



MICHAEL CURTIS
ELECTIONS COMMISSION CHAIR

**STATE OF HAWAII
ELECTIONS COMMISSION**

**MINUTES OF THE
REGULAR MEETING OF THE
ELECTIONS COMMISSION**

October 1, 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
James Apana
Ralph Cushnie
Lindsay Kamm
Clare McAdam
Jeffrey Osterkamp
Kahiolani Papalimu
John Sabas

Support Staff in Attendance:

Jordan Ching, Department of the Attorney General
Raymund de Vega, Office of Elections
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. Introduction of new Commissioners: James Apana, completing the term of Jeffrey Kuwada; and John Sabas, completing the term of Peter Young [10:00 AM]

Commissioner Cushnie expressed his desire to make a motion regarding the agenda item of introducing the new Commissioners. He emphasized that Commissioners have traditionally taken their oath in public and insisted that this practice be upheld.

Chair Curtis responded that Commissioner Sabas had already taken his oath and that Commissioner Apana would do so publicly once he entered the meeting.

Commissioner Cushnie moved that all Election Commissioners be sworn in publicly at the start of their term in an open meeting. Commissioner Cushnie emphasized that the oath is a public commitment to uphold the law and serve the people, especially important for a commission that oversees elections. He argued that doing it behind closed doors could erode public trust.

Commissioner Andrion supported the motion of a public swearing-in, especially for new Commissioners, noting that it's how others have done it in the past.

Deputy Attorney General (DAG) Jordan Ching clarified that there is no legal requirement under Chapter 11 or other statutes for the oath to be taken publicly.

The motion was seconded by Commissioner Andrion and **carried**. [10:02 AM]

YES: Andrion, Cushnie, Kamm, Osterkamp, Papalimu, Sabas

NO: McAdam, Curtis

DAG Ching administered the oath of office to Commissioner Apana.

Commissioner Cushnie insisted that Commissioner Sabas should be sworn in publicly. Chair Curtis responded that Commissioner Sabas had already been sworn in before the motion was passed and was therefore already a Commissioner. Commissioner Cushnie objected and raised a point of order, arguing that Commissioner Sabas had agreed to take the oath publicly and should do so in accordance with the new motion. Chair Curtis maintained that the motion did not apply retroactively.

Commissioner Dylan Andrion suggested seeking an opinion from the DAG to clarify the matter, noting that Commissioner Sabas was willing to take the oath publicly. Chair Curtis reiterated that everyone had already taken their oath.

III. Roll call and determination of a quorum [10:01 AM]

All members of the Elections Commission were present at the meeting.

Commissioner Apana was sworn at 10:08 AM.

IV. Approval of written minutes from previous meetings: [10:10 AM]

a) July 16, 2025

b) July 30, 2025

c) August 27, 2025

Doug Pasnik provided testimony objecting to being denied the opportunity to speak on Agenda Item II and accused Chair Curtis of suppressing public and historical context.

Chris Neff provided testimony criticizing the Commission's process and claimed the Chair was preventing him from updating new Commissioners on actions he observed since 2024.

Kellyna Campbell sought to provide testimony on Agenda Item II.

Austin Martin provided testimony strongly criticizing the Chair's handling of public testimony and the meeting agenda, accusing the Commission and the Attorney General's Office of enabling criminal behavior and obstructing public accountability.

Andrew Aker provided testimony expressing frustration with the Commission's leadership, warning of increased public presence at meetings, and demanding adherence to the will of the people.

Wendell Elento provided testimony criticizing the Commission for a pattern of suppressing oversight motions and complaints, citing multiple past votes that were ignored or rescinded.

Jasmine Blair provided testimony criticizing the Chair's tone toward fellow Commissioners and the public, accusing him of hiding vote records and obstructing transparency in the meeting minutes.

Junya Nakoa provided testimony asserting his right to speak, criticizing the Chair for cutting off public input, and demanding respect for the people's voice and constitutional rights.

Commissioner Cushnie argued that the meeting minutes were incomplete and inaccurate, noting he was muted and removed during the meeting, and urged the Commission to amend the minutes as requested by any Commissioner.

Commissioner Apana asked whether the meeting minutes were verbatim or summarized; Chair Curtis confirmed they were a synopsis. Commissioner Apana then stated he would abstain from voting since he had not attended that meeting.

Commissioner Osterkamp argued that Commissioner Cushnie's proposed additions to the minutes improperly implied the Commission had accepted conclusions from the Permitted Interaction Group's report, which had not yet been approved.

Commissioner Andrion supported Commissioner Cushnie's proposed amendments, advocating for verbatim meeting minutes to ensure accuracy and transparency, and noted he would introduce his own amendment afterward.

Commissioner Cushnie argued that state law (HRS §92-9) requires meeting minutes to include all discussed matters and any information requested by board members, asserting that opposing his amendment would violate this statute.

Commissioner Cushnie moved to amend Agenda Item III and IV of the August 27, 2025 minutes to include in Agenda Item III that Chair Curtis did not allow Commissioner Cushnie to be recognized to continue discussions and decision making on Agenda Item III as this agenda item had many complex issues and the Chair did not allow further discussions. Further, Chair Curtis declared that Commissioner Cushnie was ejected from the meeting for allegedly obstructing the agenda even though the agenda item was to discuss and make decisions on item three. Commissioner Cushnie wanted to be recognized to continue discussing and decision making on item three. Immediately following this declaration, Commissioner Cushnie's microphone was muted preventing further participation on agenda item three and four. Amendments to Agenda Item IV under County-Specific Issues for Hawaii County, include no records of ballot transfers from the county to the state were submitted. Under County-Specific Issues for Kauai County, include falsified records and observers were not allowed to verify the number of envelopes transferred. Under County-Specific Issues for Maui County, include missing documentation for ballot collections. Under County-Specific Issues for Honolulu County, include observers were not

allowed to verify the number of envelopes that were transferred. The motion was seconded by Commissioner Andrion and **failed**. [10:34 AM]

YES: Andrion, Cushnie, Kamm, Papalimu

NO: McAdam, Osterkamp, Curtis

ABSTAIN: Apana, Sabas

Commissioner Andrion stated that the meeting minutes should note the lack of public testimony for a specific agenda item, claiming that a video of him pointing this out was later edited out, and emphasizing that accurate written records are necessary for transparency.

Commissioner Papalimu questioned who had the authority to alter the Commission meeting video, noting that footage appeared edited, and argued the issue was directly relevant to the motion about amending the meeting minutes.

Commissioner Andrion moved to amend the August 27, 2025 minutes to read that no public testimony was taken on the last agenda item. The motion was seconded by Commissioner Cushnie and **failed**. [10:44 AM]

YES: Andrion, Cushnie, Kamm, Papalimu

NO: Osterkamp

ABSTAIN: Apana, McAdam, Sabas, Curtis

Commissioner Kamm moved to approve the minutes. The motion was seconded by Commissioner McAdam and **failed**. [10:53 AM]

YES: McAdam, Osterkamp, Curtis

NO: Andrion, Cushnie, Kamm, Papalimu

ABSTAIN: Apana, Sabas

Commissioner Apana clarified that Maui Commission meetings typically use summarized minutes rather than verbatim transcripts, noting that producing verbatim records would be impractical given staff limitations.

Commissioner Andrion supported adopting verbatim minutes for transparency and public trust, noting that other commissions use them and that many community members rely on written records. He said AI transcription tools could

make this feasible, mentioning his \$12-per-month service that accurately transcribes long meetings, and supported exploring similar tools for the Commission.

Commissioner Cushnie argued that meeting minutes should be verbatim rather than summaries, stating that having both a “written summary” and “meeting minutes” implies the latter must be a full and accurate record, and that voting against the amendment would violate HRS Chapter 92-9.

Commissioner Osterkamp opposed requiring verbatim transcripts, arguing it would overburden staff, strain resources, and make meeting records harder to review. He also addressed concerns about video manipulation, noting that edits are sometimes necessary to remove inappropriate or doxing incidents from recordings.

Commissioner Apana stated he would vote no on requiring verbatim minutes, explaining that transcription would take too long and delay approvals, making it impractical without sufficient staff support.

Commissioner Kamm opposed having verbatim minutes, saying she preferred concise summary minutes and found them sufficient. She suggested simply adding any missing details when Commissioners note omissions and proposed that the video recording serve as the verbatim record, as long as it remains complete and publicly available.

Commissioner Papalimu supported verbatim minutes after learning meeting videos might be manipulated, saying accuracy justified the effort and cost, and suggesting AI tools could make it affordable.

Commissioner Andrion moved to have the Election Commission minutes be verbatim. The motion was seconded by Commissioner Papalimu. The motion was amended to direct staff to explore AI tools for verbatim minutes. The amended motion **failed**. [10:54 AM]

YES: Andrion, Cushnie, Papalimu

NO: Apana, McAdam, Osterkamp, Sabas, Curtis

ABSTAIN: Kamm

Commissioner Andrion moved to amend his original motion to have the Election Commission minutes be verbatim to include direct staff to explore AI tools for verbatim minutes. The motion was seconded by Commissioner Sabas and **carried** unanimously. [11:04 AM]

Commissioner Apana moved to instruct the Chair to ask the staff to research the cost and timing of verbatim minutes and report back to the Commission. The motion was seconded by Commissioner Cushnie and **carried** unanimously. [11:09 AM]

V. Formal complaints and status of independent audit: [11:10 AM]

- a) Update from the Chief Election Officer on procedures for addressing formal complaints
- b) Update from the Chief Election Officer on status of independent audit

Chief Election Officer (CEO) Scott Nago noted to the Commission that it had voted to hire an independent auditing and accounting firm to conduct an audit of the ballot envelopes collected on Kauai during the 2024 General Election.

CEO Nago explained that the Office of Elections would begin by issuing a Request for Information (RFI) to determine the potential cost of the audit. This step is necessary before issuing a formal Request for Proposal (RFP) or solicitation. He explained that once the cost information is gathered, the Office would proceed with the RFP process to hire the independent firm, in accordance with the Commission's vote.

Commissioner Kamm moved that the Elections Commission request the Legislature to direct the State Auditor, as per HRS 23, to conduct an audit of the Office of Elections, including but not limited to HAR 3-177-453 Accountability and Security of Ballots, and the audit would focus on the 2024 General Election results and would necessarily include the Office of the County Clerk of Kauai which has specific duties to maintain a complete and current count of all marked sense ballots issued, spoiled, and received in their county on forms prescribed by the Chief Election Officer. The motion was seconded by Commissioner Cushnie and **carried** unanimously. [11:13 AM]

Commissioner Kamm argued that election results should be independently verified rather than self-verified by officials. She acknowledged the professionalism of election staff but stressed that public trust requires an external audit and a verifiable paper trail. She stated counties should keep clear, uniform records of ballot envelopes to confirm state reports and strengthen confidence in election integrity.

Commissioner Cushnie supported Commissioner Kamm's motion, urging independent verification of mail-in ballot counts and voter records. He argued that election safeguards and inventory controls are lacking, criticized reliance on

“unofficial” postal records, and said officials should not investigate themselves. Commissioner Cushnie also confirmed with CEO Nago that the State administers the Statewide Voter Registration System.

Commissioner Apana asked if the Office of Elections conducts independent audits to ensure transparency. CEO Nago said it does not but was open to the idea. Commissioner Apana suggested the Commission request a state audit, noting it should come from the Commission to maintain independence. He emphasized that an external audit would strengthen public confidence in elections and recommended annual internal audits to improve transparency and trust in the voting process.

Commissioner Kamm clarified that the Commission cannot conduct its own audit and must request one through the legislature and State Auditor’s Office. She noted the audit would not cost the Office of Elections, as the Auditor conducts in-house performance reviews and has a strong record of independence and fairness. Before the vote was taken, the Commission heard public testimony.

Nolan Chang provided testimony urging the Commission to appoint an independent auditor to investigate irregularities and warning that federal intervention could follow if action is not taken.

Jennifer Hunt provided testimony urging the Commission to select an out-of-state, independent auditor and suggested involving local citizens to ensure transparency.

Janet Mason provided testimony supporting oversight efforts and suggesting that concerns raised in the PIG reports could be addressed through process improvements rather than a broad external audit.

Adriel Lam provided testimony in support of an independent audit, citing serious concerns with the Statewide Voter Registration System, unexplained data anomalies, and a lack of ballot chain of custody records across multiple counties.

Austin Martin provided testimony supporting an independent audit, citing past suppression of his election observer complaints and calling for a neutral, professional firm to ensure accountability.

Michelle Stefanik provided testimony in support of an external, independent audit, stating that transparency and fairness cannot be ensured through internal reviews.

Susan Strom provided testimony opposing the use of a state-appointed auditor due to conflict-of-interest concerns and urged for an independent audit to ensure public trust.

Junya Nakoa provided testimony strongly opposing a state-appointed auditor, citing deep distrust in the system and calling for an independent audit to restore public confidence.

Brett Kulbis provided testimony challenging the Commission to take initiative on an independent audit, criticizing delays and emphasizing their duty to uphold election transparency and integrity.

Alan Haungs provided testimony stating his group conducts nonpartisan audits of voter rolls nationwide and may audit Hawaii independently if the state does not act.

Jenilene Kahula provided testimony supporting an independent audit and criticized the Chair for restricting participation, calling for greater transparency and fair treatment of both the public and fellow Commissioners.

Jamie Detwiler provided testimony supporting a professional independent audit and opposing a state-run one, citing inconsistent election practices across counties, concerns with voter roll accuracy, and unresolved complaints she previously submitted.

Jennifer Cabjuan provided testimony calling for precinct-level audits, a PIG for Honolulu County, and recommended using a financial firm to conduct the review due to the value of each vote.

Paul Deslauriers provided testimony raising concerns about the lack of transparency in Maui's election process, particularly around vote handling and contractor control, and emphasized the need for an independent audit and local control over ballot scanning.

Andrew Aker provided testimony echoing concerns about election transparency and called for full identification and visibility of Office of Elections staff during meetings.

Lanna provided testimony in support of an independent audit to ensure a fair and legal election, expressing concern about potential fraud.

Clint Curtis provided testimony emphasizing the importance of an independent, paper-based audit to ensure public trust, citing his experience as a programmer

of early voting machines and current Registrar of Voters in Shasta County, California. He offered to share further insights with Commissioners.

Karen Fetzer provided testimony urging the Commission to ensure an independent audit is conducted, criticizing the lack of transparency and accountability, and calling for Commissioners to visibly engage with the public to help rebuild trust.

Mary Healy provided testimony demanding the removal of CEO Nago, criticized the Commission for inaction, and stressed the need for an independent audit to address election integrity concerns and restore public trust.

Tara Malia Gregory provided testimony calling for an independent audit free from current election leadership influence, citing legal violations and urging action before federal intervention. She also supported a return to paper ballots.

Shelby Billionaire provided testimony expressing support for an independent audit, concern over election integrity, and urged Commissioners to act responsibly to avoid further public distrust and legal challenges.

Martin Choy provided testimony advocating for a return to paper ballots, suggesting it would reduce public concerns and eliminate many of the current issues surrounding election integrity.

Megeso William Dennis provided testimony supporting the appointment of a neutral, out-of-state independent auditor, stating that public trust in election leadership has been lost and calling for accountability and leadership resignations.

Love Cavour provided testimony urging transparency, accountability, and support for an independent audit, emphasizing that government officials serve the people and should step down if they cannot uphold those principles.

Blanca Larson provided testimony in support of an external and independent audit, citing concerns about voter fraud and election integrity. They also called for the resignation of election officials and a return to in-person paper voting, emphasizing the need for immediate training and preparation.

Ann Marie Hamilton provided testimony expressing support for an independent audit but said she would reserve further comments for her complaint testimony.

Cody Presti provided testimony citing past instances of alleged voter fraud, supporting paper ballots with tracking and bipartisan audits, while warning against politically driven investigations.

Linda Miyata provided testimony supporting an external audit, citing the need for a ballot chain of custody, transparency, and a return to in-person, hand-counted voting with early preparation.

Jr Tupai provided testimony in strong support of an external audit and advocated for single-day, in-person voting with paper ballots and valid ID to ensure election security and public confidence.

Michael Golojuch Jr. provided testimony taking no position on the proposed audit, and fully supports all-mail voting as an accessible, equitable, and secure system, emphasizing that public confidence in elections remains strong.

Kelei Akana provided testimony supporting an independent, out-of-state audit and alleged election fraud, calling for accountability and the resignation of election officials.

Wendell Elento provided testimony supporting a detailed, independent audit, citing missing seals, incomplete audit forms, and rushed procedures during the 2022 Election.

Raghu Giuffre provided testimony calling for immediate resignations, public input on election concerns, and a return to paper ballots due to system limitations.

Jaerick Medeiros provided testimony in strong support of an independent audit, expressing distrust in current election leadership and calling for outside oversight and accountability.

Representative Garner Shimizu provided testimony in support of an independent audit, citing unaddressed public concerns, lack of transparency, and the need to restore trust in the election process.

April Lee provided testimony supporting an external audit, citing ballot discrepancies, lack of transparency, and calling for a return to in-person, paper ballot voting.

Tara Rojas provided testimony supporting an independent audit, citing voting discrepancies, lack of transparency, and urging Commissioners to act with integrity and accountability.

Tamara McKay provided testimony urging an external audit to ensure election integrity, transparency, and public trust, emphasizing that cost should not outweigh accountability.

Commissioner Apana inquired whether the Commission could directly request the State Auditor to conduct an audit, or if such a request must go through the Legislature. DAG Ching explained that the Office of the Auditor falls under the jurisdiction of the Legislature. He advised that if the Commission wishes to pursue an audit by the State Auditor, the appropriate course of action would be to submit a request through the Legislature.

Commissioner Kamm clarified that the Commission cannot independently authorize an audit and must go through the Legislature. She praised the State Auditor's Office for its credibility and noted that while the auditor can act independently, they usually follow legislative direction. She also said the audit scope is still undefined but could be broader than just counting envelopes.

Commissioner Apana supported the motion, emphasizing the importance of public trust and suggesting annual internal audits to improve transparency. He noted that external audits help avoid conflicts of interest and build voter confidence.

Commissioner Cushnie also supported the motion, focusing on the need for inventory control. He raised concerns about the lack of physical ballot verification and the disconnect between ballot images and actual ballots.

Commissioner Sabas asked who would define the audit's scope and whether it would include findings from the PIG report. Commissioner Kamm responded that the motion stemmed from the PIG report and that the scope would likely be shaped by both the Legislature and the Auditor.

The vote on the motion was taken at 1:09 PM and it passed unanimously.

CEO Nago explained that all complaints submitted to the Office of Elections will now be assigned a tracking number. Complainants will be notified, and each complaint will receive a formal response from the Office. Afterward, the complaint will be placed on the Commission's meeting agenda for discussion. Chair Curtis confirmed that this represents a new formal process for managing complaints and ensuring they are brought to the Commission's attention.

Commissioner Cushnie moved that the Election Commission receive all formal complaints in accordance with HAR 3-170. All complaints filed with the Commission must be distributed to every Commissioner and made available to the public as soon as they are received. The Chief Election Officer shall be given the opportunity to respond in writing as required by HAR 3-170-8. Complaints addressed to the Commission should not be addressed by the Chief Election Officer. Responsibility for hearing and considering complaints addressed to the

Commission rests with the Commission and not Chief Election Officer. The motion was seconded by Commissioner Papalimu and **failed**. [1:10 PM]

YES: Andrion, Cushnie

NO: Apana, Kamm, McAdam, Osterkamp, Papalimu, Curtis

ABSTAIN: Sabas

Commissioner Apana stated he would vote against the motion, arguing that most election complaints should first be handled by the Office of Elections, as many are minor issues. He said the Commission should only review cases unresolved by the Office. CEO Nago noted that while they receive many complaints, they are typically related to a few recurring topics.

Commissioner Kamm clarified complaint handling procedures, confirming with CEO Nago that all complaints to the Office and the Commission will be logged, acknowledged, answered, and placed on the agenda.

Commissioner Cushnie reiterated his prior motion requesting that all complaints to the Office of Elections and the Commission, along with their responses, be publicly posted online to improve transparency and reduce repetitive submissions.

Commissioner Papalimu questioned whether the previously approved timeline for responding to complaints would still apply under the new system. She expressed concern about the lack of clear deadlines and accountability, citing past delays of up to a year or more without responses from the Office of Elections.

VI. Discussion and decision making relating to Commissioner Andrion's Permitted Interaction Group (PIG) report on: [1:22 PM]

- 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.

Commissioner Kamm moved to expand the scope of the motion that was just passed regarding the request to the legislature to direct the state auditor to conduct an audit of the Office of Elections to include all counties and not just the County of Kauai. The motion was seconded by Commissioner Cushnie and **carried**. [1:25 PM]

YES: Andrion, Apana, Cushnie, Kamm, McAdam, Osterkamp, Papalimu

ABSTAIN: Sabas, Curtis

Commissioner Cushnie criticized CEO Nago's response to the PIG report, arguing it omitted key issues like the inability of observers to verify electronic records or access ballot images. He questioned the dismissal of USPS receipts and claimed law enforcement actions and lack of transparency undermine independent oversight. Commissioner Cushnie also criticized the audit process as staged and insufficient, emphasizing the need for physical ballot verification and broader access to data. He supported a statewide audit to restore public trust.

Commissioner Osterkamp stated he supports a statewide audit but strongly opposed using the PIG report as justification, calling it flawed and lacking credibility. He continued that CEO Nago had effectively refuted the report and warned against basing legislative requests on it.

Commissioner Papalimu clarified that she believed the audit was not based on the criticized PIG report but rather on broader concerns raised over the past two years. She supported the audit and referenced Commissioner Peter Young's report as more thorough and credible.

Commissioner Cushnie moved to send a letter to the Legislature and advise the Chief Election Officer to return to in person voting in the precinct, hand counting paper ballots, one day voting, ID required, with the exceptions for absentee voting for military and special needs. Votes shall be counted where cast, then reported to the county before transferring ballots. The motion was seconded by Commissioner Papalimu and **carried**. [1:34 PM]

YES: Andrion, Cushnie, Kamm, Papalimu, Sabas

NO: Apana, McAdam, Osterkamp

ABSTAIN: Curtis

Michelle Stefanik provided testimony alleging a lack of transparency in mail-in ballot handling and urged a return to in-person voting for election security.

Tara Rojas provided testimony supporting in-person voting and opposing mail-in ballots due to privacy and ballot custody concerns.

Jamie Detwiler provided testimony advocating for voter ID, hand counting, elimination of mail-in and drop boxes, limited absentee voting, and same-day election results to ensure accountability and transparency.

Jennifer Hunt provided testimony calling for one-day, in-person paper ballot voting and citing issues with observer access and mail-in systems.

April Lee provided testimony supporting more polling places, voter ID, on-island ballot custody, and same-precinct oversight to increase voter trust.

Jennifer Cabjuan provided testimony supporting in-person, precinct-level voting with voter ID, citing security concerns over ballot boxes, long lines, and unverifiable mail-in ballots.

Andrew Aker provided testimony criticizing the mail-in ballot system as insecure, supporting hand counting with built-in redundancies, and calling for greater election accountability.

Michael Golojuch Jr. provided testimony opposing a return to in-person voting and supporting improvements to the mail-in voting system for accessibility.

Janet Mason provided testimony supporting mail-in voting, emphasizing that concerns about election integrity lack evidence and urging the Commission to maintain fact-based, fair decision-making.

Star Fernandez provided testimony favoring a return to in-person voting with voter ID, citing chain-of-custody problems in mail-in ballots and stating there is ample community interest in staffing precinct-level elections.

Susan Strom provided testimony endorsing a return to one-day, in-person paper ballot voting with voter ID, citing concerns over mail-in ballot security and election integrity.

Linda Miyata provided testimony backing a return to in-person paper ballot voting with on-site counting, emphasizing local recruitment, cost savings, and proper voter ID verification.

Victor Muh provided testimony favoring paper ballots counted at precincts, more polling locations, and distinguishing mail-in voting from absentee ballots to maintain accessibility and integrity.

Keikilani Ho provided testimony supporting mail-in voting, citing community growth, address confusion, and accessibility issues, while urging the Commission to improve transparency and responsiveness to voters.

Alan Haungs provided testimony in favor of single-day, in-person voting, claiming it reduces opportunities for election fraud.

Doug Pasnik provided testimony urging a return to one-day, in-person paper ballot voting, citing concerns over foreign interference, mail-in ballot security, and loss of public trust.

Tamara McKay provided testimony urging a return to one-day, in-person voting with paper ballots to restore election integrity, transparency, and public trust.

Jaerick Medeiros provided testimony supporting a return to in-person, one-day voting, expressing concerns about election integrity and criticizing the current voting process since 2020.

Cynthia Jo provided testimony urging adherence to the Hawaii Constitution and a return to in-person, one day paper ballot voting.

Kent Brewster provided testimony opposing the motion, stating there is no evidence of election fraud and arguing that returning to hand-counted paper ballots would be inefficient and unnecessary.

Tara Malia Gregory provided testimony urging a return to one-day, in-person voting with voter ID and paper ballots to restore trust and integrity in elections.

Megeso William Denis provided testimony supporting in-person, same-day voting with voter ID and paper ballots, opposing mail-in voting, drop boxes, and voting machines.

Corrina Gowan provided testimony supporting in-person voting, sharing concerns about receiving election mail for her adult children who no longer live in Hawaii.

Adriel Lam provided testimony supporting one-day, in-person voting with paper ballots and voter ID, citing limited access, long lines on Oahu and successful same-day counting in Taiwan.

Andrea Rogers provided testimony supporting a return to in-person precinct voting, saying mail-in voting disenfranchised her autistic friend who felt included when voting locally.

Junya Nakoa provided testimony supporting one-day, in-person voting with local precincts, saying it builds community trust and prevents election fraud.

Makani Sabala provided testimony urging the Commission to treat the report cautiously, warning it may contain false claims that could damage the Commission's credibility.

Commissioner Papalimu expressed concerns about mail-in voting on the Big Island, citing its rural nature, limited mail service, and inadequate public transportation. She noted that large neighborhoods like Hawaiian Paradise Park and Ocean View lack mail delivery, making mail-in voting inaccessible for many. She advocated for a return to one-day, in-person precinct voting, stating that volunteer turnout has historically been strong and could be again with community engagement.

Commissioner Osterkamp challenged the credibility of the PIG report that criticizes electronic voting systems. He argued that its conclusions, particularly that electronic records are unverifiable, are unsupported, as the report lacks evidence such as actual Uniform Information Practices Act (UIPA) requests. Commissioner Osterkamp emphasized that government agencies must follow legal restrictions on record disclosure and proposed that the Commission reject the report's first conclusion unless the PIG members provide proper documentation.

Commissioner Cushnie argued that Hawaii's election results are unverifiable without access to the underlying voter registration records. He criticized the use of an out-of-state company for ballot counting and called for a return to in-person, hand-counted voting. Commissioner Cushnie also pointed out inconsistencies in trusting the USPS for ballot delivery while dismissing its tracking records, citing a 19,000-ballot discrepancy on the Big Island.

Commissioner Kamm clarified that election results are unverifiable to those without access to the voter registration system and noted that mail-in voting has not increased voter participation, which has remained roughly the same over the years.

Commissioner McAdam noted that 92.5% of voters cast ballots by mail in the 2024 General Election, emphasizing the importance of recognizing broad public support for mail-in voting.

Commissioner Osterkamp argued that election records have never been fully open for public verification and criticized claims that elections are “unverifiable.” He said the PIG report’s assertions were false and should not be used to justify returning to in-person voting, calling that connection baseless.

Commissioner Cushnie called for the question at 2:53 PM. A vote was taken to end discussion and vote on the motion and **failed**.

YES: Andrion, Cushnie, McAdam

NO: Apana, Kamm, Osterkamp, Papalimu, Sabas, Curtis

Commissioner Apana expressed concern that the motion to return to one-day, paper voting is based on a PIG report that some Commissioners doubt. He emphasized the importance of embracing technology for transparency and efficiency and noted that the Commission had already voted to request an independent statewide audit to verify election integrity. Commissioner Apana urged the Commission to follow through on that decision rather than start over. He concluded by stating he would vote no on the motion, emphasizing his commitment to increasing voter turnout and maintaining public trust in the process.

Commissioner Andrion clarified that the PIG report he co-authored is supported by verifiable evidence. He offered to provide additional documentation to the Commission and make it publicly available. Commissioner Andrion noted that the first PIG report, led by Commissioner Peter Young, reached similar conclusions and was accepted without the same level of scrutiny. He expressed support for the motion, stating that it reflects public demand and represents a return to a proven system.

Commissioner Andrion moved to remove Scott Nago as the Chief Election Officer. The motion was seconded by Commissioner Cushnie and **failed**. [2:59 PM]

YES: Andrion, Cushnie, Kamm, Papalimu

NO: Apana, McAdam, Osterkamp, Sabas, Curtis

Commissioner Cushnie criticized the lack of chain-of-custody and election records in Maui and the Big Island, saying counties cannot verify ballots because the Statewide Voter Registration System, controlled by CEO Nago, withholds data. He cited discrepancies between county and reported ballot counts, said the post office was uncooperative, and called for CEO Nago’s removal for failing to maintain transparency and investigate how ballots reached the Big Island.

Commissioner Osterkamp stated criticisms were based on misread rules and false claims. He said the PIG did not properly request records and wrongly implied CEO Nago withheld them. Commissioner Osterkamp also dismissed the alleged 19,000-vote discrepancy on the Big Island as a misunderstanding of incomplete postal data, not real inconsistencies.

Commissioner Papalimu disputed Commissioner Osterkamp's statements, saying Hawaii County reported 57,000 ballots while the state showed over 70,000. She said Commissioner Osterkamp rarely engaged with their PIG and improperly drafted a letter with Chair Curtis instead of the group.

Commissioner Andrion said the PIG report noted an "us versus them" culture within the elections system. He criticized CEO Nago for disregarding the Commission's vote against adopting the ERIC system and instead advocating for it before the Legislature. Commissioner Andrion said such defiance would not be tolerated from an employee and stated he would vote to remove CEO Nago.

Commissioner McAdam said CEO Nago's support for the ERIC system should not be used against him, noting the Commission's vote on it was not unanimous and that CEO Nago is not their employee. She said he is entitled to his own opinion and testimony before the Legislature.

Commissioner Cushnie moved that the Office of Elections obtain from Hawaii County and provide to the Elections Commission before the next meeting the complete set of USPS business reply mail receipts accounting for all mail ballots received from the Postal Service during the 2024 General Election. The motion was seconded by Commissioner Papalimu and **carried**. [3:17 PM]

YES: Andrion, Apana, Cushnie, Kamm, Papalimu, Sabas

NO: McAdam, Osterkamp, Curtis

Commissioner Cushnie cited a 19,000-ballot gap between Hawaii County and state totals and said USPS BRM receipts are the only independent record of ballot delivery. He urged the Office of Elections to get USPS records to verify whether ballots were mailed or added electronically.

Commissioner Osterkamp rejected Commissioner Cushnie's claims, saying the Big Island never used USPS BRM receipts to count ballots and calling the demand for them unnecessary. He argued that forcing the County to produce receipts it does not use would waste resources, create confusion, and fuel mistrust. Commissioner Osterkamp warned that continuing to pursue this issue

legitimizes unfounded claims, spreads conspiracy theories, and undermines public confidence in elections.

Commissioner Papalimu questioned how counties pay USPS for ballot handling, noting that the Postal Service is compensated per ballot and must issue invoices. She argued that if USPS receipts aren't accurate or used for verification, it becomes a fiscal issue that could mean overpaying for unverified ballots and misusing taxpayer money.

Commissioner Kamm said the Commission cannot discuss the report until the next meeting, so it would be helpful to have any missing documentation by then. She noted the issue also appears in Commissioner Andrion's report and said there was no harm in requesting a more complete set of records for the next discussion.

Commissioner Andrion responded that the Counties do use the Postal Service to track ballots, so requesting USPS receipts is reasonable and straightforward. He said verifying ballot delivery through receipts is a simple, logical step and urged Commissioners to support the motion.

Commissioner McAdam argued that USPS receipts are not legally required or consistently collected and said imposing that requirement now is improper.

Commissioner Osterkamp argued that the Commission is using flawed and inconsistent data to create mistrust in the election system. He pointed out that USPS business reply mail data, cited in the PIG report, is incomplete and not used by counties to reconcile ballot counts. Instead, counties rely on the Statewide Voter Registration System and ballot counting systems. Commissioner Osterkamp emphasized that the certified ballot totals align with historical turnout and that efforts to question the process are unnecessary and harmful. He warned against spreading doubt based on misinterpreted or incomplete information.

Commissioner Cushnie argued that refusing to request USPS invoices for ballot deliveries undermines transparency. He stated that if the invoices do not match the reported ballot totals, the Commission should discuss the discrepancy rather than avoid it. Commissioner Cushnie explained that he had obtained USPS and drop box collection records showing a 19,000-ballot gap and asked the Commission to verify this by requesting the missing invoices.

Commissioner Apana questioned how Commissioner Cushnie obtained his numbers, and Commissioner Cushnie responded that he submitted a records request and shared the data, though it was not distributed to all Commissioners. Commissioner Apana asked whether Commissioner Cushnie would use the data constructively or to cast doubt on the system. Commissioner Cushnie replied that

he simply wants to clarify the discrepancy and believes the USPS would also want to resolve a potential \$13,000 billing issue.

Commissioner Osterkamp clarified that his report does not provide new numbers but explains how Hawaii County reconciles ballots using internal systems, not USPS receipts, which the County does not consider relevant.

Commissioner Sabas asked why the Commission needed a formal motion to request USPS ballot receipt records when CEO Nago may make the request. CEO Nago explained that ballot receipt responsibilities lie with the counties, and any request he makes would be the same as what Commissioner Cushnie already did. Commissioner Sabas suggested delegating the task to CEO Nago directly, and CEO Nago confirmed he could proceed if the Commission voted to authorize it.

Commissioner Kamm added that while Hawaii County may not have collected USPS receipts, the post office might still have them and could provide them if asked. Chair Curtis clarified that the motion on the floor was to have the Office of Elections ask the Hawaii County Clerk to request the receipts from USPS.

Commissioner Cushnie made a motion to form a PIG to investigate potential violations of the Help America Vote Act and to work with the federal government to identify and correct any such violations by the state or counties. Chair Curtis ruled the motion out of order, stating it was not on the current agenda and would constitute a substantial change. Commissioner Cushnie then asked for the item to be added to the next meeting's agenda, and Chair Curtis agreed to consider it.

VII. Formal Complaints: [3:52 PM]

a) ECC-25-001

b) ECC-25-002

c) ECC-25-003

Tara Rojas provided testimony expressing gratitude that formal complaints were finally being heard and urged the Commission to take them seriously instead of dismissing them.

Susan Strom provided testimony criticizing election officials for resisting transparency, accused them of ignoring public concerns and data inconsistencies, and called for Chair Curtis and CEO Nago to step down.

Jennifer Hunt provided testimony criticizing the Commission for repeatedly ignoring her formal complaint about missing election chain-of-custody records, alleging that officials failed to provide required documentation and dismissed her concerns as “human error.”

Representative Garner Shimizu provided testimony urging transparency and accountability on election concerns, criticizing some Commissioners for avoiding questions and praising new members for their openness.

Jamie Detwiler provided testimony urging the Commission to maintain decorum, criticized Commissioners for gaslighting others, and called for transparency after her husband’s mail-in ballot never arrived despite USPS tracking.

Doug Pasnik provided testimony attempting to speak about his prior election complaint.

Rob Burns provided testimony criticizing mail-in voting, saying it has caused many problems, but was ruled out of order after arguing with the Chair about which complaint he could address.

Ann Marie Hamilton provided testimony accusing Chair Curtis and CEO Nago of collusion and corruption, calling the complaint process biased and urging their removal.

Corrina Gowan provided testimony criticizing Hawaii’s election transparency, urged political change, voiced support for Trump, and called for officials to show their faces on Zoom for accountability.

Andrew Aker provided testimony urging the Commission to allow open questioning of CEO Nago and Chair Curtis, warning that suppressing public complaints would lead to backlash.

Mary Healy provided testimony criticizing Hawaii’s mail-in voting system and accused Chair Curtis and CEO Nago of being protected from accountability, urging the Commission to hold CEO Nago accountable and remove Chair Curtis from his position.

Michelle Stefanik provided testimony supporting all three complaints, calling for Chair Curtis’s removal, greater election transparency, independent county chain-of-custody records, and a review of CEO Nago’s position for possible dismissal.

Michael Golojuch Jr. provided testimony denouncing the complaints as attempts to erode trust in Hawaii’s elections and urged the Commission to dismiss them and support election officials.

Terri Bulacan provided testimony urging the Commission to investigate Commissioner McAdams for a potential conflict of interest due to her role as an internal auditor for the Hawaii County Mayor's Office.

Junya Nakoa provided testimony criticizing CEO Nago for repeated mistakes, urged new leadership to restore public trust, and emphasized the need to rebuild voter confidence in Hawaii's elections.

Tara Malia Gregory provided testimony supporting Ann Marie Hamilton's complaint, citing a federal lawsuit accusing CEO Nago of withholding voter data and urging greater election transparency.

Laurie provided testimony calling for the removal of CEO Nago and Chair Curtis, alleging election fraud and widespread state corruption in Hawaii's government.

Chair Curtis asked Ann Marie Hamilton what action she wanted taken regarding her complaint. Ms. Hamilton responded that she was requesting his removal as Chair. She stated that her complaint outlines her concerns, accusing Chair Curtis of colluding with CEO Nago on handling complaints. Ms. Hamilton expressed that such actions undermine the integrity of the Commission, which she believes should be holding the Office of Elections accountable. She concluded by stating that the system is corrupt and needs leadership that serves the public interest.

Commissioner Cushnie moved that all communication between the Chair, Office of Elections, and the Elections Commission be provided to the full Commission and the public unredacted. The motion was seconded by Commissioner Andrion and **failed** noting the excused absence of Commissioner Papalimu. [4:40 PM]

YES: Cushnie, Kamm

NO: Apana, McAdam, Osterkamp, Curtis

ABSTAIN: Andrion, Sabas

Commissioner Cushnie requested full transparency, arguing that emails and correspondence involving the Chair, staff, the Attorney General, and the Office of Elections have been improperly redacted and may hide collusion, and he urged those communications be unredacted so the public and Commissioners can see whether officials acted improperly.

DAG Ching explained that certain documents requested by Commissioner Cushnie were redacted due to attorney-client privilege. He stated that the Chair has distinct legal responsibilities, and communications involving legal advice to

him are protected if he chooses not to waive that privilege. DAG Ching confirmed that both the Chair and the Commission are his clients.

Commissioner Papalimu maintained that communications lose attorney-client privilege when shared beyond the attorney and client, saying that including the Attorney General, CEO Nago, or other staff in those discussions voids confidentiality.

Commissioner Apana asked whether state-level attorney-client communications involving multiple parties, such as the Office of Elections, are treated the same as at the county-level, where such meetings can include relevant officials like a police chief. DAG Ching explained that under the UIPA, communications protected by attorney-client privilege can be lawfully withheld from public disclosure. He clarified that these communications were made for the purpose of providing legal advice and are protected under Rule 503 of the Rules of Evidence, which includes interactions with client representatives such as Commission staff.

Commissioner Apana confirmed that legal counsel would advise whether a matter should be discussed in open or closed session, and DAG Ching reiterated that the redactions in question were related to UIPA requests, not Sunshine Law meetings. DAG Ching affirmed that the redactions were appropriate as long as attorney-client privilege was exercised.

Commissioner Andrion said he supports transparency but was conflicted about voting to unredact communications if attorney-client privilege applies. He noted that in his experience on other boards, a Chair holding separate privilege from the full body is unusual.

Commissioner Andrion moved that the Elections Commission remove Mike Curtis as Chair and that the Commission immediately proceed with the process of electing a new Chair. The current Chair shall retain office until a successor is duly elected. The motion was seconded by Commissioner Cushnie and **failed** noting the excused absence of Commissioner Papalimu. [4:58 PM]

YES: Andrion, Cushnie

NO: Apana, McAdam, Osterkamp, Sabas, Curtis

ABSTAIN: Kamm

- VIII. Receipt and Presentation of PIG report from Commissioner Osterkamp on election results discrepancies on the Big Island [5:01 PM]

Discussion and decision making on the report will be scheduled for a subsequent meeting. Commissioner Osterkamp urged attendees to read the report and its appendices. This report addressed:

- Alleged ballot discrepancies in Hawai'i County (specifically the 19,000 missing ballot envelopes).
- Audit recommendations and procedural concerns.
- Chain of custody documentation issues.
- Broader concerns about transparency and public trust in the election process.

Commissioner Osterkamp moved to receive the Permitted Interaction Group (PIG) report, to be discussed and decided upon at the next meeting. The motion was seconded by Commissioner Apana. [5:02 PM]

IX. Discussion on civility and avoiding improper coercion of Commissioners' votes [5:03 PM]

Commissioner Osterkamp expressed concern over what he described as a pattern of threatening behavior and coercion aimed at influencing Commissioners' votes. He noted external pressure, specifically citing the Hawaii Republican National Committeeman's call for an investigation into the Commission and a smaller party leader's warning to "do the right thing before the hammer comes down." He noted internal pressure, specifically fellow Commissioner Cushnie for allegedly encouraging followers on Instagram to file ethics complaints against Commissioner McAdam for not supporting an audit. Commissioner Osterkamp emphasized the importance of Commissioners voting according to their conscience, free from intimidation, and urged all parties to denounce threats, even from their own supporters.

Commissioner Cushnie responded by stating that "civility" could be used to suppress dissent and shield officials from accountability. He accused the Office of Elections and the Attorney General's Office of withholding complaints, ballot discrepancy records, and communications from Commissioners and the public. He also claimed that Commissioners were being forced to vote without access to critical information, calling it "coercion by omission."

X. Adjournment [5:10 PM]

Chair Curtis adjourned the meeting at 5:10 PM.

Respectfully submitted,

Raymund de Vega

Raymund de Vega
Elections Commission Secretary

DRAFT