



MICHAEL CURTIS
ELECTIONS COMMISSION CHAIR

STATE OF HAWAII ELECTIONS COMMISSION

MINUTES

REGULAR MEETING OF THE ELECTIONS COMMISSION

December 18, 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)
Silvana Dean, 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. 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 Papalimu and Commissioner Young.

Commissioner Young joined the meeting at 10:04 a.m.

Commissioner Papalimu joined the meeting at 11:18 a.m.

III. Approval of the Written Minutes from the August 27, 2024 meeting [10:01 a.m.]

Commissioner Cushnie made a motion to amend the meeting minutes. The proposed amendment is to include a specific statement made by Deputy Attorney General Yee, where he clarified that the role of the Attorney General's office is to represent the Commission as a whole, not individual members. They do not answer questions from individual members to avoid conflicts between them. Instead, they respond only to the Commission as a whole. Commissioner Cushnie insists that this direct quote from the meeting should be included in the minutes, as it is important and relevant to future discussions. He points out that previous meeting minutes only noted that Yee gave advice, but did not include the specific details of the advice given. The motion was seconded by Commissioner Aquino and **failed** noting the excused absence of Commissioner Papalimu.

YES: Andrion, Aquino, Cushnie

NO: Kuwada, McAdam, Osterkamp, Young, Curtis

Commissioner Kuwada moved to approve the minutes of August 27, 2024. The motion was seconded by Commissioner Osterkamp and **carried** noting the excused absence of Commissioner Papalimu.

YES: Kuwada, McAdam, Osterkamp, Young, Curtis

NO: Andrion, Aquino, Cushnie

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 [12:48 p.m.]

Doug Pasnik provided testimony, questioning the logic of nullifying actions based on ongoing investigations and challenged the commission's decision to inaugurate candidates before election legality is confirmed.

Adriel Lam provided testimony, arguing that in-person voting is a legal right and should be available to all citizens, emphasizing it as a violation of civil rights to limit this option.

Tara Rojas provided testimony urging for transparency, accountability, and equity in government processes, criticizing the dismissal of meeting records and the lack of

accessibility for the public.

Jamie Detwiler provided testimony highlighting concerns about election transparency, lack of accountability, and inefficiencies observed during the election process, urging immediate reforms.

Andy Crossland provided testimony, calling for accountability within the Elections Commission, criticizing violations of sunshine laws, lack of transparency, and election irregularities, and urged motions of no confidence in the Chair and investigation into ballot discrepancies.

Nolan Chang provided testimony, requesting the Election Commission to provide detailed information on the 2024 election audit and urged the board to compel officials to respond to their legal information requests.

Shelby Billionaire provided testimony, criticizing election law violations, chain of custody issues, unconstitutional ballots, and the failure to address legal matters, expressing frustration with the lack of progress and threatening legal action.

Tamara McKay provided testimony, condemning the lack of transparency in the election process, demanding accountability and fair representation for Hawaii citizens, and warned of national exposure if issues persist.

Karl Dicks provided testimony, challenging the constitutionality of Hawaii's elections and ballots, criticizing the lack of accountability, transparency, and legal answers, and pledged to take the case to the U.S. Supreme Court.

Lynn Surayan provided testimony, criticizing Scott Nago for his unexplained stance on not changing the election process, urging the commission to provide clear answers, and called for those unwilling to fulfill their duties to step down.

Jaerick Medeiros provided testimony, accusing the commissioners of election corruption, criticizing their actions, and warned of legal consequences, urging them to stop cheating.

James Gashel provided testimony, arguing that moving back to in-person voting would violate accessibility laws, making the voting process less accessible for individuals with disabilities.

Keikilani Ho provided testimony, urging the Commission to physically count all mail-in ballots due to discrepancies and concerns over election integrity, transparency, and lack of chain of custody documentation.

Wallyn Christian provided testimony claiming that the Hawaii Elections Commission, led by Mr. Nago, has violated the state constitution by compromising voter privacy and accountability, and calls for legal action and clearer responsibilities for election

officials.

Anita Kai Lorinc provided testimony expressing concerns about inconsistencies in the election process, praising the fairness of Scott Nago's actions, and warned about a domestic group attempting to overthrow Hawaii's political system, urging the Attorney General to investigate.

Kahaku Akoi provided testimony, expressing concerns about the lack of representation and voting rights for Kanaka Maoli, highlighting violations of treaties and the forced participation in foreign elections under duress.

Enoka-Shayne Bingo provided testimony, criticizing the current election system, calling for the return of same-day voting, and demanded accountability from officials, warning of a potential overhaul.

Pat Beekman provided testimony, criticizing the Hawaii Elections office for reducing in-person voting locations, which she claims discouraged Republican voters, and called for more locations and one-day voting.

Matt Kolling provided testimony, asking how to find out the status of past motions passed by the commission, expressing concern about their follow-through.

Suzie Martinson provided testimony, expressing concern about the accuracy of voter rolls, sharing an example of her daughter, who moved to Virginia but still receives ballots at their address.

Doug Pasnik provided additional testimony, criticizing the commission's handling of election certification, calling out misconduct and urging the resignation of the Chair for failing to uphold legal and ethical standards.

Adriel Lam provided additional testimony, highlighting concerns about the lack of audit transparency for mail-in ballots, discrepancies between in-person and mail-in voting results, and the need for paper ballot validation in elections.

Chris Neff provided testimony, criticizing the commission for not capturing action items and raised concerns about potential election irregularities, particularly regarding vote discrepancies and lack of transparency.

Karen Fetzer provided testimony, expressing strong opposition to certain officials, particularly Scott Nago and Chair Curtis, and called for their resignation.

Wallyn Christian provided additional testimony, asking if the Commission will go through each agenda item for further input from those who have testified.

Karl Dicks provided additional testimony, emphasizing the importance of accessible voting and criticizes the readability and credibility of Act 136, urging Commission

members to do their research.

Pat Beekman provided additional testimony, criticizing the limited in-person voting locations in the 2024 elections, citing evidence of Republican voters being disproportionately affected, and recommends statewide in-person voting totals for transparency.

Tara Rojas provided additional testimony, expressing concerns about the premature inauguration before election certification, the need for accountability, and the ongoing injustice faced by Kanaka Maoli in a system she views as a form of colonization.

Donald Sakamoto provided testimony, sharing concerns about the accessibility of voting machines, particularly for blind individuals, and advocates for more voting centers to reduce long wait times.

Rosemarie Jauch provided testimony, raising concerns about election transparency, including issues with denied access to equipment settings, rejected ballots, and delayed responses to her information requests.

Gary Cordery provided testimony, urging the commission to return to in-person voting with ID and paper ballots, emphasizing the need for integrity, accountability, and transparency in election processes.

Jamie Detwiler provided additional testimony, emphasizing that accessible voting options, including electronic and absentee ballots, are available for people with disabilities.

Shigemi Okada provided testimony, expressing concern about the shift to an all-mail voting system, emphasizing the importance of in-person voting and accountability.

Shelby Billionaire provided additional testimony, expressing frustration with the handling of past meetings, legal issues, and the lack of action on important matters, including language on ballots and constitutional violations.

Leonard Nakoa provided testimony, expressing frustration with government interference, feeling that his voice and the power of his community are being taken away.

Rosemarie Jauch provided additional testimony, questioning the validity of the election and supporting a motion of no confidence against Scott Nago and Chair Curtis.

Jaerick Medeiros provided additional testimony, arguing for separate voting days for county and state elections, criticizing mail-in ballot issues, and questioning the legitimacy of election results.

Anita Kai Lorinc provided additional testimony about being doxed by a political group and called for an investigation into potential election law violations.

Sheila Medeiros provided testimony, sharing her experience of long lines on election day, advocating for maintaining in-person voting options, and criticizing the lack of promotion for primary elections and in-person voting.

Brett Kulbis provided testimony, criticizing the meeting's progress, urging commissioners to observe election processes firsthand, and suggests a solution for validating actions from the previous meeting.

David Williams provided testimony, criticizing the Election Commission for discouraging in-person voting through advertisements and urges more accessible voting options for those who prefer voting in person.

Forrest provided testimony, questioning the legality of inaugurating the Kauai County Council before election certification and criticized the commission's handling of the process.

Wendy Balidoy provided testimony, urging Scott Nago and the commission to have the courage to switch back to paper ballots, believing they have the power to do so.

Shigemi Okada provided additional testimony, criticizing the disorganization of election volunteer shifts, calling for better transparency and honesty, and urges the commission to improve election integrity.

Malik Obama provided testimony, expressing outrage, calling the elections, state, and president "fake" and labeling the situation a joke.

Keone Payton provided testimony, criticizing the commission members, accusing them of neglecting their duties, being corrupt, and urged them to resign.

Nicole Berinobis provided testimony, expressing concerns about receiving two ballots, questioning the election process' chain of custody, and urges the commission to be accountable or step down if corruption exists.

Chair Curtis offered to skip over items IV-IX and go to item X with the permission of the Commission. Commissioner Cushnie and Commissioner Andrion expressed their desire to discuss those items.

Commissioner Aquino made a motion to rescind the request for the Deputy Attorney General to give an opinion on whether the Chief Election Officer has the authority to change the voting method. The motion was seconded by Commissioner Cushnie and **carried**.

YES: Kuwada, McAdam, Osterkamp, Young, Curtis

NO: Andrion, Aquino, Cushnie, Papalimu

After the vote, there was confusion regarding the motion process and voting procedures. Chair Curtis and Deputy Attorney General Yee clarified that five votes are needed to pass a motion, per Hawaii Revised Statutes. A motion to request ballot chain of custody documentation from the counties was discussed, with a possible rescindment from a prior meeting. Tensions escalated when Commissioner Cushnie repeatedly made motions without being recognized, leading to his ejection from the meeting for obstructing the agenda. The Chair called a five-minute recess at 1:02 p.m. while Commissioner Cushnie was removed.

The meeting was called back to order by Chair Curtis at 1:14 p.m. and roll call was conducted. All members of the Elections Commission were present with the exception of Commissioner Aquino and Commissioner Cushnie.

Commissioner Andrion made a motion to invite Commissioner Cushnie back into the meeting. The motion was seconded by Commissioner Papalimu and **failed**, noting the excused absence of Commissioners Aquino and Cushnie. [1:16 p.m.]

YES: Andrion, Papalimu

NO: Kuwada, McAdam, Osterkamp, Young, Curtis

V. Whether to Request Ballot Box Chain of Custody Documentation from the Counties [1:17 p.m.]

Commissioner Osterkamp made a motion to rescind item V, but the motion died for lack of a second. [1:18 p.m.]

Commissioner Papalimu made a motion to reiterate item V to get it passed in a legal meeting, but the motion died for lack of a second. [1:18 p.m.]

VI. Whether to Have Scott Nago Explain the Legal Definition of a Ballot Image [1:19 p.m.]

Commissioner Osterkamp made a motion to rescind item VI. The motion was seconded by Commissioner Kuwada and **carried** noting the excused absence of Commissioners Aquino and Cushnie.

YES: Kuwada, McAdam, Osterkamp, Young, Curtis

NO: Andrion, Papalimu

VII. Whether to Request the Deputy Attorney General to Give an Opinion on the Question of Ballot Constitutionality and to Follow Up in Writing [1:20 p.m.]

Chair Curtis stated that item VII is moot because the Supreme Court ruled that the

ballot was constitutional.

- VIII. Whether to Have Scott Nago Tell the Commission About the 22-month Rule and Follow Up with it in Writing within Five Days [1:20 p.m.]

Scott Nago explained the 22-month rule, which was already followed up in writing and linked to item VI of the agenda.

- 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 [1:21 p.m.]

Commissioner Osterkamp made a motion to rescind item IX. The motion was seconded by Commissioner Kuwada and **carried** noting the excused absence of Commissioners Aquino and Cushnie.

YES: Kuwada, McAdam, Osterkamp, Young, Curtis

NO: Andrion, Papalimu

- X. Update on Sunshine Law Complaint (S Appeal 25-02) [1:22 p.m.]

Deputy Attorney General Yee informed the Commission that he responded to the Office of Information Practices (OIP) informing them of the last meeting and that the Commission did not come to a conclusion on a response, so the matter is now pending with OIP.

- XI. Discussion and Possible Decision Making on Signature Verification Initial Report [1:24 p.m.]

- XII. Discussion and Possible Decision Making on Manipulation of Ballot Images [1:25 p.m.]

- XIII. Discussion and Possible Decision Making on Counting Center Operations [1:25 p.m.]

- XIV. Performance Criteria for Chief Elections Officer [1:25 p.m.]

Chair Curtis asked Scott Nago to share how he would like to be measured. Scott stated that he does not want to be judged on things that are not within the Chief Election Officer's control such as any statutory requirement that the Counties carry out. He also doesn't believe it's fair to make the Chief Election Officer responsible for voter turnout because there are factors beyond his control.

Commissioner Papalimu asked Scott Nago if he thinks the Chief Election Officer should be graded on whether there has been more or less voter participation, whether the voting was cost effective or not, and on the amount of dissatisfaction that is represented at the Elections Commissions meetings.

Scott Nago answered no to all three and stated that the Chief Election Officer should be graded on whether or not they did job, whether or not they're following the laws, and whether or not the election happened.

Commissioner Young expressed that the Chief Election Officer should be graded on legal requirements for executing elections, staff turnover, and timeliness of responses.

Commissioner McAdam agreed with Commissioner Young's points and added that the Chief Election Officer should be graded on staff management and the specific job functions of the position.

Commissioner Osterkamp suggested that we consider how Scott Nago has responded to being the target to an increasing number of attacks and factor that into the assessment of him.

Tara Rojas provided testimony, condemning the chairperson's behavior during the meeting, demanding accountability and the resignation of members who have disregarded the public's voice and violated ethical principles.

Jaerick Medeiros provided testimony, criticizing the commission for not respecting one another, failing to follow rules, and undermining public trust, urging them to leave county elections to local authorities.

Juliet Kim provided testimony, expressing disappointment and embarrassment over the commission's behavior, criticizing their treatment of truth-tellers and their failure to act responsibly for the public.

Anita Kai Lorinc provided testimony, expressing support for Scott, sharing personal experiences of being threatened and doxed, and requests the issue be addressed in the next meeting.

Lynn Surayan provided testimony, questioning the legitimacy of a motion vote and criticized the commission's actions as against the will of the people, calling for accountability.

Brett Kulbis provided testimony, criticizing the commission's actions, particularly the chair's removal of a commissioner and questioning how to evaluate the chief director, suggesting it could lead to a lawsuit.

Nicole Berinobis provided testimony requesting that the commission discuss the budget for voter education and how to improve accountability and transparency.

Shigemi Okada provided testimony, emphasizing that although the commissioners are volunteers, their actions have fiscal implications for taxpayers.

XV. Communications & Correspondence [2:03 p.m.]

Commissioner Papalimu asked Chair Curtis if he shared his communications with Scott Nago and with the Attorney General to the Commission. Chair Curtis expressed that it's against Sunshine Law for him to talk to two or more Commissioners at a time, but an information request was responded to Commissioner Cushnie and was included in the meeting packet.

XVI. Adjournment

Elections Commission meeting was adjourned at 2:05 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jazelle Aolahiko', written over a horizontal line.

Jazelle Aolahiko
Elections Commission Secretary