



MICHAEL CURTIS
ELECTIONS COMMISSION CHAIR

STATE OF HAWAII ELECTIONS COMMISSION

WRITTEN SUMMARY FOR VIDEO RECORDING

REGULAR MEETING OF THE ELECTIONS COMMISSION

December 3, 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. Roll call and determination of a quorum [10:01 AM]

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

III. Meeting minutes [10:01 AM]

a) Approval of written minutes from the October 29, 2025 meeting

Public testimony was provided by Nancy Moser, Austin Martin, Robert Duerr, Tara Rojas.

Commissioner Apana moved to approve the written minutes from the October 29, 2025 meeting. The motion was seconded by Commissioner Sabas and **carried**.
[10:12 AM]

YES: Apana, Kamm, Osterkamp, Sabas, Curtis

NO: Andrion, Cushnie, Papalimu

IV. Discussions relating to Permitted Interaction Groups (PIG) [10:14 AM]

- a) Former Commissioner Young's PIG relating to Kauai County compliance and discrepancies in ballot counts
- b) Commissioner Andrion's PIG relating to Maui County chain of custody
- c) Commissioner Osterkamp's PIG relating to Hawaii County election result discrepancies
- d) Formation of a Permitted Interaction Group to work with the County Clerks regarding chain of custody and daily reports

Public testimony was provided by Judith Mills-Wong, Laurie Tanner, Austin Martin, Jennifer Hunt, Cory Harden, Shana Kukila, Samuel Takara, Nolan Chang, Brennon Cabral, Jaerick Medeiros, Jamie Detwiler, Keoni Payton, Wendy N., AnnMarie Hamilton, Doug Pasnik, Representative Garner Shimizu, Jennifer Cabjuan, Wallyn Christian, Michelle S., Rita Kama-Kimura, Susan Strom, Junya Nakoa, Kyle Daniel, Megeso-William Denis, Tara Malia Gregory, Tara Rojas, Laura Nakanelua, Victoria Thompson, Enoka-Shayne Bingo, iphone, Andrea Rodgers, Shelby Billionaire.

Commissioner Kamm moved that the Elections Commission transmit the findings of the 2025 Permitted Interaction Groups and the Commission's October 1, 2025 audit motion to the state auditor and to ask that he conduct an audit of the 2024 General Election as soon as possible. The motion was further amended to have the state auditor begin the audit with the County of Hawaii. The motion was seconded by Commissioner Cushnie and **carried**. [12:09 PM]

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

NO: Osterkamp, Curtis

Commissioner Cushnie moved to amend the motion, that the Elections Commission transmit the findings of the 2025 Permitted Interaction Groups and the Commission's October 1, 2025 audit motion to the state auditor and to ask that he conduct an audit of the 2024 General Election as soon as possible, to begin the audit with the County of Hawaii.

The motion was seconded by Commissioner Papalimu and **carried**.
[12:14 PM]

YES: Andrion, Cushnie, Kamm, Papalimu, Sabas

NO: Apana, Osterkamp, Curtis

Commissioner Cushnie moved that the Elections Commission refer all three Permitted Interaction Group reports to the United States Department of Justice and formally request a federal investigation into possible mail fraud and related irregularities in the handling of ballot envelopes during the 2024 Election. The motion was seconded by Commissioner Kamm and **failed**. [12:24 PM]

YES: Andrion, Cushnie, Kamm, Papalimu

NO: Apana, Osterkamp, Sabas, Curtis

Commissioner Cushnie moved to form a Permitted Interaction Group to investigate why the County of Maui has no chain of custody records. The motion was seconded by Commissioner Andrion and **failed**. [12:31 PM]

YES: Andrion, Cushnie, Kamm, Papalimu

NO: Apana, Osterkamp, Sabas, Curtis

Commissioner Cushnie moved to ask the Attorney General that since more than more than 19,000 ballots were reported as received through the mail yet no postage was paid to the federal government and no USPS business reply mail receipts exist to document their delivery, does knowingly certifying those ballots without paying the required federal postage expose the counties or the state to liability under federal law. The motion was seconded by Commissioner Andrion and **failed**. [12:51 PM]

YES: Andrion, Cushnie, Papalimu

NO: Apana, Kamm, Osterkamp, Curtis

ABSTAIN: Sabas

Commissioner Cushnie moved to send a letter from the Elections Commission to the USPS Inspector General asking them how many ballot envelopes were delivered to the County of Hawaii during the 2024 General Election broken out by how many ballots were returned by voters versus how many simply were undeliverable or returned to sender. The motion was seconded by Commissioner Kamm and **carried**. [1:00 PM]

YES: Andrion, Cushnie, Kamm, Papalimu, Sabas

NO: Apana, Osterkamp, Curtis

Commissioner Cushnie moved that the Elections Commission formally direct the Chief Election Officer to produce the full BallotTrax tracking logs from Hart InterCivic for all counties for the 2024 General Election before the next meeting. The motion was seconded by Commissioner Andrion and **carried**. [1:11 PM]

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

NO: Osterkamp, Curtis

Commissioner Kamm moved that the Elections Commission transmit a formal report to the Governor including the findings of the Permitted Interaction Groups, the Commission's October 1st audit motion, the Chair's letter to the Legislature, and Speaker Namakura's deferral. The report will include a request for an executive branch review of ballot accountability and assistance in securing full compliance with election laws. The motion was seconded by Commissioner Cushnie and **failed** unanimously. [1:27 PM]

Commissioner Andrion moved to form a Permitted Interaction Group to work with the County Clerks regarding chain of custody and daily reports. The motion was seconded by Commissioner Papalimu and **carried**. [1:34 PM]

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

NO: Osterkamp, Curtis

- V. Suit filed in U.S. District Court, District of Hawaii: Bernegger v. Nago, 1:25-CV-00482-JAO-RT [2:02 PM]

Public testimony was provided by Austin Martin, Keoni Payton, Jennifer Hunt, Junya Nakoa, Peter Bernegger, iphone, iPhone, Jennifer Cabjuan, Susan Strom, Tara Rojas, Michelle S., Wallyn Christian, Jamie Detwiler, Laakea Kamakawiwoole, Victoria Thompson.

Commissioner Cushnie moved to assert attorney client privilege. The motion was seconded by Commissioner Andrion and **carried**. [2:46 PM]

YES: Andrion, Kamm, Osterkamp, Sabas, Curtis

NO: Cushnie

ABSTAIN: Apana, Papalimu

- VI. Communications and correspondence, received for the record [3:20 PM]

Public testimony for Agenda Item VI and VII were taken together. Testimony was provided by Janet Mason, Austin Martin, Tara Rojas, Laura Nakanelua, iphone, Junya Nakoa, Michelle S., Andrew Aker, Jamie Detwiler, Jennifer Hunt, Jennifer Cabjuan.

Commissioner Cushnie moved that the Elections Commission follow the law under HAR 2-73 by ensuring that all required responses to OIP sunshine law appeals are prepared and submitted by majority vote of the commission. The motion was further amended to apply only to the four OIP Notice of Appeal of Sunshine Law Complaints listed under Agenda Item VI of the December 3, 2025 meeting. The motion was seconded by Commissioner Andrion and **carried**. [4:00 PM]

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

NO: Osterkamp

ABSTAIN: Curtis

Commissioner Andrion moved to amend the motion, that the Elections Commission follow the law under HAR 2-73 by ensuring that all required responses to OIP sunshine law appeals are prepared and submitted by majority vote of the commission, to apply only to the four OIP Notice of Appeal of Sunshine Law Complaints listed under Agenda Item VI of the December 3, 2025 meeting. The motion was seconded by Commissioner Cushnie and **carried**. [4:35 PM]

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

NO: Osterkamp

ABSTAIN: Curtis

Commissioner Cushnie moved to remove the Elections Commission Chair. The motion was seconded by Commissioner Andrion and **failed**. [4:38 PM]

YES: Andrion, Cushnie, Papalimu

NO: Apana, Osterkamp, Sabas, Curtis

ABSTAIN: Kamm

VII. Formal complaints [4:43 PM]

a) ECC-25-011

b) ECC-25-012

Public testimony for Agenda Item VI and VII were taken together.

Commissioner Cushnie moved that the Elections Commission formally request the Chief Election Officer to provide any and all documentation that can be used to independently validate the results of the 2024 General Election, including any chain of custody records, county-level logs, reconciliation forms, and other materials necessary for the Commission to fulfill its duties under HRS 11-8.5. The motion was seconded by Commissioner Kamm and **failed**. [4:43 PM]

YES: Andrion, Cushnie, Papalimu

NO: Apana, Kamm, Osterkamp, Sabas, Curtis

VIII. Adjournment [5:08 PM]

Chair Curtis adjourned the meeting at 5:08 PM.