inquiry on date of next meeting:

[September 14](#) – Chang

[September 16](#) – Prescott

[September 19](#), [September 26](#) – Tholen

[October 2](#) – Monk

Other:

[August 30](#) – Office of Elections

[September 7](#) – Cushnie

XVI. Adjournment

*The Elections Commission may convene an executive session on any matter listed in the agenda pursuant to Hawaii Revised Statutes section 92-5(a)(4) to consult with the Commission's attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities.

**Any person may submit comments or testimony on any agenda item at the time the item is called.