

Audit of Representative District 37 from the 2022 General Election

February 18, 2024

This report has been prepared by the Office of Elections.
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BACKGROUND

Post-election audits are conducted on at least 10% of randomly selected precincts for each election. Beginning with the 2022 Elections, the Office of Elections gained the ability to conduct the post-election audit procedures for mail ballots processed at the counting center by reviewing the scanned ballot image captured by the voting system. The process decreased errors related to the manual sorting of return envelopes and increased the security of the physical ballots. The in-person voted ballots continued to be reviewed by sorting and stacking the voted ballots for the selected audit precincts and contests.

As it relates to scanned ballot images, the mail voted ballots are scanned in batches. A typical batch size is approximately 200 ballots. A batch report is printed out from the system and rubber banded around the batch. When ballots are scanned, every scanned image is associated with a precinct and could be electronically retrieved (i.e., one can retrieve electronically every scanned ballot associated with a precinct and then allow election officials to hand tally those ballot images against the election results). Additionally, when ballots are scanned, the voting system is annotated manually by the scanner operator with an indication of which voted ballot container (VBC) a batch of ballots was contained in. This permits a VBC to contain numerous batches of ballots that together reflect hundreds of ballots from a diverse mix of precincts, while allowing one to centrally know in the voting system where every ballot is located. This feature permits election officials to have the ability to retrieve a specific VBC to review the physical ballot if there is ever a question during the audit. Additionally, Official Observers are present during the audit at the counting centers across the State.

A total of three cases were filed related to the auditing process for the 2022 Elections. These cases contended that a statutory provision, HRS § 16-42(b)(3), was being violated as it did not explicitly state ballot images could be used for audit purposes and it did not indicate that election officials could select a single contest as opposed to all contests on the ballot in the randomly selected precincts. Two of the cases were filed with the Hawaii Supreme Court and were eventually dismissed. *Cushnie v. Chief Election Officer*, SCEC-22-0000515 (September 6, 2022) and *Cushnie v. Nago*, SCEC-22-0000703 (December 15, 2022). The final case was filed in the Circuit Court of the First Circuit and likewise was eventually dismissed. *Hawaii Republican Party v. Nago*, 1CCV-22-0001499 (February 28, 2023).

On April 16, 2024, the State of Hawaii, Elections Commission passed a motion (5 to 3) requesting an audit of all contests on the ballot in a randomly selected precinct in Representative District 37 from the 2022 General Election. The motion referred to HRS § 16-42(b)(3), the use of what the motion stated as voter verifiable paper audit trails, and the counting of all contests on the ballot for the selected precinct. Based on this context, the motion was understood to not permit the use of scanned ballot images produced by the voting system as part of the audit to verify the accuracy of the election results and the audit would require physically sorting and reviewing all of the voted ballots in the randomly selected precinct, as opposed to making use of the true and correct copies of the ballots in the form of the ballot images. It should be noted that Act 27, Session Laws of Hawaii 2024, was signed into law on May 23, 2024, specifying that “accurate copies of the paper ballots, including accurate electronic copies, may be used in place of the paper ballots when verifying that the electronic tallies are equal to the hand tallies of the paper ballots.”

Following the request by the Elections Commission, the Office of Elections determined that it would conduct the requested audit following the 2024 Elections for two main reasons. First, ballots after each election are sealed and maintained by federal law for a period of 22 months. Specifically, the 22-month period following the 2022 General Election required the ballots to remain sealed through September 8, 2024. This facilitates the ability of the federal government to conduct any investigation that might arise by ensuring the integrity of the ballots that would serve as evidence in any investigation. Second, we were in an election year, where distracting from our election year activities would be irresponsible as we had to focus on conducting the 2024 Elections in a secure, efficient, and honest manner.

OVERVIEW

The audit of Representative District 37 from the 2022 General Election took place from January 21, 2025, through January 24, 2025. An election audit confirms the accuracy and integrity of the election results using a sample of voted ballots. Auditors create a tally of expected results to compare to the results report.

Members of the staff of the Office of Elections and members of the League of Women Voters of Hawaii, a nonpartisan organization that builds citizen participation in the democratic process, took on the responsibility of auditors. Specifically, 7 to 8 staff members of the Office of Elections and 6 to 8 members of the League of Women Voters served as auditors over the course of the audit. Auditors handled voted ballots to perform the audit with tasks including locating audit ballots, sorting audit ballots by voting position to create a hand tally of expected results, and reconciling the tally with the 2022 General Election Statewide Precinct Detail report.

Official Observers, who serve as the “eyes and ears” of the public monitored the handling and security of voted ballots and the certification of the audit. Official Observers do not direct operations or have any authority over personnel conducting the audit. At least 12 Official Observers were recruited per day to serve during this audit. Of the Official Observers who signed up by day, an average of 8 reported to observe the operations of the audit.

Audits of the voted ballots are administered and conducted by the Counting Center Operations section of the Office of Elections. The Counting Center Operations section is responsible for the processing, tabulation, and dissemination of the election results. Counting center operations, including this audit, take place in a secure and controlled area due to the sensitive nature of handling voted ballots. Only designated persons (e.g., official observers, auditors) are allowed in the work area.

District/Precinct 37-02 was randomly selected by the Official Observers and all contests on the 37-02 ballot were audited. The audit voted ballots were organized by in-person and mail as reported on the 2022 General Election Statewide Precinct Detail report. The tally of expected results created in the audit process confirmed the accuracy and integrity of the results reports indicating that the winners were duly elected to represent the people of the State of Hawaii. After all contests were audited and certified, the voted ballots handled for the audit were sealed.

2022 General Election Turnout, Representative District 37

D/P	Registration	Mail turnout	In-person turnout
37-01	5,051	2,763	102
37-02	9,291	5,273	174
37-03	5,299	3,334	79
37-04	0	0	0

TIMELINE

April 16, 2024	Motion made by the Elections Commission
January 21, 2025	Audit precinct was randomly selected by Official Observers In-person and mail VBCs containing 37-02 voted ballots were unsealed and the 37-02 ballots were collected In-person voted ballots were audited and certified (11/12 contests completed)
January 22, 2025	In-person voted ballots were audited and certified (12/12 contests completed) Mail voted ballots were audited and certified (6/12 contests completed)
January 23, 2025	Mail voted ballots were audited and certified (9/12 contests completed)
January 24, 2025	Mail voted ballot were audited and certified (12/12 contests completed) VBCs sealed for secure storage

PROCESSES

The audit was conducted in 2 phases. First, the audit ballots had to be collected to establish the scope of the audit and that all voted ballots have been accounted for. The second phase was to audit the 37-02 voted ballots. The list below are the tasks and procedures associated with the conduct of the audit:

1. Select the audit D/P
2. Unseal the 2022 General Election VBCs
3. Track ballot handling
4. Create the tally of expected results
5. Certify the audit
6. Secure the VBCs

Definitions

D/P stands for district/precinct. The D/P is the representative district and precinct number assigned to voters based on their residence address. The D/P is also the ballot type of all contests voters are eligible to vote for.

VBC stands for voted ballot container. A VBC is used to hold, transport, and securely store voted ballots within the counting center. For this audit, there were 2 types of VBCs: 1) the 2022 General Election VBCs which were used and sealed during the 2022 General Election; and 2) audit VBCs which were used to store and secure the 37-02 voted ballots which were collected from the 2022 General Election VBCs. Audit VBCs were identified by “VSC” for in-person voted ballots and letters, “A” through “K,” for mail voted ballots.

Voting position is the target area the voter marks to make a selection on a ballot.

Steps and Methodology

The following expands on the list of tasks and procedures associated with the conduct of the audit.

STEP 1: Select the audit D/P.

The Official Observers were asked to randomly select the audit precinct by lot. As background, in 2022 there were 4 precincts associated with Representative District 37 (i.e., 37-01, 37-02, 37-03, and 37-04). We would note that 37-04 is a zero-population precinct and no voters are registered to vote in this area. This is reflected in the 2022 Statewide Precinct Detail report indicating that there were zero registered voters, and zero ballots cast in 37-04. We would further note that while 37-04 was not selected for the audit, we would have asked the Official Observers to randomly select again among the 3 precincts where votes were cast if 37-04 had been selected.

The Official Observers randomly selected 37-02 and certified their selection on the *Audit District/Precinct* worksheet, dated January 21, 2025, 9:04 AM. The selection of the audit precinct determined the scope of the audit and the ballots required.

37-02 Voted Ballots

No. of in-person voted ballots	174
No. of mail voted ballots.....	5,273
Total no. of voted ballots	5,447
No. of contests on the ballot	12

2022 General Election VBCs

No. of in-person VBCs handled 15
No. of mail VBCs handled..... 145
Total No. of VBCs handled..... 160

Audit VBCs

No. of in-person Audit VBCs 1
No. of mail Audit VBCs..... 11
Total No. of Audit VBCs..... 12

STEP 2: Unseal 2022 General Election VBCs

The 2022 General Election VBCs unsealed and reviewed as part of the audit were identified by HD 37 labels. The voted ballots were segregated by in-person and mail as is reported on the results. To unseal, Official Observers matched the original *VBC Seal Certification* form used in the 2022 General Election to the physical seal on the VBC and signed the *Audit VBC Seal Certification* form.

We would like to add that in preparation for this audit, the Office of Elections staff was able to identify the mail VBCs and create corresponding forms and tracking logs, including *Audit VBC Seal Certification* and *Ballot Handling* worksheets, using reports compiled by the voting equipment used to count ballots. This review, including developing the forms and proofing, took approximately 2 weeks to complete.

VBCs are used to track, store, and secure voted ballots as they are opened and prepared for scanning. The ballots are placed in VBCs and taken to the high-speed voting system to be scanned in batches. As previously noted, at the time of scanning the VBCs, Hart Technicians record the VBC number, and the stacks of voted ballots are automatically assigned a batch ID as they are counted. Each batch resulted in a batch report being printed out and then it would be rubber banded around the stack. A voted ballot container would typically have between three to five batches and between 400 to 750 ballots, depending on a variety of factors. A VBC could contain numerous batches of ballots that together reflected hundreds of ballots from a significant mix of precincts (e.g. Oahu had over 150 precincts for the 2022 Elections) while allowing one to readily know in the voting system where every ballot is located.

There is not an equivalent report compiled or tracking by the voting equipment used at the voter service centers. As such, all in-person VBCs (i.e., 15 VBCs storing 9,807 in-person voted ballots) were reviewed. As with mail processing, in-person ballots are cast in-flow meaning that a variety of D/Ps are cast in the precinct counter and collected for secure storage, as opposed to maintaining an organization by D/P.

STEP 3: Track ballot handling.

Auditors worked in sub-groups to find and collect the 37-02 voted ballots from the 2022 General Election VBCs. Sub-groups worked with 1 VBC at a time. We started by focusing on the in-person voter service center voted ballots to ensure the ballots remained segregated by type, and to begin the tally of expected results. After reviewing all in-person voted ballots, 174 voted ballots were identified, collected from their original VBC, and stored in an audit VBC. Once the in-person voted ballots were collected, a sub-group of auditors proceeded to create the tally of expected results and certify the audit while the remaining sub-groups collected the mail voted ballots.

For mail voted ballots, auditors used a *Ballot Handling* worksheet to identify and collect 37-02 from the 2022 General Election VBCs to store in an audit VBC. The *Ballot Handling* worksheet identifies the 2022 General Election VBC number, the number of 37-02 voted ballots by batch ID, and the total number of ballots collected from the 2022 General Election VBC. During the collection process, the *Ballot Handling* worksheet was kept with the corresponding 37-02 voted ballots. Additionally, in collecting the 37-02 voted ballots into an audit VBC, a running total and list of 2022 General Election VBCs was compiled.

The ballot handling process was completed within the first day of the audit, January 21, 2025. The 37-02 voted ballots were collected for the audit - 174 in-person voted ballots and 5,273 mail voted ballots. At the end of the day, the audit VBCs were stored in a security cage which was sealed in the presence of the Official Observers. Likewise, the 2022 General Election VBCs were also sealed in security cages. As an added security measure, Official Observers set padlocks to secure the security cages. The padlock combination code is shared among the Official Observers only, auditors and staff do not have the combination to the padlock.

We want to add that at the start of the second day of auditing, after unsealing the security cage of audit VBCs, the Office of Elections staff confirmed the number of voted ballots and that all voted ballots were for 37-02. We did find that 1 mail voted ballot was mistakenly included from another precinct and were able to quickly identify and correct the issue before creating the tally of expected results.

STEP 4: Create Tally of Expected Results

The audit was conducted following the stacking method. This is the same process implemented to audit in-person ballots in the 2022 and 2024 Elections. Following the stacking method, ballots are sorted into piles by voting position for the contest, and the number of ballots for each voting position is counted by the auditors to establish the tally of expected results. Auditors worked in sub-groups to create a tally of expected results for each audit VBC. We recommend that when counting the number of ballots, auditors stack them in piles of 10 ballots to aid with reconciling the total number of ballots. The process is repeated if there are any discrepancies to resolve.

The in-person voted ballots were stored in an audit VBC labeled VSC. The in-person voted ballots were audited and certified on January 21, 2025, and January 22, 2025. Likewise, the mail voted ballots were stored in audit VBCs labeled by letters, A through K. The mail ballots were audited and certified by contest between January 22, 2025, and January 24, 2025. Comparisons of the audit tally of expected results and the 2022 General Election Statewide Precinct Detail report are provided in **OUTCOMES** on page 8.

The first contest we worked on was State Representative, District 37. Four (4) sub-groups of auditors each handled 1 audit VBC. Each sub-group sorted the contents of their audit VBC by voting position for the State Representative, District 37 contest:

DETWILER, Jamie A.
 YAMANE, Ryan I.
 Blank votes
 Over votes

Auditors counted the number of voted ballots by voting position and recorded their count on a corresponding *Audit VBC Tally* worksheet. The auditors also reconciled their count of ballots to the total number of ballots stored in the audit VBC. This process was repeated for each audit VBC. The following is an example using audit VBC VSC.

AUDIT VBC TALLY - SD 18		Audit VBC	No. of Ballots
		VSC	174
Contest			
State Representative, Dist 37			
Voting position		Audit Batch Tally	
DETWILER, Jamie A.		156	
YAMANE, Ryan I.		15	
Blank Votes		3	
Over Votes		0	

Within the audit VBC, the voted ballots were organized and stored by voting position until the contest is resolved and certified. Once a tally of expected results is created for the audit VBC, the results for the contest are recorded onto a *Contest Tally* worksheet used to add the total from all audit VBCs.

The process for creating a tally of expected results was repeated for each contest. As such, each audit VBC was handled at least 12 times, once per contest.

STEP 5: Certify the Audit

The completed *Contest Tally* worksheet was compared to the 2022 General Election Statewide Precinct Detail report, and differences were resolved such that, for the purposes of this audit, the counts would not be greater than plus or minus 3 for each voting position. The total from the *Contest Tally* worksheet was recorded on the *Audit Certification* worksheet and signed by auditors and Official Observers. The process of certifying the audit was repeated for each contest.

STEP 6: Secure VBCs

During the audit processes, VBCs were securely stored in security cages. Once the audit was certified, all VBCs were sealed following the *Audit VBC Seal Certification* form. Official Observers verified the container label and seal number and signed. The *Audit VBC Seal Certification* was completed on January 24, 2025.

OUTCOMES

The following tables are a comparison of the audit tally of expected results to the precinct results reported on the Statewide Precinct Detail report.

Audit of 37-02 Mail Voted Ballots

Contest	U.S. Senator		
Date audit completed	Wednesday, January 22, 2025		
Voting Position	Results Report	Audit Tally	Difference
BONOAN, Feena M.	39	39	0
DECKER, Dan	16	16	0
MCDERMOTT, Bob	1,474	1,474	0
POHLMAN, Emma Jane A.	48	48	0
SCHATZ, Brian	3,582	3,582	0
Blank	110	110	0
Over	4	4	0
Total	5,273	5,273	0

Contest U.S. Representative, Dist I

Date audit completed Wednesday, January 22, 2025

Voting Position	Results Report	Audit Tally	Difference
CASE, Ed	3,630	3,631	1
KRESS, Conrad	1,443	1,442	-1
Blank	197	197	0
Over	3	3	0
Total	5,273	5,273	0

Contest Governor and Lieutenant Governor

Date audit completed Wednesday, January 22, 2025

Voting Position	Results Report	Audit Tally	Difference
AIONA / TUPAI	2,011	2,010	-1
GREEN / LUKE	3,190	3,191	1
Blank	64	64	0
Over	8	8	0
Total	5,273	5,273	0

Contest State Senator, Dist 18

Date audit completed Wednesday, January 22, 2025

Voting Position	Results Report	Audit Tally	Difference
KIDANI, Michelle N.	3,390	3,391	1
SMART, Mary	1,655	1,655	0
Blank	223	222	-1
Over	5	5	0
Total	5,273	5,273	0

Contest State Representative, Dist 37

Date audit completed Wednesday, January 22, 2025

Voting Position	Results Report	Audit Tally	Difference
DETWILER, Jamie A.	1,700	1,700	0
YAMANE, Ryan I.	3,340	3,340	0
Blank	228	228	0
Over	5	5	0
Total	5,273	5,273	0

Contest Hawaii Resident Trustee Vacancy

Date audit completed Wednesday, January 22, 2025

Voting Position	Results Report	Audit Tally	Difference
CERMELJ, Hope Alohalani	1,481	1,479	-2
TRASK, Mililani B.	2,050	2,052	2
Blank	1,742	1,742	0
Over	0	0	0
Total	5,273	5,273	0

Contest At-Large Trustee

Date audit completed Thursday, January 23, 2025

Voting Position	Results Report	Audit Tally	Difference
AHU ISA, Lei (Leina'ala)	1,594	1,593	-1
GALUTERIA, Brickwood	2,042	2,043	1
KING, Sam (Kalanikupua)	1,308	1,308	0
OWENS, Chad	1,681	1,680	-1
SOUZA, Keoni	1,490	1,491	1
WAIHEE, John D., IV	1,681	1,680	-1
Blank	6,020	6,021	1
Over	1	1	0
Total	15,817	15,817	0
No. of Ballots	5,273	5,273	

Contest Councilmember, Dist VIII

Date audit completed Thursday, January 23, 2025

Voting Position	Results Report	Audit Tally	Difference
MENOR, Ron	2,250	2,251	1
OKIMOTO, Val Aquino	2,746	2,746	0
Blank	275	274	-1
Over	2	2	0
Total	5,273	5,273	0

Contest HONOLULU: Affordable Housing Fund

Date audit completed Thursday, January 23, 2025

Voting Position	Results Report	Audit Tally	Difference
YES	2,094	2,094	0
NO	2,703	2,704	1
Blank	473	473	0
Over	3	2	-1
Total	5,273	5,273	0

Contest HONOLULU: Planning Commission

Date audit completed Friday, January 24, 2025

Voting Position	Results Report	Audit Tally	Difference
YES	3,525	3,526	1
NO	1,282	1,281	-1
Blank	461	461	0
Over	5	5	0
Total	5,273	5,273	0

Contest HONOLULU: Clean Water and Natural Lands Fund

Date audit completed Friday, January 24, 2025

Voting Position	Results Report	Audit Tally	Difference
YES	3,397	3,396	-1
NO	1,328	1,328	0
Blank	546	547	1
Over	2	2	0
Total	5,273	5,273	0

Contest HONOLULU: Office of Council Services

Date audit completed Friday, January 24, 2025

Voting Position	Results Report	Audit Tally	Difference
YES	2,518	2,518	0
NO	1,936	1,937	1
Blank	818	817	-1
Over	1	1	0
Total	5,273	5,273	0

Audit of 37-02 In-Person Voted Ballots

Contest U.S. Senator
Date audit completed Tuesday, January 21, 2025

Voting Position	Results Report	Audit Tally	Difference
BONOAN, Feena M.	0	0	0
DECKER, Dan	2	2	0
MCDERMOTT, Bob	152	152	0
POHLMAN, Emma Jane A.	1	1	0
SCHATZ, Brian	15	15	0
Blank	4	4	0
Over	0	0	0
Total	174	174	0

Contest U.S. Representative, Dist I
Date audit completed Tuesday, January 21, 2025

Voting Position	Results Report	Audit Tally	Difference
CASE, Ed	20	20	0
KRESS, Conrad	152	152	0
Blank	2	2	0
Over	0	0	0
Total	174	174	0

Contest Governor and Lieutenant Governor
Date audit completed Tuesday, January 21, 2025

Voting Position	Results Report	Audit Tally	Difference
AIONA / TUPAI	159	159	0
GREEN / LUKE	15	15	0
Blank	0	0	0
Over	0	0	0
Total	174	174	0

Contest State Senator, Dist 18

Date audit completed Wednesday, January 22, 2025

Voting Position	Results Report	Audit Tally	Difference
KIDANI, Michelle N.	15	15	0
SMART, Mary	155	155	0
Blank	4	4	0
Over	0	0	0
Total	174	174	0

Contest State Representative, Dist 37

Date audit completed Tuesday, January 21, 2025

Voting Position	Results Report	Audit Tally	Difference
DETWILER, Jamie A.	156	156	0
YAMANE, Ryan I.	15	15	0
Blank	3	3	0
Over	0	0	0
Total	174	174	0

Contest Hawaii Resident Trustee Vacancy

Date audit completed Tuesday, January 21, 2025

Voting Position	Results Report	Audit Tally	Difference
CERMELJ, Hope Alohalani	70	70	0
TRASK, Mililani B.	59	59	0
Blank	45	45	0
Over	0	0	0
Total	174	174	0

Contest At-Large Trustee
Date audit completed Tuesday, January 21, 2025

Voting Position	Results Report	Audit Tally	Difference
AHU ISA, Lei (Leina'ala)	40	40	0
GALUTERIA, Brickwood	26	26	0
KING, Sam (Kalanikupua)	63	63	0
OWENS, Chad	81	81	0
SOUZA, Keoni	60	60	0
WAIHEE, John D., IV	27	27	0
Blank	225	225	0
Over	0	0	0
Total	522	522	0
No. of Ballots (sum of voting positions divided by 3 + over)	174	174	

Contest Councilmember, Dist VIII
Date audit completed Tuesday, January 21, 2025

Voting Position	Results Report	Audit Tally	Difference
MENOR, Ron	27	27	0
OKIMOTO, Val Aquino	140	140	0
Blank	7	7	0
Over	0	0	0
Total	174	174	0

Contest HONOLULU: Affordable Housing Fund
Date audit completed Tuesday, January 21, 2025

Voting Position	Results Report	Audit Tally	Difference
YES	25	25	0
NO	148	148	0
Blank	1	1	0
Over	0	0	0
Total	174	174	0

Contest HONOLULU: Planning Commission

Date audit completed Tuesday, January 21, 2025

Voting Position	Results Report	Audit Tally	Difference
YES	57	57	0
NO	114	114	0
Blank	3	3	0
Over	0	0	0
Total	174	174	0

Contest HONOLULU: Clean Water and Natural Lands Fund

Date audit completed Tuesday, January 21, 2025

Voting Position	Results Report	Audit Tally	Difference
YES	63	63	0
NO	107	107	0
Blank	4	4	0
Over	0	0	0
Total	174	174	0

Contest HONOLULU: Office of Council Services

Date audit completed Tuesday, January 21, 2025

Voting Position	Results Report	Audit Tally	Difference
YES	39	39	0
NO	127	127	0
Blank	8	8	0
Over	0	0	0
Total	174	174	0

Explanation of Differences

The audit did not unearth any systemic issues with the counting or tabulation of the election results by the voting equipment. The small differences that we have reported are attributable to human error, such as misreading and tallying a voted ballot for the wrong voting position, as well as marginal marks by voters that may or may not have been read by the voting equipment. A marginal mark is any mark that is not a completely darkened in voting position and may also include the voter making extraneous or stray marks that are reflected in a voting position.

Takeaways

The conduct of the audit of Representative District 37 from the 2022 General Election affirmed the procedures established and executed in the 2022 Elections and 2024 Elections. The audit of the voted ballots using the images organized and compiled by the voting equipment is time effective and clear in determining the status of a marginal mark in the voting position (i.e., whether it was counted or not by the voting equipment is indicated by the system). In this audit, we did not have the benefit of the voting equipment to allow auditors and Official Observers to see how the marginal mark was tallied by the voting equipment. This audit also deviated from our standard operating procedure for the post-election audit is to create a tally of expected results for 1 contest for 10% of precincts, which can be expanded if any issues are found, as this audit involved all the contests in 1 precinct.

Additionally, the conduct of the audit of Representative District 37 from the 2022 General Election brings into focus the layers of complexities and controls used to ensure the accuracy and integrity of the election. The use of the current voting system technology involves a variety of internal safeguards and controls. For example, ahead of each election, the Official Observers test the logic and accuracy of the voting and vote counting system to ensure that the ballots are counted logically and accurately. We conduct the post-election audit after each election to create a tally of expected results for 1 contest in at least 10% of precincts which ensures the accuracy and integrity of the results reports. These tallies make use of scanned ballot images from the voting system. After the election, we also reconcile and report the number of return envelopes received and accepted for counting by the County Election Divisions as compared to the Statewide Precinct Detail report to ensure all validated ballots have been counted and tabulated. Further, it should be noted that the law provides that a complaint can be filed with the Hawaii Supreme Court that “set[s] forth any cause or causes, such as but not limited to, provable fraud, overages, or underages, that could cause a difference in the election results” and “any reasons for reversing, correcting or changing the decisions of the voter service center officials or the officials at a counting center in an election using the electronic voting system.” HRS § 11-172. For example, a candidate concerned with the conduct or outcome of the election should present its claims and evidence to the Hawaii Supreme Court to determine and resolve a provable discrepancy that would impact the integrity of our elections.

We would emphasize the importance and luxury of time we had in the preparation of this audit. Over 3 weeks of staff time went into the preparation, organization, and conduct of this audit with the scope of 1 precinct in 1 Representative District and over 5,000 voted ballots. This included reviewing reports from the voting equipment to identify the VBCs for the Representative 37 voted ballots. This could not be done in the course of an election as there is not enough time, as well as elections requiring prompt finality, to make such preparations for over 200 precincts statewide and complete a search and audit of ballots before the certification of the results. As an example, it took 1 day or approximately 6 hours to collect the 5,447 voted ballots for 1 D/P with our preparations. Additionally, in our experience in the 2024 General Election, identifying the in-person voted ballots for 16 audit precincts took 2 days to review over 20,000 voted ballots. It takes a level of control and patience that cannot be overcome by adding more volunteers. Throughout the audit, errors that one can reasonably foresee from conducting the tedious and repetitive process occurred. However, to the credit of all involved, many of whom had years of election experience in auditing, those involved double- and triple-checked their work, to quickly catch and correct any errors that were made. This

again reinforces that our current processes for auditing are more time effective and efficient to ensure the accuracy and integrity of the results.

The conduct of this audit cost \$8,054.99 which includes stipends and meals for the volunteer Auditors and Official Observers.

Stipend	6,535.00
<u>Meals</u>	<u>1,519.99</u>
Total	\$8,054.99

This cost does not include time required by the Office of Elections staff. Most significantly, during the week of the audit 7 to 8 staff members were tasked as auditors while additional staff members provided support and assistance, detracting from their regular duties and responsibilities. As noted throughout this report, over 2 weeks of Counting Center Operations staff time went into the preparations to recruit the volunteers, create the worksheets, and stage supplies, equipment, and 2022 General Election VBCs.

Finally, we would like to thank the League of Women Voters and the Official Observers for their participation in this audit. Their experience and expertise in the election process allowed this audit to be conducted smoothly and efficiently. Without their knowledge and experience in elections this audit could not have been conducted in the time frame that it was.

ADDITIONAL RESOURCES

The following are links to additional resources that readers may find helpful in understanding the controls and checks and balances in place to secure elections; the role of election audits in the overall process; and an analysis of the legal history of voting systems and audits in Hawaii Revised Statutes.

IMPLEMENTING ELECTIONS BY MAIL, October 26, 2023,
<https://elections.hawaii.gov/wp-content/uploads/OE-23-103-Final.pdf>

REPORT ON ELECTION SECURITY: THE AUTHENTICATION, ACCOUNTING, AND SECURING OF BALLOTS, February 16, 2024,
<https://elections.hawaii.gov/wp-content/uploads/Report-on-Election-Security-February-16-2024.pdf>

MINUTES OF THE REGULAR MEETING OF THE ELECTIONS COMMISSION, April 16, 2024,
<https://elections.hawaii.gov/wp-content/uploads/2024-04-16-EC-Regular-Mtg-Minutes-FINAL.pdf>