



MICHAEL CURTIS
ELECTIONS COMMISSION CHAIR

STATE OF HAWAII ELECTIONS COMMISSION

MINUTES OF THE REGULAR MEETING OF THE ELECTIONS COMMISSION

August 27, 2025 at 10:00 AM

Pursuant to Section 92-3.7, Hawaii Revised Statutes, the Elections Commission met remotely using interactive conference technology. The video of the meeting may be viewed on our website at: <https://elections.hawaii.gov/about-us/boards-and-commissions/elections-commission/>.

Commissioners in Attendance:

Michael Curtis, Chair
Dylan Andrion
Ralph Cushnie
Lindsay Kamm
Clare McAdam
Jeffrey Osterkamp
Kahiolani Papalimu

Support Staff in Attendance:

Jordan Ching, Department of the Attorney General
Scott T. Nago, Office of Elections
Nicole Noel, Office of Elections
Aaron Schulaner, Office of Elections
Aulii Tenn, Office of Elections

PROCEEDINGS

I. Call to order [10:00 AM]

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

II. Roll call and determination of a quorum [10:00 AM]

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

Commissioner Papalimu entered the meeting at 11:36 AM.

III. Discussion and decision making relating to Commissioner Young's Permitted Interaction Group (PIG) report on the Investigation into State and Kauai County Compliance with HAR 3-177 and Discrepancies in Ballot Counts and Recommendations to the State of Hawaii Elections Commission [10:01 AM]

Nolan Chang provided testimony urging a Department of Justice investigation into alleged ballot fraud, chain of custody violations, and lack of transparency in Hawaii elections.

Jennifer Hunt provided testimony stating that observers were denied access to signature verification processes, violating HRS §11-154.

Paul Deslauriers provided testimony raising concerns about lack of Official Observer access, unsecured thumb drives, and vulnerability of voting machines.

Austin Martin provided testimony claiming he was removed for reporting misconduct and emphasized systemic election issues and legal violations.

Tara Rojas provided testimony asserting that Hawaii's elections are corrupt and called for truth and justice to prevail.

Shelby Billionaire provided testimony alleging federal election fraud, criticizing resignations, and calling for transparency and third-party inclusion.

Janet Mason provided testimony stating that while election procedures were accurately described, the report failed to resolve a significant vote discrepancy and did not address ongoing concerns about ballot chain of custody.

Yumi Kawano provided testimony calling for federal oversight and a revote due to 19,000 unaccounted ballots.

Jamie Detwiler provided testimony supporting the PIG's findings and calling for investigations in all counties.

Andrew Aker provided testimony supporting Commissioner Cushnie and urging audits across all counties, invoking faith and liberty.

Bevin Parker-Evans provided testimony opposing the amendment, affirming that Kauai's election process was secure and well-documented.

Keoni Payton provided testimony criticizing testimony defending the system and accusing the Elections Commission of negligence and corruption.

Megeso William Denis provided testimony supporting audits and accusing election officials of crimes against humanity and constitutional violations.

Susan Strom provided testimony calling for independent audits and accusing the judiciary of being compromised.

Wallyn Christian provided testimony urging Commissioners to serve the people rather than protect positions of power and to remove Chief Election Officer (CEO) Scott Nago.

Tamara McKay provided testimony supporting the PIG report and calling for legal accountability and election reform.

April Lee provided testimony expressing concern over voter apathy and systemic corruption, calling for in-person voting and accountability.

Jaerick Medeiros provided testimony demanding resignations and accusing Commissioners of election fraud and undermining county authority.

Alfred Sarmento provided testimony emphasizing the need to restore public trust and address discrepancies to improve voter participation.

Tara Malia provided testimony calling for audits, legal consequences for violations, and equal scrutiny across counties.

Rebecca Soon provided testimony defending the integrity of Hawaii's elections and urging the Elections Commission to avoid spreading unfounded accusations.

Doug Pasnik provided testimony criticizing the certification process and calling for accountability and transparency.

Keikilani Ho provided testimony criticizing the Commission's lack of progress and urging meaningful action.

Mary Healy provided testimony supporting election reform and accountability, citing systemic issues and the need for transparency.

Shaylene Fahey provided testimony supporting a return to paper ballots and local precinct voting, citing concerns about computer manipulation and voter disengagement.

Gary Cordery provided testimony supporting the PIG report, criticizing mail-in voting for low turnout and high costs, and urging a return to single-day, in-person paper ballot voting.

Jennifer Cabjuan provided testimony suggesting that PIG findings be forwarded to legislators for awareness and action.

Margie Merryman provided testimony expressing confidence in Kauai's election process and urging improvements without fearmongering.

Glenda Nogami Streufert provided testimony defending the integrity of the 2024 election process on Kauai based on her observations.

James Gashel provided testimony emphasizing the importance of accessibility in elections and warning against eliminating accessible voting methods.

Commissioner Kamm summarized the findings of the PIG, which was formed in March to investigate complaints about chain of custody and discrepancies in mail-in ballot counts on Kauai. The PIG, chaired by Commissioners Young and Aquino, both now resigned, concluded that the complaints were valid, County officials were not in compliance with election laws, and the final mail ballot count was unverifiable. On August 22, the Office of Elections and Kauai County Elections Division issued a 27-page rebuttal with 1,900 pages of supporting documents, disputing the PIG's findings and suggesting the discrepancy of 661 ballots could be due to uncounted electronic ballots or other overlooked factors.

Commissioner Kamm explained that the PIG's numbers were based on official data received on May 30, but the County later revised its figures without prior explanation. Key changes included a reduction in drop box ballot envelopes from 8,491 to 8,391 and an increase in USPS-collected envelopes from 17,563 to 18,149. These changes were not communicated until the August 22 response. Additionally, 3,004 ballots were added retroactively without proper documentation. The PIG had not included 151 electronic ballots, which were later clarified as mail ballots. After accounting for these, the revised discrepancy stands at 510 ballots. Kamm criticized the inconsistent and retroactive adjustments, emphasizing the need for a verifiable paper trail.

Commissioner Kamm moved that an independent accounting firm be hired to conduct an audit of the ballot envelopes collected on Kauai in the 2024 General Election. The auditors will inspect and count the ballot envelopes and compare the signatures on the envelopes to the signatures of record. The auditors will also determine how many of the envelopes were collected via drop boxes and how many via the post office. The motion was seconded by Commissioner Andrion and **carried**. [11:59 AM]

YES: Andrion, Cushnie, Kamm, Papalimu, Curtis

NO: McAdam, Osterkamp

Commissioner Cushnie expressed strong support for the motion to conduct an independent audit of Kauai's 2024 ballot envelopes. He emphasized that key election records, specifically those showing a discrepancy between the 23,000 ballots collected by the County and the 27,000 reported by the State, had been altered and submitted to the state Supreme Court after the election was certified. Commissioner Cushnie claimed that these records were not shared with all Commissioners or the public, despite repeated requests.

Commissioner Cushnie argued that Commissioners McAdam and Osterkamp had not seen the relevant documents and were therefore unaware of the full scope of the issue. He asserted that refusing to support an audit would amount to hiding potential fraud. He urged fellow Commissioners to vote in favor of the audit, stating that an independent accounting firm could clarify the situation and restore public trust.

Commissioner Papalimu voiced support for the proposed audit of Kauai's 2024 election ballot envelopes. She expressed concern that a similar investigation for Hawaii Island, where a 19,000-vote discrepancy was reported, had not yet produced a report. She emphasized that while the Kauai issue is serious, the situation on Hawaii Island is even more significant.

Commissioner Osterkamp objected to the motion for an independent audit, arguing that it was not properly listed on the meeting agenda. He expressed concern about the financial implications of hiring an accounting firm, questioning where the funding would come from. Commissioner Osterkamp also warned that approving the motion could further erode public trust in the election system, which he noted has already been a recurring issue. He criticized the PIG report as being based on findings that had already been rebutted by the Office of Elections and felt that the rebuttal had been largely ignored by the Commission. Ultimately, he cautioned that moving forward with the motion could create more problems and deepen public skepticism.

Commissioner Andrion voiced strong support for the motion to conduct an independent audit of Kauai's 2024 election ballot envelopes. He criticized Commissioner Osterkamp's objection to the motion as improper. Commissioner Andrion emphasized that an audit is a nonpartisan action that promotes transparency, something the public has clearly demanded. Drawing from his experience on other boards and commissions, he noted that it is standard practice for deliberation and decision-making to occur during a second meeting.

of a PIG. He concluded by urging the Commission to take action and vote in favor of the audit.

Commissioner Kamm clarified that the PIG's work was focused on fact-finding, not accusing anyone of fraud. She emphasized the need for a verifiable paper trail to support the electronic records used in ballot counting. Commissioner Kamm expressed concern that election officials repeatedly asked the public to "trust the system" without providing transparent documentation. She noted that ballots are handled multiple times before being scanned, yet proper records are not maintained, which undermines accountability.

Commissioner Cushnie followed by questioning whether all Commissioners had reviewed the chain of custody documents and other evidence he received, which he claimed showed discrepancies. He stated that these materials had not been shared with the full Commission or the public and reiterated his call for an independent audit. Commissioner Cushnie argued that withholding this information was equivalent to hiding the truth.

Commissioner Osterkamp responded by thanking Commissioner Kamm for her work and clarifying that she had not accused anyone of fraud. However, he criticized Commissioner Cushnie for repeatedly making such claims, calling them dangerous and harmful to the system. He also pointed out that the Hawaii Supreme Court had already ruled against Commissioner Cushnie's earlier allegations, and he cautioned the Commission against revisiting issues that had already been legally resolved.

Commissioner Cushnie alleged that the County of Kauai falsified and revised ballot data submitted to the state Supreme Court. He cited specific examples, including an overreporting of 750 ballots on October 22 and additional unexplained entries on November 5 and 20, totaling over 1,200 ballots added to already disputed figures. Commissioner Cushnie emphasized that these discrepancies were not addressed by the court and called for an independent audit to determine whether the records were accurate or manipulated.

He argued that verifying the records through mail receipts and physical ballot counts would clarify the situation. He pledged to publicly apologize if the audit proved the records were correct, but stressed that without such a review, the Commission would be ignoring unresolved issues. He urged the Commission not to bury the matter and to allow transparency through an independent investigation.

Commissioner McAdam opposed the motion to hire an independent auditor, citing the high cost, which she estimated at over \$100,000, as an unjustifiable burden on Hawaii taxpayers. She characterized the audit as part of

Commissioner Cushnie's personal campaign following his unsuccessful Supreme Court case. Commissioner McAdam noted that the Office of Elections had already addressed many of the concerns in its report, including clarifying the purpose of certain forms used for internal tracking.

While acknowledging that the election system is not perfect and that some discrepancies exist, Commissioner McAdam argued that the better use of public funds would be to improve and clarify existing election rules and procedures. She advocated for standardizing practices across counties rather than spending large sums on an audit she believes is unnecessary at this time.

Commissioner Osterkamp raised concerns about the financial burden of conducting an independent audit, questioning who would cover the estimated six-figure cost. Chair Curtis acknowledged the uncertainty and suggested the legislature might need to be approached for funding. Commissioner Kamm responded by emphasizing that the Supreme Court had affirmed the Elections Commission's authority to investigate such matters and that the audit would help resolve ongoing discrepancies. She expressed hope that the audit would confirm everything was in order but stressed that the current lack of consistent records made that impossible.

Commissioner Kamm argued that if the audit revealed only poor recordkeeping, it would still be worthwhile, as it could lead to clearer rules and better alignment between paper and electronic records. Chair Curtis added that Kauai had been the pilot for mail-in voting in the state, and this audit could serve as a valuable case study to improve election procedures statewide.

Commissioner Cushnie recounted his experience during the District 37 audit, expressing frustration over unanswered questions and a lack of transparency. He claimed that ballots were disturbed before the audit began and that his requests for documentation, specifically the last two purchase orders for tamper-proof seals and after-hours entry logs for the ballot storage facility, were denied. Commissioner Cushnie emphasized that the purpose of badge access is to track who enters and exits the storage area, particularly outside of regular hours, and argued that this information should be readily available. He urged the Commission to support his motion to obtain these logs, stating that such transparency is essential for accountability.

Commissioner Cushnie moved to subpoena the after-hour entry and exit logs for the secure storage area holding the ballots from April 2024 to present. The motion was seconded by Commissioner Andrion and **failed**. [12:22 PM]

YES: Andrion, Cushnie, Kamm, Papalimu

NO: McAdam, Osterkamp, Curtis

Commissioner Cushnie argued that a 4–3 vote should be sufficient to pass a motion, given that only seven Commissioners were currently active due to two resignations. Chair Curtis disagreed, stating that the Commission is legally defined as a nine-member body, and therefore five votes are required for any motion to pass. This interpretation was supported by the Deputy Attorney General (DAG) Jordan Ching, who cited HRS 11-7 and confirmed that a majority of the full membership, regardless of vacancies, is needed.

IV. Receipt of PIG report from Commissioner Andrión and correspondence from PIG regarding investigation on:

a) Complaints relating to the chain of custody of election ballots. Similar information was considered by the Hawaii Supreme Court in #SCEC-24-0000797; RALPH S. CUSHNIE and more than THIRTY VOTERS, Plaintiffs, vs. SCOTT NAGO, as Chief Elections Officer for the Office of Elections, State of Hawaii, and JADE FOUNTAIN-TANIGAWA, County Clerk for the County of Kauai, Defendants, and by the 5th Circuit Court in #5CCV-25-0000041; RALPH S. CUSHNIE, Pro Se vs. SCOTT NAGO, in his official capacity as Chief Elections Officer for the Office of Elections, State of Hawaii; JADE K. FOUNTAIN-TANIGAWA, County Clerk for the County of Kauai, State of Hawaii; and

b) Claims of intentional malfeasance by County and State Clerks and Elections Officers during the Kauai County Councilmember Race in the 2024 General Election.

Commissioners Andrión and Kamm presented their report on behalf of the PIG formed to investigate election integrity issues in Hawaii County's 2024 General Election. The report outlined five major findings, provided supporting evidence from multiple counties, and concluded with three key recommendations.

Key Findings:

- **Electronic Records Are Unverifiable:** The PIG found that Hawaii's election results, based on electronic systems, cannot be independently verified. Requests for access to ballot images, audit logs, and other electronic data were denied, creating a "black box" system that lacks transparency.
- **Chain of Custody Failures:** None of the four county clerk offices provided chain of custody records compliant with HAR 3-177-453. In some cases, more ballots were counted in the Statewide Voter Registration System

(SVRS) than were physically collected, raising serious concerns about ballot legitimacy.

- **Misleading Public Information:** The Office of Elections was found to have misled the public about ballot security. Claims that ballots are always handled in the presence of official observers and reconciled daily were contradicted by the PIG's findings.
- **Improper Certification of Results:** The Chief Election Officer certified the 2024 election results despite unresolved discrepancies and missing documentation, particularly from Maui County. Certification occurred even while legal challenges were pending.
- **Suppression of Complaints and Evidence:** The PIG documented a pattern of suppression by the Office of Elections and the Deputy Attorney General's Office, including redacted communications and legal opinions that limited transparency and oversight.

County-Specific Issues:

1. **Hawaii County:** Reported 19,042 more ballots counted than envelopes collected.
2. **Kauai County:** Discrepancies in reported ballot totals, unexplained changes to records, and mismatches with USPS receipts.
3. **Maui County:** Missing documentation for ballot transfers.
4. **Honolulu County:** No records of ballot counts per drop box; officials cited lack of time and manpower.

Recommendations:

1. **Independent Audit:** Conduct a manual audit of all ballot envelopes, USPS receipts, and mail-in ballots across all counties, including signature verification.
2. **Return to In-Person Voting:** Eliminate mail-in voting due to its unverifiability and replace it with in-person voting using paper ballots on Election Day.
3. **Replace the Chief Election Officer:** Terminate CEO Nago's employment due to repeated failures to follow election laws, maintain records, and ensure transparency.

V. Adjournment [1:08 PM]

Chair Curtis adjourned the meeting at 1:08 PM.

Respectfully submitted,



Nicole Noel
Elections Commission Secretary

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