



MICHAEL CURTIS
ELECTIONS COMMISSION CHAIR

STATE OF HAWAII ELECTIONS COMMISSION

WRITTEN SUMMARY FOR VIDEO RECORDING

REGULAR MEETING OF THE ELECTIONS COMMISSION

October 1, 2025 at 10:00 AM

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 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 moved that all election commissioners be sworn in publicly at the start of their term in an open meeting. The motion was seconded by Commissioner Andrion and **carried**. [10:02 AM]

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

NO: McAdam, Curtis

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

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

Mr. James Apana was sworn in as an Election Commissioner 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

Public testimony was provided by Doug Pasnik, Chris Neff, Kellyna Campbell, Austin Martin, Andrew Aker, Wendell Elento, Jasmine Blair, Junya Nakoa

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 three 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 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 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 on status of independent audit

Public testimony was provided by Nolan Chang, Jennifer Hunt, Janet Mason, Adriel Lam, Austin Martin, Michelle Stefanik, Susan Strom, Junya Nakoa, Brett Kulbis, Alan Haungs, Jenilene Kahula, Jamie Detwiler, Jennifer Cabjuan, Paul Deslauriers, Andrew Aker, Lanna, Clint Curtis, Karen Fetzer, Mary Healy, Tara Malia Gregory, Shelby Billionaire, Martin Choy, Megeso William Denis, Love Cavour, Blanca Larson, Ann Marie Hamilton, Cody Presti, Linda Miyata, Jr Tupai, Michael Golojuch Jr., Kelei Akana, Wendell Elento, Raghu Giuffre, Jaerick Medeiros, Representative Garner Shimizu, April Lee, Tara Rojas, Tamara McKay.

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 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

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.

Public testimony was provided by Michelle Stefanik, Tara Rojas, Jamie Detwiler, Jennifer Hunt, April Lee, Jennifer Cabjuan, Andrew Aker, Michael Golojuch Jr., Janet Mason, Star Fernandez, Susan Strom, Linda Miyata, Victor Muh, Keikilani Ho, Alan Haungs, Doug Pasnik, Tamara McKay, Jaerick Medeiros, Cynthia Jo, Kent Brewster, Tara Malia Gregory, Megeso William Denis, Corrina Gowan, Adriel Lam, Andrea Rogers, Junya Nakoa, Makani Sabala.

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 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

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 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 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

VII. Formal complaints: [3:52 PM]

a) ECC-25-001

b) ECC-25-002

c) ECC-25-003

Public testimony was provided by Tara Rojas, Susan Strom, Jennifer Hunt, Representative Garner Shimizu, Jamie Detwiler, Doug Pasnik, Rob Burns, Ann Marie Hamilton, Corrina Gowan, Andrew Aker, Mary Healy, Michelle Stefanik, Michael Golojuch Jr., Terri Bulacan, Junya Nakoa, Tara Malia Gregory, Laurie.

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 Andrian 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 report will be scheduled for a subsequent meeting.

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]

- X. Adjournment [5:10 PM]

Chair Curtis adjourned the meeting at 5:10 PM.