



STATE OF HAWAII ELECTIONS COMMISSION

MICHAEL CURTIS
ELECTIONS COMMISSION CHAIR

WRITTEN SUMMARY FOR VIDEO RECORD

REGULAR MEETING OF THE ELECTIONS COMMISSION

December 18, 2024 @ 10:00 a.m.

Note: The video of the meeting may be viewed on our website
at <https://elections.hawaii.gov/about-us/boards-and-commissions/elections-commission/>

PROCEEDINGS

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

The regular meeting of the Elections Commission was called to order by Chair Curtis.

II. Roll Call and Determination of a Quorum [10:00 a.m.]

All members of the Elections Commission were present at the meeting with the exception of Commissioner Papalimu and Commissioner Young.

Commissioner Young joined the meeting at 10:04 a.m. and 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 to add Deputy Attorney General Yee's direct quote at 1:42 p.m. of the last meeting. The motion was seconded by Commissioner Aquino and **failed** noting the excused absence of Commissioner Papalimu.

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.

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.]

Public testimony was provided by Doug Pasnik, Adriel Lam, Tara Rojas, Jamie Detwiler, Andy Crossland, Nolan Chang, Shelby Billionaire, Tamara McKay, Karl Dicks, Lynn Surayan, Jaerick Medeiros, James Gashel, Keikilani Ho, Wallyn Christian, Kai Lorinc, Kahakuakoi, Enoka-Shayne Bingo, Pat Beekman, Matt Kolling, Suzie Martinson, Chris Neff, Karen Fetzer, Donald Sakamoto, Rosemarie Jauch, Gary Cordery, Shigemi Okada, Leonard Nakoa, Sheila Medeiros, Brett Kulbis, David Williams, Forrest, Wendy Balidoy, Malik Obama, Keone Payton, and Nicole Berinobis.

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 item IV. The motion was seconded by Commissioner Cushnie and **carried**.

Chair Curtis ejected Commissioner Cushnie from the meeting for obstructing the agenda. A five-minute recess was called at 1:02 p.m. to resolve the situation.

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.]

- 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.

- 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.

- 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.]

Scott Nago 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.

Public testimony was provided by Tara Rojas, Jaerick Medeiros, Juliette Kim, Kai Lorinc, Lynn Surayan, Brett Kulbis, Nicole Berinobis, and Shigemi Okada.

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 included in the meeting packet.

XVI. Adjournment

Chair Curtis adjourned the meeting at 2:05 p.m.