



MICHAEL CURTIS
ELECTIONS COMMISSION CHAIR

STATE OF HAWAII ELECTIONS COMMISSION

MINUTES

REGULAR MEETING OF THE ELECTIONS COMMISSION

January 15, 2025 @ 10:00 AM

Pursuant to Section 92-3.7, 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
Peter Young

Support Staff in Attendance:

Christopher Leong, Department of the Attorney General (AG)
Jazelle Aolahiko, 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.

III. Approval of the Written Minutes from the October 8, 2024 meeting [10:01 a.m.]

Commissioner McAdam moved to approve the minutes of October 8. The motion was seconded by Commissioner Cushnie and **carried** noting the excused absence of Commissioner Papalimu. [10:01 a.m.]

YES: Aquino, Kuwada, McAdam, Osterkamp, Young, Curtis

NO: Andrion, Cushnie

IV. Approval of the Written Minutes from the December 18, 2024 meeting [10:05 a.m.]

Commissioner McAdam moved to approve the minutes of December 18. The motion was seconded by Commissioner Young.

Commissioner Cushnie made a motion to amend the December 18 minutes to accurately reflect the events during item 5 as follows:

Commissioner Cushnie made a motion to subpoena ballot box chain of custody documentation from all counties for the 2024 General Election, including Dropbox and USPS collections. The motion was seconded by Commissioner Andrion. The Chair stated that the motion was out of order and that we could only entertain a motion to rescind the request for this documentation or move on to item 6. Commissioner Cushnie stated that the Chair was violating Rule 1.4(a) by not allowing full participation, and the Chair subsequently had him removed from the meeting for obstructing the agenda. Commissioner Cushnie was only allowed to make the motion the Chair desired, not his own motion.

Commissioner Cushnie's motion to amend the minutes was seconded by Commissioner Aquino and **failed** noting the excused absence of Commissioner Papalimu. [10:05 a.m.]

YES: Andrion, Aquino, Cushnie

NO: Kuwada, McAdam, Osterkamp, Young, Curtis

Commissioner Aquino made a motion to amend the December 18 meeting minutes to include Mr. Nago's response to the question asked by the Chair during item 4 as follows:

The Chair asked Mr. Nago for 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 with voter ID. Mr. Nago responded, 'No.'

Commissioner Aquino's motion to amend the minutes was seconded by Commissioner Cushnie and **carried** unanimously noting the excused absence of Commissioner Papalimu. [10:12 a.m.]

Commissioner Aquino made a motion to amend the minutes of the December 18 meeting to include the following:

Commissioner Papalimu made a motion 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. The motion died for a lack of a second.

Commissioner Aquino's motion to amend the minutes was seconded by Commissioner Cushnie and **failed** noting the excused absence of Commissioner Papalimu. [10:17 a.m.]

YES: Andrion, Aquino, Cushnie

NO: Kuwada, McAdam, Osterkamp, Young, Curtis

The original motion to approve the minutes of December 18 was brought back to discussion and a vote was taken. The motion **carried** noting the excused absence of Commissioner Papalimu. [10:31 a.m.]

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

NO: Cushnie

V. Communications & Correspondence [10:31 a.m.]

Commissioner Young moved to receive Communications & Correspondence. The motion was seconded by Commissioner Kuwada.

Commissioner Cushnie moved to amend the motion to not only receive the Communications & Correspondence, but also to discuss each item individually. The motion was seconded by Commissioner Andrion and **failed** noting the excused absence of Commissioner Papalimu. [10:35 a.m.]

YES: Andrion, Aquino, Cushnie

NO: Kuwada, McAdam, Osterkamp, Young, Curtis

The original motion to receive Communications & Correspondence was brought back to discussion. A vote was taken and the motion **carried** noting the excused absence of Commissioner Papalimu. [10:45 a.m.]

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

NO: Osterkamp

VI. Discussion and Decision Making on Response to Sunshine Law Complaint (S Appeal 25-07) [10:47 a.m.]

Deputy Attorney General Christopher Leong summarized the complaint from Commissioner Cushnie regarding the Elections Commission potentially violating the Sunshine Law by approving minutes for the August 27, 2024 meeting that excluded advice from Deputy Attorney General Brian Yee, and OIP has requested the Commission to provide meeting agendas, minutes, recordings, and justification for the actions taken regarding those minutes. [10:49 a.m.]

Commissioner Cushnie made a motion to address the OIP complaint and correct the minutes of the August 27 meeting and turn it in to OIP with a true reflection of what happened. The motion was seconded by Commissioner Andrion and **failed** noting the excused absence of Commissioner Papalimu. [10:53 a.m.]

YES: Andrion, Aquino, Cushnie

NO: Kuwada, McAdam, Osterkamp, Young, Curtis

VII. Performance Evaluation and Consideration of Salary Adjustment of the Chief Election Officer, Pursuant to HRS §§ 11-7.5(5) and 11-1.6(e), and Action, If Appropriate

Andy Crossland testified about ongoing concerns with Scott Nago's insubordination and called for his termination and replacement.

Jamie Detwiler testified that Scott Nago should no longer hold his position due to concerns about ballot security and accountability during elections.

Chris Neff provided testimony expressing concerns about evaluating Scott Nago's performance based on subjective opinions rather than objective criteria and gave a grade of C for accessibility.

Nolan Chang testified about multiple violations of election rules, particularly related to chain of custody, inventory control, and ballot counting during the 2024 Kauai election, and called for stricter adherence to the rules and accountability for Scott Nago's performance.

Lee Trent provided testimony expressing gratitude to Commission members Ralph Cushnie, Anita Aquino, and Dylan Andrion for their dedication to representing the people.

Jennifer Hunt testified about the lack of transparency in the election process, particularly regarding the chain of custody documents and signature verification on Maui and called for better public access to election information.

Gary Cordery testified that Scott Nago's performance has been ineffective, particularly regarding mail-in voting, election costs, voter participation, and security, and called for his resignation.

Rhy Thornton testified against electronic voting security, criticized lack of transparency, and accused some commissioners of stonewalling and committing treason.

Janet Mason testified on behalf of the League of Women Voters of Hawaii, urging the Commission to conduct an objective and professional evaluation of the Chief Election Officer's performance.

Karl Dicks provided testimony criticizing the state of elections in Hawaii, citing constitutional violations and calling for the termination of Scott Nago due to poor election management.

Doug Pasnik provided testimony criticizing the Commission for failing to follow through on motions, address election transparency concerns, and for mishandling election procedures, while calling for accountability and action regarding the performance of the Chief Election Officer.

Andrew Aker provided testimony expressing anger towards the Commission members, criticizing their actions and vowing to continue holding them accountable for their handling of election laws and public speech.

Commissioner Cushnie expressed concerns about election integrity, highlighting issues with chain of custody, lack of observer access, and discrepancies in ballot counts and audits.

Wallyn Christian provided testimony expressing concerns about public distrust in the election process, particularly regarding early collection of drop-off boxes and the handling of votes.

Shigemi Okada provided testimony urging the Commission to evaluate

Mr. Nago's performance critically and recommended he step down due to his lack of proper oversight and care in managing elections.

Robyn McCreary provided testimony expressing concern over the current leadership and urged the board to prioritize fairness, transparency, and the public's trust in their actions.

Rosemarie Jauch provided testimony criticizing Scott Nago's leadership, citing lack of transparency, security concerns, and failure to provide requested election-related information, giving him a failing evaluation.

Dana Land provided testimony expressing disgust with the lack of ethics and integrity in the Board of Commissioners, urging Mr. Nago to step down immediately.

Jaerick Medeiros provided testimony expressing frustration with the Commission's handling of elections, urging for separate county and state elections and calling out Commissioners for mismanagement.

Mary Healy provided testimony expressing concerns about Scott Nago's handling of elections, advocating for in-person voting, improved election integrity, and a reevaluation of his position.

Noela Von Wiegandt provided testimony urging Scott Nago and other Commission members to step down, citing dissatisfaction with their performance and urging them to follow the law and embody the Aloha spirit.

Margaret Lim provided testimony urging Scott Nago to step down, citing a lack of trust in the election system and the need for better-qualified leadership.

Sheryl Bieler provided testimony criticizing the Commissioners for not working towards election integrity and urged them to step down if they are not going to support the people's concerns.

Wallyn Christian provided additional testimony calling for the removal of Scott Nago, stating that he does not listen to the people and has failed in his responsibilities, while urging the Commissioners to represent the people's interests.

Commissioner Cushnie urged the Commission to investigate issues with election chain of custody, irregularities in ballot counting, and discrepancies between the number of votes counted and the actual ballots.

Rosemarie Jauch provided additional testimony requesting the Commission to address concerns about election security and allegations that most of Scott Nago's IT staff are CCP members, which she considers election interference.

Jaerick Medeiros informed the Commission that other individuals were unable to unmute and testify due to technical issues.

Nicolette Vonwiegandt provided testimony expressing frustration over the Board's refusal to engage in meaningful conversations with the public and urged them to address concerns, particularly regarding election processes and chain of custody.

Shigemi Okada reported that some participants were unable to join the meeting or unmute due to technical issues.

Commissioner Osterkamp moved to go into executive session to have a direct discussion with Scott Nago regarding item VII. The motion was seconded by Commissioner McAdam and **failed** noting the excused absence of Commissioner Papalimu. [12:20 p.m.]

YES: Kuwada, McAdam, Osterkamp, Young, Curtis

NO: Andrion, Aquino, Cushnie

Chair Curtis asked Scott Nago if he's willing to participate in public discussion. Mr. Nago answered no to his question. [12:24 p.m.]

Commissioner Cushnie made a motion to remove Scott Nago. The motion was seconded by Commissioner Andrion and **failed** noting the excused absence of Commissioner Papalimu. [12:24 p.m.]

YES: Andrion, Aquino, Cushnie

NO: Kuwada, McAdam, Osterkamp, Young, Curtis

VIII. Biennial Evaluation of the Operations of Elections and Report to the Legislature, Pursuant to HRS § 11-8.5 and Action

Chair Curtis discussed several issues regarding elections, including concerns about the declining service of the United States Postal Service, particularly the closure of the Kealia Post Office and reduced delivery to multifamily units in Poipu, which he believes disenfranchises some voters. He also raised concerns about unique identifying numbers on ballots and envelopes, suggesting that these could track votes and that relying on technology to track votes may not be appropriate. Chair Curtis emphasized that machines and software should not dictate voting behavior

and advocated for in-person, same-day voting. Additionally, he expressed doubts about the accuracy of signature verification by machines, citing potential security risks and the limitations of the budget compared to large corporations.

Commissioner Andrion made a motion to investigate ballot box chain of custody from the Counties. The motion was seconded by Commissioner Aquino. [12:56 p.m.]

Commissioner Cushnie moved to amend the original motion to request documentation for the ballot box collections chain of custody, including those from the United States Postal Service, as prescribed by HAR §3-177-453, and to include the transfer of ballots from the counties to the state. The motion was seconded by Commissioner Andrion and **failed** noting the excused absence of Commissioner Papalimu. [1:08 p.m.]

YES: Andrion, Aquino, Cushnie

NO: Kuwada, McAdam, Osterkamp, Young, Curtis

The original motion to investigate ballot box chain of custody from the Counties was brought back to discussion. A vote was taken and the motion **failed** noting the excused absence of Commissioner Papalimu. [1:21 p.m.]

YES: Andrion, Aquino, Cushnie

NO: Kuwada, McAdam, Osterkamp, Young, Curtis

Commissioner Young made a motion to recommend to the Legislature to create a bipartisan taskforce to resolve election issues raised by the Election Commission. The motion was seconded by Commissioner Cushnie and **carried** noting the excused absence of Commissioner Papalimu. [1:29 p.m.]

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

NO: Osterkamp

Commissioner Cushnie made a motion to ask the Counties for their chain of custody documentation. The motion was seconded by Commissioner Andrion and **carried** noting the excused absence of Commissioner Papalimu. [1:35 p.m.]

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

NO: Osterkamp

IX. Adjournment

Elections Commission meeting was adjourned at 1:37 p.m.

Respectfully submitted,



Jazelle Aolahiko
Elections Commission Secretary

DRAFT