



MICHAEL CURTIS
ELECTIONS COMMISSION CHAIR

STATE OF HAWAII ELECTIONS COMMISSION

WRITTEN SUMMARY FOR VIDEO RECORDING

REGULAR MEETING OF THE ELECTIONS COMMISSION

February 4, 2026 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 [10:00 AM]

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

III. Approval of written minutes from the January 7, 2026 meeting [10:01 AM]

Public testimony was provided by Shelby Billionaire.

Commissioner Dalton moved to approve the written minutes from the January 7, 2026 meeting. The motion was further amended to include on page 15 paragraph 5, Robert's Rules of Order would apply if the Commission by majority agree to adopt. As an example, Deputy Attorney General Ching referenced that there is nothing in our Administrative Rules that dictate procedure for appealing the ruling of the Chair. The motion was seconded by Commissioner Apana and **carried** unanimously. [10:03 AM]

Commissioner Andrion moved to amend the motion, to approve the written minutes from the January 7, 2026 meeting, by including on page 15 paragraph 5, Robert's Rules of Order would apply if the Commission by majority agree to adopt. As an example, Deputy Attorney General Ching

referenced that there is nothing in our Administrative Rules that dictate procedure for appealing the ruling of the Chair. The motion was seconded by Commissioner Kamm and **carried** unanimously. [10:07 AM]

Commissioner Andrion moved to amend the agenda to add the consideration of Robert's Rules of Order as our operating system under Agenda Item IV. The motion was seconded by Commissioner Cushnie and **carried**. [10:26 AM]

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

NO: Curtis

IV. Communications and correspondence [10:27 AM]

Public testimony was provided by Victoria Thompson, Alohalani Hope Cermelj, Michelle Stefanik, Susan Strom, Tara Rojas, Shelby Billionaire, Jennifer, Brennon Cabral via Andrew Aker, Junya Nakoa, Erica Barrett, AnnMarie Hamilton, Jamie Detwiler, Tammy Ash Perkins, Jennifer Cabjuan, Megeso-William Denis, Adriel Lam, Laurie Thorson, Sherilyn Wells.

Commissioner Andrion moved that the Elections Commission adopt Robert's Rules of Order as our parliamentary authority for conducting meetings, except where superseded by our Administrative Rules or Sunshine Law. The motion was seconded by Commissioner Cushnie and **carried** unanimously. [11:17 AM]

Commissioner Cushnie moved that all mail in ballots for the 2026 Election be sent via accountable mail in order to enhance chain of custody controls and reduce the risk of fraud. The motion was seconded by Commissioner Andrion and **failed**. [11:28 AM]

YES: Andrion, Cushnie

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

ABSTAIN: Sabas

Commissioner Cushnie moved that the Chief Election Officer produce the transfer logs used when the County of Hawaii delivered the 2024 General Election ballots to the State Counting Center before the next meeting. The motion was seconded by Commissioner Papalimu and **carried**. [12:12 PM]

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

NO: Dalton, Osterkamp

ABSTAIN: Sabas

Commissioner Dalton called for the question, and it **failed**. [12:21 PM]

YES: Apana, Dalton, Osterkamp, Sabas, Curtis

NO: Andrion, Cushnie, Kamm, Papalimu

Commissioner Apana moved that the Elections Commission send a letter to the Legislature requesting funding to conduct an audit of the County of Hawaii and management. The motion was seconded by Commissioner Papalimu and **carried**. [12:30 PM]

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

NO: Dalton, Osterkamp

Commissioner Cushnie moved to amend the motion, that the Elections Commission send a letter to the Legislature requesting funding to conduct an audit of the County of Hawaii and management, to expand the request for funding to include the entire State of Hawaii. The motion was seconded by Commissioner Andrion and **failed**. [12:39 PM]

YES: Cushnie

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

Commissioner Cushnie moved that the Elections Commission request a written legal opinion from the Deputy Attorney General on whether it was lawful for the Chief Election Officer to certify the 2024 General Election on the same day a timely election contest was filed under HRS 11-174.5. The motion was seconded by Commissioner Andrion and **failed**. [12:46 PM]

YES: Andrion, Cushnie, Kamm, Papalimu

NO: Apana, Dalton, Osterkamp, Sabas, Curtis

Commissioner Cushnie moved that the Elections Commission direct the staff to prepare and place on future agenda a written status report identifying prior Elections Commission motions that were adopted related to election verification, ballot accountability, audits, and permitted interaction group recommendations and for each such motion, indicate the date of the motion, the action directed, whether the motion has been completed, partially completed, remains outstanding, or was rescinded, and any additional Commission action required to bring the motion to completion. The motion was seconded by Commissioner Andrion and **failed**. [12:55 AM]

YES: Andrion, Cushnie, Kamm

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

Commissioner Papalimu moved to include unfinished business on all future agendas. The motion was seconded by Commissioner Kamm and **carried**. [1:06 PM]

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

NO: Dalton, Osterkamp, Curtis

- V. Discussion Regarding Legal Authority to Unseal Election Ballots from the 2024 Hawaii County General Election in relation to Permitted Interaction Group formed at the January 7, 2026 Elections Commission Meeting [1:10 PM]

The Board may move into Executive Session to consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities in accordance with HRS section 92-5(a)(4).

Public testimony was provided by Elizabeth Cook, Austin Martin, Sherilyn Wells, Jennifer, Jamie Detwiler, Michelle Stefanik, Shelby Billionaire, Susan Strom, Laurie Thorson, Victoria Thompson, Jennifer Cabjuan, Debra Bringman, Junya Nakoa, Wallyn Christian, Tara Malia Gregory, Adriel Lam.

Commissioner Dalton moved that the Commission enter Executive Session to consider Agenda Item V. The motion was seconded by Commissioner Apana and **failed**. [1:12 PM]

YES: Apana, Dalton, Osterkamp, Sabas, Curtis

NO: Andrion, Cushnie, Kamm, Papalimu

Commissioner Cushnie moved to get Deputy Attorney General Ching's opinion reading Agenda Item V in writing within two weeks. The motion was seconded by Commissioner Kamm and **carried**. [2:24 PM]

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

NO: Dalton, Osterkamp, Sabas

Commissioner Cushnie moved that the Elections Commission call a special session or meeting in two weeks to discuss Deputy Attorney General Ching's written opinion regarding Agenda Item V. The motion was seconded by Commissioner Kamm and **failed**. [2:37 PM]

YES: Andrion, Cushnie, Kamm, Papalimu

NO: Apana, Dalton, Osterkamp, Sabas, Curtis

Commissioner Cushnie moved to request an opinion from the Attorney General's on whether the Elections Commission can count envelopes. The motion was seconded by Commissioner Kamm. During discussion, Commissioner Cushnie moved to request an opinion from the Attorney General and Deputy Attorney General on whether the Elections Commission has the authority to unseal the records within the 22-month period to conduct an audit. The motion was seconded by Commissioner Papalimu. During discussion, Commissioner Papalimu stated she would like a written opinion from the Attorney General clarifying whether the Elections Commission, who oversees the Office of Elections for the State of Hawaii, is designated under Hawaii Administrative Rule §3-177-757 as one of the entities that can conduct an audit. Chair Curtis clarified that the motion is to ask the Attorney General if the Elections Commission is designated to access the ballots. The motion **carried**. [2:43 PM]

YES: Andrion, Apana, Cushnie, Kamm, Papalimu

NO: Dalton, Osterkamp, Sabas, Curtis

Commissioner Cushnie moved to advise the Chief Election Officer to retain and preserve the records from the 2020, 2022, and 2024 Elections that remain. The motion was seconded by Commissioner Andrion and **carried** unanimously. [2:55 PM]

VI. Pending OIP Appeals [3:13 PM]

a) S Appeal 26-17

Public testimony was provided by Victoria Thompson, Jamie Detwiler, Sheryl Bieler, Tammy Ash Perkins, Enoka Shayne Bingo, Michelle Stefanik, Tara Rojas, Jennifer, Shelby Billionaire, Susan Strom, Tara Malia.

Commissioner Cushnie moved that the Elections Commission recognize that Chair Curtis violated the Sunshine Law regarding S Appeal 26-17. The motion was seconded by Commissioner Papalimu and **failed**. [3:43 PM]

YES: Andrion, Cushnie, Kamm, Papalimu

NO: Apana, Dalton, Osterkamp, Sabas, Curtis

Commissioner Apana moved to have Deputy Attorney General Ching prepare a letter responding to S Appeal 26-17, including the events that occurred during the meeting, an apology from the Elections Commission, and that the Commission will improve moving forward. The motion was seconded by Commissioner Sabas and **carried** unanimously. [3:57 PM]

VII. Adjournment [4:02 PM]

Chair Curtis adjourned the meeting at 4:02 PM.