

# Official Observers Post-Election Audit

Election audits confirm the election results and the accuracy and integrity of the vote counting system. Election audits are not a hand count and do not overturn the results reports. Instead, an election audit may be used to identify and resolve discrepancies that would impact the validity of the election results. The post-election audit is conducted by the Office of Elections staff and volunteers, including the presence of Official Observers, with additional support from the vote counting system vendor, Hart InterCivic, and the County Elections Division. As a statewide operation, the same procedures are followed at each of the 4 counting centers to ensure uniformity in the handling and processing of the post-election audit detailed in the 2024 Counting Center Manual. To provide a brief overview of the procedures:

1. Audit district/precincts (D/Ps) and the contest for each audit D/P are randomly selected.
2. A hand tally of expected results is created for each randomly selected audit D/P. Each ballot, mail and in-person, associated with the audit D/P is reviewed to determine the mark in the voting position (e.g., vote for a candidate, blank vote, over vote) for the selected contest.
3. The hand tally of expected results is compared to the results report to check that the number of ballots counted, and the vote count by voting position is accurate. Then, the audit is certified.

Additionally, the conduct of the post-election audit is completed by the deadline to file an election contest for efficiency and prompt finality either to prepare the general election ballot or for the elected officials to take office. The following outlines the series of post-election events for each election.

- **Election Day.** Voting closes at 7:00 pm. The results reports are released after election officials confirm that the last voter in line to vote has cast their ballot.
- **Automatic recount** is completed within 5 business days of Election Day. The determination of an automatic recount cannot be calculated until the Election Day final results report is processed and tabulated. This is based on the receipt and validation of return envelopes received by 7:00 pm Election Day by the County Elections Divisions.

- **Signature curing deadline** is 5 business days after Election Day. After this deadline, the final results report is processed and tabulated.
- **Post-election audit** is conducted based on the final results report. The post-election audit relies on the minimal disruption of the secured voted ballots to be able to locate specific ballots and resolve any discrepancies that may arise. The certification of the election results is in part based on the conduct of the post-election audit by the Office of Elections.
- **Election contest deadline** must be filed with the Hawaii Supreme Court not later than 13 days after the primary election and 20 days after the general election.

Specifically, for the 2024 Elections, the post-election counting center events are scheduled to be conducted as follows:

## 2024 Primary Election

8/10 – 8/11	Primary Election Day results reports released.
8/12-8/14	Automatic recounts conducted, if any.
8/19	Signature curing deadline. Final election results report released.
8/15, 8/19, 8/23	Post-election audit conducted at Oahu Counting Center.
8/20	Post-election audit conducted at Hawaii Counting Center.
8/21	Post-election audit conducted at Maui Counting Center.
8/22	Post-election audit conducted at Kauai Counting Center.
8/23	Deadline to file an election contest.

## 2024 General Election

11/5 – 11/6	General Election Day results reports released.
11/7 – 11/9	Automatic recounts conducted, if any.
11/13	Signature curing deadline. Final election results report released.

11/13 – 11/15	Post-election audit conducted at Oahu Counting Center.
11/19	Post-election audit conducted at Hawaii Counting Center.
11/20	Post-election audit conducted at Maui Counting Center.
11/21	Post-election audit conducted at Kauai Counting Center.
11/25	Deadline to file an election contest.

## Official Observer Audit

Per the Hawaii Administrative Rules, Official Observers may request to conduct a manual audit.

Official Observers form a semi-autonomous group who serve as the “eyes and ears” of the public. The Official Observers are responsible for testing the logic and accuracy of the vote counting system and monitoring the processing, handling, and securing of voted ballots within the counting center. The group of Official Observers includes interested individuals, members of community groups, the media, and qualified political parties. It should be noted, Official Observers do not supervise or have authority over Counting Center Officials, election officials, vendors, or other authorized personnel at the counting center.

The conduct of an audit by the Official Observers must be agreed upon by the group rather than an interested subset of Official Observers. The following outlines the parameters by which the Official Observers may conduct an election audit.

- Only designated Official Observers may conduct the audit. Additional volunteers may not be added and will not be designated. Only Official Observers who have participated in the logic and accuracy testing and observed the processing of voted ballots may be part of post-election activities.
- An audit by the Official Observers cannot interfere with government operations including the conduct and certification of the election.
- An audit by the Official Observers must be conducted in the presence of the Office of Elections or its designee. The Office of Elections is responsible for the security and integrity of voted ballots.

#### **IV. PUBLIC TESTIMONY**

**From:** [Wendell Elento](#)  
**To:** [OE.Elections](#)  
**Subject:** [EXTERNAL] My Written Testimony for May 21, 2024 Election Commission Meeting  
**Date:** Thursday, May 16, 2024 11:14:24 PM  
**Attachments:** [Written Testimony.pdf](#)  
[Attachment 1 -EC Meeting 2024-04-16 Transcription Red Box Version.pdf](#)  
[Attachment 2 Tab 1 -Search EC Investigations from 2012 to Present Y2024-05-13.pdf](#)  
[Attachment 2 Tab 2 -Search EC Investigations from 2012 to Present Y2024-05-13.pdf](#)

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Hello Chair Curtis and Office of Elections,  
Please add my Written Testimony which is attached and the three attachments to the agenda of the upcoming election commission meeting.

Aloha,  
Wendell Elento  
c: 808-670-6565  
e: [elentow@gmail.com](mailto:elentow@gmail.com)

May 16, 2024

Chair Michael Curtis  
State of Hawaii Election Commissions  
Office of Elections  
802 Lehua Avenue  
Pearl City, Hawaii 96782

"I investigate hearings. Integrity is a matter of perception, there's no quantitative measures on that one."

—Chair Michael Curtis, April 21, 2024

Subject: Written Testimony by Wendell Elento for the Election Commission Meeting on May 21, 2024 at

Dear Chair Curtis,

Can you please add my testimony and its three attachments to the agenda for this upcoming Election Commission Meeting.

Hello Election Commissioners and our Office of Elections Team,

I would like to start with one quotation that inspired me to begin this election integrity project which is still under construction. The first quotation is from Chair Mike Curtis during the April 16, 2024 Elections Commission meeting at the 2:08:46 mark of the YouTube broadcast. Chair Curtis exclaimed, "I investigate hearings. Integrity is a matter of perception, there's no quantitative measures on that one." Attachment 1 -EC Meeting\_2024-04-16\_Transcription\_Red Box Version, page 11 of 49.

This particular phrase caught my curiosity as Chair Curtis said, "I investigate hearings." In context, did Chair Curtis mean that while on the Elections Commission Board, he completed and reported on investigative hearings that he has initiated himself? I don't know if he meant that but it sounded like he was making that statement. Maybe someone can help me with what Chair Curtis meant to say.

Chair Curtis's example led me read through all of the minutes for the last ten years as described in Attachment 2 Tab 1 and Attachment 2 Tab 2; and I want to share my findings; briefly summarized:

1. Chair Curtis did not motion nor participate in any approved investigations.
2. There were no approved motions to carry out an investigation on even a single election irregularity or election complaint, none.
3. In fact, there were no public hearings for the evaluation and reappointment of the Chief Election Officer, none.
4. No Public Hearings of any kind over the last ten-years.
5. In contrast, i did notice at least six-meetings where the Election Commission recommended raises for Mr. Nago.

My research is not complete at this time but it is very fascinating in drawing out quantitative data for election performance analysis, It reveals a pattern of nonfeasance and omission of State and Federal laws. I am also a little confused because since I am such a novice at all of this election law, when I read Hawaii Revised Statutes 11-7.5, I thought the Election Commission is supposed to have Public Hearings and for ANY election irregularities, to initiate investigations to build the trust of Hawaii's voters. None, zipo but there are still many complaints and they are growing in numbers and in voice.

So, when I started to annotate the complaints and jot down the Election Commission's and the Chief Election Officers standard response from the last ten-years of Election Commission minutes, I saw a revealing pattern of diffusing, explaining away, and even voting against doing investigations of any kind.

### Many Election Complaints vs. Zero Public Hearings vs. Zero Election Investigations vs. Six-Meetings to Push for Mr. Nago's Raise

### More Money Spent on Elections vs. Less People Voting

### Twenty-Four Formal Complaints Filed vs. Zero Cases even Allowed to Move Forward

Looking at just one topic, like chain of custody of memory cards, I can find the concerns shared by Senator Slom and Commission Berg and others. I then see Mr. Nago's responses and reassurance that there is an audit safeguard in place. No investigations were conducted. Now that is very curious because I have in my possession blank memory card chain of custody forms that make me even more curious. But you really don't need the chain of custody forms to justify an investigation of the chain of custody for memory devices. All you really need to do is a simple inspection of all the Counties memory cards and their respective policies and procedures for handling memory devices.

Another topic that sparked my attention are the concerns of our voting machines being on the network while Mr. Nago assured those concerned commissioners that our voting machines are stand alone and not connected. Then I am reminded of a complaint filed by a tech saavy official observer on the Big Island filing an affidavit back in 2022, that he personally seen voting machines connected to a hub that had access to the internet. There was no investigation initiated for that curious item.

Inspired by Mr. Nago and Mr. Curtis, I started highlighting in red the areas we need to investigate and found a repetitive pattern: sharing of concerns, explanation of a process that does not match what really happens during the election process.

Hawaii Revised Statutes 11-7.5 is very clear about the Election Commission's task to bring trust into Hawaii's election process. I only have three-minutes so I want to summarize at this point, while I continue to detail my findings, that the argument for a complete forensic audit of our election process expeditiously. In a recent communication, UIPA confirmed that for the last ten years, the Election Commission has not conducted any investigations but they did have six meetings fighting for the Chief Election's Officer's raises.

Another quotation that is just sending me to the moon, is by Mr. Nago at the February 20, 2024 Election Commission Meeting when he said, ***"So Chair, I just like to note that our report does address the fungible and non-fungible ballots are unique, so they can be tracked. Voters can definitely track they're bound to make sure that it was received. But you have to take everything into totality and not just individually when you get the whole security of the elections."*** I beg to differ, because the individual parts are where election integrity can be objectively measured and analyzed for completeness.

One of my favorite things to do is to look for a Beneteau yacht at Ala Wai Yacht Harbor. It is such a beautiful sail boat and what makes it stand out, the quality of its build and its design for speed. The timber, resin and metal are all shaped and fused with purpose and completeness. In the water, with the Honolulu sunset dancing on its sails, she is perfect. Well, that is what integrity means, all the parts are

crafted, fitted to perfection for its designed purpose. That is what we all want, a system that is built with no cracks or pukas but solid and whole. That is what Hawaii deserves a solid and whole election process.

I am available to share our access to 6,000 plus (soon to be 13,000) election documents, my research notes, election court case documents, affidavits, testimonies by many that see a broken election process.

What is my goal, or rather our goal? It is simply to conduct a forensic audit of the State of Hawaii and its Counties by a professional third-party auditor with election experience and use the results of the forensic audit as a stepping stone to building an election process with integrity.

If our election is as good as you all say it is then why for all these years, keep the hood down and locked. Let's do a thorough engine diagnostic and whatever the mechanic says is broken, lets get it fixed up and vrooming fast.

Respectfully Submitted,

*Wendell A. Elento*

Wendell A. Elento

Roustabout

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## ELECTION COMMISSION MEETING; APRIL 16, 2024;

ELECTION COMMISSION MEETING; April 16, 2024 **YouTube link:**

<https://youtu.be/kgwOg5diLEA?si=6OIScX0BDf56O4Qy>

Tue, Apr 16, 2024 1:30PM • 2:13:35

### SUMMARY KEYWORDS

curtis, election, ballots, motion, Commission, ned, vote, Commissioner, Elections Commission, chair, aquino, discussion, hrs, audit, meeting, testify, talking, request, move, precinct

CURTIS (1:30:00): It's 1:30. I call the meeting to order. Need, please take roll call.

NED (1:30:13)

Chair Curtis; here.

Commissioner Andrion; here.

Commissioner Aquino; present.

Commissioner Cushnie; here.

Commissioner Kiguchi; Excused.

Commissioner Kuwada; here.

Commissioner McAdam; here.

Commissioner Papalimu; I'm here and can we get your video on Commissioner perfect.

Commissioner Takenaka; here.

NED: You have quorum Chair.

CURTIS (1:30:50): Thank you. Before we go to the approval of the minutes, I'll remind people that public or propriety All comments are to be addressed to the Elections Commission Chair. Arguments, inside discussion will not be tolerated. Move on to the approval of the written minutes of the March 19 meeting. Are there any additions, corrections or deletions?

CUSHNIE (1:31:21): Yes, I move to amend the minutes.

CURTIS (1:31:24): With what?

CUSHNIE (1:31:25): Item number five should read, "Commissioner Cushnie made a motion to pursue adopting a rule in accordance with HRS 11-7.5 (3) to require the County Clerks and the Chief Elections Officer to individually certify under penalty of perjury the chain of custody was maintained in accordance with HAR 3-177-61 and HAR 3-177-53 which was seconded by Commissioner Papalimu; the Motion carried."

CURTIS (1:32:11): That was that was where in the minutes?

CUSHNIE (1:32:14): Item number five it should say individually certified so it's missing. It was captured in the...

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CURTIS (1:32:25): Okay.

CUSHNIE (1:32:28): The summary but not in the written minutes.

CURTIS (1:32:30): There a second to that change?

PAPALIMU (1:32:33): Second.

CURTIS (1:32:35): Discussion? I don't see any objection to that. But all those in favor of changing that that verbiage per Commissioner Cushnie's recommendation, say Aye.

MANY (1:32:50): Aye.

CURTIS (1:32:51): Aye votes, abstention motion carries. Is there a motion to approve the amended minutes?

ANDRION (1:33:01): So moved this is Commissioner Andrion.

AQUINO (1:33:05): I second the motion.

CURTIS (1:33:07): Discussion? All those in favor say Aye.

MANY (1:33:12): Aye.

CURTIS (1:33:14): Opposed? Abstention? Motion carries. Public testimony. Any interested person may submit comments or testimony on any agenda item. Ned, will you handle that?

NED (1:33:27): Yes, Chair.

CURTIS (1:33:30): Thank you.

NED (1:33:31): If you would like to testify, please click raise hand in the reactions on Zoom. If you're joining us by phone press star nine. When recognized, please unmute your microphone before speaking. You may also turn on your video at this time. For the record, please state your first and last name and the items you will be testifying on. To ensure that we will have sufficient time to hear all testimony, each testifier will have three minutes to testify. Once your time has expired you will be asked to conclude your remarks. The first testifier is Andy Crossman followed by Jamie Detwiler. Andy Crossman?

ANDY CROSSMAN (1:34:13): Yes, I'm here. Aloha Commission. I'll be testifying today on agenda item seven regarding the Commission's powers, duties and privileges on April 2<sup>nd</sup>. Scott Nago for the second time defied the Commission, the advice of the Commission and submitted testimony to the legislature in support of SB 2240, which would enroll Hawaii in ERIC, for

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anyone who is unaware of the arrogant disdain that Scott Nago has for the members of this Commission. I will now show a short one-minute video of the committee hearing for SB 2240.

VIDEO REP WARD (1:34:58): Mr. Nago, rather surprising to see that your board of directors are those that hire and fire and otherwise are most of this Commission took up a position to not support ERIC.

NAGO (1:35:12): That is not the position of the office.

PAPALIMU (1:35:14): We took a vote on it and it did not pass. The state Elections Commission is not supportive of this bill.

REP WARD (1:35:22): You have no sense of disparity between you being their employee and what they've said for you to do. You're not doing.

NAGO (1:35:30): They advise actually.

LADY SPEAKER??? (1:35:32): I'm puzzled because there's so much opposition to this. You're the only one saying that's good. I googled it real quickly, and I don't see anything positive coming out from what I read.

ANDY CROSSMAN (1:35:48): So, I have some questions for the Commission. Is this the kind of behavior that you expect from your employee who you recently reappointed and gave a pay raise? Is it humiliating and insulting to you that Scott Nago will continue to thumb his nose at the Commission? Would any reasonable employer allow this level of contempt for their employee to continue? When is the Elections Commission going to start acting like the boss and hold their employee accountable? I've created a graphic that you can now see in my background, and it shows a hierarchy associated with the Elections Commission: the Chief Election Officer and the Office of Elections with references to Hawaii Revised Statutes that support this information. Obviously, at the top of the hierarchy, we have we the people who vote the legislators into office that appoint the members of this Commission. Then under that we have the Elections Commission, who appoints employees advises and evaluates the Chief Election Officer. Next, we have the Chief Election Officer who is an at-will employee of the Elections Commission below that is the Office of Elections, which supports, provides support and staff to the Chief Election Officer. Lastly, the Chief Election Officer has the option but not the obligation to delegate responsibilities to the County Clerk's which he must oversee and direct. I want to make it clear to all the members of the Commission that you are being deceived by anybody who has convinced you that you do not have authority over the Chief Election Officer, the Office of Elections and the County Clerks in administering our elections in Hawaii. Hold Scott Nago accountable now, or you will continue to embarrass yourselves and be used as pawns. That is all. I yield.

CURTIS (1:37:30): Thank you Andy.

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NED (1:37:32): Next testifier is Jamie Detweiler, followed by Rosemary Josh.

JAIMIE DETWILER (1:37:42): Aloha chair and Commissioners. Thank you for this opportunity to testify. During the last Elections Commission's meeting, I was asked by Chair Curtis to provide my documents on the letters that I sent by certified mail in November of the year 2022. As of today, I have not gotten a response to my certified letters. So, I followed up on Chair Curtis's request to send that documentation to the Office of Elections and to the Commission. I sent it out on March 19 and I received the confirmation from Miss Ned and I still have not gotten a response to my request on that letter. Specifically, I was asking for compliance of HRS 16-42. And to make it even more specific, I specified for district 37. That is the district I ran in while I didn't fall within less than 100 votes difference from my opponent, there were some discrepancies that I outlined in my letter. And part of those discrepancies has to do with valid ballot security, which is also item number six on today's agenda. I've testified numerous times in the past two years on all of these issues, ballot security issues, improper ERIC issues during the last Commission's meeting, and I still have not gotten a response. So, my question to the Commission today is by listing my correspondence on today's agenda is that what you're counting as a correspondence back to me? And when will I get an answer to this question? I yield.

CURTIS (1:39:42): Thank you miss Detwiler.

NED (1:39:47): The next testifier is Rosemary Josh followed by Cynthia Joe.

ROSEMARY JOSH (1:39:56): Thanks. Chair, Commissioners, testifiers and concerned citizens. This is a matter of public record. I'm going to testify today on my previously submitted written communications to the Office of Elections, dated February 21st. That was regarding the reappointment hearings. The question was posed during that meeting, who would replace Scott Nago if he were not reappointed? For any reason, who would fulfill the duties of the Chief Election Officer in the event that he was not able to perform his duties? Is there anyone trained to step in and I asked about the timing of the reappointment and should this evaluation have been conducted. My written testimony for this meeting, I requested that it be answered in the public forum. Did Scott Nago's contract expire? That was my first question for this meeting. Second question. Did he formally petition the Commission for reappointment? An expired appointment should not have been a reappointment consideration. Candidates should have been interviewed. The CEO position would be elected from finalists by the Commission. As was the case with Chief Election Officer Dwayne Yoshida. He stayed on as an interim Chief Elections Officer after rescinding his petition for reappointment until a nation-wide search to be conducted for his replacement. There were three finalists. Scott Nago was one of the candidates and Kevin Cronin was elected at that time. I'm requesting the Commission's answers to my above questions to be given during the public session of April 16 meeting and the last item is last meeting. I was not able to be recognized. Because I'd already given some oral testimony. I was looking for clarification that members of the CCP are involved in election information technologies. And I would request that the Commission verify or deny that testimony also in the public session of this meeting. Thank you.

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CURTIS (1:43:24): Thank you Miss Josh.

NED (1:43:26): Next testifier is Cynthia Joe followed by Joshua Gambi.

CYNTHIA JOE (1:43:32): Aloha. All right. This is regarding oaths of office. I have been observing these Election Commission meetings for a few months now. And there's obviously something that is not right. I want to share information that you the Commissioners may not be aware of. There is a presidential executive order 13848. And from what I can tell it is still active. And the title of that executive order is "National Emergency with respect to foreign interference in or undermining public confidence in United States elections." And in that executive order. Section 8F. So, it says the term foreign interference with respect to an election includes any covert, fraudulent, deceptive or unlawful actions or attempted actions of a foreign government or of any person acting as an agent of or on behalf of a foreign government undertaken with the purpose or effect of influencing, undermining confidence in or altering the results or recorded result of the election or undermining public confidence in election processes or institutions. The penalties for these election crimes will be individuals will have their property or finances blocked or seized. And I mentioned this executive order 13848 because there is something fishy about the way that Commissioners McAdam, Kuwada, Takenaka, Kiguchi and Curtis vote on all the issues. My observation is that the five of you do not vote on issues by the legislation that binds you or the will of the people or the constitutions. All of you took an oath of office to uphold the Hawaii State Constitution and the United States Constitution. I have all of your oaths of office. I got them from the election office last week. So, what I'm trying to puzzle out is what or who is influencing the votes of you five Commissioners? Mike, I was trying to puzzle out did they have handlers, telling them what to say and how to vote Have they accepted money or gifts in exchange for their votes? Are they engaging with foreign entities to undermine public confidence in election processes and in our state, in our state and in our nation? So, for you five Commissioners McAdam Kuwada, Takenaka, Kiguchi and Curtis as well as Scott Nago and Malama Ludi and others interfering with the People's election they are our elections, not yours. I leave you with a definition from Black's Law Dictionary fourth edition, malfeasance, evil doing, ill conduct; the Commission of some Act, which is positively been unlawful, a comprehensive turn including any wrongful conduct that affects, interpret or interferes with the performance of official duties. And finally, I end with two Maxim's of law regarding oaths of office. The first one is, an oath is indivisible. It is not to be held partly true and partly false. You can't have a take an oath and decide which part of the oath you're going to keep up your oath say that you will faithfully perform your duties. I don't see the five of you faithfully performing your duties under the legislation that binds you. And finally, punishment last maximum of law, punishment is due, if the words of an oath be false, and that also is from Black's Law Dictionary, fourth edition. I yield. Thank you very much.

CURTIS (1:48:12): Thank you.

NED (1:48:15): Next testifier is Joshua Gambi. Followed by Colleena Campbell.

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JOSHUA GAMBI (1:48:23): Yes, hello, Commission. I think this falls under Agenda Item number eight. In business, this isn't a public testimony.

CURTIS (1:48:47): Thank you.

NED (1:48:48): Next testifier is Kalina Campbell, followed by Doug Pasnik.

NED (1:49:00): Kalina Campbell.

NED (1:49:05): Move on to Doug Pasnik followed by Thomas Stanton.

DOUG PASNIK (1:49:11): Hey, Mr. Curtis, can you hear me?

CURTIS (1:49:14): Yup, thank you.

DOUG PASNIK (1:49:15): Thank you, you know, the elections infrastructure has been deemed critical infrastructure and during the February 20th Elections Commission meeting, the Commission voted and you stated that the Commission is opposed to ERIC and that was seemingly a good move by the Elections Commission. You know, and Andy presented very well that three weeks later during the march 15th House Committee on Judiciary and Hawaiian Affairs, Mr. Nago testified in support of ERIC and counter to the Elections Commission's February vote. During that meeting, Mr. Nago told told Chair Tarnis that he doesn't have to listen to the Elections Commission and that they only advise; that they only advise him and he chose not to agree with them in this case. Commissioner Cushnie testified against ERIC at that same meeting, but the Elections Commission did not submit any testimony in opposition to ERIC, and to which you stated that the Commission's position was public information. So, what's the purpose of public information of this Commission? If it doesn't have any impact on the Chief Election Officer, and what he chooses to support? You may recall Commissioner Papalimu was quite frustrated with your lack of attention to detail and the insubordination displayed by Mr. Nago to the House Committee, which was all discussed during the march 19 Elections Commission meeting. Two weeks later, Mr. Nago then testified again in front of the House Committee on Finance. Commissioner Papalimu also testified and after a lengthy discussion, she reiterated that the Elections Commission did not support ERIC. Have you seen the testimony from Senator Ward? I think he did with Andy's presentation but it was very interesting that he asked Mr. Nago point blank, that it was surprising to see that the board of directors or the Elections Commission that has the power to hire and fire and give a raise or otherwise can oppose ERIC, and that he was acting opposite of what they were recommending to do, that he wrote was recommended to do and what your advisors what he said is what your advisors have told you was that you're doing has no sense of disparity between you being their employee and what they said for him to do. And what he is doing to which he smugly said they advise me and Ward questioned that they advise you and he said yes. Mr. Curtis, what do you expect an employee to do when you advise them to do something? If you were watching that testimony, it was apparent that Representative Ward knows and was shocked by Mr. Nago's position in open public defiance to your leadership as Chair of the Elections Commission. Mr.

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Curtis, Mr. Nago just blew you off in front of two-House committees and made a mockery of your Elections Commission, and that's part of the public record. In the elections committee is the Elections Commission gonna do again, consent to Mr. Nago; is blatant insubordination, and through his testimony twice to the Hawaii House Committee Against the advice that you gave him. During the march executive Commission meeting there was a five to one testimony against his reappointment but you reappointed him anyhow, after you've had three failed votes. And contrary to what you believe, advise is a verb and a commands action. The Elections Commission has the power to hire fire reappoint and remove the Chief Elections Officer. Mr. Nago knows that and by your fourth vote to reappoint him, he was only one vote away from being removed. Commissioners this Commission is a sham. It's apparent as representative Ward recognize Mr. Naga was running the show. Please step up and do your job or move aside and let someone else lead and with that, I yield.

CURTIS (1:53:04): Thank you Mr. Pasnik. I'll address it after everybody talks.

NED (1:53:10): Next testifier is Thomas Stanton, followed by Anne Marie Hamilton.

THOMAS STANTON (1:53:14): Aloha Commissioners, Tom Stanton Kauai Election integrity. I'm here to address Item five, communications and correspondence. This is to formally state to both the Office of Elections and the Elections Commission Kauai County's intent to request and perform manual audits. For HRS has a HAR 3-177-762 and HRS 16:42 In the upcoming Primary and General Elections for the post-election audits. It's important to note that in 2022, Kauai County was allowed to perform these this audit in the General Election. Kauai official observers were requested and were allowed to perform a 10% paper ballot audit per HRS 16:42 of our paper ballots for two races. This was facilitated by the Office of Elections and it was easily done and it allowed for some confidence in in the manual tabulation or the excuse me, for the computer tabulations of the two races that were audited. The reason why I was able to do this was because at the beginning of counting our official observers requested that our ballots be kept sorted by precinct when they were opened, and then boxed and then sent to the counting machines. That allowed the post-election audit to be done seamlessly by just randomly choosing our two precincts pulling them out and auditing them because Kauai was allowed to do this audit, and it was facilitated by the Office of Elections. It is my opinion that every county that set a precedent for every county to be able to do these same audits and if those audits are not allowed to be done then that would be discriminatory to the other counties of Hawaii. Let's see. I think I just wanted to reiterate these audits were easily done. They were facilitated, aided by the Office of Elections. And should. Our intent is that those audits will be done again, in the upcoming elections with the caveat that we will be auditing all the races, not just the two races that were allowed in the previous election. So with that, I yield Thank you very much.

CURTIS (1:56:15): Thank you, Mr. Stanton.

NED (1:56:16): Next testifier is Anne Marie Hamilton. Followed by Hui Ho Ola Aina.



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ANNE MARIE HAMILTON (1:56:22): Um, hello, my name is Anne Marie Hamilton. I'm a concerned voter from Kauai. Chain of custody or when on ballot security. I'm talking about ballot security. Chain of custody is an election law. Election laws must be followed or you cannot certify the election period. If you do certify an election where election laws are not followed, you have committed fraud and the entire election is fraudulent and must be thrown out and the entire election re-done where the law is followed and it is verified that it is followed. This might seem drastic; this might seem very inconvenient. But the fact is our entire representational and constitutional republic depends on election laws being followed or we do not have a representational government period. We are slaves who have no voice in our representation. We don't have an election we have a selection and many people in this state and in this country feel that is where we are now. That is why Hawaii is in last place in the nation for the citizens having confidence that their votes are being counted. Let me repeat Hawaii is last place in the nation for election confidence. This fact should concern this body since their entire job is ensuring Hawaiian citizens have confidence in their elections. Since the citizens of this state don't have any confidence in their elections, this body is not doing its job period. Anyone that has voted on this committee not to investigate the concerns of these of the citizens that testify month after month should resign immediately and allow someone else better qualified to take their place. I yield.

CURTIS (1:58:26): Thank you Anne Marie.

NED (1:56:29): Next testifier is Hui Ho Ola Aina followed by Wendell Elento.

HUI HO OLA AINA (1:56:36). Aloha Chair and Commissioners. I'm back and you know it's getting real irritating to see how you guys are handling this election system number one I'm from the Big Island so know this. To Commissioner McAdams you do not speak for me and about 200 people that I talk to when you said you speak for people on the Big Island you don't. You corrupted. You're part of Mitch Roth and Josh Green's administration. You're not even from here. And you try to make decisions for us. Keep your comments to yourself because when this all goes down the wrong way, we coming to sue you. Adams McAdams. This is what I'm talking about when I talk about organized crimes. Right? Chair. You're the head of the organized crime you know right now. I no care if private or public. You are...you are responsible for all your corrupted actions like the other Japanese Commissioners that is on here that is always voting the wrong way. Right? the Japanese and the Haoles that is on his Commission. Right? Wake up. Here's what I got to say. Security. Yeah? Number one, the County and State is two different governments. Our county ballot shouldn't be on the same ballot as the state. So I sent you guys a letter. Seeing that on the next agenda item on the next agenda for next month. This needs to be talked about and clarified. We the people of Hawaii County and I don't care what Miss McAdam says because she's not speaking for us. She does not know how it is to be a local here. She does not even speak clear English. She does not speak for the Big Island but here's how we want it here. We don't want our ballot on the state's ballot because it's unconstitutional. It's two different governments. Get it? I hope you get it Chair. Understand that we don't like you guys help. Because you guys are corrupted. Okay? We don't need you guys assistance. We have our own our own Election Office. Our Elections Office shouldn't be touching the State's



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election ballots. You guys Election Office at the State level shouldn't be touching our County ballots. Make it straight, get it Straight. We don't want our ballots to leave our island. We want to have custody of our ballots at all times. This is BS. This whole system. Nobody voted for you guys. You guys shouldn't be making decisions for us. The State of Hawaii is not part of the United States. There's an article that came up in March 30th. Read it CNN put it out there. We're not part of the NATO agreement the treaty. Okay, there's nothing that the military that is here can do for us if somebody wanted war here. Understand the State of Hawaii is in a foreign country. Understand that. I yield.

CURTIS (2:02:03): Thank you, sir.

NED (2:02:04): The next testifier is Wendell Elento.

CURTIS (2:02:10): you're muted. There you go.

WENDELL ELENTO (2:02:13): Thank you, Mr. Chair and Commissioners. I just want to bring up just a pattern. I just actually I just want to talk about the duties of the Elections Commission. And number one it says number one, it says hold hearings hold public hearings. Number two is investigate and hold hearings for receiving evidence of any violations and complaints. Then it says three adopt rules pursuant to chapter 91. And then four we can skip four then five says conduct a performance evaluation of the Chief Election Officer within two months after the date after the date a General Election is certified and then six hold a public hearing on the performance of the Chief Election Officer and consider the information gathered and to consider the information gathered at the hearing and deliberations on the Chief Elections Officer's reappointment and then advise the Chief Election Officer on matters relating to elections. So, I've been I've attended four meetings, you know, apologize. I haven't been more attentive to the meetings but of the four meetings that I attended. There is you could actually say the real duties of the Elections Commission is we try our best not to hold public hearings. Number two is we try not to investigate and hold hearings for any evidence of violations. So that's the that's the negative form of these, these duties. And so there's a hesitancy to to do any kind of evaluation, especially on the Chief Election Officer. And to even do a public hearing on the Chief Election Officer that's like the kiss of death or something. But I just want to bring up these things because when I look at the duties, we try to advise the Chief Election Officer and we got spit on but when you look at all of this and as a regular person I'm I'm just looking at this as we're really not doing the duties Election Commission. We should be holding public hearings. We should be investigating any violation any means any Okay, whether you agree with it or not, we should investigate because people brought it up people on on the ground or other people have concerns. So I just wanted to share that because the tendency a part of my testimony I submitted is the amount of beef that Commissioner Cushnie received just to bring a motion to the floor. Eventually it was voted against, but it took five attempts to bring a motion to postpone the decision to reappoint Mr. Nago in favor of holding a hearing a public hearing. Mr. Chair, I know you mentioned that, yes, we could have a meeting in for the group and then taking it into executive hearing. But I think in a bigger picture, we should have a public hearing because this is a charged matter and people are really seeing that. I think Christopher the last person is

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shared that we're the last nation we're actually worse than the last is it's the 51st we placed 51st behind DC as the most non as far as the election integrity. It's the worst. And so I just want to share that. The way to turn this thing around, is to simply do the duties of Election Commission. Hold hearings, investigate violations as any of them and to hold a period hold up. And that's not even a voting matter. We should just do the hearings on the reappointment of the Chief Election Officer. Because the last motion really when you read our duties the duties of the Commission. You can't vote you cannot vote not to have a public hearing. This is the job of the election Commission. Now you can deliberate in private. That's okay. Because, you know, there's sort of like a little gray area there. But you have to have a public hearing. It's not a question of not to. So I want to yield on that. That if you are just please look at the duties Election Commission, because that is what's really making a lot of us irritated because we're asking questions and we're not getting answers. And that's just we get it's the slow roll. Okay. And we just want answers. That's all good, good answers and for these investigations to go forward. Thank you very much. I really appreciate your time. Thank you.

CURTIS (2:07:00): Thank you, sir.

NED (2:07:01): Next specifier is April Lee.

APRIL LEE (2:07:05): From responsibility; hearings; beautiful, I watched the hearings and I have one question Why have you not fired Scott Nago? I yield.

CURTIS (2:07:28): Thank you. Are there any other testifiers?

NED (2:07:3): Chair, there are no more testifiers

CURTIS (2:07:36): Thank you.

CURTIS (2:07:37): As Position of Chair, I'd like to respond to a couple of those. ERIC is something that we don't trust but that management does. And that's you want to clean voter rolls. That's what ERIC attempts to do by cross referencing voters registered in every state and district.

CUSHNIE (2:08:05): Chair Curtis, we are management. That's what they're saying. We are the managers of Mr. Nago. And that's what the public is saying.

CURTIS (2:08:15): He's not an employee. He's our he's our appointee. Not our employee, not employed by the Elections Commission. He's appointed by the Elections Commission. And the Election Commission is...

Is Nago an employee? At-will employee? Who is the boss?

CUSHNIE (2:08:26): I'll read to you the Chief Elections Officer the Elections Commission's shall provide written notification...

CURTIS (2:08:30): Thank you. We disagree. We'll agree to disagree.

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CUSHNIE (2:08:40): The formal petition, it's in the statute asked for a statute...

CURTIS (2:08:46): Cynthia Joe talked about foreign intelligence. Our logic determines our vote. There are nine members here. Each have different opinions and each experiences. This is public testimony. ERIC again, Representative Ward did see that the Commission opposed the use of ERIC and challenged Mr. Nago. Mr. Nago correctly responded that we're advisory. Not dictatorial. It's his choice. He's our manager. He runs the place. Audits. Audits by precinct. Mr. Stanton, I agree 100% And we'll see what we can do about it the next election. Chain of Custody ballot security is one of the next thing on the agenda. Ballots ballots are discreet by district and national national races, state races and district races require different ballots for each one. And that's one of the responsibilities of Mr. Nago. I investigate hearings. Integrity is a matter of perception, there's no quantitative measures on that one. We'll be discussing that later today. Again, as Mr. Nago, he's, he's an employee of the state and we're here to advise him and to challenge anything we perceive to be illegal or inappropriate, and we've been doing it we'll continue to do that. Let's see what's next on the agenda.

Curtis earlier says Nago is not an employee

ANDRION (2:10:15): Chair this is Commissioner Andrion.

CURTIS (2:10:25): Yes.

ANDRION (2:10:26): Before we close public testimony, I just I noticed a few hands still raised on the Zoom. I wonder if we could go back to them.

CURTIS (2:10:35): Ah Ned are there any other testifiers?

NED (2:10:38): Yes Chair, we do have hands raised. those hands raised went up after you closed public testimony.

CURTIS (2:10:49): So then we'll have to wait for next meeting. No. See where we're at now documented ballots secure or valid security. Wait a minute, public testimony. is done. Communications correspondent there are 2345678 Is do any Commissioners have comments on communications and correspondence?

CUSHNIE (2:11:13): Chair, I do.

CURTIS (2:11:16): Okay, go for it, Ralph.

CUSHNIE (2:11:18): So I put a motion in in the April meeting or the March meeting to postpone the discussion of my elections complaint and passed nine to one that we would postpone the discussion of my complaint after the Elections Office, replied to my complaint. So I'd like to go through each of those items as I requested to you in an email that I sent. So starting with item number one chain of custody.

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CURTIS (2:11:58): I want to stop right here. First of all cuz. You, some of your letters have demanded response within seven days from the Office of Elections.

CUSHNIE (2:12:08): I'll read you the motion that passed 9 to 2.

CURTIS (2:12:13): the stuff that you don't have the authority over.

CUSHNIE (2:12:17): Chair Curtis, I'll read you the motion that passed nine zero. I moved that the Elections Commission direct Office of Elections to answer the formal complaint in writing by seven days prior to the March meeting and post post postpone the considerations of this matter to the March meeting. It was never discussed in the March meeting and it passed 9-0 that we were going to discuss this matter. And here we are. This is a meeting that we're going to discuss it.

CURTIS (2:12:44): Okay, we'll discuss it this meeting.

CUSHNIE (2:12:47): Okay. So, item number one was on chain of custody. The counties have not provided us any chain of custody documentation for receiving the ballots at the ballot box. And there's more to it than that. But we don't have any documentation and on the website that says how do we know that the elections officials don't throw away your ballots. We have no way of knowing that if we don't have chain of custody, like one of the testifiers said, I think it was Anne Marie. She said chain of custody is the law. And if we're not following the law, then you reduce the trust in the public so I move to request a ballot box chain of custody procedures and documentation from the counties.

CURTIS (2:13:48): You have received 500 and some pages from the

CUSHNIE (2:13:52): We have not specifically asked that and they have not provided any lock ballot box chain of custody. So, I make a motion to request. So, what I want to do is show that the counties do not have a chain of custody for the ballot boxes. There's supposed to be two observers there. There's a procedure. Kauai has a great procedure. They have a form that is supposed to be filled out, but they don't do it. The other counties didn't even talk about so I moved to request the ballot box chain of custody procedures and documentation from the counties. Do I have a second?

ANDRION (2:14:32): Second, this is Commissioner Andrion.

CURTIS (2:14:37): Any discussion? Could you repeat the motion? Ned, could you repeat the motion as you heard it?

NED (2:14:43): Move to request ballot box chain of custody procedures from county Elections Office.

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CUSHNIE (2:14:52): The chain of custody procedures and documentation from the county.

CURTIS (2:14:59): And that's been seconded. Discussion?

CUSHNIE (2:15:02): Yes, I'd like to start the discussion.

CURTIS (2:15:06): Okay

CUSHNIE (2:15:07): So this is bigger than that. But I want to start somewhere to show the rest of the Commissioners that the laws are not being followed. This is a simple procedure. I put in written testimony and I encourage the rest of the Commissioners to look at the written testimony. And I submitted by counties chain of custody collections procedures for getting ballots and ballot boxes. They describe the whole procedure and there's a form that should be filled out. Unfortunately, they don't do it. None of the other counties are doing it nobody has produced any information, any documentation that's being done. So, I'd like to start with the simple step to show that the law is not being followed. And you cannot certify the election. If you don't have chain of custody documentation.

CURTIS (2:16:05): Other discussion?

ANDRION (2:16:11): More discussion in favor if you'll entertain it?

CURTIS (2:16:14): Sure. That's what this...

ANDRION (2:16:15): I just I mean I yeah, I just didn't know if you want to alternate favor and oppose but I just feel like this is a very basic thing. And I appreciate Commissioner Cushnie introducing something to take some basic steps here. I think the public would agree that this is a great motion. It's something that should I mean, I can't imagine why someone would oppose this motion. It's something that should already be in place. And if the counties are doing their job as they said they have been, it's something that can be produced. So, unless there's something to hide here, I mean, there's there's just no reason to oppose it. And so, I think that's why there is no discussion for opposition. So, I'm looking forward to voting on the motion. Thank you, Chair.

CURTIS (2:16:51): Thank you. Any other discussion? I had hoped this discussion would come under item six with document and balance security, but it's it's welcome here. And any other discussion on the motion?

PAPALIMU (2:17:05): Yes. Can I am I heard? Can somebody hear me?

CURTIS (2:17:09): Yep, we can all hear you.

PAPALIMU (2:17:11): Okay, thank you. This is Commissioner Papalimu. I support this because I not only have questions about ballot box chain of custody, there is no chain of custody, because we we are having people to put their ballots into a mailbox, which is then has zero

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custody until it shows up somewhere and there is no telling what could happen then that's why it was so important to be able to go to your precinct and see that your ballot went into the box. See that your ballot went into the machine. All we see now is ballots going into mailboxes, and four days later three days later, maybe seven days later popping up somewhere or not popping up anywhere at all. There is no sense of chain of custody with mail in voting. And so I do support this. And I'm glad we're making a motion on it. Although I don't think any of our motions really change anything but I'm glad to see us doing it publicly.

CURTIS (2:18:19): Thank you. I think for mail in balloting. I think you'd have to change the law to change it. And...

PAPALIMU (2:18:25): We were going there...Yup.

CURTIS (2:18:28): We'll see. Any other discussion on the motion? Are all the Commissioners clear on the motion ready to vote? Ned, could you do a roll call please?

TAKENAKA (2:18:39): Mr. Chair, can you repeat the motion?

CURTIS (2:18:44): Thank you. Ned, please?

NED (2:18:46): The motion is to request a ballot box chain. I'm sorry, because the ballot ballot box chain of custody procedures and documentation from the County Elections Division

CURTIS (2:19:03): Is that clear Cynthia?

TAKENAKA (2:19:05): Yes and no. So, you know, I'm sorry, what? What is it now if this motion passes, is there something different that the counties will have to do?

CURTIS (2:19:22): Showing the process and then evidence of following the process.

CUSHNIE (2:19:29): There's a law on the books that requires this and I'm just trying to show that it's not being done. And if we request this specific information and they cannot produce it, then that just shows you as a commissioner that they are not following the law.

CURTIS (2:19:46): I look forward to this motion passing and proving Ralph wrong. Are there any other discussion?

CURTIS (2:20:02): So, Ned roll call please.

NED (2:20:05): Commissioner Andrion; Aye.  
Commissioner Aquino; Aye.  
Commissioner Cushnie; Aye.  
Commissioner Kiguchi; Excused.  
Commissioner Kuwada; No.

**Motion:** Request a ballot box chain. I'm sorry, because the ballot box chain of custody procedures and documentation from the County Elections Division.  
**Motion Carries:** Five-Ayes, Two Nays, and One Excused

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Commissioner McAdam; Aye.  
Commissioner Papalimu; Aye. =  
Commissioner Takenaka; No.  
Chair Curtis; Aye.

CURTIS (2:20:37): Motion passes. Are there discussion on the communications and correspondence?

CUSHNIE (2:20:43): Yes, Chair. I'd like to discuss item number two.

CURTIS (2:20:46): What number? What item number two is on?

CUSHNIE (2:20:50): It is on the response and the complaint

CURTIS (2:20:53): Okay.

CURTIS (2:20:55): So, item number two has to do with post-election audits. And the long and short of it is that there were complaints that the law was not being followed HRS 16-42 V3 says that 10% of the precincts would be randomly picked and that the paper ballots would be hand counted, and the tallies would be compared to the electronic tallies. Now I filed a complaint in 2022. It was dismissed by the court but not adjudicated. After that, the Office of Elections has tried to change the law to allow ballot images. The paper ballot is the voter verifiable paper audit trail. That is the only thing that the voter has verified. The voter has not verified the ballot images. So, I move to advise the Chief Elections Officer to use a voter verifiable paper audit trail to conduct all audits.

CURTIS (2:22:03): There are a second?

CUSHNIE (2:22:12): Do I have a second?

PAPLIMU (2:22:13): I'm sorry, can you repeat the motion?

CUSHNIE (2:22:16): I move to advise the Chief Elections Officer to use a voter verifiable paper audit trail to conduct all audits.

AQUINO (2:22:27): I will second the motion.

PAPALIMU (2:22:29): I'll second that.

CURTIS (2:22:32): Don't fight over it.

AQUINO (2:22:37): I guess she didn't hear me.



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CURTIS (2:22:40): Miss Papalimu you came second. For the second. So, it's moved by Ralph and who seconded that Ned?

NED (2:22:48): Oh, that is Commissioner Aquino.

CURTIS (2:22:51): Thank you. Discussion?

CUSHNIE (2:22:55): Yes, Chair. I'd like to start discussion.

CURTIS (2:22:57): Go for it.

CUSHNIE (2:22:58): Okay. HRS 11-1.6 discusses the appointment of the Chief Elections Officer. The Chief Elections Officer, is an at-will employee. The Elections Commission shall provide written notification of any removal and state the reason for removal. That means that the Commission is the boss. So, when we advise the...

CURTIS (2:23:21): Wait, wait, wait...the motion is to advise.

CUSHNIE (2:23:25): Started I just started onto that. Continuing on to that I have 10 minutes. I'm not going to take that long but let me talk to...

CURTIS (2:23:35): You got three minutes for discussions.

CUSHNIE (2:23:37): I move to advise. So, the word advise means that we can tell him what to do. And if we don't like what if he doesn't follow us, we can remove him because on number G, the Chief Elections Officer is an at will employee which means he can choose not to follow our advice, but we can remove him if he does that. So that's all I have. Thank you,

CURTIS (2:24:05): As he did with ERIC. Thank you. Are there discussion?

ANDRION (2:24:06): Chair

CURTIS (2:24:07): Yes?

ANDRION (2:24:11): More discussion in favor just to support this. I mean, a paper trail is probably the best way to keep things Integris and I know we're all familiar with the the attempt to change the language of HRS 16-42 B from that to ballot images. So, I think this again, just something very basic, foundational and should already be in place. I'm in favor. I was really surprised to hear no votes on the last motion. So, if there's other of my colleagues that are in opposition, I mean, let's discuss this right? It's not...

CURTIS (2:24:45): Please address your comments to the Chair...



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ANDRION (2:24:46): That's part of my comment. Yes, chair. So I would just ask if you could alternate between favor and opposition because I mean, I want to make an informed decision with all of our colleagues. But I don't think it's good if there's surprise no votes on a motion. Thank you.

CURTIS (2:25:03): Any other discussion? Any anybody against the motion would like to comment? Any others in favor of the motion that would like to comment? Ned, could you reread the motion please?

NED (2:25:17): The motion is to move to advise Chief Election Officer to use voter verifiable paper audit trail to conduct all audits. And it was seconded by Commissioner Aquino.

CURTIS (2:25:31): Any more discussion? Could you do a roll call, Ned, please on this?

NED (2:25:36): Yes, Chair.  
Commissioner Andrion; Aye.  
Commissioner Aquino; Aye.  
Commissioner Cushnie; Aye.  
Commissioner Kiguchi; Excused.  
Commissioner Kuwada; No.  
Commissioner McAdam; No.  
Commissioner Papalimu; Aye.  
Commissioner Takenaka; No.  
Chair Curtis; Aye.

**Motion:** Advise Chief Election Officer to use voter verifiable paper audit trail to conduct all audits **Motion Carries:** Five-Ayes, Two Nays, and One Excused

CURTIS (2:26:12): Motion carries. Are there discussion on the communications and correspondence?

CUSHNIE (2:26:18): Yes Chair, I'd like to discuss number three.

CURTIS (2:26:22): What number three is this?

CUSHNIE (2:26:24): This is on the same item number three. \

CURTIS (2:26:26): And that's your April 6 correspondence?

CUSHNIE (2:26:28): This is a response from the Office of Elections and my correspondence, same item.

CURTIS (2:26:35): Okay.

CUSHNIE (2:26:36): So, the pre-election audit procedures aka logic and accuracy, accuracy tests. the logic and accuracy tests. If you read in the online question and answer, it says how do we know elections equipment is not hacked? And it basically says that we have observers off

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the street verify that the Election Commission the Election Commission equipment is running properly by filling out 25 ballots. So, my motion is to...I move to have the State Chief Information Officer review pre-election, audit and safety procedures and report to the Commission the effectiveness of the procedures to identify hacking, or mistakes in the voting system.

CURTIS (2:27:37): There are a second. Dies for lack of a second. Next

CUSHNIE (2:27:40): Fellow Commissioners we need to second please.

PAPALIMU (2:27:48): I'm sorry, I was muted.

CURTIS (2:27:52): Okay, that's been moved and seconded by Commissioner Papalimu. Could you state the motion again Ned? Or if Ralph could...

CUSHNIE (2:28:05): I'll read it again, I move to have the State Chief Information Officer review pre-election audit and safety procedures and report to the Commission the effectiveness of the procedures to identify if hacking or mistakes in the voting system have occurred.

CURTIS (2:28:31): That was seconded by Commissioner Papalimu. Discussion?

CUSHNIE (2:28:38): Yes Chair. I like to start.

CURTIS (2:28:41): Go for it.

CUSHNIE (2:28:42): So, all I'm asking is for a third party; or in-house State person. Right now. the only IT person looking at the HART Intercivic equipment is HART Intercivic itself. So, I'm asking that the Elections Commission ask the Chief Information Officer who is a IT security specialist to review our policies and procedures to see if it's adequate to prevent hacking or fraud or what have you.

TAKENAKA (2:29:22): Chair, I Have a question.

MCADAM (2:29:25): Yeah, me too.

TAKENAKA (2:29:26): Anybody contacted the Chief Information Officer about this and get a read from him?

CURTIS (2:29:34): Not yet. If it passes and we get a response from him.

MCADAM (2:29:39): Can I also ask a question...I don't know where Commissioner Cushnie has information from I'm just asking a question but what how do you understand that? The only the only IT professionals looking at this are from HART? Sorry. Do we have any confirmation that's actually accurate?

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CUSHNIE (2:29:59): Says Mr. Nago.

MCADAM (2:30:02): Well, have you asked Mr. Nago?

CUSHNIE (2:30:05): Yes, I have.

TAENAKA (2:30:08): Mr. Chair?

CURTIS (2:30:08): Cynthia.

TAKENAKA (2:30:09): You know, I'm I wouldn't mind not I wouldn't mind I'd like to request we move this to the next meeting and somebody talked to the CIO and get his or her opinion on whether, you know the feasibility of this. I mean, I don't know how that office works. So, I mean, to say, to do this, and then he or she comes back and says, you know, whatever. So, I would rather somebody chat with that office before we do the vote. Thank you.

CURTIS (2:30:51): Thank you Cynthia.

CURTIS (2:30:52): Anybody else opposed to the motion? Want to comment? Anybody in favor of the motion here to comment?

ANDRION (2:31:01): Chair. Commissioner Andrion. I, I think I am in favor of the motion. I just wanted to clarify as the motion to direct the CIO or just for the requests that come from the Commission. So, the chair would like what Cynthia said, make the request, contact them and ask for feedback. Is that what your motion is Commissioner Cushnie?

CUSHNIE (2:31:18): Correct. We're gonna we need some kind of outside look at what we're doing. I'm not an IT person. We need somebody to look at our procedures and say yes, these are sound procedures. You know...

CURTIS (2:31:34): And thank you. Yeah, that's the motion. And the other...

ANDRION (2:31:37): And I would just I would just respond to calling Commissioner McAdams it was our September.

CURTIS (2:31:45): Everything should be addressed to the chair. If you're making a comment, please make a comment

ANDRION (2:31:47): For the chair, it was in our September or August meeting that Mr. Nago expressed about that HART Intercivic being the party that was in charge of all that, overlooking that, and no no one from our departments.

CURTIS (2:32:01): Thank you. Without further discussion, I would ask Ned for a roll call.

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NED (2:32:09):

Commissioner Andrion; Aye.

Commissioner Aquino; Aye.

Commissioner Cushnie; Aye.

Commissioner Kiguchi; Excused.

Commissioner Kuwada; Sorry, that's a No.

**Motion:** Elections Commission ask the Chief Information Officer who is a IT security specialist to review our policies and procedures to see if it's adequate to prevent hacking or fraud. **Motion Carries:** Five-Ayes, Two Nays, and One Excused

NED: Thank you

Commissioner McAdam; No.

Commissioner Papalimu; Aye.

Commissioner Takenaka; No.

Chair Curtis; Aye.

CURTIS (2:32:48): Let's find out what's going on. On continuing on the discussion of the our communications to correspondence.

ANDRION (2:32:54): Chair, can I motion for a five-minute recess, please?

CURTIS (2:32:57): You can move forward but that is...Does anybody object to a five-minute recess? Then we'll take a five-minute recess starting at 233. We'll be back at 240 please.

ANDRION (2:33:14): Thanks everyone. Thank you, Chair Curtis.

CURTIS (2:33:15): Welcome.

CURTIS (2:35:44): Ned, if you're listening, do you have a countdown timer? That could give us that?

NED (2:35:51): Sure, let me check on that.

CURTIS (2:35:53): Thanks another four and a half-minute timer a five minute timer to 240 Please.

NED (2:36:01): Okay.

AQUINO (2:36:10): Chair Curtis may I pose a question to you? I know, we're in recess.

CURTIS (2:36:16): Sure.

See if there is video of screen shot of hands up at end of testimonies.

AQUINO (2:36:17): While testimonies were being shared, and hands were raised? Why were they not recognized?

CURTIS (2:36:27): According to the secretary, the raised hands were after we closed the public discussion.

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AQUINO (2:36:34): No, according to my observations, there were hands being raised while testimonies were being shared.

CURTIS (2:36:42): There were hands being raised. The raised hands that weren't heard were raised after the end of testimony according to staff. I have to honor that.

AQUINO (2:36:56): Maybe we have to have staff be more observant because I did see hands go up Chair.

CUSHNIE (2:37:11): So Chair with that, I'd like to remind you of 92-3 where you cannot require only hold the testifiers to the beginning of the meeting. I sent you that statute that you need to allow them to testify during the meeting also.

CURTIS (2:37:31): Thank you.

CUSHNIE (2:37:35): It's HRS 92-3.

CURTIS (2:39:47): 20-seconds warning.

CURTIS (2:40:12): So we'll come back to order after a recess. And do you have a motion on the floor anything?

CUSHNIE (2:40:23): That we're still on item number one chair.

CURTIS (2:40:27): Thought you were on item number six for...

CUSHNIE (2:40:29): Item number one and item number four. I'd like to start with that with number four please.

CURTIS (2:40:42): What's number four? Number four of what?

CUSHNIE (2:40:46): It's of the Office of Elections response there's...

CURTIS (2:40:51): That's the March 13 letter?

CUSHNIE (2:40:54): Correct the one that's on the agenda.

CURTIS (2:40:57): Okay.

CUSHNIE (2:40:58): So item number four. Office of Elections says that there were no major discrepancies in 2020. And I just want for the record that there were major discrepancies for 2020. On Kauai there was a 3,379-ballot count difference between the county of Kauai's numbers and the Office of Election's numbers. When asked about it, Mr. Nago said that the

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difference was between the in-person voting. That is not true. We have never reconciled why there was a difference. The Chain of Custody forms were not filled out, but there was a summary. Another discrepancy was in the audits. If you look at the written testimony that I provided, look at the forms for Oahu. The audits were signed, but nothing was filled out on the form. So, they're blank, blank forms that were signed, which tells me that they were just passing around pieces of paper that people to sign and they never bothered to fill them in. That's a huge discrepancy. And then the audit form on Kauai was done by Oahu employees. Nobody from Kauai participated in the audit in 2020. Those are just three examples that I have quickly researched, that were discrepancies for the 2020 election. I'd like to move to item number five, if nobody has objections.

CURTIS (2:42:38): Okay

CUSHNIE (2:42:43): Item number five talks about complying with HAVA. I move to investigate if there are any HAVA violations being committed by the Office of Elections.

CURTIS (2:43:06): Is there a Second?

CURTIS (2:43:08): There wasn't a motion there was there was a request for information.

CUSHNIE (2:43:12): I move to investigate if there are any HAVA violations being committed by the Office of Elections.

ANDRION (2:43:21): Second. This is Commissioner Andrion.

CURTIS (2:43:23): Discussion?

CUSHNIE (2:43:27): Yes, Chair. I'd like to start please.

CURTIS (2:43:28): Go ahead.

CUSHNIE (2:43:30): Okay, in particular, I would like to look into ERIC and see if it complies with HAVA but we need to research it we're taking federal money and if we just need to make sure we're not violating any of the HAVA acts.

CURTIS (2:43:48): Is there anybody opposed? Any other discussion in favor?

CURTIS (2:43:59): Yes.

ANDRION (2:44:01): I just want to strongly again; this is not I feel like we're in this weird place of either you're for or against on each and every one of these issues. But this can be a issue we all get behind. I mean, I think there's reasonable evidence or suspicion behind a UBI correlating with someone's private information. So again, I don't see why anyone would be opposed to this. I think this is a good motion just to see and make sure that we're not you know, there's not

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personal information being leased and and linked to the UBI. So, if there is opposition to this chair, I would love to hear it before we take the vote. Again...

CURTIS (2:44:37): UBI what is that?

ANDRION (2:44:39): Unique ballot identifier all...

CURTIS (2:44:43): Okay...okay.

CURTIS (2:44:47): Yes, Miss Papalimu.

PAPALIMU (2:44:51): Ralph, What did you say that was HAVA? In your motion?

CURTIS (2:44:58): It's a federal it's a federal act regarding America vote.

PAPALIMU (2:45:04): What they call?

CURTIS (2:45:07): Help America Vote Act.

PAPALIMU (2:45:10): Okay, so we're trying to make sure that ERIC is not in violation.

CURTIS (2:45:16): Well, the thing is, we haven't contracted ERIC. But one of the arguments against it, potentially.

PAPALIMU (2:45:27): Yeah, I always...I didn't understand. I think having difficulty with it. I didn't understand how the Election Commissioner officer could give up access to DMV records because that does not be in the records do not fall under the Election Office. And so I think that's why I was having so much trouble. Thank you very much for the clarification.

CURTIS (2:46:05): Welcome...Ned, could you reread the motion please?

NED (2:46:08): Yes, Chair. The motion is to investigate if there are any HAVA violations being committed by the Office of Elections and seconded by Commissioner Andrion.

CURTIS (2:46:20): That's that's kind of a big net to throw without any evidence is my opinion. Are there any other discussion?

TAKENAKA (2:46:34): I have a question. So, who's gonna do this?

PAPALIMU (2:46:46): Should be by Committee.

CURTIS (2:46:47): It would be the Elections Commission. That motion was to investigate, which is within our authority. The investigation that Ralph outlined is kind of all encompassing, doing every aspect of the HAVA Act to see if we're in compliance, if we're not in compliance, that's

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where I would look for evidence and pursue an investigation personally. But this is a Commission motion in front of us. So could you read the motion again, one more time, please?

NED (2:47:23): The motion is to investigate if there are any HAVA violation being committed by the Office of Elections, seconded by Commissioner Andrion.

PAPALIMU (2:47:35): And this is inclusion to ERIC correct?

CURTIS (2:47:40): No, HAVA.

CUSHNIE (2:47:42): That would be one of the items on there. And ERIC would be one of the items to look into.

CURTIS (2:47:50): Roll call please.

NED (2:47:52):

Commissioner Andrion; Aye.

Commissioner Aquino; Aye.

Commissioner Cushnie; Aye.

Commissioner Kikuchi; Excused.

Commissioner Kuwada; No.

Commissioner McAdam; No.

Commissioner Papalimu; Aye.

Commissioner Takenaka; No.

Chair Curtis; No.

**Motion:** To investigate if there are any HAVA violation being committed by the Office of Elections **Motion Fails:** Four-Ayes, Four-Nays, and One Excused

CURTIS (2:48:24): Next comment on Commission communication respondents?

STELLA KAM (2:48:29): Chair. This is Stella. Can I ask Commissioner Papalimu to turn on her camera please?

CURTIS (2:48:37): Thank you. Sorry.

PAPALIMU (2:48:39): I'm sorry. Was that four-four.

CURTIS (2:48:42): Yes, it was. No. Yes, it was. The motion...

PAPALIMU (2:48:48): Did the motion carry?

CURTIS (2:48:51): No. the motion died.

PAPALIMU (2:48:52): Okay. I didn't hear that. I just wanted to clarify.

CUSHNIE (2:48:58): Sorry, my fault on that one. Any other discussion on communications and correspondence?



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CUSHNIE (2:49:05): Yes Chair, number six please.

CURTIS (2:49:08): Number six of the communication from the Office of Elections?

CUSHNIE (2:49:12): Correct.

CURTIS (2:49:13): Okay. Official observer may conduct their own audit.

CUSHNIE (2:49:17): Chair, I move to advise Scott Nago to report report back to the Commission before the next meeting on how we will implement the audit request by citizens in accordance with HAR 3-177-762 A3.

CURTIS (2:49:39): Why don't we just ask him right here. Scott Nago can you answer that? Scott Nago Hello?

SCOTT NAGO (2:49:50): Yes. So, we do we're working on procedures currently so official observers can request to conduct their own audit. We are working on procedures to facilitate that.

CUSHNIE (2:50:03): So specifically, the procedures that the public voted for.

NAGO (2:50:08): Yes, so basically, we would have we would have parameters like the ballot counting by custody, things that things like that.

CUSHNIE (2:50:18): Okay, so you'll be able to do that by the next meeting.

NAGO (2:50:24): We can give you the procedures or the parameters for it. Yes.

CUSHNIE (2:50:29): Excellent. Thank you.

TAKENAKA (2:50:31): So, Mr. Chair.

CURTIS (2:50:32): Yes.

TAKENAKA (2:50:33): So, will these procedures be implemented for the elections later this year?

CURTIS (2:50:40): That's the intent of the Chief Elections Officer. Yes. Any other discussion on communications and correspondence?

CUSHNIE (2:50:53): Yes Chair, number eight.

CURTIS (2:50:55): Okay.

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CUSHNIE (2:51:01): Number eight discusses early counting. I move to eliminate early counting of ballots.

CURTIS (2:51:11): Is there a second. Dies for lack of a second. additional discussion?

CUSHNIE (2:51:22): Chair, early counting that the answer is out there and that can be given to someone and it can be used as an advantage or disadvantage to different candidates. And I don't think we should...

CURTIS (2:51:38): Wait, wait, wait, wait, was the motion wasn't seconded.

AQUINO (2:51:44): Yup.

CURTIS (2:51:45): Okay, Anita Acquino seconded. Yeah.

AQUINO (2:51:47): Yes, I seconded.

CURTIS (2:51:49): Okay. Further discussion? Go ahead Ralph.

CUSHNIE (2:51:52): Thank you, Chair. So early counting is allowed. But as a Commission, I think we should take the stance that we should not allow early counting and advise the Chief Election Officer that we should not be doing early counting. It exposes candidates can find out where they stand. And the state constitution calls for election day, not election months. So, this may be a violation of our state constitution. And I think it's just a good practice to keep everything tight and count the ballots when they're supposed to be counted on election day.

CURTIS (2:52:40): Other discussion?

ANDRION (2:52:42): Chair Could we hear from Mr. Nago on this?

CURTIS (2:52:45): If he'd like to offer.

NAGO (2:52:50): First of all, this will take a statute change. Second of all, in elections by mail for us to count everything on one day we will not have results until two weeks after the election.

CUSHNIE (2:53:07): Why is that?

NAGO (2:53:09): Counting everything on one day rather than as they come in?

CUSHNIE (2:53:16): So it's how many days do you need to count?

NAGO (2:53:18): It depends so the law says we can count ballots, up to 10-work days I believe it is and you know, we want to get results out on election night as as fast as possible. That's

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why we we processes we process ballots early. The law also says that we cannot release results. So, we do process the ballots, but we don't produce any results. So, to know how somebody voted or to know what results are. We don't have that information unless somebody is randomly keeping that in their head. There's no way to know what the results are because we do not produce results. until the close of voting on Election Day.

CUSHNIE (2:53:58): Well, the results are in the computer, which means somebody has some results and things happen. I'm just saying those results could be leaked to campaigns, who knows but if we eliminate early voting, there's no chance that that information can get out.

NAGO (2:54:18): Early voting or early process?

CUSHNIE (2:54:20): To bring it to two days before election then I would be willing to amend my motion or three days from the election and we count three days before I'm willing to amend my motion for that.

AQUINO (2:54:39): Chair, I have a question for Mr. Nago.

CURTIS (2:54:43): Yes.

AQUINO (2:54:44): Mr. Nago, before the mail in ballot voting, how were you able to finally have the results when it was all person voting?

NAGO (2:55:00): So, the results on election for election day, were tabulated at the polling place with a precinct counter. the mail ballots that were the absentee mail ballots were processed on election day, but numbers were not like they were for all mail voting.

AQUINO (2:55:17): The in-person voting is counted...

NAGO (2:55:22): ...is counted in the polling place as the voter deposits their ballot into the precinct counter.

CURTIS (2:55:27): Any information is collected is not counted.

NAGO (2:55:30): Well, it's processed scanned on disc.

AQUINO (2:55:32): Processed but not released.

NAGO (2:55:33): Correct.

AQUINO (2:55:35): But somehow, the results are timely at that time. So...

NAGO (2:55:40): The numbers didn't have as many absentee mail ballots as you do voters for all mail voting before vote by mail voting.

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CURTIS (2:55:54): So could you re-read the motion?

NED (2:56:00): Yes, Chair, sorry, could I ask Commissioner Cushnie to reread his amended motion?

CURTIS (2:56:04): It's not amended.

NED (2:56:07): Oh um...

CURTIS (2:56:08): ...his original motion.

NED (2:56:08): Original motion.

CUSHNIE (2:56:09): I'm gonna amend my motion.

CURTIS (2:56:12): No, you're gonna reread the initial motion.

CUSHNIE (2:56:15): I moved to eliminate early counting of ballots.

CURTIS (2:56:22): And it was seconded. Did you want to amend that now?

CUSHNIE (2:56:28): Yes, I'd like to amend it.

CURTIS (2:56:30): We would entertain an amendment to the motion. Go ahead.

CUSHNIE (2:56:33): I move to to start counting the ballots three days prior to the election.

CURTIS (2:56:41): There a second to the amendment?

ANDRION (2:56:45): So, moved.

PAPALIMU (2:56:46): Second.

CURTIS (2:56:47): Okay, Dylan, seconded the amendment. The motion on the amendment to be voted on is that original motion be amended to allow for counting and processing the mailed in ballots up to three days prior to the actual election. Discussion?

ANDRION (2:57:11): Just real quick Chair.

CURTIS (2:57:15): Sure.

ANDRION (2:57:16): This is this is a statue. So, the motion is to advise right? To Commission to take a stance on it. But also, to continue discussion on this. I think...

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CURTIS (2:57:28): We're talking about the amendment. Amending it to three days that limits motion to allow for counting the pre-voted ballots up to three days prior to the election.

ANDRION (2:57:40): I'll save my discussion. Thank you.

CURTIS (2:57:43): Thank you.

TAKENAKA (2:57:44): Mr. Chair.

CURTIS (2:57:45): Yes, Cynthia.

TAKENAKA (2:57:46): So, if it's if the law says 10-days does the law have to be changed to three-days?

CURTIS (2:57:56): The law will have to be changed for anything like this to go into effect. It's not up to us. We're an advisory Commission. And as Mr. Nago pointed out that to change this, it will require a law change by the legislature.

CUSHNIE (2:58:15): Chair. It allows the law allows him to do it. There's no law of change needed. He can decide when he's going to do it.

AQUINO (2:58:28): I have a question Chair.

CURTIS (2:58:29): Yes.

AQUINO (2:58:30): Will this be three calendar days or three business days?

CURTIS (2:58:35): Yes.

CUSHNIE (2:58:38): Calendar days.

CURTIS (2:58:41): Three days before the election and elections on Tuesday. So, you can count it on Sunday. If this amendment passes on the motion, and the motion passes. Any other discussion on the amendment to three days?

PAPALIMU (2:58:59): Okay, so Ralph it doesn't require a law change because the law allows you up to 10-days but you don't have to take that 10-days.

CUSHNIE (2:59:10): Correct.

PAPALIMU (2:59:11): Okay great. And anything really that law changing the Commission can also request law changes not just the Elections Officer.

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CURTIS (2:59:25): That's correct.

PAPALIMU (2:59:26): Work with legislature is provided change law.

CURTIS (2:59:30): That's one of the rules. Roll call on the amendment please Ned.

NED (2:59:41):

Commissioner Andrion; Aye.

Commissioner Aquino; Aye.

Commissioner Cushnie; Aye.

Commissioner Kiguchi; Excused.

Commissioner Kuwada; No.

Commissioner McAdam; No.

Commissioner Papalimu; Aye.

Commissioner Takenaka; No.

Chair Curtis. No.

**Motion:** Start counting the ballots three days prior to the election.

**Motion Dies:** Four-Ayes, Four-Nays, and One Excused

CURTIS (3:00:14): Back to the original motion. Eliminate early...any other discussion on the original motion to eliminate count early counting?

ANDRION (3:00:30): Ah, discussion.

CURTIS (3:00:31): Anything new?

ANDRION (3:00:32): Yeah, I just I wanted to I mean, bounce off of what Mr. Nago said, you know, if back in the day when we didn't have mail in voting, we were able to successfully tabulate results on the same day and we had higher voter turnout. To me it would seem more advantageous for us to not have mail in balloting so we don't have to count ballots early and we do in person voting.

CURTIS (3:00:57): And that's a different question. That's a different question.

ANDRION (3:00:59): But that's so that's that's why I support the motion to eliminate early, early counting.

CURTIS (3:01:05): Thank you.

CUSHNIE (3:01:06): I like to discussion.

CURTIS (3:01:07): Short, quick, anything new Ralph?

CUSHNIE (3:01:11): Yes. This shows that the decision-making process in implementing elections is going backwards and that we're getting worse at implementing elections. And we can make the right choices and make it better.

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CURTIS (3:01:30): Early counting is the question on the table. I would ask Ned you have a roll call on the eliminating early counting motion.

NED (3:01:40):

Commissioner Andrion; Aye.

Commissioner Aquino; Aye.

Commissioner Cushnie; Aye.

Commissioner Kiguchi; Excused.

Commissioner Kuwada; No.

Commissioner McAdam; No.

Commissioner Papalimu; Aye.

Commissioner Takenaka; No.

Chair Curtis; No.

**Motion:** To eliminate early counting. **Motion Dies:** Four-Ayes, Four-Nays, and One Excused

CURTIS (3:02:15): Motion dies next discussion?

CUSHNIE (3:02:19): Chair. I'd like to go to number nine.

CURTIS (3:02:20): Please.

CUSHNIE (3:02:23): Okay, so they talk about signature verification on Kauai. Observers got to watch signature verification. There were fairly according to observers 10 to 15% of signatures that were clearly mismatched. That verification went behind closed doors, and all but a handful were passed. With voting machines, the law says that if you use a voting machine, no questions asked. When I go to Home Depot, because I'm a contractor. I don't sign my name in the signature block. I write in the job that I'm working on. And it passes my signature. So, I move to request a log of signature sensitivity settings from the counties using signature matching signature machines.

CURTIS (3:03:25): Is there a second?

PAPALIMU (3:03:28): I am sorry. I need to hear that again, Ralph.

CUSHNIE (3:03:31): I move to request a log of signature sensitivity settings from the counties using signature machines.

PAPALIMU (3:03:43): That you're asking that they be changed on that we...

CURTIS (3:03:46): We need a second.

CUSHNIE (3:03:48): Second it and we can discuss it.

PAPALMU (3:03:50): Okay. I'll second it.

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CURTIS (3:03:52): And you can discuss it Miss Papalimu.

CUSHNIE (3:03:56): I'll like to start discussion since I made the motion.

CURTIS (3:03:58): No, I recognized Commissioner Papalimu.

PAPALIMU (3:04:03): I just want to clarify there are settings on these machines and you're asking for those settings to be more sensitive?

CUSHNIE (3:04:13): No, I'm asking to know what their setup. We don't know what their setup. I can sign at Home Depot. I don't even put my name on the signature block and it accepts my and as well as credit cards they just accept it. So, at what level of setting is it set at is what I want to know. How easy is it to get to get an envelope through the machine? What were the rates of passing versus not passing? Or I believe our rates are incredibly low for all Mail in to have no fraudulent signatures. And then I think as a Commission, we should find out what the settings are on the machines. Are they at one or they're at 100? We don't know.

PAPALIMU (3:05:01): Okay, so we're looking for information or...

CURTIS (3:05:04): Other discussion? Not conversation, please discussion on the motion or against it.

CUSHNIE (3:05:15): So, I'm for the motion, because I want to know what the range of settings is...

CURTIS (3:05:21): We understand what your motion. Thank you. Is there anything new Ralph?

CUSHNIE (3:05:24): Yeah, I want to know what the setting is how many...

CURTIS (3:05:27): I know you said that...

CUSHNIE (3:05:28): Okay.

CURTIS (3:05:30): Nothing new you're wasting our time.

TAKENAKA (3:05:31): Mr. Chair, I got a quick question. So, is this for all signatures are just observer signatures?

CURTIS (3:05:43): He's talking about the machines the signature reading machines. Kauai does it manually every other county does it with a machine machine reading the signatures and validation and verification.

TAKENAKA (3:05:59): Of the voters, right? Not the observers.



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CURTIS (3:06:01): No, the signature the voter signatures.

TAKENAKA (3:06:04): Okay.

CURTIS (3:06:06): On Kauai its manually it has been manually every...

CUSHNIE (3:06:16): Kauai just bought a machine.

CURTIS (3:06:17): Entertain a roll call, Ned please.

NED (3:06:19):

Commissioner Andrion; Aye.

Commissioner Aquino, Aye.

Commissioner Cushnie; Aye.

Commissioner. Kiguchi; Excused.

Commissioner Kuwada; No.

Commissioner McAdam; No.

Commissioner Papalimu; Yes, with reservation.

Commissioner Takenaka; No.

Chair Curtis; Aye. It would it be a good thing to find out.

**Motion:** Request a log of signature sensitivity settings from the counties using signature machines.  
**Motion Carries:** Five-Ayes, Three-Nays, and One Excused

CURTIS (3:06:53): Any additional discussion on communications and correspondence?

CUSHNIE (3:06:58): Yes, Chair. I'd like to go to number 10.

CURTIS (3:07:00): Okay.

CUSHNIE (3:07:04): So, item number 10. Elections Commission said that the certification and certification of the election impacts the swearing in of the elected officials and I just like to point out in 2022 that the elected officials were sworn in on December 5 and the election was not certified until 11 days later. Okay, so what they saying it does not affect their swearing in officials before the election is certified. That's my only point...no motion.

CURTIS (3:08:00): Thank you. Are there discussion on communications and correspondence?

CUSHNIE (3:08:06): Yes Chair. I'd like to start with the first one from Jamie Detweiler. Can I ask Jamie Detweiler be allowed to speak on her communication?

CURTIS (3:08:21): No. it stands for itself. This is Commissioners' discussion.

CUSHNIE (3:08:24): So, in HRS 92-3 it says that we cannot limit the discussion testimony for the public to the beginning of the meeting and so I'm asking that you allow Jamie Detweiler to testify on this. Otherwise, you'll be violating HRS 92-3.

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CURTIS (3:08:47): I would ask the AG's opinion on this Miss Kam?

STELLA KAM (3:08:53): Testifiers should be allowed to testify for the agenda item. So, if it's different from her prior testimony, then she should be able to testify since her letter was put on the agenda.

CURTIS (3:09:20): Okay, thank you Stella.

STELLA KAM (3:09:23): You're welcome.

CURTIS (3:09:25): So Miss Detweiler can testify if there's anything different from her letter of March 19, just as everybody everybody see that was on the agenda. There's a hot link on the agenda to that letter.

CURTIS (3:09:47): So, what's your point there, Ralph?

CUSHNIE (3:09:50): Miss Jamie, does she want to testify on this item or not?

CURTIS (3:09:56): There anything additional you want to add to that, Jamie?

JAIME DETWILER (3:10:00): Yes, Chair.

CURTIS (3:10:01): Please. Go ahead...

JAIME DETWILER (3:10:02): I would like to know if the Commissioners were able to read my correspondence prior to this meeting.

CURTIS (3:10:12): I believe so. It was passed out and Ned was it part of the package with the announcement of the meeting?

Note: Should have asked the Chair to poll the commissioners to raise their hands if they read Miss Detwiler's letter. The Chair answered for everyone.

NED (3:10:23): Chair, it was in the agenda.

CURTIS (3:10:26): We were okay, so we did get it. I got it before the meeting. So, the answer is yes.

Note: Seems like Detwiler's question was avoided.

JAIME DETWILER (3:10:31): So so when I sent it, I sent it right after the last meeting. And then I followed up with a phone call to Ned and she said it was received and she had sent it to you. And I don't know when it when it got to the Commissioners if they had enough time to review this is really this is evidence. This is evidence of my correspondence. In 2022. And, as previously testified by other people here, it's quite frustrating that it's now 2024 And we're talking about oh yes, we have to respond to correspondence in a timely manner moving forward. So, what happens to those of us in 2022? It's I felt completely ignored. I still do because my

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questions were not answered. And the law was not followed. And many people here have testified to that HRS 16-42 is straightforward. And, and so clearly, I'm not satisfied with the lack of response. I mean, I have I still have no response, just because it's on today's agenda. That is not a response. That is just a statement. My question I responded to...

CUSHNIE (3:12:01): I'd like to make a motion Chair.

CURTIS (3:12:03): Please.

CUSHNIE (3:12:06): I move to randomly audit one precinct in district 37 in accordance with HRS 16-42 B3, using the voter verifiable paper audit trail, counting all races on the ballot in accordance with Jaime Detwiler's request.

CURTIS (3:12:22): Is there a second?

ANDRION (3:12:24): Second Commissioner Andrion.

CURTIS (3:12:26): I believe that Miss Detweiler does deserve and receive and she deserved a response from queries like this from the Office of Elections. And their lack of responsiveness is something that we're documenting today. So, the motion and there was a second.

CUSHNIE (3:12:55): Yes, Chair.

CURTIS (3:12:57): Who seconded that one?

NED (3:13:00): Commissioner Andrion

CURTIS (3:13:01): And could we reread the motion please?

CUSHNIE (3:13:05): I move to randomly audit one precinct in district 37 in accordance with HRS 16-42 B3, using the voter verifiable paper audit trail, counting all races on the ballot in accordance with Jamie Detwiler's request.

CURTIS (3:13:26): And seconded. discussion?

PAPALIMU (3:13:29): I have a question for I will see this on the 14th and I received all of these communications on the 14th. Our meeting is on the 16th and so...I'm sorry on the 12th, thirteenth, fourteenth...yeah, the twelfth. There's a lot of information in here isn't the only letter...We have...

CURTIS (3:13:56): The motion on the floor is for an audit. I would entertain discussion on the motion for an audit.

MCADAM (3:14:09): Hi, Can I Can I just confirm the audit is the 2022 election, correct?

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CUSHNIE (3:14:15): Yes.

MCADAM (3:14:15): Okay. Sorry.

TAKENAKA (3:14:18): Mr. Chair. So, it's possible to do an audit?

CURTIS (3:14:27): I don't know. Scott. You still have the ballots from the 2022 election? Is an audit is possible?

NAGO (3:14:39): It's possible but to do it prior to the 2024 Primary Election. I mean, we're in the middle of the Primary Election. We have tenant filing. Simply through a random audit of one precinct. We would still have to find all those ballots within City and County of Honolulu ballots to do that audit.

CUSHNIE (3:15:02): Chair I would like to discuss that please.

CURTIS (3:15:04): Please.

CUSHNIE (3:15:04): Okay, so...

CURTIS (3:15:04): So, the answer is Yes. The ballots are there.

CUSHNIE (3:15:12): Are you talking to me?

CURTIS (3:15:13): I'm talking to everybody. The ballots are there, are available.

CUSHNIE (3:15:20): So the identifying mark the individual identifying mark on the ballot once once a precinct is chosen, you can quickly look up and the office of the elections has already told us that they can find each individual ballot. So, from the computers, they can go directly to each word each one is and find them quickly. Once the precinct is chosen.

CURTIS: Talk (3:15:51): Talking about paper ballots, talking about they're available. You want to do it and impose on the clerks in the election office to perform this audit on one precinct that somebody thinks that precinct was skewed somehow. Is that the purpose of their request, Jamie?

JAIME DETWILER (3:16:18): Chair it's outlined in my letter that I sent in in 2022. The discrepancies are listed. Thank you Chair.

CURTIS (3:16:26): Thank you. Yeah. The answer to that is yes then thank you.

AQUINO (3:16:30): Chair, I have a question for Nago.

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CURTIS (3:16:32): Yes.

AQUINO (3:16:33): Why would it be difficult to...

CURTIS (3:16:35): Wait, wait, wait...He says it is difficult, and it is. Let's accept that.

PAPALIMU (3:16:43): Why?

CURTIS (3:16:45): Because it is. You're imposing on State election employees that are actively pursuing a primary in a General Election. That's a big-time thing this year. To go back to 2022. We can go look at that. But it might not be until beginning of next year after this election is what...

PAPALIMU (3:17:09): Stop...I think we ought to get to her in a timely fashion when she wrote this letter and we wouldn't be staring at an election coming.

CURTIS (3:17:22): We've already agreed on that.

PAPALIMU (3:17:23): It us not her problem. The problem was created by the Office of Election.

CURTIS (3:17:30): We were earlier we've already agreed to that.

ANDRION (3:17:34): Call the question.

CURTIS (3:17:36): No. Please retract that Dylan.

PAPALIMU (3:17:40): It is not valid.

CURTIS (3:17:42): Wait, wait, wait. Dylan has requested, has requested. The question be asked, which requires a vote prior to that. That is...that means we did we went discussion so that requires an immediate action. Thanks, Dylan. And all those in favor of stopping discussion and voting immediately on this motion. Requires a two-thirds vote, I think. Ned, could you do a roll call on the question of the stopping discussion on this motion?

NED (3:18:23):  
Commissioner Andrion; Aye.  
Commissioner Aquino?

AQUINO (3:18:29): No, I don't understand.

CURTIS (3:18:30): We quit discussion and we vote right away was Dylan's request. if you want to discuss more, vote no. If you're ready to vote, vote Aye.

AQUINO (3:18:50): No.

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NED (3:18:51):

Commissioner Cushnie; No.

Commissioner Kiguchi; Excused.

Commissioner Kuwada; Aye.

Commissioner McAdams; Aye.

Commissioner Papalimu; No.

Commissioner Takenaka; Commissioner Takenaka; Aye.

Chair Curtis; Aye.

**Motion:** To stop discussion and go straight to vote on audit of Precinct 27 **Motion Dies:** Five-Ayes, Three-Nays, and One Excused

CURTIS (3:19:23): But I think that requires a two-thirds vote so the motion dies. We continue discussion on the audit of that one precinct. That was the motion.

PAPALIMU (3:19:35): Can I...

CURTIS (3:19:38): Okay, Go ahead Miss Papalimu.

PAPALIMU (3:19:39): So, I am looking at this and I get why it might take a little while and I get that it will inconvenience someone I don't get when we have an upcoming election so we won't get to it. And so maybe after that, this woman has certified letters that were received by the Office of election way back when. Had they done their due diligence at the time and responded to a constituent not just a constituent, an actual candidate for office?

CURTIS (3:20:28): We've already agreed to that. The question now is whether we audit this precinct.

CUSHNIE (3:20:30): Chair I have discussion.

CURTIS (3:20:31): Please.

CUSHNIE (3:20:32): So, like you said, you want to prove me wrong. This is a great opportunity to prove that everything is okay with our elections. And I really recommend that you jump on this opportunity. Do the audit and show everybody that everything is straight up and there's nothing to worry about.

CURTIS (3:20:53): Thank you. Are there discussion?

ANDRION (3:20:54): Chair real quick. Commissioner Andrion.

CURTIS (3:20:59): Mr. Andrion.

ANDRION (3:21:01): Yeah, I just wanted to make sure I take the stand here in favor of this motion. I called the question to make a point that we should not be debating this. This is someone who has waited two years for an answer. And so for those of us who were ready to call the question, I hope it's in favor of the motion and if it's not I'd love to hear discussion chair

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on any opposition. I feel like we have a lot of no votes and no discussion on why. Thank you Chair.

CURTIS (3:21:27): I mentioned the intrusion on active voting process. So, the Office of Elections as a minimal thing. And it shouldn't be that hard to do an audit of one precinct. Although it's two years ago. I concur with a lot of it. any other discussion?

CURTIS (3:21:49): To audit as moved. I would call for a roll call please.

NED (3:21:56):

Commissioner Andrion; Aye.

Commissioner Aquino; Aye.

Commissioner Cushnie; Aye.

Commissioner Kiguchi; Excused.

Commissioner Kuwada; No.

Commissioner McAdam; No.

Commissioner Papalimu; Aye.

Commissioner Takenaka; No.

Chair Curtis; Aye.

**Motion:** To to randomly audit one precinct in district 37 in accordance with HRS 16-42 B3, using the voter verifiable paper audit trail, counting all races on the ballot in accordance with Jaime Detwiler's request **Motion Carries:** Five-Ayes, Three-Nays, and One Excused

CURTIS (3:22:33): Motion carries. Any other discussion on communications and correspondence?

CUSHNIE (3:22:38): Yes, Chair.

CURTIS (3:22:40): Okay.

CUSHNIE (3:22:43): I ask that you allow Wendell Elento to speak to his communication.

CURTIS (3:22:48): I would to ask for a motion on the floor before we discuss it. It stands on its own. We had a chance to talk earlier. Unless you have a motion that we're looking at.

CUSHNIE (3:23:01): We cannot limit it. According to HRS 92-3, we cannot limit his testimony to the beginning of the meeting.

CURTIS (3:23:09): He also has testimony and communications and correspondence. I would ask Miss Kam for her word on this one. Can we can I prevent Wendell Elento from additionally speaking?

STELLA KAM (3:23:28): He is allowed to testify on his on the agenda item that his correspondence appears on. However, I would like to ask Mr. Elento that if you have anything different that you would like to testify on now, then please go ahead and testify but keep in mind also that if you are repeating your testimony that this will be prolonging this meeting.

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CURTIS (3:24:02): Thank you Stella. Is there a motion on the floor?

CUSHNIE (3:24:10): No Motion. it's just he gets...he's allowed. HRS 92-3 provided the oral testimonies of interested persons shall not be limited to be the beginning of a board meeting agenda.

CURTIS (3:24:25): Mr. Elento, do you have anything to add to your correspondence?

WENDELL ELENTO (3:24:37): Thank you Commissioner Cushnie, at this moment I don't have anything new to add to the discussion. So, thank you very much.

CURTIS (3:24:48): You're welcome...additional communication and correspondence discussions?

CUSHNIE (3:24:55): Yes Chair.

CURTIS (3:25:02): Go ahead Ralph.

CUSHNIE (3:25:03): I like to ask the rest of the people who are on the agenda if you'd like to speak to their items.

CURTIS (3:25:10): You don't have that option.

CUSHNIE (3:25:11): Okay, well, in 92-3 has provided the...

CURTIS (3:25:16): Okay, they had a chance to talk to have their communications correspondence. Do any Commissioners have any discussions on this communication and correspondence?

CUSHNIE (3:25:28): So, it's my understanding that Mr. Nago procedures to facilitate their requests in these letters. Is that correct?

CURTIS (3:25:38): I won't speak for Mr. Nago. Do you have comments on any of this communication and correspondence Ralph?

CUSHNIE (3:25:44): Yes. So that's mine. That's my Comments. I'm asking if Mr. Nago...

CURTIS (3:25:50): On, on which communication here are you commenting?

CUSHNIE (3:25:54): The one from Anna Mo and Tom Stanton. So, if not, I'll make a motion. I move to have Scott Nago report back to the Commission before the next meeting on how he will implement the audits requested by citizens in accordance with HARS 3-177-762 A3.

CURTIS (3:26:21): Is there a Second?



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CURTIS (3:26:28): Motion dies for lack of a Second. We voted documented ballot security, which I think we've hammered into the ground already or go ahead. Does anybody have anything on item number six documented ballots?

PAPALIMU (3:26:40): I'm sorry, did we just I didn't use a point of order or point of information.

CURTIS (3:26:47): So, what is your question.

PAPALIMU (3:26:51): Are we the last time we were talking about Wendell Elento's communication, is that he did not have anything more to testify to, but we didn't have any discussion on what he submitted.

CURTIS (3:27:09): Was there any other discussion on the communications correspondence?

STELLA KAM (3:27:13): Commissioner Papalimu, can you turn on your camera please?

PAPALIMU (3:27:18): Oh sorry. you know I'm at home in my house. I don't always...there we go.

CURTIS (3:27:27): Miss Papalimu, were there were there any interest in any of the communications that you'd like to address?

PAPALIMU (3:27:36): Yeah, I would like to speak to Wendell Elento's letter to the Commission because we have not gone over it.

CURTIS (3:27:43): What questions you have regarding that letter.

PAPALIMU (3:27:46): He is speaking to the YouTube video transcripts of Commissioner Andrión motion to reappoint Scott Nago. And so, as I'm reading through it looks like you're saying that motion failed. And that's huge.

CURTIS (3:28:20): But the motion that failed, was to not reappoint Scott Nago. That failed. It was carried on to the next meeting where Scott Nago was reappointed.

PAPALIMU (3:28:33): So, we're talking about the negative.

CURTIS (3:28:40): Then that that's what was discussed yes.

CUSHNIE (3:28:42): We did that for two meetings In a row. So, I moved to reappoint Scott Nago.

CURTIS (3:28:47): We did that last meeting. He was reappointed last meeting. Number six, documented ballot security. Is there any discussion on documented ballot security?

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PAPALIMU (3:29:01): I'm sorry, I wasn't done with my discussion of this letter. This is a two-thirds vote to reappoint. Did we have a two-thirds vote the last time?

CURTIS (3:29:14): I think your information is wrong; Stella?

STELLA KAM (3:29:17): It does not require a two-thirds vote.

PAPALIMU (3:29:23): Okay. So, then this area of Mister Elento's letter is incorrect because it does not require a two third-vote such a thing?

CURTIS (3:29:34): Yes. May we move on to documented ballot security? I'll take that as a yes...

CUSHNIE (3:29:44): Mr. Chair, I have discussion.

CURTIS (3:29:46): Any discussion on documented ballot security Ralph?

CUSHNIE (3:29:48): Yes, I made a motion in the last meeting how was that be carried forward too?

CURTIS (3:29:57): You have a motion? You have motion now that you want to address?

CUSHNIE (3:30:01): No, I'm asking if if there's going to be are you taking action on the motion that I passed that was passed on the last meeting?

CURTIS (3:30:09): What was that motion?

CUSHNIE (3:30:10): The motion was to have the Elections the County Clerk's and the Chief Elections Officer, certified under penalty of perjury that the chain of custody is being kept in accordance with the laws. There's two laws in there.

CURTIS (3:30:28): I don't think we have authority.

CUSHNIE (3:30:34): Under we can, we can according to 91-2 we can make laws we can administrate rules. The next step is to make a public hearing and give notice so are you taking any action on that or is that it says so.

CURTIS (3:30:51): No.

CUSHNIE (3:30:54): Okay. So when we when we make a motion on that we can under 92 What is number? We can create rules. It's 91. So, I move to form a special interaction committee to move the motion that I made in the last meeting forward.

CURTIS (3:31:25): I make the motion again and we'll act on it today and see what's what.

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CUSHNIE (3:31:31): Let me find the...maybe Miss Kam can help us with that. It was in. Give me a second. So, the motion was under 11-7.5.

CUSHNIE (3:32:04): So we can adopt rules pursuant to chapter 91. And that was the motion that was made. We have the authority to adopt rules pursuant to chapter 91. And the Commission voted in favor of that. What's that?

STELLA KAM (3:32:20): No, that's my recollection is that your motion was to adopt rules by voting at the last meeting. And so I said that you cannot adopt rules by voting in your meeting you need to do so by following chapter 91. As it states and requires in HRS 11-7.5 subsection 3.

CUSHNIE (3:32:51): Okay, so how would that process begin because that's what I thought we were doing? We were starting that process, and then it was in accordance with Chapter 91. So that motion was starting the process to adopt the rule in accordance with Chapter 91.

STELLA KAM (3:33:09): The Commission would have to decide to amend the rules and then they would have to go through the process outlined in HRS Chapter 91.

CUSHNIE (3:33:24): So, we already decided to amend the rules.

STELLA KAM (3:33:27): No, you did not you did not your motion was to amend the rule by voting. You cannot do that.

CUSHNIE (3:33:35): No it was not it was in accordance with to start the process in accordance with Chapter 91.

CURTIS (3:33:44): So, what rule are we trying to change?

CUSHNIE (3:33:49): We're just trying to say that the elections officials under penalty of perjury need to certify that the chain of custody documentation was done. And right now, fire quit requests for the ballot box chain of custody, we're gonna see that we don't have chain of custody documents so they need to certify under penalty of perjury that all this stuff was done correctly and that was starting the process. So, Miss Kam., how would we start the process to adopt a rule under Chapter 91 through the Commission?

STELLA KAM (3:34:34): Okay, at this point, Chair, I have a problem because I think Commissioner Cushnie is trying to add something to the agenda that was not posted. I mean, that was not included on the agenda.

CUSHNIE (3:34:49): Its on the agenda.

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STELLA KAM (3:34:51): No, it's not. That if it was and there would be a separate item for specifically notifying the public that the Commission was intending to address amendment possible amendments to the administrative rules of the Commission.

CUSHNIE (3:35:11): We're starting the process and the next point is...

CURTIS (3:35:16): No, I'll put that on the next agenda, where we can specifically address it as appropriate.

CUSHNIE (3:35:28): So I'm going to read the motion that we made...

CURTIS (3:35:31): No, no, no, no, no, no. We'll put this on the agenda for the next thing. And you document to me what you want that agenda item to say?

CUSHNIE (3:35:40): Okay, I already wrote you a letter and it did not get on the agenda. And I already documented what it needed to be. So, I'll do it again.

CURTIS (3:35:49): And we'll discuss it at the next meeting.

CUSHNIE (3:35:52): Yep.

CURTIS (3:35:53): Thank you.

CUSHNIE (3:35:53): We need to move it forward. If we may.

CURTIS (3:35:58): Need to move it forward, though.

CURTIS (3:36:00): So documented ballot security. Is that the end of the discussion of that one? I don't see a need for an Executive Session. Unless Stella once Stella needs us. I would adjourn the meeting.

CUSHNIE (3:36:20): Chair I have one more housekeeping item.

CURTIS (3:36:23): Is it on the agenda?

CUSHNIE (3:36:26): It would relate to the Executive Session, which I feel we do not need to go into Executive Session.

CURTIS (3:36:32): Then Then we're not going into Executive Session then we will adjourn.

CUSHNIE (3:36:37): No we need to discuss the item please.

CURTIS (3:36:40): If it's not on the agenda, we ain't discussing.

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CUSHNIE (3:36:44): It is on the agenda. it's it's my letter to Stella Kam on her advising the Commission and that she's not responding to my letters.

CURTIS (3:36:53): That's between you and she.

CUSHNIE (3:36:56): it's it's an issue for the Commission.

CURTIS (3:36:58): So I'll I'll adjourn the Commission unless anybody has any strong. Do I need take a motion on adjournment?

CUSHNIE (3:37:06): Yes.

CURTIS (3:37:07): Stella?

STELLA KAM (3:37:08): Yes.

CURTIS (3:37:10): Okay. I would entertain a motion to adjourn.

KUWADA (3:37:12): So moved.

CURTIS (3:37:14): By who?

KUWADA (3:37:16): Kuwada.

CURTIS (3:37:17): Second?

MCADAM (3:37:18): Seconded.

CURTIS (3:37:23): All those in favor say Aye.

VOICES (3:37:25): Aye.

CURTIS (3:37:26): Oppose?

ANDRION (3:37:27): Nay.

CURTIS (3:37:28): Motion carries got one oppose.

CUSHNIE (3:37:30): I oppose.

CURTIS (3:37:32): Two oppose.

AQUINO (3:37:34): Three Oppose. Chair I know you said it's it's adjourned but I've been seeing hands go up. Okay, they are not being recognized.

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CURTIS (3:37:47): We'll take a roll call on the adjournment Ned.

NED (3:37:48):

Commissioner Andrion; Nay.

Commissioner Aquino; Nay.

Commissioner Cushnie; No.

Commission Kiguchi; Excused.

Commissioner Kuwada; Yes.

Commissioner McAdam; Yes.

Commissioner Papalimu; Aole.

Commissioner Takenaka; Yes.

Chair Curtis; Yes.

NED (3:38:26): Four, four.

CURTIS (3:38:28): Then we go back to discussion on the adjournment.

CUSHNIE (3:38:33): There's no the motion fails. There's no discussion. I move to go into Executive Session.

CURTIS (3:38:37): For what purpose?

CUSHNIE (3:38:40): To discuss the roles of the Deputy Attorney General and her advisement of the Commission.

CURTIS (3:38:49): I don't think we need to go into Executive Session for that but...

CUSHNIE (3:38:52): Okay, then I want to discuss it in public. That's my preference.

CURTIS (3:38:57): Then bring it up on the agenda on the next meeting. It's not the agenda.

CUSHNIE (3:39:01): It's on the agenda item to consult with the Commission's attorney on questions or issues regarding Commission powers, duties, privileges, immunities and liabilities.

CURTIS (3:39:17): That's the purpose of the Executive Session.

CUSHNIE (3:39:20): That's on the agenda I'd like to discuss.

CURTIS (3:39:23): Your motion was to go into Executive Session.

CUSHNIE (3:39:27): My preference is not to but somehow we need to talk.

CURTIS (3:39:30): That's because the only...

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CUSHNIE (3:39:33): If you wanted to do adjourned, I want to talk in open session on this item.

CURTIS (3:39:38): That item is on the not on this one.

CUSHNIE (3:39:40): It is right there. It is number, it's number seven.

CURTIS (3:39:44): Executive Session. I need to have a purpose for the Executive Session and if that's the sole purpose of the Executive Session is to discuss questions and issues regarding the Commission's powers, duties and privileges, immunities and liabilities. That's regarding the Commission's powers and what you're talking about as the Attorney General and her response to you.

CUSHNIE (3:40:15): And that's what I'm asking about what our powers are. She hasn't responded.

CURTIS (3:40:21): It stated in the purpose of the Commission. We don't have subpoena power, by the way.

CUSHNIE (3:40:30): So, this is an item on our agenda. Are we going to pick it up?

CURTIS (3:40:36): So well, there's been a motion to go to Executive Session. And the vote was what four four.

AQUINO (3:40:46): The motion was to adjourn.

CURTIS (3:40:49): Okay. So, the motion to go into Executive Session was made by Ralph and seconded.

NED (3:40:55): There was no second chair.

CURTIS (3:40:57): Well, I'm sorry. Can you make that motion again Ralph? The motion to go into Executive Session.

CUSHNIE (3:41:05): Well, I move to discuss these things on the item.

CURTIS (3:41:08): You need to go into Executive Session if you're going to discuss it today.

CUSHNIE (3:41:12): Okay, I move to go into Executive Session.

CURTIS (3:41:15): Is there a second?

AQUINO (3:41:20): Second.

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CURTIS (3:41:22): Been moved and seconded to go into Executive Session for the purpose of discussing the Commission's powers as stated. I think, as...does it take a two-thirds vote to go into Executive Session?

STELLA KAM (3:41:38): Yes it does.

CURTIS (3:41:42): Is there any other discussion on going into Executive Session?

ANDRION (3:41:45): Chair real quick. I'm going to be an opposition to the motion of only because I know we're not going to have the two thirds vote anyway. Ralph Commissioner Cushnie. I think we would be more beneficial to have it on a public agenda anyway. So that's it. I'm gonna oppose the motion.

CUSHNIE (3:42:03): Yeah, we've requested Miss Kam answer my questions...

CURTIS (3:42:06): Any discussion on the motion to go into Executive Session? Otherwise, I'll take a roll call vote to go into Executive Session. Ned?

NED (3:42:20):

Commissioner Andrion; Nay.

Commissioner Aquino; on that premise, I vote Nay.

Commissioner Cushnie; Yes.

Commissioner Kiguchi; Excused.

Commissioner Kuwada; No.

Commissioner McAdam; No.

Commissioner Papalimu; Commissioner Papalimu; Yeah.

Commissioner Takenaka; No.

Chair Curtis; No.

CURTIS (3:43:00): Motion to go into Executive Session dies. We're on Item eight. adjournment.

CUSHNIE (3:43:06): Chair. I would like to talk about the topic in public.

CURTIS (3:43:09): Put it on the agenda for the next meeting. Right now we're in adjournment, you can adjourn or not.

CUSHNIE (3:43:16): This will be the second time that I've requested chair.

CURTIS (3:43:17): That's okay. We can put it on the agenda for the next meeting. And we'll discuss it then.

CUSHNIE (3:43:23): Excellent in open session.



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CURTIS (3:43:25): I hope so. Yes. That would be a good idea. So, all those in favor of adjourning say Aye.

MANY (3:43:32): Aye. Aye.

CURTIS (3:43:35): Opposed? abstention? Motion carries unanimously. We're adjourned. Thank you very much. Aloha

EC Meeting	Page	Topic Title	Topic Content: Blue - <i>OE Follow Up</i> , Red - <i>Investigation Request</i> , Green - <i>CEO Eval and Rais</i> , Purple - <i>Great Point</i> , Orange - <i>Research</i> , Brown <i>Missing County Clerk</i> , Moss Green <i>Process Change Request</i>
2014-02-05-EC-Minutes_Reviewed_Y2024-05-09	Page 4 of 10	Primary Litigation	CEO Nago noted that the open primary litigation will not impact the 2014 elections and the <i>Kostic v. Nago et al</i> has been dismissed by the Supreme Court.
2014-02-05-EC-Minutes_Reviewed_Y2024-05-09	Page 4 of 10	Chief Elections Officer Evaluation	Commissioner Okazaki noted that <i>she does have concerns regarding the legislation that requires the Commission to evaluate the CEO twice a year</i> . She notes that no other positions, to her knowledge, requires an evaluation twice a year.
			<i>Open Forum: Public comments on issues for the Commission's consideration</i> for the next Commission meeting and action, if appropriate Chair Marston explained to the Commission that as he reviewed the Sunshine Law materials, he found the Open Forum subject on sample agendas. Based on comments from audience members during previous meetings, he added this new item to the Election Commission agenda to give individuals the opportunity to ask the Commission to consider future agenda items.
2014-02-05-EC-Minutes_Reviewed_Y2024-05-09	Page 9 of 10	Open Forum; is this still available?	<i>This Open Forum was not added</i> · <i>on to open up discussions or initiate debates during Commission meetings</i> . Commissioner Orikasa noted that he interpreted the Open Forum item differently. He felt that the Open Forum agenda item is there to give the public an opportunity to have a voice.
			Chair Marston responded that he <i>did not want to open a debate with the audience, however, he did want to give them the opportunity to voice their concerns and have the Commission consider their concerns for the next meeting's agenda</i> . The public could then offer testimony on the agenda item at the next meeting. He also noted that at the present time, he works with the Commission Secretary to put together a draft agenda. The draft agenda is then sent to the Commission to get comments and agenda item suggestions. His intent in adding this item on the agenda was to solicit meaningful topics for discussions at future meetings.
2014-02-05-EC-Minutes_Reviewed_Y2024-05-09	Page 10 of 10	Open Forum used with Agenda	Commissioner Orikasa noted that <i>the Commission should still decide on what becomes an agenda item</i> . Chair Marston agreed. Commissioner Okazaki commented that it would not be fair for the Commission to have to engage in conversations with the audience on topics that they were not able to prepare for. <i>Again the Chair agreed and noted that the intent of having the Open Forum on the agenda was to allow the public to propose a topic of conversation and to also allow the Commission to decide if the topic would be included on the next meeting's agenda</i> . This would give the Commission time to prepare for any discussion. He also noted that he intended to have this discussion during the Sunshine Law training. Since the training has been deferred to another meeting, he will have this discussion with them at the next scheduled training.
			Trigger criticism due to the events that occurred during the 2012 Elections.
2014-03-28-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 3 of 6	What happened back in 2012? Ran out of ballots?	<i>Commissioner Young questioned what the new ballot procedures were for this election. CEO Nago responded that the new procedures are what the OE had reported to the Commission earlier</i> . The formula for the ballot orders have been revised so that there is 100% of ballots for registered voters and procedures for early detection of ballot shortages are in place. Commissioner Young then asked if this was in writing and CEO Nago responded yes, it was in the new SOP's that were previously sent to the Commissioners for review.
2014-03-28-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 4 of 6	OE and HAVA Policies	CEO Nago responded that in keeping in line with <i>HAVA policies</i> and how their monies can be spent, the OE there focuses on the mechanics of voting and not why one should be voting.
2014-03-28-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 4 of 6	Open Forum; did this morph into Testimony Time?	<i>Open Forum: Public comments on issues</i> for the Commission's consideration
2014-03-28-EC-Minutes_Reviewed_Y2024-05-09.pdf		Appeal for the 2011 Reapportionment Plan	Michael Palcic noted for the Commission that he served as the chair for the Oahu Apportionment Advisory Council during this last Reapportionment. He further stated that the appeal for the 2011 Reapportionment Plan was denied by the Supreme Court therefore allowing the Reapportionment Plan devised by the Reapportionment Commission to stand as law. As a result, the exclusion of 1 08,000 citizens deemed to be living in Hawaii by the Federal Census, are deprived of apportionment to any legislative body and has had their citizenship diminished. He further states that in <i>comparison, incarcerated felons and registered aliens are counted for apportionment to the legislature and Congress here in Hawaii</i> . He further noted that Senator Ihara is considering introducing legislation to have the Hawaii apportionment count be the same as the US Census therefore eliminating any extractions. He noted that he has brought this before the Commission because he feels they are concerned with having fair and honest elections. He also hopes that if Senator Ihara does introduce legislation to correct the current situation, the Commission will consider supporting the legislation.
2014-03-28-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 5 of 6	Military personnel	Commissioner Vierra asked Mr. Palcic how military personnel are counted in other states. Mr. Palcic responded that <i>military personnel living in other states are counted in that states apportionment</i> . Hawaii is the only state that does an extraction such as this. Commissioner Orikasa asked where do military personnel vote. Mr. Palcic answered that they can vote where they choose. For instance, if they are stationed here but are residents of another state, they can vote in that state.
			Chair Marston asked if Senator Ihara was going to bring this correction up as a bill and Mr. Palcic responded that the Senator will probably do this through a constitutional amendment. He further noted that the Senator held off with any action pending the decision of the Supreme Court. Chair Marston then asked if it would be better for the Commission to hold off on any action until corrective action is taken. Mr. Palcic agreed and noted that he brought this issue up now in order to alert the Commission of any possible future action.
2014-06-20-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 2 of 9	Statewide Voter Registration System.	CEO Scott Nago reported that the Office of Elections has made a selection for the Statewide Voter Registration System. A total of six (6) vendors submitted proposals and BPro, Inc., based out of South Dakota, received the highest score. The final price is \$1.6 million and the project is expected to be completed in time for the 2016 elections. Chair Marston asked what amount was appropriated by the State Legislature for this project and <i>CEO Nago explained that federal Help America Vote Act (HAVA) funds will be used for this project</i> . Chair Marston then asked if there will be any state funds used for this project and CEO Nago explained that state funds will be used in the subsequent years for the ongoing maintenance of the program.
2014-06-20-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 7 of 9	Open Forum; <i>Dan Purcell</i> concerns	Dan Purcell asked why the closing of the early voting location on the windward side was not discussed. <i>Commissioner Berg asked if the City Clerk was there to address this concern but the Clerk was not available</i> .
2014-06-20-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 7 of 9	<i>Senator Slom</i> -Commission to move public testimony to the later part of the agenda	<i>Senator Slam noted that he has also asked the Commission to move public testimony to the later part of the agenda</i> , after discussions have been done on the agenda items. He feels that this would be a better way to go. He also notes that he was disappointed that there was no discussion on enacted 2014 legislative bills and how they would impact the Office of Elections. <i>He asked if the Commission would consider meeting soon after the Primary Election to address and resolve any problems before the General Election</i> . Chair Marston noted for the group that the Office of Elections has prepared a Primer for Elections. He added that it was an eye opener for him because it contained a vast amount of information on how elections
2014-06-20-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 8 of 9	Need to determine chain of command: OE, Counties, CEO and Election Commissions	<i>Dan Purcell asked if there were any representatives from the County Clerk's Office at the meeting</i> . Commissioner Young noted that they usually attend. Dan Purcell asked if there were any comments from any of the representatives there since we are heading into an election. Kauai County Clerk Ricky Watanabe noted that the <i>County Clerks are not under the purview of the Elections Commission but the County does work closely with the Office of Elections during the elections</i> . Commissioner Berg commented that the Kauai County Clerk's office is usually well represented at the Commission meetings.
2014-08-22-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 3 of 27	<i>Council Member Brenda Ford</i> -Big Island asked for more balltos for Primary Election Day	Council Member Brenda Ford - Ms. Ford testified that thanks to the Office of Elections and Mr. Nago, the 2014 election was dismal. As shown in the pictures that she took off the internet and submitted to the Commission, there was total devastation in Puna and some parts of Ka'u. She further testified that she had <i>tried to call Mr. Nago twice on Monday to ask that he send out ballots</i> to those who were not able to vote on Primary Election day but she was not able to speak with him. <i>She testified that she had sent Mr. Nago a letter along with statistics that showed voter turnout for the district</i> . She also testified that she was distressed to hear the discussion of how little damage was done and how the roads were all open. She stated that Civil Defense's primary responsibility is to open the primary roads and after that is done, they move into the subdivisions and open those roads. She also noted that HELCO made significant efforts to bring power back to the public and keep the public informed of these efforts and progress.
2014-08-22-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 5 of 27	<i>Dan Purcell</i> --residents on the outer islands were not able to attend the meetings and give testimony.	Mr. Purcell testified that he was unable to find any documents for today's meeting but was told that documents will be made available after the meeting. He noted that comments were moved to after the Chief Election Officer's report and comments were limited to two minutes. He states that he raised concerns at the last meeting because residents on the outer islands were not able to attend the meetings and give testimony. Today's discussion is primarily for issues on the Big Island and no arrangements were made for them to view the meeting or provide testimony in person. It seems they can only provide testimony in writing since there is no phone or video conference capabilities available for them. He further testifies that at the last meeting he was told that the Commission has no budget and must work with limited resources. In his opinion that limitation is a problem and it does not allow the Commission to do their job. He also notes that at the last meeting, <i>Senator Slom testified that on several occasions he has asked that public testimony be moved on the agenda to follow the Chief Election Officer's report</i> . Mr. Purcell also appreciates that the Commission recognizes the need for Legislators to attend the meetings.

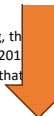
			<p>He further testifies that he called the <b>Office of Elections on numerous occasions with information on voters who could not get to the open polling places despite reports of the roadways being open.</b> He also called the Civil Defense, Attorney General, and the Governor's Office. He spoke with County Clerk Stewart Maeda who then relayed his information to the Office of Elections. He states that he understands that once the polls opened this did not fall under the jurisdiction of the Office of Elections but also feels that the Governor's Office could be petitioned to extend this election. He notes there are several ways to create a situation to remedy this. One would be to redo all four districts in the Pahoia area, redo the two that were open on election day with large numbers of voters that were unable to vote, or allow mail in or walk in ballots to those who sign a declaration that states they were unable to vote due to storm conditions that day.</p>
2014-08-22-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 6 of 27	<b>Senator Russell Ruderman</b> -Districts 04-01 and 04-02 had conflicting information	<p>Sen. Ruderman continues to testify that there were possibly two local races that were close enough that if you look at the number of people that were unable to vote, the election remains undecided. One race is County Council District 4, in which he calculates that 80 voters separated an outright win from a runoff election. <b>The leading candidates' neighborhood voted on the delayed election day. The early voting, walk in and absentee voting showed a close race triggering a runoff. Election day voting showed a close race triggering a runoff.</b> On the delayed voting, when one candidates' district got to vote, there was no runoff. More specifically, candidate Roy Lozano's district was trapped in by debris and they did not get to vote. Residents who live in Nanawale also did not get to vote because they were blocked in. He continues to testify that the election was skewed due to the random nature in which some neighborhoods where allowed to vote and which were not and this was not fair.</p> <p>Senator Ruderman asks that the Commission take steps to allow the election to be completed. He notes that the Commission should have received letters and declarations from his constituents which were received by his office and forwarded to the Commission. He also asks that the Commission restore fairness and confidence and allow the people to complete this election by restoring democracy. <b>Commissioner Okazaki asked him if his solution is to have all four districts vote again. Senator Ruderman responded that one would be to redo all four districts, or redo the two that were open on election day with large number of voters that were unable to vote, or allow mail in or walk in ballots to those who were physically unable to vote due to storm conditions that day.</b> Any of the three recommended solutions would be better than what is currently happening to the residents.</p>
2014-08-22-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 6 of 27	<b>Jeanne Ohta</b> -Need to fix the voting process, recommend meeting in Puna to hear concerns of residents who could not vote	<p><b>1) the 800 vote situation on Maui</b> where there was a delay in communication; <b>2) concern that the election in Puna should have been delayed .</b> She noted that there was a candidate in Puna who could not communicate with her staff and volunteers after the storm. Having the election so close after the storm created undo stress for the residents; and <b>3) the change in the voting process, communicating one process and then changing it</b> and expecting them to know about it. Her suggestion to the Commission is if they are truly interested in learning about emergency preparation, have a meeting in Puna and hear the concerns from the residents who were not able to vote.</p> <p>She states that she was not asked to do this but in the spirit of trying to deal with facts, she states she was in the Counting Center in the Senate Chambers with the Office of Elections until 4:00a.m. Sunday morning and <b>she can vouch that Mr. Nago and his staff were there throughout the day and were still there when she left at 4:00 a.m. on Sunday</b></p> <p>Senator Slam thanked Commissioner Berg for making the motion to change todays agenda. He states he is here to ask that the Chief Election Officer be replaced now. He feels that it is imperative and feels that the integrity of Hawaii's election process is in jeopardy. Like his legislative colleagues, he has been <b>besieged with calls, emails and personal visits from people who are disgusted and outraged with our election procedures and he feels there is no reason for it. He continues to state that the Commission did nothing about the disaster that occurred during the 2012 elections.</b> He felt the Commission did a short review of the incident and then considered a salary raise for the Chief Election Officer. He also states that there was no disciplinary or corrective action taken by the Commission. He feels that the public feels frustration since voting is a fundamental right.</p>
2014-08-22-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 7 of 27	<b>Cindy Vaillancourt</b> -Verified Nago at Counting Center most of the night	<p>In summarizing his written testimony that was submitted earlier, Sen. Slam stated that while <b>Judge Nakamura judged in favor of the Chief Election Officer, since the courts did not want to get involved in the election process during an ongoing election, the judge stated that he also feels there was a reasonable constitutional issue.</b> Sen. Slam further stated the CEO was not doing the Commission any favors since he did not give clear answers prior to the election when asked what will be done in case of the storm. He also noted for them that former Attorney General Michael Lilly stated that Judge Nakamura's statement was correct and that the State and the current Attorney General's ruling to release voter turnout results prior to the completion of all precincts completing the election was incorrect.</p>
2014-08-22-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 8 of 27	<b>Senator Sam Slom</b> -Recommends Getting Rid of Nago asap	<p>She notes that the <b>State Constitution permitted the postponement of voting in Puna for up to 21 days from the original scheduled date .</b> The CEO's dilemma is if the makeup election was postponed too long, it could have delayed the preparations for the General Elections. She further states that the League <b>does not understand why scheduling the make up election was rushed since there were two additional weeks available for the disaster stricken area.</b> She hopes that in the future, more time will be permitted before a make up election, allowing people more recovery time and perhaps increasing voter turnout.</p> <p>Ms. Mason states that the League wondered why mail in voting was changed to in-person voting. The League feels that consistent messages alert voters to any changes in the election plans. The League is also curious to see if any of the alternative solutions recommended by Senator Ruderman could be used.</p> <p>Ms. Mason testifies that, with regards to the Maui County 800 votes, the League supports continued post-election audits, earlier reconciliation of ballots, and informing the public as soon as possible of any problems. Also, the League supported SB 853 in 2013 which provided the Elections Commission with oversight of the Chief Election Officer. This would not mean a daily supervision but a general oversight and ability to properly advise the Chief Election Officer when difficult decisions need to be made.</p> <p>Ms. Mason closes by asking the Commission to consider holding another meeting before the General Election and noting that the League would like to see voting simplified by moving towards voting by mail with allowances for voting in person for early walk-in voting.</p>
2014-08-22-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 9 of 27	<b>Janet Mason</b> -wanted a longer delay for election remake for the Big Island	<p>Rep. Hanohano feels that what was done was wrong and needs to be corrected. She also says that the current leadership has seen its days and needs to be changed. She also tells the Commission if they really want to know what happened in Puna, the Commission needs to schedule a meeting there and speak with the people.</p>
2014-08-22-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 10 of 27	<b>Rep. Faye Hanohano</b> - Requesting re-vote; in agreement with Senator Ruderman	<p>Commissioner Okazaki asks Rep. Hanohano if she is in agreement with Senator Ruderman with having another vote. Her response was yes. Everyone needs to get their voting rights back and there needs to be more voting locations in Puna.</p>
2014-08-22-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 10 of 27	<b>Kimo Sutton Jr</b> -2012 Elections and this 2014 Election was a Circus Show	<p>Mr. Sutton noted that numbers do not lie, <b>there are a higher number of registered voters and a lower number of actual voters. During the 2012 elections, there was the ballot shortage issue and this election was a three ring circus.</b> He asks what scenarios were considered if the hurricane should hit the islands. He further states that it was like a statewide lower voter turnout was purposefully planned to assist one democratic senatorial candidate who was not leading in the polls. He further notes that the <b>Office of Elections was given the full responsibility, by the Governor, to determine when to have the primary in light of the oncoming hurricane.</b> He states that bad judgment seems to be a continued effect of this department's autonomy. Also, the late reporting of Maui's 800 votes is infuriating.</p>
2014-08-22-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 11 of 27	<b>Bart Dame</b> -Senator Slom is Whining	<p>Mr. Sutton testifies that many voters felt disenfranchised and in this situation, put in danger if they attempted to vote. He feels that possibly 200,000 persons did not vote in the election due to the storm. He notes that former Governor John Waihe'e may now be correct in saying that <b>the Office of Elections should come under the direction of the Lt. Governor's Office again.</b></p>
2014-08-22-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 12 of 27	<b>Tisha Panter</b> -Requesting CEO salary raise discussion should be made in Open Session	<p>Hawaii's election process does have some flaws and some mistakes are made, however, compared to some horror stories on the mainland, the Office of Elections does do a good job. People who are interested in having good solid elections in Hawaii should realize that there are thousands of volunteers who work at our elections. There are hundreds of moving parts with layers of processes and the pool of people who are qualified and have the experience and relationships to do this is very small. In the Office of Elections, there is a handful of people that make this happen and Scott Nago is at the core of this group. If you were to remove him and bring someone new in to replace him, you would be setting the process back and not helping it move forward. He further states that Mr. Nago has continually improved on performance. Mr. Dame states that he has heard Senator Slam, since the 90's, asking for the removal of former CEO's Dwayne Yoshina and Kevin Cronin and now wants to remove Scott Nago. He apologizes but states that it's like a broken record. Former CEO Dwayne Yoshina and current CEO Scott Nago each have credibility among election workers and were at the core of making elections happen.</p>
2014-08-22-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 12 of 27	<b>Arvid Youngquist</b> -sharing personal preferences for in person voting	<p>She states that she was at a previous meeting in which <b>t he Commission was considering a \$30,000 salary increase for the Chief Election Officer .</b> Chair Marston asked if he could interrupt to explain that <b>every year the Commission gets a request from the Department of Accounting and General Services Personnel Department (DAGS-Pers) to review the Chief Election Officers salary and to inform them of any changes to his salary level .</b> This year the request was made again so it was placed on the agenda for discussion so a response could be made to DAGS-Pers. <b>Ms. Panter states to the Commission that it would be more appropriate for this discussion to be held in open meeting rather than Executive Session unless the Commission can cite privacy issues.</b> Chair Marston asked Deputy AG Valri Kunimoto for her comments. Deputy AG Kunimoto stated that she will take Ms. Panter's comments and concerns into consideration and will review this matter further. She also suggests that this discussion be deferred to a later time. A decision can be made in Executive Session. Ms. Panter said that she will provide her list of concerns to the Deputy AG.</p>
2014-08-22-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 12 of 27	<b>P.M. Azinga</b> -Puna voters trust in election integrity brokent	<p>He also notes that he does not care for absentee voting but likes for people to be able to go to the polling place and vote so that they will know their votes have been received and counted. He encourages the Commission to go before the Legislature to get monies budgeted for their use. <b>He concludes that previous testifiers such as Janet Mason from the League of Women Voters and Mr. Bart Dame who testified before him covered most of the items that he would have testified to.</b></p>
2014-08-22-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 13 of 27	<b>Khistina Caldwell De Jean</b> -Remove Nago as Chief Election Officer	<p>She states that the trust of the people of Puna has been violated and before restoring trust can begin, there needs to be an admission that trust has been violated, an apology needs to be made, and there needs to be accountability. She notes that there are four steps, <b>1) keeping your word; 2) telling the truth; 3) being transparent; and 4) making a decision on reparation. She feels the general public of Hawaii deserves that and emergency contingencies could have been made in this election.</b></p> <p>She states that he should be removed as Chief Election Officer. Commissioner Young asks how she attemped to contact the Commission and she responded that she had called in and because <b>she was unable to contact the Commission, she is at this meeting to make her statement.</b> Commissioners Young and Okazaki asked her what number she used to try and contact them. Ms. De Jean was unable to give them the number and said that she could contact them at a later time with the number. <b>She states that as a gubernatorial candidate she was wronged by Mr. Nago. She demanded respect and asked to have the Chief Election Officer removed from this position.</b></p>

2014-08-22-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 13 of 27	<b>Senator Ruderman</b> -strongly encourages the Commission to consider holding a Commission meeting on the Big Island	<b>He strongly encourages the Commission to consider holding a Commission meeting on the Big Island</b> so that the Commission can hear problems from a Big Island perspective. If the Commission is unable to go to the Big Island, he asks that they consider doing a video conference meeting. In addition to his original testimony he wanted to let the Commission know that <b>there were no paper ballots available at the polling place during the delayed election and there was no privacy for voters. He noted that there were some voters that left without voting. He restates that the people's right to vote has been denied.</b>
2014-08-22-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 13 of 27	<b>Jessie Ponce De Leon</b> -Everyone do the right thing	Mr. Ponce De Leon encourages everyone to do the right thing when making their decisions.  CEO Nago thanked the Commission for the opportunity to justify the conduct and actions taken during the 2014 Primary Elections and he will highlight the events that were covered in detail in the 2014 Primary Election Report that was distributed to the Elections Commission.  CEO Nago then reported that when information of an impending storm was released, he and the OE staff began consulting with the <b>Hawaii Emergency Management Agency (HEMA)</b> . This was done in conjunction with other agencies who depended on the regular briefings conducted by the HEMA. The OE also had separate conversations with <b>Hawaiian Electric Company (HECO) to discuss election operations power requirements</b> and the <b>Attorney General's Office to discuss state laws covering elections and natural disasters</b> .  He continued to report that Hawaii State Law governs the conduct of elections during a natural disaster with differing responsibilities between the Governor and the Office of Elections. <b>HRS 11-92.3 states that the OE has the power to consolidate precincts, postpone elections or require the use of absentee to conduct an election in the event of a flood, tsunami, earthquake, volcanic eruption, high wind or other natural disasters. He noted that only the Governor, pursuant to his emergency powers under Act 111, can extend polling hours or otherwise use his general emergency powers to protect health, safety, and welfare of the people.</b>  He further noted that adjustments had to be made to our Standard Operating Procedures to ensure the integrity of our el'ctions. This included such things as the ability for all voters to vote in the same manner on the same day and releasing the results in a timely manner so that the public can know the outcome of their vote. However, once a disaster occurs, the OE does not have the authority to discard those concepts. The OE must consider adjustments to the normal process and consider how to address a natural disaster without undermining the integrity of the election process. The OE has a duty to all voters which includes those who voted before the natural disaster and those who voted after. With this in mind, our thinking was structured when considering the information provided by the Hawaii Civil Defense. <b>We learned that there were fallen trees, power outages and damages to structures in the Puna area, more specifically 04-01 and 04-02. We also learned that routes leading out of the communities served by precincts 04-01 and 04-02 were compromised and blockages were substantial rendering them inaccessible. There was no guarantee that clearing these roads could be done in the 15 hours until the opening of polling places. Accessing polling places 04-01 and 04-02 could be delayed for days. We also learned that other polling places were accessible.</b>
2014-10-03-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 2 of 12	Why does the Commission need to understand its powers by consulting with the Deputy AG?	Commission to consult with its attorney about matters pertaining to the Commission's powers, duties, privileges, immunities and liabilities related Elections Commission Meeting Minutes to Haw. Rev. Stat. 92-2.5.  Mr. Purcell commented that the meeting room is never set up correctly which is indicative of elections itself. He continues that the agenda wasn't prepared correctly and he holds the Chair responsible for that. He stated that <b>he had a conversation with the Commission Secretary and she would not answer if the reports listed on the agenda were from permitted interaction groups or standing committees.</b> Also, she would not give him her email address and could not or would not answer other questions that he had for her. He states that she is the public's point of contact for the Commission and should be knowledgeable if someone should call and ask for information. He also testifies that there is a lack of transparency and holds the Commission responsible for this.  <b>He also commented that the three internal committees formed to investigate the Primary Election did not post meeting notices and there were no written reports published.</b> He further notes that it is important that the meetings be more inclusive. People should be encouraged to attend and materials should be made available to them. He states that for the outer islands, there is a room available on the fourth floor of the State Capitol that can be used for video conferencing and he doesn't understand why only this room is used and he urges us to look into using the other room at the capitol. Lastly, he asks if the Chief Justice has made an appointment to the vacant Maui County seat that he was unable to fill. Chair Marston responded that the Commission has not yet heard from the Chief Justice but will follow up. The Commission Secretary noted that the Chief Justice solicited resumes and  Senator Slom testified that he is planning on introducing legislation during the next legislative session to: 1) reorganize the elections process and; <b>2) make it so that investigations are done externally to make sure that the investigations are objective and therefore restoring the publics' faith in the process.</b>
2014-10-03-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 3 of 12	<b>Dan Purcell</b> - Agenda is not prepared correctly	He also notes that he is not sure if any action that will be taken for things that happened during the Primary Election but notes that it is the responsibility of the Commission to address the issues before them. <b>He asks that the Commission conducts a meeting on the Big Island or has the meeting available for the Big Island residents through video conferencing.</b> He also asks that the Commission considers having an all mail election to avoid a situation like the one that happened during the Primary Election.  In this State, problems such as not having an open Primary, lack of candidates, and the limited group of people that are allowed to participate in the electoral process, there is a definite need for change. These things are discouraging for the members of the military community and they are left wondering what they are fighting for. <b>He also states that the men and women that are overseas are currently either not receiving their ballots or are receiving them late and their votes are not being counted</b> . He further testifies that year after year there are problems. People are always being encouraged to get involved and get active in the process and yet problems keep occurring. He feels that it is time for a change in the State of Hawaii and the country.  She continues to speak about the circumstances of her run for Governor and demands that a special election be held for her. <b>Chair Marston tells Ms. Delean that the Commission is aware of her concerns since she covered them at the last Commission meeting and asks that she tries to summarize her testimony so that the Commission can continue with the other agenda items.</b> Ms. Delean responds that she is done with her testimony and she basically would like a special election and have the Chief Election Officer fired.
2014-10-03-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 4 of 12	<b>Senator Sam Slom</b> - Three internal committees investigation of the Primary Election	Chief Election Officer Scott Nago reported that since the last meeting on August 22, the Office of Elections has been working on closing out matters that concern the Primary Election and is moving forward with the planning of the General Election. For the Primary Election, the OE has processed payroll for over 3,000 election day workers. Also, <b>the absentee ballots for the General Election will start to get mailed out next week and the testing of the vote counting system and its machines will also begin.</b>  He further reported that the <b>OE is looking at the lava flow occurring in the County of Hawaii. Each affected voter was sent an absentee voter application last week</b> . Additionally, the County of Hawaii will be opening up an <b>additional early voting walk-in site in Nanawale</b> to accommodate the impacted residents. As of now, the Office of Elections intends to open all polling places but those plans may change depending on how the lava flow continues.
2014-10-03-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 5 of 12	<b>Calvin Griffin</b> -not having an open Primary, lack of candidates	<b>Concern for higher Maui voter turnout</b> because of Ag issues on ballot, Nago responded that the formula used for this elections ballot order is different from the one used in the last General Election. <b>A ballot for every registered voter has been ordered for this election. So there will be a sufficient amount of ballots for this General Election.</b>  Commissioner Okazaki asked if it would be possible to send ballots out now as Senator Ruderman commented. <b>CEO Nago responded that HAS 11-92.3 does not allow us to send out the ballots now because access has to be substantially impeded.</b> Commissioner Okazaki asked when the cutoff date for accessibility is and <b>CEO Nago responded that there is no date.</b>  Commissioner King asked if the issue of the <b>800 votes on Maui County</b> was addressed with the vendor. CEO Nago responded yes. Both the vendor and the <b>Office of Elections have new procedures in place to ensure there is accountability and this does not happen again.</b>  <b>NAGO took the report with him and interviewed three of the four County officials that were named in that report. Specifically, he interviewed Ms. Molly Stebbins, Hawaii County Corporation Counsel; Ms. Pat Nakamoto, Hawaii County Elections Administrator; and Mr. Steward Maeda, Hawaii County Clerk.</b> Unfortunately, due to conflicting schedules, he was unable to interview Mr. Darryl Oliveira, Hawaii County Civil Defense Director who was the fourth individual mentioned in the report. Commissioner Vierra noted that Mr. Oliveira is currently dealing with the current lava flow situation on the Big Island. Mr. Oliveira is also involved with cleaning up after Iselle.
2014-10-03-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 5 of 12	<b>Khistina Caldwell Delean</b> - would like a special election and have the Chief Election Officer fired	...the information provided by these individuals matched the comments and contents provided by the <b>Chief Election Officer Scott Nago in his report to the Commission. There were no variations or deviations.</b>  ...Nago opinion that the decisions made by CEO Nago prior to, during and after Iselle, was not unilateral but included <b>collaboration with the appropriate Hawaii County officials as well as the State Attorney General.</b>  <b>Commissioner Vierra further states that determining whether the decisions made were lawful and or proper, that was not within the purview of his inquiry.</b>
2014-10-03-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 7 of 12	<b>Commissioner Vierra</b> regarding the Big Island Primary Election for precincts affected by weather conditions in District 4, discussion and action	



2014-10-03-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 9 of 12	<b>Commissioner Orikasa</b> -regarding the Maui County Ballot Counting issue which occurred during the Primary Election, discussion and action	Commissioner Orikasa reported that he met with Maui County Clerk Danny Mateo, Deputy County Clerk Josiah Nishita, Elections Administrator Shirley Magarifuji, HART Project Manager David Magedeson and HART Professional Services Consultant Jessica McKay at the Office of the Maui County Clerk. <b>He ? states that he was assigned to investigate the delay in the counting of 800 Maui County ballots in the Primary Election.</b>
			<b>Commissioner Orikasa reported that his ? findings were that there was a human error when counting and accounting of a card. He continued that the built in system to check ballot over and undercounting worked as designed but was not confirmed until an audit was done in the week following the Primary Election.</b> He reports that this was a unique situation because of the unusual timing of the ballot rally and the early physical arrival of the card at the County Clerk's Office.
			Human oversight appears to have been the proximate cause. <b>The procedures and inadvertent HART rally counting misstep was difficult to recognize in advance but was discovered in the subsequent audit.</b> Commissioner Orikasa further reports that the entire process which involved receipt, accumulation, validation, tabulation, recording and security provision of the public's ballot is a very complex affair. He notes that even with one "glitch" in the entire Primary Election, the other multiple events that took place were done seamlessly and without incident. He states that any attempt to simplify the process with broad brush sweeps of remedies is not indicative of a competent awareness of a complex process.
2014-10-03-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 10 of 12	<b>Commissioners Young and Okazaki</b> regarding the Office of Elections conduct during the Primary Election	Commissioner Orikasa states that in summary, while there was a temporary delay in the accounting of 800 ballots, no candidate, cause or party suffered any injury. <b>He also stated that no entity was diminished and no entity was ostracized or disenfranchised.</b> He further notes that to remedy this situation, it was agreed that <b>HART and the Maui County Clerk's Office will continue to work closely to examine and refine the election day process that contributed to the election day incident.</b>
			Commissioner Orikasa's closing comments were that he feels the meeting between all parties was successful in that it brought the operational misstep into focus so that it could be examined and remedied. <b>He also notes that it is not the intention, when having this meeting, to micromanage or attempt to implement specific operational changes or procedures. He states that the process is complex and the conduct of the process should be left to the trained professionals.</b>
			Commissioner Young reported that he and Commissioner Okazaki met with CEO Nago at the Office of Elections a week after the last Commission meeting. At this time he asked CEO Nago who the vendor was for Maui County. CEO Nago responded HART InterCivic. Commissioner Young then asked what the name of the vendor is and CEO Nago responded that Jessica McKay is the lead person on Maui. Commissioner Young noted that he requested that CEO Nago bring this person to Oahu for a meeting. He then stated that he and Commissioner Okazaki met with the Hart vendor on the 30th of September. <b>He stated that they questioned the vendor about the incident involving the 800 ballots for Maui County. Commissioner Young stated that they asked the vendor if he had any approval to do this or if he had notified anyone that he was going to do this. The vendor responded that he did not ask the Chief Election Officer or any election official for permission but did the procedure on his own with his staff (Nago looks like placing blame on Vendor)</b>
2014-11-14-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 2 of 15	<b>Tisha Panter - under 92-5(b) the board cannot make a decision or deliberate towards a decision in executive meeting</b> on matters not directly related to purposes as specified in subsection (a).	<b>Commissioner Young stated that in a previous meeting with CEO Nago, he and Commissioner Okazaki informed him that the CEO will ultimately be held responsible for errors that his staff and vendors make.</b> Having said that, Commissioner Young also noted that in his meeting with the vendor, the vendor was made to understand that even though the CEO will ultimately be held responsible for any error, the vendor must communicate with the CEO or his deputy before any major changes are made, if not there will be consequences. He asked CEO Nago if this statement was correct and CEO Nago responded yes.
			<b>Commissioner Young then asked to go on record and stated that the vendor did admit to making an error and the vendor did this on his own. Commissioner Young further states that even though it is the responsibility of the Chief Election Officer, like any leader of an organization, there are instances where staff go off on their own and make decisions that cause big problems .</b> He states that this is what he and Commissioner Okazaki found when looking into the Maui County 800 ballot situation and steps will be taken to make sure this type of situation does not happen again.
			Ms. Panter states that under agenda item Executive Session, she sees that the Commission has complied with the first element of 92-5 by giving a reason for evaluating the Chief Election Officer. However, 92-5(a)(2) also involves matters affecting privacy and a reason for privacy must be cited and it needs to be statutory or a constitutional right to privacy. <b>Since the CEO is an appointee and not covered by civil service statutes, his salary is not a privacy issue and the salary range may be disclosed. The privacy issue will also have to be Mr. Nago's personal issue and not the Commission's. She further notes that under 92-5(b) the board cannot make a decision or deliberate towards a decision in executive meeting on matters not directly related to purposes as specified in subsection (a) .</b>
2014-11-14-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 3 of 15	<b>Janet Mason</b> -The League did notice that the volunteer turnout was disappointing and there were those who had signed up to volunteer and were no shows.	Chair Marston asked Deputy AG Kunimoto if she had any response to this. <b>Deputy AG Kunimoto responds that the Commissions position is that it affects Mr. Nago's privacy rights as it relates to personnel issues and his evaluation. His salary is a separate matter and is not a privacy issue. If CEO Nago waives his personal rights the Commission can address it then.</b>
			Chair Marston explained to Ms. Panter that the <b>agenda phrases are given to the Commission by its legal counsel.</b> He further notes that the Commission will still go into Executive Session and perhaps she can discuss her concerns with the Commission's legal counsel.
			The League is very concerned with the low voter turnout. <b>Ms. Mason notes that the 35% voter turnout is very serious and wonders if it is possible that the number of eligible voters in Hawaii is overstated .</b> The League will renew its efforts in researching why eligible voters don't vote since this is a very important question.
2014-11-14-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 5 of 15	<b>Dan Purcell</b> -Questions the work of committees investigation Big Island voting issues	The minimum for a permitted interaction group is two. He states that for the Big Island, it was misleading to the public to say that there was <b>a committee appointed and yet there was only one person on this committee. He also noted that there were no notices posted for any committee meetings</b> that were held. <b>Chair Marston clarified that these were subcommittees</b> that were assigned to investigate the Primary Election issues.
			<b>CEO Nago responded that one of the requirements for online voter registration is that the individual has to have either a driver license or a state I D. The signatures will be verified with those on these two forms of I D.</b> Commissioner Berg then asked for any feedback on the agreement the OE had with a non-profit group. She wanted to know how many people they actually reached and registered and how many of these newly registered people actually voted. CEO Nago responded that unfortunately, the group was unable to follow through on registering people in the targeted areas so the OE sent voter registration forms to the residents in these areas. He said that he will get the number for the amount of people that were registered but will not be able to get the number of people that voted yet. When that number is available, he will give it to the Commission. CEO was asked if there was any payment or resources given to the non-group and CEO Nago responded no.
			Sen. Donna Mercado Kim - testified that there are concerns about elections. She states that in accordance with HRS §11-8.5, the <b>Commission is supposed to conduct a biennial evaluation of elections operations and submit its findings and recommendations to the Legislature. Since 1994, none conducted.</b>
2015-02-20-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 2 of 18	<b>Senator Donna Mercado Kim</b> -Biennial Evaluation of the elections operations	Commissioner Orikasa noted that in previous Commission meetings, the Commission had conducted thorough discussions on the problems and issues that occurred during the elections. The Commission also discussed remedies for these problems and these discussions have all been documented in the Commission meeting minutes. He asks if that would be considered adequate. <b>Sen. Kim responds that according to the statute, the Commission needs to conduct a biennial evaluation of the elections operations and submit its findings and recommendations to the Legislature no less than 20 days prior to the convening of the legislative session .</b> The Commission will need to consult with the AG to see if the minutes constitute the report that is required. Commissioner Orikasa noted that he wanted to state that the Commission was not totally derelict in its responsibilities. <b>Chair Marston agreed and noted that the Commission did investigate and address issues from this past election and issues from the 2012 elections.</b> Chair Marston noted that the Commission will respond and her concerns will be addressed.
			Sen. Kim noted that perhaps <b>a procedure should be put in place that would remind the Commission when reports are due.</b> Commissioner Limtiaco agreed and asked if a report could be put together and submitted now rather than waiting two years. Commissioner Moore also agrees that this should not be put off and an effort should be made to complete it now.
			<b>Chair Marston stated that the term for the Chief Election Officer expires in February of 2016. He wanted to begin the evaluation process early</b> y so that the Commission can either decide on whether they would like to do a reappointment or perhaps start a recruitment process. <b>An evaluation of the CEO was done in early 2011. He noted that the Commissioners have been given copies of the evaluation forms that were used at that time.</b>
2015-02-20-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 10 of 18	Discussion and review on method of evaluation for the Chief Election Officer	<b>Chair Marston stated that a subcommittee consisting of himself, Commissioners Okazaki and Soares was formed.</b> An evaluation formula, forms and recommendations were done and presented to the Commission for approval. The forms included one for the County Clerks, one for each Commission member and one self evaluation form for the CEO to complete. Discussions were also held with the County Clerks since they were an important part of the process and they worked closely with the Chief Election Officer. <b>Lastly, a letter from the employees of the Office of Elections was received. This letter supported and encouraged the appointment of CEO Nago.</b>
			Chair Marston asked the Commission how they would like to proceed. <b>He asked if a subcommittee should be formed to review and perhaps make changes to the current forms.</b> After that is completed, the Commission can begin the evaluation process for the CEO.
			Commissioner Limtiaco asked to defer her comments since she has not had an opportunity to closely review the forms. Commissioner Orikasa stated that he was good with the current forms and Commissioner King noted that he felt it was a fair process. Commissioner Berg noted that she had a few comments on the form that the Commissioners used and felt that one or two things should be added to the form. <b>She also felt that the form used by the County Clerks was excellent and objective and the self evaluation form used by the CEO was also good.</b>
2015-02-20-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 10 of 18	Discussion and review on method of evaluation for the Chief Election Officer	<b>Commissioner Limtiaco notes that instead of forming a new committee, she would like to see suggestions made by the Commission and discuss them at the next Commission meeting.</b> She also asks how often this evaluation is required. Chair Marston responds that the evaluation is not required at the moment but due to the incidents that surrounded the past few elections, an evaluation of the Chief Election Officers performance was done. He restates that the term for the Chief Election Officer ends in February of 2016 so he wanted to get a job performance evaluation done in preparation for the selection process.
			Commissioner Berg recommends adding the following question to the Commission evaluation form: “Does the Chief Election Officer demonstrate those skills and abilities identified in the job description?” <b>She also asks that “the public” be added to the question: “How effective\ does the Chief Election Officer resond to requests from the Commission and the public?”</b>

2015-04-07-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 5 of 20	<p><b>Janet Mason</b> - Makes small comment about Commission finalizing Bienneial report to Legislature</p>	<p>Relating to Agenda Item No. VIII, the LWV is happy to learn that the Commission is finalizing and adopting the overdue biennial report to the legislature. Ms. Mason stated completing the report should set the relationship on a more collegial footing and the tone for future work with the legislature. OE has focused on legislation, online voter registration and revising the website.</p> <p>Regarding online voter registration, CEO Nago reported <b>OE is on track to launch online voter registration on August 3, 2015. OE is required by law to implement this by the 2016 Primary Election</b> . Anyone with a Hawaii State Identification, or a Hawaii Driver's License will be able to register to vote online. OE is in the process of finalizing the screens, what a voter sees when they register online, and will continue testing the system.</p> <p><b>Chair Marston commented he is not receptive to the mail-in ballot. His intuitive feeling is the possibility of fraud occurring,</b> does not know what has been done to address that or why people feel comfortable with it, and asked for any comments.</p> <p><b>CEO Nago responded, he thinks if Chair Marston saw what is done on the back end, what is done with a mail-in ballot, it is not simply just mailing a ballot out to the voter, getting the mail back and we count it. There's a lot done on the back end that a voter is not aware of.</b> For example, when a voter first registers to vote, the application is signed, so the voter's signature is on file. When a voter applies for an absentee mail ballot, another application is filled out, and that signature is then compared to the original signature to make sure the voter is the person actually requesting a ballot. Someone else cannot request a ballot for you. <b>When the ballot gets sent out, the voter needs to sign it, and when it comes back that signature is also verified. If a voter's wife voted for him because he was away and signed the ballot, if the signature doesn't match, it's put on the side and doesn't get counted. There are a lot of checks in the system in place, to make sure that the voter is the voter that requested and voted the ballot. Chair Marston asked what system is used to verify the signature, and is it scanned. CEO Nago responded, the signature from the application is on file, and right now it's a manual verification.</b> CEO Nago added, the respective County Clerks receives the ballot and compares the signature on the envelope with the signature on file.</p> <p><b>Commissioner Vierra asked, if a signature is questionable, is the voter contacted.</b> CEO Nago responded, on many occasions, if the voter doesn't sign the envelope, the County Clerks will contact the voter to have them come in and sign it. If the envelope is not signed, the ballot cannot be counted, it's considered an invalid ballot. If the signature is questionable, or doesn't match, it's put on the side and is saved. If it eventually goes to court, it would then be the court to decide whether or not that ballot would be counted. Commissioner Vierra clarified that a voter wouldn't know if his vote wasn't counted. CEO Nago responded, if the voter didn't sign it, yes.</p> <p><b>Commissioner Vierra asked, if there was some minor discrepancy, is the voter contacted. CEO Nago responded, he's not. Chair Marston noted that all Commissioners received their packet containing the evaluation forms that were originally used, the suggested corrections, and suggested items to be included.</b> Chair Marston noted that he hopes all Commissioners will reach unanimity today in the forms themselves and the method going forward, as it will take another Commission meeting to review those. Chair Marston suggested starting with the questions for the commissioners, and asked if anyone has any additions, or corrections on that particular form.</p> <p><b>No 1 . Commissioner Limtiaco explained she thought it might be of value to broaden the stakeholder group who comment, or are allowed to submit evaluation comments. Second, the elected officials, she received feedback and respect the comments that it may not be a good idea. Third, key stakeholder groups that have a big stake outcome in the successful voting process, such as League of Women Voters and Common Cause.</b></p> <p><b>Employees who do not like their boss may express their feelings, and if it's written up, then he's gone.</b> However, Chair Marston noted he has never seen a form where subordinates rate their boss, maybe it happens, but has never seen nor been involved with it.</p>
2015-04-07-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 17 of 20	Review and Implementation of method of evaluation for the Chief Election Officer	<p>Commissioner Limtiaco responded, it's been done and is called a <b>360 Review. She added the questions has to be completely confidential, that's the key, you have to make sure these people are protected and can make comment if they want to.</b></p> <p>Commissioner King commented, to him, <b>there's a difference between an appraisal and an evaluation. The appraisal that the legislature seems to be wanting from the Commission is whether the CEO is doing a good job and if the Commission should continue and employ him.</b> An evaluation is more of how can you improve, and he thinks that's more where a 360 is used. Commissioner King thinks a 360 is 30% of a company, but he's not sure that that's appropriate for what seems to be moving through the legislature, that they are asking for the Commission to do.</p> <p>The CEO delegates his authority to the County Clerks, as he's responsible for the whole thing. The Commissioners don't delegate anything, they quiz the CEO, ask him for responses, and receive testimony from him on the goings-on. <b>They are viewed from two different perspectives and that's why there are two different questionnaires.</b> Chair Marston commented he hopes this answers her questions, and Commissioner Limtiaco commented the explanation responds to her query.</p> <p>Commissioner Vierra stated he's experiencing that issue right now. <b>He's conducting an investigation and employees went forward before the Board that controls the department and voiced their opinion on the abilities of the CEO and the Board accepted the comments but the word out out and some of these</b></p> <p>Chair Marston confirmed all Commissioners received a copy of the biennial report, and asked for any additions or corrections. Commissioner Berg commented, relating to Item #2, she suggested deleting a portion in the second sentence, "However, there was apparent confusion on the part of some voters, and as a result, the Commission recommended that current statutes governing the conduct of elections during such natural disasters be addressed by the legislature." All Commissioners agreed unanimously to Commissioner Berg's suggestion, and Chair Marston directed the following be taken out, " ... there was apparent confusion on the part of some voters, and as a result. ... "</p> <p>Chair Marston directed the Secretary to finalize the report, and send the report with a letter to the President of the Senate and the Speaker of the House, with a copy of each letter to their counterpart.</p> <p>Chair Marston added that since the <b>evaluation was required within two months of the General Election</b>, it must be completed by the first part of January. This means that the Commission will have to schedule meetings through the holidays, which may or may not be convenient for everybody, so there is a time consideration there.</p> <p>Chair Marston announced that the <b>Commission has voted today to retain Scott Nago as the Chief Election Officer, to continue through his current term and for a new term beginning on February 1, 2016.</b></p>
2015-04-07-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 16 of 20	Discuss and finalize the Commission's biennial report to the legislature	
2015-05-18-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 8 of 14	Chair Marston CEO evaluation is required within two months of the General Election	<p>XI. Discussion of salary adjustment of the Chief Election Officer and action, if appropriate.</p> <p>Chair Marston announced, in addition to that, <b>a salary committee had been appointed, composed of himself, Commissioner Patricia Berg and Commissioner Charles King to report back to the Commission, their recommendation at the next meeting.</b></p> <p>With no further comments, Chair Marston asked for a motion to go into executive session <b>to discuss the recommendation from the Salary Committee, pursuant to Section 92-5(a)(2), HRS, on the salary adjustment of the Chief Election Officer</b> , pursuant to Section 11-1.6(e).</p> <p>The motion was made by Commissioner Young, seconded by Commissioner Vierra, and approved unanimously by the Commissioners.</p> <p>Pursuant to Section 92-5(a)(2), HRS, to discuss the recommendation from the Salary Committee on the salary adjustment of the Chief Election Officer, pursuant to Section 11-1.6(e), HRS, and action, if appropriate.</p> <p>The Commission resolved into open meeting at 11 :00 a.m.</p> <p>X. Salary adjustment of the Chief Election Officer, pursuant to Section 11-1.6(e), HRS, if applicable.</p> <p>Chair Marston announced that the Commission <b>voted to increase CEO Nago's annual salary to \$90,000, effective July 1, 2015</b> , which represents 75% of the total amount the Chief Election Officer is entitled to be paid.</p> <p><b>CEO Nago replied that the election equipment is certified and meets the necessary requirements, but realistically machines are only reliable to a certain extent. Thus, the machine count is backed up by OE's election auditing process .</b> Commissioner Berg mentioned that the story regarding the unreliability of voting equipment was in reference to older machines (i.e., 1 0+ years), whereas Hawaii's equipment is not that old. CEO Nago confirmed that Hawaii's voting machines are about five or six years old and that OE maintains its equipment with regular upkeep.</p>
2015-05-18-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 14 of 14	Chair Marston discussion of CEO salary adjustment	
2015-07-09-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 9 of 10	Chair Marston asked for a motion to go into executive session to discuss the recommendation from the Salary Committee	
2015-07-09-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 9 of 10	Salary adjustment of the Chief Election Officer	
2015-09-16-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 3 of 5	<p><b>Commissioner Orikasa</b> asked CEO Nago if <b>Hawaii's voting equipment is up to speed on technology</b></p>	<p><b>Senator Sam Slom</b> -At bipartisan House and Senate Joint info meeting, Nago and County Officers had many unanswered questions</p>
2015-11-04-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 2 of 9		<p>Sen. Slom stated that there was a bipartisan House and Senate joint Informational Briefing regarding the elections process yesterday with representatives from each of the four counties and Chief Election Officer (CEO) Scott Nago. Sen. Slam expressed concerns that <b>there were many unanswered questions and a lack of knowledge that he felt was very unsettling. He suggested that they revisit the training that is conducted for volunteers and new workers, as well as for those who have held their positions in the counties for quite some time.</b></p> <p>Sen. Slom stated that with the move toward electronic or mail delivery ballots, the issue of voter identification was discussed at length. <b>The contentious issue has been whether or not to implement a photo identification requirement in order to vote.</b> Sen. Slam recalled that several voter officials said that they will ask for identification, but it is okay if it is not provided. If a voter does not have a photo ID, driver's license, or State ID, a utility bill (or other document approved by the Federal Voting Rights Act) will suffice. Sen. Slam explained that this system is flawed as there is no verification that the person handling the bill is actually who they claim to be. Those who disagree say that fraud is not an issue in Hawaii.</p> <p>The county clerks reported that there were two sources: the county clerk's office and the county clerk's office. The county clerk's office was the source that charged nothing for double checking all data, and the Pew source that charged \$80,000-\$90,000, which they thought was too expensive. In regards to reports of double voting, <b>the counties' stock answer is that the voter must sign the affidavit declaring that they are a U.S. citizen and that they are not voting anywhere else. Sen. Slam said that the legislators, particularly the senators, pointed out that the affidavit is of little significance if there is no follow up.</b></p> <p>Commissioner Moore asked if Sen. Slam thinks that the EC should participate in or at least audit these types of Informational Briefings. Sen. Slam explained that the Informational Briefing yesterday was not a hearing, so there was no testimony. However, if it had been, the Commissioners would not have denied if they had wanted to testify. Sen. Slam stated that everyone involved wants the same things, which are good, fair elections, and an increase in voter participation. He said that they are currently not doing much more than studying and talking about the issues, but anything they can all do together would be beneficial.</p> <p>CEO Nago replied that OE is preparing to propose a different mail bill. Because the EC submits a report to the Legislature, <b>Commissioner Moore asked if there is a way that the EC can support the modernization of the election process safely and effectively.</b></p> <p>CEO Nago stated that there is <b>nothing preventing any EC member from testifying, and that they are all appointed by a political entity with whom they can communicate.</b></p>
2015-11-04-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 4 of 9	<p><b>Senator Sam Slom</b> -At bipartisan House and Senate Joint info meeting, Nago and County Officers had many unanswered questions</p>	
2015-11-04-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 7 of 9	<p><b>Commissioner Berg</b> asked if OE is planning to propose any other type of legislation other than what has already been discussed</p>	

2016-01-13-EC-Regular-Meeting-Minutes_Y2024-05-12	Page 4 of 9	<p><b>Commissioner Berg</b> - review the video recording of the Informational Briefing on November 3, 2015 with the Senate Committee on Judiciary and Labor (JDL) and the House Committee on Judiciary (JUD); several concerns addressed at the Informational Briefing, primarily voter identification.</p>	<p>Commissioner Berg stated that since the last EC meeting, the members of the EC had the opportunity to review the video recording of the Informational Briefing on November 3, 2015 with the Senate Committee on Judiciary and Labor (JDL) and the House Committee on Judiciary (JUD). She explained that there were <b>several concerns addressed at the Informational Briefing, primarily voter identification.</b></p> <p>Commissioner Berg said that she did not see anything in CEO Nago’s Status of Operations report regarding how these issues were addressed. <b>CEO Nago replied that the state law allows each of the county clerks to determine what is considered sufficient identification for voter registration.</b> He explained that they currently follow the requirements of the “Help America Vote” Act, which accepts a current and valid photo ID or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.</p> <p>Commissioner Berg asked <b>CEO Nago to confirm that each county is able to develop its own requirements for voter registration identification.</b> CEO Nago verified that they can under the current law, however they are looking to standardize the requirements statewide.</p>	
2016-01-13-EC-Regular-Meeting-Minutes_Y2024-05-12	Page 6 of 9	<p><b>Commissioner Hiraki</b> asked CEO Nago how he envisions OE changing, assuming that the whole package of bills are passed (e.g., differences in cost, voter turnout, etc.).</p>	<p>CEO Nago responded that their <b>most critical bill is the all-mail election proposal</b> . He explained that the last time Hawaii had an all-mail election was for the special election in 2010, which resulted in greater voter turnout than the previous special election in 2003 that was not all-mail. Based on that data and nationwide statistics, there is greater voter turnout when elections are conducted by mail. CEO Nago added that voter turnout is also dependent upon the type of election; Hawaii holds elections every two years, whereas elections are held annually in other jurisdictions. Furthermore, presidential and gubernatorial elections typically have higher voter turnout. Commissioner Hiraki asked CEO Nago what percentage of an increase he anticipates if the all-mail bill passes. <b>CEO Nago replied that voter turnout was approximately 20% for the 2003 special election, versus about 55% for the all-mail 2010 special election,</b> however it is difficult to predict how these numbers would translate in a regular scheduled election. <b>In regards to cost, CEO Nago stated that transitioning to all-mail elections would save over \$800,000 based on the State's current contract. Commissioner Hiraki asked if this change would mean a reduction in OE staffing, to which CEO Nago agreed, explaining that election day officials, nor polling places, would be required.</b></p> <p>Chair Anderson asked CEO Nago to confirm the five political parties currently qualified. Kristen Uyeda (Office of Elections) listed the Hawaii Republican Party, the Democratic Party of Hawaii, the Green Party of Hawaii, the Hawaii Independent Party, and the Libertarian Party of Hawaii.</p>	
2016-01-13-EC-Regular-Meeting-Minutes_Y2024-05-12	Page 7 of 9	<p>Senator Slom -Still requesting status from NAGO if any action for bipartisan meeting concerns</p>	<p>Sen. Slom recalled that voter fraud was discussed at the joint informational briefing, and that either Hawaii is a “perfect” state with no fraud, or that there is no due diligence to discover fraudulent information. In following up with Commissioner Berg’s inquiry, <b>Sen. Slom asked if any improvements have been made since the informational briefing with regard to voter registration fraud.</b> CEO Nago explained that he cannot speak for what the counties do on their end, but know that all fraudulent findings are reported to the prosecutor’s office. <b>Sen. Slom asked if CEO Nago could find out exactly what the counties do and report back by the next EC meeting</b> , to which CEO Nago said that he would. <b>Sen. Slom asked if the state does anything in regards to fraud, to which CEO Nago responded that voter registration is not under the state's jurisdiction.</b></p>	
2016-01-13-EC-Regular-Meeting-Minutes_Y2024-05-12	Page 7 of 9	<p><b>Commission Berg</b> - Making fraud easier if same day registration with utility bill is all you need</p>	<p>He explained that this is why it is important to assign local neighborhood residents to work in the polling places so that they are better able to determine these types of fraud. <b>CEO Nago added that according to the “Help America Vote” Act, a current and valid photo ID or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter is acceptable in order to register.</b> Commissioner Berg asked if a picture ID is required to vote at the polls. CEO Nago responded that if a person did not have a picture ID, they could corroborate their identity with the election day official and be allowed to vote.</p>	
2016-05-18-EC-Regular-Meeting-Minutes_Y2024-05-13	Page 5 of 8	<p>Per Nago; <b>only 1 voter fraud in 2015 and 1 in 80's</b></p>	<p>CEO Nago added that he was asked at the last EC meeting to look at issues of voter fraud that were sent to the prosecuting attorney. <b>He reported that there was one issue last year (2015) on the Big Island, and prior to that, the last voter fraud issue sent to the prosecutor was in the '80s.(Why were any election irregularities investigated?)</b></p>	
2016-05-18-EC-Regular-Meeting-Minutes_Y2024-05-13	Page 8 of 8	<p>Commissioner Young mentioned that he and past EC member, Ms. Zale Okazaki, had previously worked with OE on <b>the ballot issue that had occurred in 2012</b></p>	<p><b>CEO Nago explained that in 2012, a miscalculation resulted in a shortage of ballots at the polling places. In order to address this, OE is now sending out one ballot per voter</b> , even if they do not vote at their polling place. Furthermore, OE has developed a system to deliver additional ballots if any polling place does require more. CEO Nago added that in remote areas, the reserved ballots are sent out before they are requested.</p> <p><b>Commissioner Vierra asked CEO Nago how this change increases the total cost of elections, to which CEO Nago replied that it does not.</b> He explained that the change simply involved allocating more ballots to each polling place rather than holding back as was done in 2012.</p>	
2016-06-27-EC-Regular-Meeting-Minutes_Y2024-05-13	Page 2 of 9	<p>Senator Sam Slom - Move Public Testimony</p>	<p>Sen. Slom requested that the <b>“Public Testimony” agenda item be placed after CEO Nago’s Status of Operations Report</b> for future meetings.</p>	
2016-06-27-EC-Regular-Meeting-Minutes_Y2024-05-13	Page 2 of 9	<p>Senator Slom - Push for Accountability for Nago</p>	<p>He stated that July 1st is the deadline for CEO Nago’s report to the Legislature regarding the statewide voter registration system, and said that he was hoping to hear about the report at today’s meeting. Sen. Slom also expressed interest in receiving a status update on the voter education program. He noticed on the agenda that the <b>EC would be going into Executive Session to discuss a possible salary adjustment for CEO Nago.</b> Sen. Slom said that he wanted to testify against any salary increase right now, and suggested that the EC wait until after the 2016 elections to make that determination.</p>	<p>There are way more topics that pertain to Nago's salary adjustment than any requests for investigations</p>
2016-06-27-EC-Regular-Meeting-Minutes_Y2024-05-13	Page 5 of 9	<p><b>Beth Savitt</b> - SHAKA Movement fought hard and won the vote on the Moratorium</p>	<p>Look up the details on this...She presented the EC with three questions:</p> <ol style="list-style-type: none"><li>1. The Moratorium on Maui has never been certified by either the State (which actually can't) or County (which is supposed to). Is this a correct statement?</li><li>2. Was the rest of that election certified?</li><li>3. Who pulled the Moratorium from certification? What are the steps taken to do this?</li></ol> <p>Chair Anderson asked CEO Nago if he is able to answer any of these questions. <b>CEO Nago stated that OE certifies the accuracy of the counts, however the counties determine whether or not the amendments pass. Ms. Savitt disclosed that when she spoke with Maui County Clerk, Mr. Danny Mateo, he said that the certification was pulled out by the State.</b> CEO Nago and Commissioner Moore agreed that this statement did not sound accurate.</p> <p>Commissioner Moore apologized to Ms. Savitt for having to fly from Maui to attend today’s meeting. She expressed her support for teleconferenced meetings at least through November of this election year, as it is important that people are able to participate easily.</p>	
2016-06-27-EC-Regular-Meeting-Minutes_Y2024-05-13	Page 6 of 9	<p><b>Bruce Douglas</b> - deadline has passed to get their initiative on the 2016 ballot; He hoped that the EC could assist as it is their responsibility to ensure fair and honest elections</p>	<p>Commissioner Moore stated that she does not understand why the Moratorium was not certified, and that she had thought that the tie up was in the legal process. She asked Deputy AG Valri Kunimoto if she is able to answer any of Ms. Savitt’s questions. <b>Deputy AG Kunimoto explained that the only contact the AG's Office has had regarding the GMO issue was a hearing before Judge Rhonda Loo during which she issued a ruling at the State court.</b> She said that the State has not been involved in the litigation, and that the cases were just heard by the 9th Circuit Court last week. Deputy AG Kunimoto stated that the county would be responsible for the certification, as it is a county charter provision and part of a county election. She suggested that Ms. Savitt ask for clarification from their lawyers, acknowledging that the SHAKA Movement has very good representation. Ms. Savitt replied that their lawyers have not been able to answer her questions adequately.</p> <p>Mr. Douglas added that he would like to settle this issue without having to go to court, if at all possible. Chair Anderson asked CEO Nago if he would like to comment on Mr. Douglas’ issue. CEO Nago explained that OE only puts questions on the ballot proposed by the Legislature. The petition process for ordinances and charter amendments such as Mr. Douglas’ are handled exclusively by the counties.</p> <p>Commissioner Vierra asked who is responsible for settling issues when there are disputes. CEO Nago replied that OE would not be notified of these issues, but instead the county clerk’s office would handle them through their judicial process.</p> <p>Chair Anderson asked Mr. Douglas if their petition sets were taken to the county clerk and received by someone. Mr. Douglas confirmed that they were, and stated that he waited at the clerk’s office while each page was timestamped and the number of pages was certified. Mr. Douglas shared that they had not counted the pages of the petition sets before submitting them.</p> <p>Commissioner Moore asked CEO Nago and Deputy AG Kunimoto if they could comment on the notary requirement for the petition sets. Deputy AG Kunimoto stated that the requirement would fall under the county’s jurisdiction. CEO Nago said that he was not aware of the notary requirement, but maintained that the state has no involvement with regard to the charter amendments.</p>	
2016-08-31-EC-Regular-Meeting-Minutes-FINAL_Reviewed_Y2024-05-03.pdf	Page 3 of 10	<p>Status of Operations Report from the <b>Chief Election Officer</b></p>	<p><b>Mr. Douglas clarified that the question is whether the affidavit needs to be notarized at all, and reiterated that no other county in the State of Hawaii has this requirement. He explained that many affidavits are simply signed and not notarized, and that it is only Maui’s interpretation that the affidavits need notarization. Chair Anderson stated that regardless of the fact that Maui County is the only county that requires the affidavits to be notarized, it is their rule that must be followed.</b></p>	
2016-08-31-EC-Regular-Meeting-Minutes-FINAL_Reviewed_Y2024-05-03.pdf	Page 3 of 10	<p><b>Chair Anderson</b> - Newspaper published letter to the editor about low voter turnout and inflated voter rolls</p>	<p>CEO Nago reported that there were <b>minimal issues on Saturday, Primary Election Day. One issue that occurred involved switching out a voting machine at a polling place on the Windward side.</b> Since the Primary Election, the <b>Office of Elections (OE) has conducted the audits of the results</b> and started preparations for the General Election ballot. The deadline to file a contest for cause was Monday, August 22nd, and as there were no contests filed, the results and list of winners were then certified.</p> <p><b>CEO Nago stated that voter registration increased 2.9% from the 2014 General Election, and 4.3% from the 2014 Primary Election. In regards to online voter registration, there were 40,000 transactions statewide</b> , which include existing voters requesting a permanent absentee ballot or updating their record, as well as new registrations. This year was the first time that same-day voter registration at the AB walk sites was offered, through which approximately 1,000 people registered. In 2018, Election Day registration at the polling places will be available.</p> <p>Chair Anderson shared that the newspaper had published a letter to the editor regarding low voter turnout and inflated voter rolls. OE and the counties had submitted a response, however the newspaper had chosen not to publish it.</p> <p>Chair Anderson asked CEO Nago to explain his response to the Commission. <b>CEO Nago stated that his response detailed the process through which the county clerks update the voter registration rolls.</b></p> <p>He explained that prior to the election, the county clerks mail all voters a yellow card that cannot be forwarded. If it is returned, the clerk changes the voter’s status to “inactive,” and mails a follow-up white card through which the voter can re-register. If the voter fails to reactivate their record, they cannot be removed from the voter registration rolls until two election cycles have passed.</p>	



2016-08-31-EC-Regular-Meeting-Minutes-FINAL_Reviewed_Y2024-05-03.pdf	Page 4 of 10	<b>Chair Anderson</b> - Another issue is handling deceased individuals on Voter Rolls	<p>...In regards to deceased individuals on the voter rolls. CEO Nago explained that the Department of Health provides a list of names of those who have passed away in the State of Hawaii. Thus, <b>their Elections Commission Meeting Minutes would be no record if a Hawaii resident passed away in another state or country.</b></p> <p>If the spouse of a deceased individual continues to live at the same residence, the yellow card may be thrown away rather than returned. <b>CEO Nago said that if one wanted to remove a deceased person from the voter rolls, they would need to provide sufficient information to the clerk's office to verify their claim.</b></p> <p>Regarding individuals in other states hacking into voting machines. CEO Nago clarified that there have been no hacks in Hawaii, and that the Office of Enterprise Technology Services (ETS) has provided OE with a list of sites that they should be blocking. Commissioner Berg asked if the Hart machines that scan the ballots are connected to the internet. <b>CEO Nago replied that the machines are not connected to the internet, but rather the information is stored on a memory card which is removed and secured at the end of the night</b></p> <p>Commissioner Berg reported that she had visited a couple of polling places on Kauai, and that everything seemed to be running smoothly. <b>A precinct official had relayed to her an incident involving a woman who was encouraged by a precinct worker to vote on the machine, as it was not being used. Halfway through the process, she became frustrated, and wanted to vote on a paper ballot instead. When she was told that it would be too difficult to reverse what she had voted on the machine, the woman became upset and left the polling place without voting. CEO Nago stated that the woman should have been allowed to cancel her vote on the machine and be issued a paper ballot.</b> He asked Commissioner Berg at which polling place she had heard of this incident, to which Commissioner Berg answered that it was at Hanalei Elementary School. <b>CEO Nago maintained that the precinct official did not follow the proper procedure and that OE will follow up.</b></p> <p>Commissioner Steffey asked CEO Nago if there is a specific procedure in place for securing the memory cards that are removed from the Hart ballot scanning machines. <b>CEO Nago explained that everything is sealed, verified by official observers, and signed off on when it goes out before Election Day, and when it comes back. (WE has lots of blank memory device forms)</b></p> <p>In regards to the hacking concern, Sen. Slom asked CEO Nago if there <b>are any new procedures in place to guarantee that the memory cards are secure.</b></p> <p>CEO Nago confirmed that the voting system is a standalone system that is <b>not connected to the internet in any way, and that everything is sealed with a unique serial number and recorded.</b></p> <p>Sen. Slom asked CEO Nago who is responsible for providing information on the different charter amendments. With regard to the two constitutional amendments, CEO Nago stated that the law used to require the Legislative Reference Bureau (LRB) to provide pros and cons on the charter amendments, however the law has since changed. He added that in some states like California, this information is provided by the AG's Office. <b>Sen. Slom asked CEO Nago if he can find out who will provide this information, as education should be the main goal.</b></p> <p><b>Senator Slom had encouraged the EC to do more to remedy low voter turnout, and asked if there is anything the EC is able to do to help.</b> Commissioner Berg suggested that the EC can encourage OE to do more PSAs, and said that she thought OE's "I'm a Voter" campaign was great. CEO Nago clarified that the "I'm a Voter" campaign was done by Hawaii News Elections Commission Meeting Minutes Now.</p> <p>Chair Anderson asked CEO Nago if there is money in the budget that is earmarked for these advertisements, to which CEO Nago replied that OE uses federal funds for these commercials. He added that OE's advertisements cover the mechanics of voting (i.e., voter registration, precinct official recruitment, online registration, single party primary, etc.). <b>CEO Nago stated that the most effective way of increasing voter turnout in other states has been going to all-mail elections. Chair Anderson agreed and encouraged the EC to push their legislators to support all-mail elections.</b></p> <p>Commissioner Bates mentioned that Commissioner Vierra had shared a video via email with the rest of the EC regarding the hacking of voting machines and the issue of security. He asked CEO Nago if he had any thoughts on the video.</p> <p>CEO Nago stated that Commissioner Vierra had sent the video before the Primary Election, and because a lot has happened since then, he would need to first review it to refresh his memory.</p> <p><b>Chair Anderson reiterated that OE's system cannot be hacked into, as CEO Nago explained earlier.</b></p> <p><b>Chair Anderson stated that during this upcoming legislative session, his main goal is to get the all mail bill passed.</b> He said that in the last few weeks, he has met with six legislators who are key in passing this bill, and found that they have no objections.</p> <p>Chair Anderson urged the rest of the EC members to meet with their local legislators, and said that they could be provided with a <b>summary sheet that highlights the benefits of all mail elections.</b></p> <p>He added that all mail voting would <b>eliminate various issues that occurred on General Election Day, including the long lines and the machine jams.</b></p> <p>Commissioner Takenaka asked CEO Nago how much it would cost to implement all mail voting. CEO Nago explained that OE is proposing that it be implemented in phases by county, and that once it is completely carried out, <b>there will be an estimated savings of \$800,000 per election cycle.</b></p> <p>CEO Nago explained that SB 462 was the only bill of the four to cross over. He added that although OE's all-mail bill did not pass, HB 1401/SB 334 did; one would implement all-mail elections statewide, and the other would do so in a staggered fashion. CEO Nago stated that OE prefers the Senate version of the bill because it allows for implementation as early as 2018 if necessary.</p> <p>CEO Nago said that OE acknowledges that there are concerns regarding fraud in elections, however they believe that there are sufficient safeguards in place. For absentee mail ballots, a signature is required on the outer envelope, which is verified by the clerk's office against the signature on file. In addition, a yellow card is sent to the mailing address of every voter prior to the election, which is the same address the absentee ballot would be mailed to. Thus, CEO Nago explained that if a person did not receive their yellow card, it would prompt them to follow up and update their registration if necessary.</p> <p>Chair Anderson pointed out that there is a lot of concern regarding fraud in elections, and asked CEO Nago to review the safeguards that are currently in place regarding absentee mail ballots. CEO Nago explained that when a person registers to vote or makes any changes to their existing registration, they include their signature on the application, which is captured and saved on file. When an individual is returning their voted absentee ballot, they are required to sign the outer envelope, which is then checked against the signature on file. If the signatures do not match or the outer envelope is not signed, the ballot is either sent back to the voter or held, depending on the county.</p> <p>Commissioner Takenaka asked if it is the EC's role to encourage the Governor to pass or veto bills that affect them. Commissioner Okazaki responded that the responsibility of the EC is to oversee CEO Nago.</p> <p>Chair Anderson asked CEO Nago if there was any evidence during the last election of any outside tampering with the election process or anyone's vote. <b>CEO Nago replied that there was no evidence of tampering with votes, as the vote counting system is not attached to the internet.</b> He explained that the vote counting system is tested, certified, locked down, and sealed by independent official observers prior to each election, and that tampering with a machine would require breaking the physical seal. On election day, the voting machines are managed at the polling places by the election day officials. Finally on election night, the results are audited, so any tampering that occurred would be found in the audit.</p> <p>CEO Nago stated that there was also no evidence of any tampering with the voter registration system. He said that <b>OE works with the state Office of Enterprise Technology Services (OETS), who in turn works with the U.S. Department of Homeland Security (DHS) to ensure that the system is secure and equipped with the necessary security programs and updates.</b> CEO Nago disclosed that it was reported that 21 states were targeted during the last election, but OE was informed by DHS that <b>Hawaii was not one of those states. (Can we see this report?)</b></p> <p>Commissioner Vierra asked CEO Nago what the legislature's concerns are regarding all-mail voting. CEO Nago said he believes it was a funding issue, as OE estimated a need for \$1 million in startup costs, \$200,000 of which would be spent on office voter education, and the rest divided amongst the counties for scanners/sorters, signature captures, drop boxes, and security for the drop boxes. He added that operational costs were also questioned, which is not something that can be answered now, as the 2020 operational costs would come out of the 2020 budget next session.</p> <p><b>Commissioner Steffey asked CEO Nago to confirm that the estimated cost savings of switching to all-mail voting would be \$800,000 per election. CEO Nago stated that the savings would be approximately \$750,000 per election, which is essentially the labor cost for election day officials. He explained that the \$750,000 estimate was calculated in 2014;</b> when the current contract expires in 2020, OE will go through the procurement process to secure a new contract, which will determine a more updated savings estimate.</p> <p>He added that of the 286,000 people who voted in the Primary Election, two out of three voted prior to Election Day; this means that only one out of three walked into their polling place on Election Day.</p> <p>Bart Dame: "...presidential preference poll is currently held on a specific day at a single location, and people wait in long lines to cast their vote. He said that the Democratic Party of Hawaii does not have the technical ability or the resources to provide for early voting in a way that is secure and guards against error and fraud." NAGO: "CEO Nago explained that in order to bring down the \$2.8 million cost, the presidential preference poll would need to be held in conjunction with the regularly scheduled primary election. However, doing so would also require that the date of the primary election be moved, as it would need to occur prior to the national convention."</p> <p>CEO Nago clarified that absentee mail ballots, including the ones dropped off at polling places on election day, are processed in a specific way. Previously, the City Clerk's Office used to manually scan the barcodes and verify the signatures. He said that they have since purchased a scanner/sorter machine that performs these functions at high speed. However, the machine is about 15 feet long and is not portable, so the ballots need to be taken to the machine, which is stored at the Clerk's Office near the airport. Once the ballots are scanned and verified, they are brought to the Capitol to be processed.</p> <p>Ms. Marinelli asked CEO Nago what he means by "verifying signatures." He explained that when a person registers to vote, they are required to sign the application. That signature is captured and stored in the database, which is then verified against the signature on the absentee mail ballot envelope. Ms. Marinelli asked what happens if a voter signs a loop in the wrong direction. CEO Nago stated that it is meant to be a security feature, but less than 1% of ballots get invalidated, including blank and mismatched signatures.</p>
2016-08-31-EC-Regular-Meeting-Minutes-FINAL_Reviewed_Y2024-05-03.pdf	Page 4 of 10	<b>Chair Anderson</b> - Third issue is hacking into voting machines	
2016-08-31-EC-Regular-Meeting-Minutes-FINAL_Reviewed_Y2024-05-03.pdf	Page 4 of 10	Commission Berg - Reported incident woman voting on machine wanted to change her mind and vote on paper but was told she could not; she left without voting	
2016-08-31-EC-Regular-Meeting-Minutes-FINAL_Reviewed_Y2024-05-03.pdf	Page 5 of 10	<b>Commission Steffey</b> -is there specific <b>procedure for securing memory cards?</b>	
2016-08-31-EC-Regular-Meeting-Minutes-FINAL_Reviewed_Y2024-05-03.pdf	Page 6 of 10	<b>Senator Slom</b> -great question on memory card and if voting systems are connected to the internet	
2016-08-31-EC-Regular-Meeting-Minutes-FINAL_Reviewed_Y2024-05-03.pdf	Page 7 of 10	<b>Sen. Slom</b> asked CEO Nago who is responsible for providing information on the different charter amendments.	
2016-08-31-EC-Regular-Meeting-Minutes-FINAL_Reviewed_Y2024-05-03.pdf	Page 8 of 10	<b>Commissioner Steffey</b> - reiterated Sam Slom's inquiry getting help to improve the low voter turn out	
2016-08-31-EC-Regular-Meeting-Minutes-FINAL_Reviewed_Y2024-05-03.pdf	Page 8 of 10	<b>Commissioner Bates</b> -shared about Commissioner Vierra's video about the hacking of voting machines	
2016-12-02-EC-Regular-Meeting-Minutes-FINAL_Reviewed_Y2024-05-03.pdf	Page 4 of 9	All Mail-in Ballots	
2017-03-13-EC-Regular-Meeting-Minutes-FINAL_Reviewed_Y2024-05-03.pdf	Page 3 of 7	CEO Nago assurances of sufficient safeguards in place to prevent fraud	
2017-03-13-EC-Regular-Meeting-Minutes-FINAL_Reviewed_Y2024-05-03.pdf	Page 4 of 7		
2017-03-13-EC-Regular-Meeting-Minutes-FINAL_Reviewed_Y2024-05-03.pdf	Page 7 of 7		
2018-02-22-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-03.pdf	Page 4 of 8	Chair Anderson asked CEO Nago if there was <b>any evidence during the last election of any outside tampering with the election process or anyone's vote</b>	
2018-02-22-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-03.pdf	Page 5 of 8		
Y2018-09-16	Page 4 of 7	Performance Metrics of 2018 Primary Election	
Y2018-09-16	Page 5 of 7	Presidential Preference	
Y2018-09-16	Page 6 of 7	Signature Verification	



2018-12-13-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 4 of 7	Questions about scanner margin of error and signature verification	<div>Mr. Waters said that according to Rich Geppart of Hart Intercivic, there are three types of machines: the eSlate, the eScan, and the Ballot Now. The eSlate is a type of computerized voting that prints out a verification of how votes were cast, and the eScan takes a digital picture of the ballot. <b>Mr. Waters stated that he wanted to ask OE what the margin of error is on the machines. He explained that he is a criminal defense attorney, and the DUI machine has a margin of error of .05 that the courts recognize. Mr. Waters said that there must be a margin of error on the eScan machine. He stated that if he outside the margin of error, he will accept it; if he is within the margin of error, a recount should be done for the confidence in the system.</b></div> <div>Regarding the Ballot Now machine used for absentee ballots, Mr. Waters stated that to his understanding, the signature on the envelope is verified against the signature on the voter registration form. If the signatures do not match and the machine rejects the ballot, a person physically compares the signatures.</div> <div>CEO Nago added that OE will also be asking voters to return notification cards to their County Elections Division if any are received in error (e.g., a voter no longer resides at that address). Rather than simply throwing them away, returning them will help to clean up the voter registration rolls. <b>CEO Nago stated that there are currently 775,000 registered voters in Hawaii, 734,000 of which are active voters. This means that approximately 40,000 or 5% of voters are designated as “inactive,” and can only be removed from the voter registration rolls if they fail to update their registration within two election cycles.</b></div> <div>Commissioner Kuwada asked CEO Nago if the signature database will be maintained by the state. <b>CEO Nago replied that the database will be maintained by the state, but the inputting and the ownership of the data is the responsibility of each individual county.</b></div> <div>Mr. Dame said that the Democratic Party is also preparing to mail absentee ballots to the approximately 100,000 members statewide. He added that they are <b>working with vendors to obtain scanners that are capable of reading and tabulating the votes.</b> Mr. Dame stated that it will be an ambitious and expensive project for the Democratic Party, and just wanted OE and the EC to be aware of it.</div> <div>Chair Anderson stated that the EC will be voting on CEO Nago’s reappointment, as his term is up in February of next year. He told the EC that their meeting folders contained the surveys that were used for CEO Nago’s evaluation in 2015, and that he would like them to take it home, review it, and see if there are any changes that they would like to make. Following this, they will collect the completed surveys and vote on CEO Nago’s reappointment.</div> <div>Commissioner Curtis asked if the surveys will be collected at a later date, to which Chair Anderson said that they will be, and that the EC has some time before they need to vote on the reappointment. Commissioner Curtis asked CEO Nago how long his contract is. <b>CEO Nago said that he does not really have a contract, but that his term expires in February 2020. Commissioner Okazaki asked what CEO Nago means when he says he does not have a contract, to which Deputy AG Kunimoto explained that he is not on a contract with the State and his position is appointed.</b></div> <div>With no further comments, Chair Anderson asked for a motion to go into executive session as stated in the agenda, i.e., to approve the minutes for the executive session for the meeting of December 13, 2018; and pursuant to Section 92-5(a)(4), HRS, to consult with the board’s attorney on questions and issues pertaining to the board’s powers, duties, privileges, immunities, and liabilities, and action, if appropriate, relating to litigation. The motion was made by Commissioner Takenaka, seconded by Commissioner Seielstad, and approved unanimously by the Commissioners.</div>
2019-06-12-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 3 of 8	Voter Roll Clean-up	
2019-06-12-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 5 of 8	How will signature database will be maintained?	
2019-06-12-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 6 of 8	Presidential Preference Democratic Party side	
2019-06-12-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 7 of 8	Method of Evaluation of Chief Election Officer	
Y2019-10-29	Page 3 of 8	Nago explaining Mail-In Ballot Process	<div>CEO Nago reported that OE is working collaboratively with the counties, and that their focus has been on educating voters about all-mail elections in 2020. He said that a mailer with this information was sent to each voter in July, a sample of which was included in the EC’s meeting packets. CEO Nago explained that the National Voter Registration Act, a federal law, states that the only way a voter can be removed from the rolls is by a returned mailing. In describing the process, CEO Nago stated that if a voter has forwarded their address, their registration will get flagged. The counties will then follow up with another card called the “white card,” and the voter’s status is changed to “inactive.” The voter then has two election cycles, or two general elections to correct their registration. If they fail to do so within that time parameter, the voter is removed from the rolls.</div> <div>CEO Nago stated that a second mailer will be sent in January, notifying the voters of important dates and information regarding the voter service centers. In April, a signature capture card will be sent, requesting an updated sample of the voter’s signature. CEO Nago clarified that the signature sample is checked against the signature on the ballot envelope, which is one of the ways a voter’s identity is verified.</div> <div>CEO Nago said that OE will be running television, digital, and radio advertisements beginning in April, asking voters to return the signature capture card with a current signature. In July and October, OE will be running an ad for the voter registration deadline. CEO Nago added that although there is a voter registration deadline, voters still have the opportunity to register and vote at a voter service center on election day. At the end of July, OE will run ads explaining the importance of signing the return envelope, and another in August regarding instructions for voting in a single party primary election. Regarding election security, CEO Nago stated that they have been noticing misinformation on social media, such as false claims of closed polling places. He said OE wants to make sure that their website has the most accurate information. In addition, OE is working with the National Governors Association on cybersecurity messaging. Chair Anderson stated that there will be a certain percentage of voters who do not return the signature capture card the first time. He asked CEO Nago what their second opportunity will be. CEO Nago replied that if a voter does not have a signature on file, there is a remedy period written into the elections by mail bill during which time the voter can come in to sign their ballot and verify their identity. Chair Anderson asked if a voter would still receive a ballot if they did not return the signature capture card. CEO Nago confirmed that all voters whose registrations are up to date will receive a ballot. Commissioner Curtis said that CEO Nago had mentioned that there is 30-day period prior to the election to register, otherwise individuals can register on election day at a voter service center. CEO Nago answered that is correct.</div>
2019-10-29-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 5 of 8	Process of Purging Voter Rolls	<div>CEO Nago explained that the 680,000 notification cards were sent only to active voters, and that the number from November 2018 that Ms. Mason referred to included both active and inactive voters. He clarified that the inactive voters are those who were sent the mailing which bounced back, then were subsequently sent a forwardable card and had four years or two general elections to correct their registration. CEO Nago said that this most recent notification card was not forwardable, so if they were sent to inactive voters, they would just be returned as undeliverable. Thus, the most recent notification card was only sent to active voters. <b>As an example, CEO Nago stated that approximately 25,000 voters were removed from the white card mailing in August 2019, meaning they were flagged as inactive voters four years ago.</b></div> <div>Commissioner Curtis asked CEO Nago if the voters who were removed were the individuals whose cards bounced back. CEO replied that is correct.</div>
2020-02-21-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 2 of 8	National Governors Association (NGA) Policy Academy	<div>OE also participated in the National Governors Association (NGA) Policy Academy; Hawaii was one of seven states selected to participate. CEO Nago shared that the Policy Academy consisted of best practices and tabletop exercises.</div>
2020-02-21-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 2 of 8	Nago reviews candidate filing period.	<div>CEO Nago stated that he is going to walk through the process of elections, beginning with February 3rd, which was the start of the candidate filing period.</div>
2020-02-21-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 2 of 8	NVRA requirement to inform voters that they are registered	<div>In April, they will be <b>sending out signature capture cards to voters.</b> CEO Nago explained that the National Voter Registration Act (NVRA) requires a mailing to inform voters that they are registered, <b>and only allows the process to remove voters to begin after a returned mailing.</b> He added that voters cannot be removed simply due to a failure to vote, and emphasized the importance of keeping one’s voter registration information up to date since ballots are not forwardable</div>
2020-02-21-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 3 of 8	End of Candidate Filing Period	<div>CEO Nago stated that the candidate filing deadline is June 2nd. He explained that candidates who want to run for office need to obtain the requisite number of signatures of voters in the district in order to file for office.</div>
2020-02-21-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 3 of 8	Testing of Vote Counting System	<div>Following this, CEO Nago said that there is <b>ballot proofing, and then the testing of the vote counting system, which is done by the official observers, who serve as the eyes and ears of the general public. He added that the official observers mark ballots, test and certify the machines, then lock them down until election day.</b></div> <div>CEO Nago explained that 30 days prior to the election is the voter registration deadline. He reiterated that it is important for everyone to keep their voter registration up to date, because individuals who are not properly registered will not receive a ballot. CEO Nago said that 18 days prior to the election is when ballots are expected to arrive at households. <b>He stressed the importance of signing the back of the envelope prior to returning it, and that ballots need to be received by the Clerk’s Office by 7:00 p.m. on election day.</b></div> <div>CEO Nago stated that 10 days prior to the election, voter service centers will open statewide for in-person voting and election-day registration. He added that the locations of the voter service centers are determined by the County Clerks, pursuant to Act 136.</div> <div>CEO Nago said that five days prior to the election, secure ballot boxes will be available for voters to drop off their ballots, and that ballots must be received by 7:00 p.m. on election day.</div> <div>He mentioned that a tracking system will be available for voters to confirm that their ballot has been received by the Clerk’s Office and validated for processing. <b>CEO Nago stated that if a voter does not sign their ballot, they will be notified by the Clerk’s Office and will have five days after the election to remedy the issue. He added that the entire process is then repeated for the general election.</b></div> <div>CEO Nago reported that OE has met with the <b>United States Postal Service (USPS) and shared samples of the mailings with the letter carriers to stress their importance and ensure that they are delivered.</b></div> <div>OE will continue to work with the State Fusion Center, the Office of Enterprise Technology Services (OETS), and federal partners.</div>
2020-02-21-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 3 of 8	Ballot tracking system for voters	
2020-02-21-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 3 of 8	OE vetted USPS services	
2020-02-21-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 3 of 8	Mail-In Vote In Process Partners	
2020-02-21-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 6 of 8	Mrs. Ma of Common Cause asking for a review of the Voter Rolls due to Ten individuals reporting have not received postcard	<div>Ms. Ma replied that her suggestion was for a <b>review to be done to find out where the possible breakdown may have happened, if there was one.</b></div> <div>Commissioner Vierra asked CEO Nago if undeliverable cards are returned to OE, to which CEO Nago confirmed that they are. CEO Nago explained that voters whose cards are undeliverable are sent a forwardable card, and then have <b>two general elections to update their address, or are otherwise removed, as per the NVRA. He added that county clerks used to have the power to remove voters for any reason, so the NVRA was enacted to protect the rights of voters.</b></div> <div>Commissioner Bates asked CEO Nago if these issues will be addressed in OE’s advertisement campaign to educate the public. <b>CEO Nago replied that the card has two purposes: to bring awareness to elections by mail and to clean up the voter rolls. He said that the mailings have been working because the returns have gone down from 6% for the first mailing to 3% for the second mailing.</b> CEO Nago stated that another card will be sent out in April, so the hope is that the returns will decrease further.</div> <div>Commissioner Curtis asked CEO Nago for his estimate of the number of moved voters that would be undeliverable. CEO Nago answered that <b>20,000 cards were returned statewide for the January card. He reiterated that these voters will be flagged, and a follow-up mailing will be sent to them via forwardable mail. These voters would then have two general elections to update their address, or they will be removed.</b></div>
2020-02-21-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 6 of 8	Nago stated that, " two general elections to update their address, or they will be removed"	<div>Commissioner Curtis asked CEO Nago if the returned cards are sent to OE or the Clerk’s Office. CEO Nago responded that the <b>returned cards are received by the Clerk’s Office, as they are the only ones who can remove names from the voter rolls.</b> Commissioner Curtis asked CEO Nago if the information is then forwarded to OE. CEO Nago replied that it is not, as voter registration is the responsibility of the County Clerks.</div>

2020-02-21-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 7 of 8	EC went into Executive Session <b>to evaluate and reappoint Nago as CEO.</b>	Evaluation of the Performance of the Chief Election Officer and Reappointment, If Appropriate, Pursuant to HRS §§ 11-1.6 and 11-7.5 Pursuant to HRS § 92-5(a)(2), the Commission anticipates going into an <a href="#">executive session to consider the evaluation of the performance of the Chief Election Officer and reappointment.</a>	
2020-07-23-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 3 of 12	On Saturday July 25, 2020, Nago conducting logic and accuracy test of the vote counting system	CEO Nago reported that OE will be conducting the logic and accuracy test of the vote counting system this Saturday in the presence of Official Observers. He explained that <b>Official Observers are representatives of the political parties who serve as the “eyes and ears” of the general public, mark test ballots, and ensure that the logic and accuracy of the machines are working properly.</b>	Was there a report to review?
2020-07-23-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 3 of 12	August 8, 2020 first result report to be released.	CEO Nago stated that the County Elections Divisions will be opening the voter service centers next Monday, where voters can register and vote in person. He said that over 7,000 ballots have been received so far, and that ballot processing will begin on Wednesday of next week. CEO Nago added that the law allows for processing to begin 10 days prior to Election Day, and that the first result report will be released after 7:00 p.m. on August 8.	Was there a report to review?
2020-07-23-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 7 of 12	Tracking ballots during USPS side	CEO Nago reiterated that they are looking into working with USPS to be able to track ballots within the postal stream for future elections.	
			Chair Anderson asked CEO Nago how many days he thinks it would take for a ballot to be dropped into the mail and received by the County Elections Division.	
			CEO Nago replied that the length of time it takes for delivery depends on a voter’s location. He explained that USPS recommends five days for rural areas, or a 967 zip code, and two days for urban areas, or a 968 zip code, though they have seen returns as quick as one day. Regarding results being reported prior to Election Day, CEO Nago stated that the law prohibits them from doing so, and that he does not believe that occurs anywhere in the US.	
2020-07-23-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 8 of 12	Complaint by Karl Dicks, Candidates are not filing correctly	Mr. Dicks stated that this is his first time running for office in Hawaii, and that he is running for mayor. He said that when he filed his nomination papers in February, he noticed that there were many other candidates who were not yet “registered” who were accepting donations and campaigning actively. For the protection of the public, Mr. Dicks reported that he and others filed several objections regarding ethics and law violations. He stated that it is clear in federal law that fraudulent misrepresentation is portraying that you are someone you are not, and that he understands that Campaign Spending requires candidates to file reports once they collect \$100 because some were otherwise not doing so.	
			Mr. Dicks suggested that there needs to be additional clarification that simply accepting \$100 in donations does not automatically make someone a candidate, <b>but they must also file all necessary reports so it is all on record. He suggested that the rule should require that if you accept \$100 in donations, you must register within 15 days, because it is his belief that individuals are not registering so they can accept larger donations and engage in campaign activity that is not authorized once you are registered.</b> Mr. Dicks stated that it is fraudulent misrepresentation, and that the general public already has a distrust in the election process and thinks their votes are not counted. He said that the process to become a candidate is not difficult; you obtain the signatures on the nomination paper, have them verified, pay the fee, and take the oath.	Why wasn't an investigation initiated.
			Mr. Dicks explained that there is one candidate who has been in the media for 40 years and is well aware of the forms required to run political advertisements. He said he inquired in late February or early March whether that individual had registered, and his response was that the process was more complicated than he thought and that he would register that day. In late May, Mr. Dicks stated that the individual was on the radio again, and was asked by a caller if he had registered yet. His response was that he had not registered, but was planning to do so on June 1.	
			Mr. Dicks asked why these individuals are waiting and what the benefit is to not registering. He added that it is unethical and not the kind of behavior of someone we want to hold elective office. Mr. Dicks said that this was the foundation of all of the objections he filed. He explained that there were no procedures in place, so he developed a form and a process through which the form is timestamped and the objector is given a copy.	
2020-07-23-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 10 of 12	What is the definition of Candidate?	Mr. Dicks stated that CEO Nago made his point. Candidates who raise \$100 are self-declaring as candidates, despite the fact that they are not registered as required by OE. Chair Anderson asked Mr. Dicks what state law was broken. Mr. Dicks answered that he quotes the laws that were violated in his objections. He clarified that there is a federal law against fraudulent misrepresentation that is a Class C felony, punishable by up to \$10,000 penalty and up to five years in prison. Commissioner Koller told Mr. Dicks that his concern seems to belong in a different venue. She asked Mr. Dicks what he imagines to be an appropriate remedy that the EC can render for him. Mr. Dicks replied that this issue falls directly under the jurisdiction of OE because OE is where one takes the oath and pays the fees to officially be placed on the ballot. Commissioner Koller agreed that is where to find the rules for becoming an official candidate, but her question asked whether Mr. Dicks thinks the EC has some enforcement power or ability to issue a penalty, conduct an investigation, or bring a lawsuit, for example. Mr. Dicks responded that the EC appoints CEO Nago, so presenting his issue to the EC was the next logical step to appeal CEO Nago’s decision. He added that the remedy he sought was to disqualify the nomination papers of those candidates due to unethical behavior. Commissioner Koller told Mr. Dicks that she believes that the EC will be going into executive session to discuss his appeal.	
2020-07-23-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 11 of 12	<b>Chair Anderson Motions to Kill Karl Dick's complaint</b>	Chair Anderson stated that the EC moves to take no further action on Mr. and Mrs. Dicks’ complaint because the law or rule which they believe has been violated is not a law or rule that OE or the EC is statutorily authorized to administer or enforce.	
			Commissioner Seielstad made the motion, which was seconded by Commissioner Vierra, and approved unanimously by the Commissioners	
2020-12-15-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 4 of 19	<b>Per Commissioner Koller</b> , "ballots should be trackable through the United States Postal Service (USPS) mail stream?"	CEO Nago said that he would work with USPS on that. She asked CEO Nago for a status update. CEO Nago clarified that when he said they would work on it, he meant for the 2022 Elections, as it would have been too late to implement for the 2020 Elections. Commissioner Koller asked CEO Nago for a status update on tracking ballots through the mail stream for the 2022 Elections. <b>CEO Nago stated that currently, voters can track their ballots once it is received by the County Elections Divisions. He said that they are working with USPS to see if they would be able to begin tracking ballots once they are mailed out. CEO Nago explained that this would require things on OE's part, such as printing some sort of identifier on the ballot return envelope.</b>	
2020-12-15-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 5 of 19	Koller is asking how many Mail-In Ballots received by OE?	She also referred to a chart on pages four and five that shows the mail and in-person totals. Commissioner Koller went on to say that in the second paragraph on page five, CEO Nago describes how the envelopes with signature issues were remedied for five days after the election. At the end of the second paragraph on page five, Commissioner Koller quoted, “The final statewide results report is then released upon the completion of all County post-election counts. All voted ballots are then secured for storage for 22 months pursuant to federal law.” Commissioner Koller asked, given all of these references to numbers, which one, if any, reflects the final count including the remedied ballots. She said it does not appear that this information is in the report, and asked CEO Nago if he could amend his report to include it. CEO Nago explained that the purpose of the table on pages four and five was to show the differences in the results reports on election day through the final report on election night. He offered to provide the EC with the final result report, which is posted on the OE website. Commissioner Koller stated that she would like the Status of Operations report to include the final numbers, and that having it on the website is not an efficient way to communicate with the EC.	
			Commissioner Koller referenced page five of the Status of Operations report, where CEO Nago mentioned that OE provided an update to the Legislature on November 20, 2020 called Implementing Elections by Mail. She stated that Act 136, SLH 2019 requires that OE submit a report for every election through 2025, with the first one submitted on November 6, 2019. Commissioner Koller said that when she attempted to view the report on the OE website, she instead pulled up a four-page letter dated December 31, 2019 to the Senate President and the House Speaker regarding projections and cost comparisons for all mail elections versus polling places. She asked CEO Nago if this four-page letter is the report to the Legislature he referred to in his Status of Operations report. CEO Nago stated that he is looking at the website now, and the language says, “Act 136, Session Laws 2019 requires the Office of Elections to submit a report to the Legislature addressing the office’s progress in implementing elections by mail.” Below this statement, he pointed to a link that says,	
2020-12-15-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 6 of 19	Koller shares complaint of Republican volunteers not contacted to serve as Official Observers	Commissioner Koller told CEO Nago that one of the <b>complaints he will hear today is regarding the GOP not being given the opportunity to provide names for official observers.</b> She said that she personally knows about it because she signed up for every one of the ten days and was not called to service. Commissioner Koller reported that when she inquired with the GOP Chair, Greg Lussier, she was told that the spots had already been filled by the County Elections Division. She asked CEO Nago if these complaints should be directed to the Maui County Elections Division.	
			CEO Nago reiterated that the official observers are the state’s responsibility, and that OE sends notification to the political parties in February asking for a list of names. He went on to say that OE did not receive any names from the Republican Party, so they did have to move on with recruitment. CEO Nago stated that the Republican Party did reach out to OE after, and OE did try to make every accommodation to include at least one Republican observer on every shift on Maui	
2020-12-15-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 8 of 19	Greg Lussier, Maui GOP did make deadline for sending in volunteer list	Greg Lussier: Mr. Lussier introduced himself as the Chair for the Maui County Republican Party, and recalled that CEO Nago said that the Republican Party was provided an opportunity to submit a list of names to be official observers. He claimed that is not accurate, and that they were told before the deadline that the positions had already been filled.	
			Chair Anderson asked CEO Nago if he would like to respond. CEO Nago said that he does not know how to respond to that statement, and that he said what he believes to be true. Chair Anderson asked CEO Nago if OE’s response was sent to the state chair or the county chair, to which CEO Nago replied that the request was sent to the state chair of all parties.	

			<p>Brett Kolbis: Mr. Kolbis identified himself as the Chair of the Honolulu County Republican Party, and said after speaking with the Republican Party official observers, some, if not all, acted as election workers rather than observers, which violates HRS 16-45. He stated that during the administrative rules hearing, the Republican Party raised the issue that official observers were not identified in the administrative rules, and it was not addressed.</p>
2020-12-15-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 8 of 19	Kulbis reports volunteers were made election workers versus Official Observers	Commissioner Koller referenced page four, second paragraph of CEO Nago’s Status of Operations report, and said that the language speaks of election workers and official observers as if they are one and the same. She quoted, “Volunteers are also recruited to help with the processing of ballots and serve as Official Observers. Despite COVID-19, volunteers were eager to serve at the counting centers and we had more than enough people interested in participating. All shifts had ample coverage and many volunteers were willing to sign up for additional shifts as they became available.” Commissioner Koller stated that it is true that <i>many Republican Party members were eager to be observers but were not allowed to participate, and that the language blurs the distinction between an election worker and an official observer.</i> She added that if the distinction is not clear, it needs to be clarified in the law and added to the recommendations to the Legislature to fix in 2021.
2020-12-15-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 9 of 19	Nago agreed to have balance of Official Observers	Commissioner Koller reported that what she heard was that the Republican Party observers were asked by officials in the counting center to do certain tasks that interfered with their responsibilities as official observers. She asked CEO Nago if he will ensure that each political party is allotted an equal number of more than one observer for future elections, to which CEO Nago agreed.
2020-12-15-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 9 of 19	Koller calls out Nago for failure to purge voter rolls	She said her understanding is that there are 124,000 voters who have not voted in the last four primary and general elections as of the end of September 2020, according to the Hawaii Republican Party voter data center. Commissioner Koller asked CEO Nago if he will ensure the removal of voters as required by HRS Section 11-17. CEO Nago stated that HRS Section 11-17 is in conflict with federal law, the National Voter Registration Act, which does not allow the removal of voters for failure to vote. He explained that the only way a voter can be removed is if a voter cancels their registration, or if a mailing sent to a voter is returned as undeliverable. In this circumstance, a forwardable follow-up mailing would be sent, allowing the voter two general elections to update their registration. If the voter does not update their registration within this timeframe, only then can they be removed from the voter rolls.
2020-12-15-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 11 of 19	Kulbis complaint that dropboxes open as early as October 6 versus 5-days before election	Brett Kolbis: Mr. Kolbis identified himself again as the Chair of the Honolulu County Republican Party, and stated that he thinks Honolulu County may have violated HRS Section 11-109 (d) by authorizing that the drop boxes open on October 6. He said the law reads that the clerks may designate a place of deposit to be open five business days before the election. Mr. Kolbis stated that October 6 was much earlier than five days before election day, which questions the security of the drop boxes, as previously mentioned by Commissioner Koller. He requested that the EC inquire with the counties to ensure they are following the law so that the public can feel confident about the security of the drop boxes. Chair Anderson asked CEO Nago if he would like to respond. CEO Nago replied that his understanding is that the law says, “at least five days.” This was an interpretation by the counties’ corporation counsel, which allowed them to open drop boxes early. Mr. Kolbis said that the law does not say “at least five days,” but states, “...places of deposit to be open five business days before the election.” He stated that he understands that is a legal interpretation, but as a high school graduate, he reads the words the way they are written. Mr. Kolbis suggested that this revision be added to OE’s recommendations to the Legislature.
2020-12-15-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 13 of 19	Regentine complains of APO discrepancy of 98% Biden vs 2% Trump which doesn’t match enthusiasm for Trump	Ms. Regentine said that she observed approximately 98% of votes for Biden, and 2% of votes for Trump, and checked over half of the 1500 APO/FPO ballots. She stated that she was surprised to see only 2% of votes for Trump, when most individuals in the military that she knows support Trump. Ms. Regentine then compared these numbers to the statewide result, where Trump received 33% of votes, which was not consistent with the 2% that she saw. She reported that she wrote letters to the newspaper, though they did not publish them. Ms. Regentine stated that she also wrote letters to Lin Wood, Trump’s advisor, who said he would get back to her, and to U.S. Representative Ed Case, who did not respond. She said that she wanted to bring this issue to the attention of the EC because she believes there were issues with the APO/FPO ballots throughout the nation.
			Commissioner Koller requested an internal investigation into Ms. Regentine’s concern. Chair Anderson asked CEO Nago where the APO/FPO ballots are sent to. CEO Nago replied that they are sent to the County Elections Divisions for validation, then to the State for counting. He explained that the military and overseas ballots are HTML alternate format ballots that need to be duplicated to be counted. CEO Nago asked if the duplication was correct or incorrect. Commissioner Koller asked CEO Nago if there were observers from all of the political parties observing the duplication. CEO Nago confirmed that there were, and explained that the ballot is first duplicated by an election worker, then validated and signed off on by an observer. He added that there were at least 10 pairs of election workers and observers participating in this task, and no others had raised this concern.
2020-12-15-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 14 of 19	Maui GOP reports Maui OE did not have room for Republican Official Observers	Greg Lussier: Mr. Lussier reintroduced himself as the Chair for the Maui County Republican Party, and stated that they experienced many issues that he wanted to share with the EC. He reported that they were told by the Maui County Elections Division that they would not be able to accommodate their party members as observers, as the positions had already been filled. Mr. Lussier said that he raised his concern with new Maui County Clerk, Ms. Kathy Kaohu, who allowed them to have one observer rotate between the four counting stations, rather than accommodating their request for four observers. Regarding their poll watchers, Mr. Lussier stated that the Maui County Elections Division removed names from their list and changed their schedules. They were also required to stand on a platform 50 feet away, and were restricted from moving around freely in certain areas, such as the parking lot. He said that during the last few days, they were allowed to move around freely to observe, as there was no established rule that required them to stand 50 feet away. Mr. Lussier stated that the Republican Party feels that the political parties should be able to fill the official observer positions with their own representatives before other volunteers are considered. He added that he wants to know who made these decisions and why these issues occurred.
2020-12-15-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 15 of 19	Koller “CEO Nago reported that OE will be conducting the logic and accuracy test of the vote counting system this Saturday in the presence of Official Observers. He explained that Official Observers are representatives of the political parties who serve as the ‘eyes and ears’ of the general public.”	She said there is in writing and speech from CEO Nago regarding the need for observers from the political parties, however what occurred on Maui did not reflect this. Commissioner Koller requested that these issues be officially reported and investigated. Chair Anderson asked Mr. Lussier if he could put his concerns into writing, to which Mr. Lussier agreed.
2020-12-15-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 15 of 19	Nakanelua reports glaring lack of chain of custody	Laura Nakanelua: Ms. Nakanelua introduced herself as the RNC national committeewoman representing Hawaii, and asked CEO Nago what body approved the extended timeframe for the ballot drop boxes. CEO Nago replied that the drop boxes are the responsibility of each county, so their respective corporation counsel, or their legal advisor, would have approved that decision. Ms. Nakanelua asked CEO Nago if the law requires that no less than one member of each political party shall observe the pickup or transport of the ballots from the drop boxes. CEO Nago answered that he does not believe there is anything in law, so if that occurred, it would have simply been a voluntary practice implemented by the county. Ms. Nakanelua stated that she served as an official observer on several occasions, and there seems to be a glaring lack of chain of custody of the ballots via USPS mail and the drop boxes. She said that USPS does not deliver the mail ballots to the location where the signature verification is done, but instead the Honolulu City Clerk’s Office picks up the ballots from USPS unobserved. Ms. Nakanelua stated that there are many people in Hawaii who have concerns about the security of the mail ballot process, and the ability to observe what happens to the ballots once they have left the voters’ hands. She said she is unsure if this is a question for CEO Nago or the EC, but wants to know how the chain of custody issue can be addressed.
2020-12-15-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 16 of 19	Koller and Nakanelua addressing Chain of Custody	Commissioner Koller requested that CEO Nago include in his recommendation to the Legislature that they standardize some chain of custody and require observers to be present for the transportation and delivery of the voted ballots from the drop boxes and USPS. Ms. Nakanelua asked CEO Nago if he could address this concern in writing in his next report to the Legislature. CEO Nago replied that the receipt of ballots via USPS mail and drop boxes are the responsibility of the counties, so he can make the recommendation, but cannot guarantee that they will be on board. Commissioner Koller stated that she understands CEO Nago does not have the power to tell the counties what to do, and suggested that he recommend in his report to the Legislature that they give him that authority, or adopt a law that standardizes the requirements with regard to the chain of custody for ballots, including the requirement that the process be observed by the political parties. She told CEO Nago that he should be insisting that the Legislature reign in the counties’ discretion because the counties have gone too far in abandoning any semblance of chain of custody of ballots.
2020-12-15-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 17 of 19	Koller can a straight line be accepted as a signature?	Commissioner Koller asked Commissioner Dean if it is true that the machines that verify signatures can be set to a level that accepts a straight line as a valid signature. She added that she wanted to know if this was true for the Verity machines that CEO Nago reported won the bid. Commissioner Dean explained that because signatures are variable, the “hash function” needs to translate the signature its measuring into a multi-digit number, so the result will either be many false positives or false negatives. He said that he would be reluctant to approve a machine for signature verification, rather than human eyes. Commissioner Koller asked CEO Nago if machines will be used to conduct the signature verification. CEO Nago replied that three of the four counties use machines to compare signatures. Commissioner Koller asked which counties, to which CEO Nago answered that Kauai is the only county who validates signatures manually. Commissioner Koller started to mention
2020-12-15-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 18 of 19	How can the scanning settings be standardized in all counties to prevent fraud.	CEO Nago stated that if the signature verification machine rejects an envelope, a manual comparison is done. If there is still a discrepancy, the voter is notified, and they are given five days after election day to correct the issue. Commissioner Koller asked CEO Nago how the machine is set and whether it produces a lot of false positives or false negatives. CEO Nago answered that the counties are responsible for the signature verification and he does not know how they set the machines. Commissioner Koller asked CEO Nago if OE has anything to do with the contracting of these machines, to which CEO Nago said that falls under the jurisdiction of the counties.
2021-01-21-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04 at 1750.pdf	Page 3 of 10	Nakanelua requested EC to hold off evaluations until complaints from the 12/13/2020 EC meeting were addressed	Chair Anderson recalled that there were several individuals who voiced their concerns at the last EC meeting, but the EC received nothing in writing that he was aware of. Ms. Nakanelua said that in addition to herself, she thinks the County Republican Party Chairs for Oahu and Maui provided testimony at the last EC meeting, and she assumed that would become public record. She recalled Commissioner Koller requesting that CEO Nago include some of those concerns in his report to the Legislature, and asked the EC if they will be including that information in their evaluation. Ms. Nakanelua stated that to not have their concerns shared is disenfranchising a number of voters, and that they only want their issues (e.g., the lack of verifiable chain of custody, opportunity for fraud, Maui County concerns) on record.

2021-01-21-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04 at 1750.pdf	Page 4 of 10	Commissioner Koller expressed concern that the EC does not have the minutes from the last meeting on December 15, 2020	Commissioner Koller expressed concern that the EC does not have the minutes from the last meeting on December 15, 2020, which is where these concerns were first presented, and will not be posted until January 24, as per the Sunshine Law. She said that is not timely with respect to the report to the Legislature that the EC is supposed to take action on today, and that the draft report makes no reference to the concerns that were raised at the last EC meeting. Commissioner Koller stated that it is not just about the December 15th minutes being posted by January 24, but following that, the EC will need to have another meeting to review and approve those minutes for accuracy purposes. She said she does not understand how the EC can communicate with the Legislature without including the concerns that were raised in their evaluation. Commissioner Koller agreed with Chair Anderson that many of the issues focused on the conduct of the County Elections Divisions, particularly Maui County, however she did recall a number of complaints that required the review of the EC. As an example, she mentioned the issue regarding official observers. Commissioner Koller stated that CEO Nago did submit a letter to the EC after the December 15 meeting detailing his record of what occurred regarding the selection of official observers, though that was disputed by Mr. Greg Lussier, the Chair for the Maui County Republican Party, via verbal testimony at the December 15 EC meeting. Commissioner Koller recalled other concerns raised at the last EC meeting regarding the votes of military absentee voters appearing to heavily favor Biden versus Trump, and the lack of chain of custody for ballots from drop boxes. She added that Commissioner Dean had also raised concerns about whether the technology used to compare signatures was reliable. Commissioner Koller stated that the purpose of the EC's report to the Legislature is not to "gush with enthusiasm over a job well done," but to identify and share concerns within the EC's jurisdiction to the Legislature so they may take action if necessary. She said the only way to capture that is to first review and approve the minutes for the last EC meeting. Commissioner Seielstad referenced a line in the draft report to the Legislature that reads, "Going forward, we will continue to review procedures to ensure voters and volunteers have a smooth experience," and said she believes this statement covers much of what Commissioner Koller discussed. She added that the issues that were raised regarding Maui County do not necessarily apply to Kauai.
2021-01-21-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04 at 1750.pdf	Page 5 of 10	Kulbis reaffirms Koller and Nakanelua's call out of EC not having 12/15 minutes completed and lack of progress on clean up voter rolls	Brett Kulbis: Mr. Kulbis, Chair of the Honolulu County Republican Party, stated that he agrees with Commissioner Koller and Ms. Nakanelua. He said that he asked the Honolulu County Elections Division for the administrative rules regarding the conduct of elections, specifically the signature verification process and where it is held, which he knows is someplace near the airport. Mr. Kulbis stated that the Honolulu County Elections Division deferred to OE and pointed to the administrative rules, though he said the administrative rules said nothing about the signature verification process or VSC procedures. He explained that his other concern is regarding the voter rolls, though he does understand that the relevant federal and state laws conflict. Mr. Kulbis said that the Honolulu County Elections Division claimed that it is OE's responsibility to clean up the voter rolls, and vice versa, and he is unsure of who to reach out to next to ensure that the voter rolls are being cleaned up properly. Chair Anderson told Mr. Kulbis that they are required to follow the federal law when cleaning up the voter rolls, which is a lengthy process. He thanked the testifiers for sharing their comments and concerns, and assured them that the EC will work to find answers for them within a reasonable amount of time. Ms. Nakanelua asked the EC if they could have the opportunity to submit written testimony of their concerns within the next few days that the EC can refer back to. Chair Anderson answered that submitting written testimony is recommended, as there is no dispute over what was said or what question is being asked.
2021-01-21-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04 at 1750.pdf	Page 8 of 10	Koller complains about lack not including issues raised at 12/15/20 EC meeting in Legislature Report	Commissioner Koller asked if it is the priority of the EC to minimize the need for discussion and meetings. Commissioner Curtis stated that it takes five votes to make an action valid, and he does not think the five votes are there. Commissioner Koller said that it seems as though the EC does not want to discuss matters that were raised during the December 15 meeting. Commissioner Seielstad and Chair Anderson disagreed. Commissioner Curtis suggested that they take a vote. Commissioner Kiguchi stated that he completely agrees with the contents of the draft letter, and thinks that CEO Nago and his team did a very good job with conducting the 2020 Elections. He asked the EC where they left off with regard to addressing the concerns that were raised at the last meeting. Chair Anderson suggested that they add a paragraph to the draft report stating that they do not have the minutes from the last meeting, but will be conducting an investigation and may submit a supplemental report at a later date.
2021-01-21-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04 at 1750.pdf	Page 10 of 10	EC pushes draft of report to Legislature	Commissioner Koller stated that her preference would still be for the EC to not send the report, which is already 20 days late and communicates nothing substantial. She said that though they do not yet have the minutes for the December 15 meeting, the EC knows that there were concerns raised regarding OE duties and functions. Commissioner Koller stated that the EC will look foolish to the Legislature if they submit the report now, then identify issues later that may need Legislative action to correct. She reiterated that she would prefer that the EC votes down the draft report today and waits until after they have reviewed and approved the December 15 minutes to write an appropriate report. Chair Anderson stated that there is a motion on the floor and asked for a vote. The votes were as follows: 6 Ayes: Commissioners Anderson, Curtis, Kiguchi, Seielstad, Takenaka, Vierra; 1 No: Commissioner Koller. Chair Anderson stated that the motion carried.
2021-02-08-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04 at 1856.pdf	Page 2 of 20	Audio recording; first time	Elections Commission (EC) Secretary, Ms. Jaime Kataoka, stated that she wanted to make a few housekeeping announcements. She said that today's meeting is being recorded and that all participants except for the EC will be muted until public testimony. Ms. Kataoka reminded the attendees that all non-Commissioners should have their video turned off until they are called on during public testimony, and to identify themselves before speaking. Commissioner Koller said that she wanted to follow up on some items in the minutes, and asked if now is the appropriate time. Chair Anderson confirmed that it is. Commissioner Koller stated that the minutes in and of themselves are accurate, aside from the typos she mentioned earlier. She asked when the EC will discuss whether they should make any findings and recommendations as a supplemental report to the Legislature. Chair Anderson replied that they are having that discussion now, and that he wants to make sure they focus on issues that are the responsibility of OE, not the County Elections Divisions. Commissioner Koller asked if there is anything in law that says the EC cannot provide recommendations to the Legislature regarding improvements for the County Elections Divisions. Chair Anderson stated that he thinks it is valid to mention some of these concerns, and though there may have been a couple of missteps, there was nothing of major proportion that he saw. He said there is a draft letter that the EC can offer comments on. Commissioner Koller stated that she thought the letter had been submitted with a paragraph indicating that the EC may provide a supplemental letter after they reviewed the minutes from the previous meetings. Chair Anderson told Commissioner Koller that she was correct. Commissioner Koller said that the chart they were provided that lists the responsibilities of the State (OE) versus the County Elections Divisions was very helpful, and that the Counties have a lot of discretion with the way the law currently stands. She stated that they have discretion regarding the number and locations of voter service centers (VSCs), and whether to utilize observers or cameras for the chain of custody of voted ballots from the drop boxes to the County offices, which she said no County is currently doing. Commissioner Koller recalled that when she asked CEO Nago if he thought having observers cameras would improve the security and integrity of the transportation of voted ballots, he agreed but said it was a County matter. She suggested that the EC recommend to the Legislature that they consider shifting that delegation of responsibility from the Counties to OE, or that they pass a law that standardizes requirements for ballot transportation. Commissioner Koller stated that it is important for voters to feel confident in the election system, which is not just a local issue. She referenced the testimony of Laura Nakanelua, the RNC national committeewoman for the Hawaii Republican Party, in the December 15, 2020 meeting minutes, who said, "...there seems to be a glaring lack of chain of custody of the ballots via USPS mail and the drop boxes" and that the "Honolulu City Clerk's Office picks up the ballots from USPS unobserved." She also quoted Ms. Nakanelua saying, "...there are many people in Hawaii who have concerns about the security of the mail ballot process, and the ability to observe what happens to the ballots once they have left the voters' hands." Commissioner Koller said this is an example of an area that the County Elections Divisions have jurisdiction over that the EC may want to recommend be changed. Commissioner Curtis stated that one of the EC's duties is to investigate and hold hearings for receiving evidence of any violations and complaints. He said this sounds like a complaint and that he thinks it is within the EC's authority to hold a hearing and perhaps make recommendations to the Legislature, to be discussed at a future meeting. Commissioner Koller agreed that this topic could be discussed at another meeting. Chair Anderson said that it is possible this issue is already being
2021-02-08-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04 at 1856.pdf	Page 5 of 20	Koller also bringing up Nago's USPS followup	Commissioner Koller recalled from the meeting minutes that CEO Nago stated that OE is working with USPS on tracking ballots through the mail stream. She said that CEO Nago mentioned that would require OE to print an identifier on the ballot return envelope, but he could not commit to having that function ready for the 2022 Elections. Commissioner Koller stated that because other more populous states are doing this, there is no reason why CEO Nago should not be able to make that commitment. She suggested that the EC recommend to the Legislature that they require OE to have ballot tracking through the mail stream by 2022. Chair Anderson stated that CEO Nago is working on it, and that they would be telling USPS what to do. Commissioner Koller disagreed and said they would be telling CEO Nago what to do because it is OE's responsibility to print the identifier on the ballot return envelope. She added that this issue has nothing to do with USPS because it is being done in other states. Commissioner Koller said there would be no consequence if OE failed to implement ballot tracking by 2022, but it is a matter of having the Legislature prioritize the issue by passing a resolution or law. Commissioner Vierra asked if the EC would need to go through the Legislature to handle this issue. Chair Anderson replied that the EC can ask CEO Nago these questions and have that discussion with him. Commissioner Vierra stated that since the EC evaluates CEO Nago's performance, it seems as though they could have that conversation with him internally, rather than going through the Legislature and turning the issue into a long, drawn out affair. Chair Anderson agreed that the EC should have that discussion with CEO Nago first, so they can learn what the stumbling blocks are, then decide what to do going forward.
2021-02-08-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04 at 1856.pdf	Page 5 of 20	Koller brings up Maui Official Observer complaint	Commissioner Koller referenced the December 15, 2020 minutes in which Greg Lussier, Chair of the Maui County Republican Party, testified that CEO Nago allowed one official observer from the Republican Party for each shift at the Maui county counting station, although Chair Shirlene Ostrov had not submitted a list of names in a timely manner. She said the point Mr. Lussier was trying to make was that one observer per shift was not adequate, since that observer had to be rotated between the four counting stations. Commissioner Koller recalled Commissioner Dean saying at the December 15, 2020 meeting that arbitrary deadlines should not restrict political party representation at the counting centers. She suggested that this issue be communicated to the Legislature.
2021-02-08-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04 at 1856.pdf	Page 6 of 20	Koller insisting that issue be communicated to Legislature	Commissioner Curtis told Commissioner Koller that this issue is already on record and that she is being redundant. Commissioner Koller agreed that it is recorded in the minutes, but it is not being communicated to the Legislature. Chair Anderson asked Commissioner Koller why the EC should bring this to the attention of the Legislature when the fault lies with the then-Chair of the Republican Party, Shirlene Ostrov, who did not submit the list of names. Commissioner Koller stated that there is nothing in law that says the names have to be submitted by a certain date, and that if CEO Nago had the power to add one observer from the Republican Party per shift, he could have added four. Chair Anderson said that CEO Nago had given Ms. Ostrov extra time and she still did not submit the list of names. Commissioner Koller stated that she did not believe that was relevant because the deadline was arbitrary, and that she knew Ms. Ostrov collected names past the deadline because Commissioner Koller had signed up for every shift every day and was not called to work as an observer.
2021-02-08-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04 at 1856.pdf	Page 6 of 20	Koller brings up Kulbis functions of election workers versus official observers need to be clarified in the law or by administrative rule.	Commissioner Koller referenced the minutes in which Brett Kulbis, Chair of the Honolulu Republican Party, testified that the functions of election workers versus official observers need to be clarified in the law or by administrative rule. Commissioner Curtis asked if this is on today's agenda, to which Commissioner Koller replied that it is in the minutes. Commissioner Curtis asked if the minutes have been approved, and Commissioner Koller said that the EC can continue this discussion after the approval of the minutes. She added that Chair Anderson had said now is the time to discuss what the EC thinks should be included in the supplemental report to the Legislature.



2021-02-08-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04 at 1856.pdf	Page 7 of 20	Koller brings up Kulbis complaint of voter rolls	<p>Commissioner Koller recalled that the other issue Mr. Kulbis raised was regarding cleaning up the voter rolls. She said she did not want to repeat the discussion about how our state law conflicts with the federal law, which is what is followed. Commissioner Koller stated that according to the chart they received, consistent with CEO Nago's testimony, this is a responsibility of the County Elections Divisions. She said the EC needs to know whether the counties are fulfilling this duty and if not, the EC may make a recommendation to the Legislature to shift this responsibility to OE. Commissioner Koller said that mail voting has caused a huge spike in voter registration which is a good thing, but voters who have died or moved out of the state need to be removed from the rolls to protect the integrity of the vote. Chair Anderson agreed that this issue is important and should be examined, but he is not sure it is a recommendation the EC needs to make to the Legislature. Instead he offered to ask CEO Nago to talk to the County Elections Divisions about their process since it is their job. Commissioner Koller agreed that is the Counties' job, and said that it is the EC's job to report to the Legislature when the Counties are not doing that job. She agreed that the EC should first ask the Counties to report what they are doing to clean up the voter rolls. Commissioner Kuwada agreed that the EC should ask the Counties to submit a report, and said that he would be shocked if they were not following the proper procedures. He stated that if Commissioner Koller believes there should be a law change with regard to how the voter rolls are</p>	Motion for investigation of voter rolls needed to happen here.
2021-02-08-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04 at 1856.pdf	Page 7 of 20	Koller, Counties are not cleaning up voter rolls. This needs to be reported to the Legislature.	<p>Commissioner Koller agreed that is the Counties' job, and said that it is the EC's job to report to the Legislature when the Counties are not doing that job. She agreed that the EC should first ask the Counties to report what they are doing to clean up the voter rolls. Commissioner Kuwada agreed that the EC should ask the Counties to submit a report, and said that he would be shocked if they were not following the proper procedures. He stated that if Commissioner Koller believes there should be a law change with regard to how the voter rolls are maintained, that is a completely different matter. Commissioner Koller said that the federal law is followed, to which Commissioner Kuwada confirmed to be true. He asked Commissioner Koller if she is maintaining that the Counties are not doing their job. Commissioner Koller recalled that in the testimony the EC received, based on the GOP data, there are 143,000 voters in Hawaii who have not voted in the past two elections. She said that she understands that is not sufficient to remove voters under the federal law. Commissioner Kuwada confirmed that is correct and asked Commissioner Koller what her point is. Commissioner Koller stated that she wanted to know how they ended up with the 143,000 and what the Counties are doing to maintain the voter rolls. She added that she is not recommending that they change the federal law.</p>	
2021-02-08-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04 at 1856.pdf	Page 8 of 20	Commissioner Dean stated that the voter registration rolls are the fundamental and ask CEO Nago to put this into a report	<p>Commissioner Dean stated that the voter registration rolls are the fundamental, foundational layer of what the government is and how democracy functions. He said it makes sense to him for the EC to mention to the Legislature that this responsibility falls under the jurisdiction of the Counties, and that there needs to be some kind of process that reviews how the Counties are managing the voter rolls. Commissioner Dean stated that he does not think it would be too much of a burden to ask CEO Nago to put this into a report.</p>	
2021-02-08-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04 at 1856.pdf	Page 8 of 20	Koller and Dean concerned Counties are not cleaning up voter rolls	<p>Commissioner Kuwada asked the EC to confirm that there is a concern that the Counties are not following the federal law in maintaining the voter rolls. Commissioner Dean said that if one looks closely at what is happening in each office, there is probably room for improvement, and that it is more of a transparency issue than an accusation of failure. Chair Anderson stated that this is why he would like to hear from the County Clerks first. Commissioner Dean said that because the Legislature oversees the state, the Counties should be talking to them directly rather than going through the EC. Commissioner Koller agreed with Commissioner Dean, and apologized to Commissioner Kuwada, stating that she did not mean to suggest that the Counties are not doing their job properly. She clarified that there is no accountability because there is no report to the EC or to the Legislature regarding these procedures. Chair Anderson reiterated that if the EC talks to the Counties directly rather than going through the Legislature, the issue can be handled more quickly. Commissioner Dean said that he does not have any strong views on this, and understood Chair Anderson's viewpoint better after he restated it.</p>	
2021-02-08-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04 at 1856.pdf	Page 9 of 20	Koller pointing out Peggy Regentine's testimony, in which she explained that she was an election worker whose job was to verify the military APO/FPO ballots and report any discrepancies	<p>In reference to the December 15, 2020 minutes, Commissioner Koller pointed to Peggy Regentine's testimony, in which she explained that she was an election worker whose job was to verify the military APO/FPO ballots and report any discrepancies. Commissioner Koller stated that Ms. Regentine said that she handled more than half of the 1,500 ballots that were received, and claimed that she saw that 98% of the votes were for Biden and 2% were for Trump. Commissioner Koller said that Ms. Regentine thought this was odd since the statewide vote for Trump was 33%. Regarding the duplication process for the HTML alternate format ballots explained by CEO Nago in the minutes, Commissioner Koller recalled that the ballots are duplicated by human hands in the presence of official observers. She asked if this included observers from the Republican Party, as they know there was only one observer from the Republican Party per shift at the Maui County counting center. Commissioner Koller said that if not all of the political parties were represented, the EC should raise this issue with the Legislature and request an audit of the votes going forward. Chair Anderson stated that he does not want to doubt Ms. Regentine's testimony, but her concern had not been reported by anyone else. He asked if Ms. Regentine was working on Maui or Oahu, to which Commissioner Koller replied that she thinks Ms. Regentine was working on Oahu. Chair Anderson said that he thinks Janet Mason from the League of Women Voters of Hawaii (LWV) was assigned to the same task and had not heard her mention this issue. Commissioner Koller suggested that they ask Ms. Mason about this when they get to public testimony.</p>	EC should have initiated an investigation into verification and audit of military ballots.
2021-02-08-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04 at 1856.pdf	Page 9 of 20	Regarding the signature verification machines	<p>Regarding the signature verification machines, Commissioner Koller stated that Commissioner Dean had said in the minutes that he would not recommend them, as the technology tends to produce a lot of false positives and false negatives. She said that CEO Nago had indicated that this is a responsibility of the County Elections Divisions, and that Kauai is the only county that uses human eyes to verify signatures. Commissioner Koller asked the EC if they should request that the Legislature consider standardizing the signature verification process at the state level and reexamine the accuracy of the signature verification technology. Chair Anderson explained that if the machine rejects a signature, it is then examined by human eyes. Commissioner Koller said that this process only accounts for the false positives, not the false negatives. Chair Anderson said that is true, and that he was surprised by how low the numbers were for ballots with mismatched signatures. Commissioner Koller recalled that she had asked CEO Nago whether the signature verification machines were set so low that it would accept a straight line as a signature, and CEO Nago had said this was a responsibility of the County Elections Divisions. Commissioner Dean stated that one has to either trust the companies that manufacture the machines and write the algorithms, or the people responsible for these tasks. He said that with cybersecurity, it is either impossible or very easy to hack most computers and software, and that he is reluctant to see a centralization of power amongst three companies with respect to counting ballots nationwide. Commissioner Dean disclosed that he does not have firsthand knowledge on this topic, but is reading about this in the news. He said that he is reluctant to shift from a people- and relationship-centric voting system to one that is software-based for these reasons.</p>	EC should have initiated an investigation into signature verification and scanner settings.
2021-02-08-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04 at 1856.pdf	Page 10 of 20	Commissioner Koller asked if there is a reason the EC would not want to recommend to the Legislature to set up a study group or reexamine the signature verification process.	<p>Commissioner Koller asked if there is a reason the EC would not want to recommend to the Legislature to set up a study group or reexamine the signature verification process. Chair Anderson answered that it is the Counties' decision whether to use machines or human eyes for the signature verification, and that he thinks this should be discussed with the Counties first before bringing it to the attention of the Legislature.</p>	
2021-02-08-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04 at 1856.pdf	Page 11 of 20	Koller; long lines at VSC	<p>In reference to the January 21, 2021 minutes, Commissioner Koller pointed to the testimony from Sandy Ma, Common Cause Hawaii, who stated that there were very long lines at the VSCs on general election day, and that Common Cause is hoping for more VSCs and drop boxes in the future to accommodate voters' needs statewide. Commissioner Koller stated that the number and locations of the VSCs is the responsibility of the Counties, but that does not mean the EC does not have a role in acknowledging there was a problem. She said that there were lines of 100+ people past 10:00 PM at the VSCs, though the EC is not going to mention it in their report to the Legislature. Commissioner Koller suggested that the EC maybe recommend to the Legislature that they take away some responsibility and discretion from the Counties considering the issues that occurred during the 2020 Elections. She proposed that if they do submit a supplemental report to the Legislature, they should at least acknowledge that there were lines and that it is unreasonable to expect people to wait in line for six hours. Commissioner Kuwada stated that this was the first election cycle that Hawaii transitioned to voting by mail statewide, and that he does not think the EC should report to the Legislature about the long lines at the VSCs when the issue could be handled internally. He said that the VSCs may be a County responsibility, but as a former election official at the Maui County Office, he does not think the same mistakes would be made again. Commissioner Kuwada added that if a mistake is repeated, then they may have a reason to alert the Legislature, but he does not think they are at that point yet.</p>	
2021-02-08-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04 at 1856.pdf	Page 12 of 20	Kulbis; low rejection rate for signature verification as compared to previous elections	<p>Brett Kulbis, Honolulu County Republican Party: Mr. Kulbis stated that he completely agrees with Ms. Mason's testimony. He said that there are over 60 pieces of legislation regarding voting and elections this year, and that he believes that the more information the Legislature is provided, the more empowered they will be to make an informed decision. Mr. Kulbis requested that the EC consider the items that Commissioner Koller is recommending to submit as a supplemental report to the Legislature. He stated that as previously mentioned, some of these bills have not yet been assigned a committee, but suggested that the EC's input may change that. Mr. Kulbis reminded the EC that in 2022, all 76 legislators will be up for election and there will also be a governor's race. He said he did not think the Legislature will want to discuss anything election related then, so now is the time. Regarding the signature verification process, Mr. Kulbis suggested that the EC ask the Counties for the numbers of rejected signatures from prior elections compared to this year's election to determine why the discrepancy was so low.</p>	EC opportunity to initiate investion on low rejection rate
2021-02-08-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04 at 1856.pdf	Page 12 of 20	Nakanelua, lack of chain of custody	<p>Laura Nakanelua, Hawaii Republican Party: Ms. Nakanelua asked when OE will be submitting a report to the Legislature, to which Chair Anderson replied that it was submitted in November. Ms. Nakanelua stated that at the December 15, 2020 meeting, she had raised her concern about the lack of verifiable chain of custody of ballots, and had asked CEO Nago if he could address this issue in his next report to the Legislature. She recalled that CEO Nago had said that the receipt and transportation of ballots is the responsibility of the County Elections Divisions, and he could make the recommendation, but he could not guarantee that they would be on board. Ms. Nakanelua asked if this issue will be included in OE's next report to the Legislature, and when it will be submitted. Chair Anderson answered that the next report to the Legislature is due in November. Ms. Nakanelua stated that she was under the impression that their recommendations would be included in a report to be submitted during this legislative session. Chair Anderson explained that there is a difference between the EC's and OE's reports to the Legislature. Ms. Nakanelua said that she understands that, and that the previous conversation was specifically regarding OE's report. She asked if that was the understanding of anyone else on the call. Chair Anderson stated that they had only discussed the EC's report. Commissioner Koller disagreed, and said that the minutes reflect that they were also discussing recommendations for OE's report to the Legislature. She stated that she was under the impression that CEO Nago had not yet submitted his report. Ms. Nakanelua said that she could see that CEO Nago was on the call, and asked if he could answer whether another report would be submitted to the Legislature. Chair Anderson recalled that there was a report that Ms. Nakanelua was unable to locate, to which Ms. Nakanelua said that she did not know what he was talking about. Chair Anderson apologized, and stated that it was Commissioner Koller who could not locate the report. Commissioner Koller confirmed that is correct, and that she had clicked on the wrong button when looking for the November report, but said that is not what they are talking about. She said that attached to the December 15, 2020 minutes was a very short report from CEO Nago to the Legislature, and she had asked him to add things to his report, some of which he had agreed to. Commissioner Koller stated that they are not talking about the big annual report that OE sends to the Legislature in November, but a pre-legislative session report that the EC was referring to during the December 15, 2020 meeting. She added that it looked more like a letter than a report, and that many of the comments in the minutes reflect requests from herself and others for him to add things to his letter to the Legislature.</p>	

2021-02-08-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04 at 1856.pdf	Page 14 of 20	Takenaka; EC is going to have a discussion with the County Elections Divisions. Chair Anderson answered that at their next meeting, he would like to talk to them about how they are handling the voter rolls, since it is their responsibility.	Commissioner Takenaka asked if the EC is going to have a discussion with the County Elections Divisions. Chair Anderson answered that at their next meeting, he would like to talk to them about how they are handling the voter rolls, since it is their responsibility. He said he wanted to give them an opportunity to speak for themselves, as there may be factors involved that the EC does not know about. Chair Anderson stated that he knows the Counties seriously considered the circumstances of the drop boxes, including the numbers and locations, and that it is not the EC’s job to tell the Counties what to do. He said that he would like to know what the Counties are doing and what kind of problems they maybe encountering. Chair Anderson reiterated that tracking the ballot is an important issue. He said that though he does not necessarily think that anything bad has happened, he does not want to leave room for that possibility. Chair Anderson stated that if the EC decides to submit a supplemental report to the Legislature, they cannot delay too much since the first lateral is next Friday. He asked the EC if they had any thoughts on the matter. Commissioner Kiguchi stated that he would support Chair Anderson’s recommendation, and thinks it would be a worthwhile exercise to invite the County Elections Divisions to the next EC meeting. Regarding legislation, he said it looks like some of the issues they have been discussing have been flagged by the relevant committees, so they will be addressed on some level.	
2021-06-10-EC-Written-Summary_Reviewed_Y2024-05-04 at 1911	Page 3 of 4	Tracking ballots during USPS mail delivery process	Beginning with the 2022 Elections, we are looking to incorporate tracking information from the United States Postal Service (USPS). However, as we research options to partner with a vendor specializing in this service, we are finding that tracking with the USPS is not commonly used as there is only one scan point at USPS for an envelope, as opposed to the multiple scan points for a package. In Hawaii, when outgoing ballots are being mailed to voters, the ballot envelope is scanned at the main USPS plant located near the airport in Honolulu. The delivery date for the ballot is estimated and there is no subsequent scan points and tracking information available. We have consulted with other jurisdictions and found that other election officials are only using information from their voter registration system for ballot tracking rather than incorporating tracking information from the USPS. This allows election officials to control the message to voters. We would also note that by law, the County Elections Divisions notify voters of the ballot mailing date. Our office also shares this information on our website and platforms. However, we remain committed to working with a ballot tracking vendor that can use both the USPS tracking information and information from our statewide voter registration system. It is expected that the vendor selected would be able to provide services like alerts by text, email, and phone for voters to opt in to, in addition to the ability to log in to a website to check the status of their ballot. These statuses would include that the voter’s ballot was mailed, the voted ballot has been received by the County Elections Division, and then that the ballot has been validated for counting.	
2021-06-10-EC-Written-Summary_Reviewed_Y2024-05-04 at 1911		No topics to track.	No topics to track.	No topics to track.
2022-01-12-EC-Written-Summary_Reviewed_Y2024-05-04 at 1919		No topics to track.	No topics to track.	No topics to track.
2022-01-12-Meeting-Materials-Packet_Reviewed_Y2024-05-04 at 1922				
2022-03-18-EC-Written-Summary_Reviewed_Y2024-05-04 at 1932.pdf				
2022-04-01-EC-Written-Summary_Reviewed_Y2024-05-04 at 1939.pdf				
2022-09-16-EC-Written-Summary_Reviewed_Y2024-05-04 at 1943.pdf				
2022-12-12-EC-Written-Summary_Reviewed_Y2024-05-04 at 1948.pdf				
2023-04-17-EC-Written-Summary_Reviewed_Y2024-05-04 at 1749.pdf				
2023-11-15-EC-Written-Summary_Reviewed_Y2024-05-04 at 1951.pdf				
2024-01-16-EC-Written-Summary-FINAL_Reviewed_Y2024-05-04 at 1954.pdf				
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 3 of 12	Deputy AG Nakamura accuses RC of direct conflict as complainant in recent court case	Deputy AG Nakamura concluded that since Commissioner Cushnie has filed a formal complaint, he is in direct conflict as he is the complainant on the issues mentioned and therefore cannot be neutral and must recuse himself from participating in deliberations, discussions and voting on these issues.	
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 4 of 12	Cushnie expressed Deputy AG Nakamura is in conflict of interest as he represents Office of Elections	Commissioner Cushnie called for a point of order and was recognized by Chair Curtis. Commissioner Cushnie expressed that Deputy AG Nakamura is in a conflict of interest as he represents the Office of Elections. Chair Curtis stated that Commissioner Cushnie’s comment is not related to the agenda and expressed that he may bring forth his concern at a later time.	
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 4 of 12	Jaime Detwiler testified on chain of custody and lack of response of OE for requested audit	Ms. Detwiler also testified that she did not receive a response from the Office of Elections to her inquiry for an audit to be conducted.	
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 4 of 12	Cast Vote Records discrepancies	Adriel Lam testified on the analysis he did of the cast vote records from the 2022 Elections. Mr. Lam expressed that he felt there were discrepancies in the record keeping of the ballots and raised questions about the security of the election system and is asking the Commission to look into procedures for ballot chain of custody.	
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 4 of 12	Solomon raised concern that there is no uniform signature curing process across counties	Corrine Solomon testified on data collection she observed relating to signature curing process and raised concern that there is no uniform signature curing process across counties. Ms. Solomon expressed that having representatives from the counties in the EC meetings would be helpful in understanding the process.	
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 4 of 12	Stanton pointed out issues with ballot chain of custody and the signature verification process.	Tom Stanton testified on ballot chain of custody and State vs. County responsibilities. Mr. Stanton pointed out issues with ballot chain of custody and the signature verification process. He expressed that there is a need for improved procedures and transparency.	
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 4 of 12	Raised a question to the Commission inquiring when the Commission last conducted an investigation on complaints	Scott Shedko testified on ballot chain of custody. Mr. Shedko expressed that ballot chain of custody should be limited to only the voter and the person counting the ballot. Mr. Shedko raised a question to the Commission inquiring when the Commission last conducted an investigation on complaints.	
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 4 of 12	Commission conduct an investigation on how elections by mail is implemented as he believes that elections by mail has inflated costs and reduced voter turnout.	Doug Pasnik testified on State vs. County responsibilities, voters who are not serviced by regular U.S. Postal Service and voting and ballot metrics. Mr. Pasnik presented data showing a decline in voter turnout and increased costs associated with implementing elections by mail. He expressed that the Commission conduct an investigation on how elections by mail is implemented as he believes that elections by mail has inflated costs and reduced voter turnout.	
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 4 of 12	OE not following ballot chain of custody procedures	AnnMarie Hamilton testified on ballot chain of custody. Ms. Hamilton testified that election officials are not following the procedures of ballot chain of custody as mandated by state law.	
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 4 of 12	Office of Elections should publish costs associated with Elections Commission Meeting Minutes previous elections.	Lynn Surayan testified on voting and ballot metrics. Ms. Surayan expressed concerns about the transition to all mail because of low voter turnout. She expressed that the Office of Elections should publish costs associated with previous elections. She also raised concern about the ballot counting process and feels that the system should return to a hand count paper ballot system.	
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 5 of 12	Law requires all races be audited where 10% of precincts are audited	Ana Mo Des testified on election audits. Ms. Mo Des said that audits should be followed according to law. Ms. Mo Des stated that the law requires all races be audited where 10% of precincts are audited.	
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 5 of 12	Voter rolls may be inflated.	Andy Crossland testified on State vs. County responsibilities. Mr. Crossland expressed concerns about the voting system and that the voter rolls may be inflated.	
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 5 of 12	At the time of the gubernatorial inauguration, the 2022 General Election was not certified	Gary Cordery testified about alleged law violations related to the certification of the 2022 General Election. Mr. Cordery testified that at the time of the gubernatorial inauguration, the 2022 General Election was not certified as required by law as it was pending litigation.	
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 5 of 12	Components of the computer system used during the 2022 Elections were altered leaving it open for hacking attacks	Austin Martin testified about security concerns and expressed that components of the computer system used during the 2022 Elections were altered leaving it open for hacking attacks.	
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 5 of 12	Developing administrative rules to standardize the voting process across the state	Brett Kulbis testified about county responsibilities. He suggested that the Elections Commission work with the County Elections Divisions on developing administrative rules to standardize the voting process across the state.	
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 5 of 12	Commissioner Cushnie continued to express that he rejects Deputy AG Nakamura’s statement and requested that there be further discussion on the matter.	Commissioner Cushnie called for a point of order and stated that he would like to comment on Deputy AG Nakamura’s earlier advisement to the committee regarding the complaint Commissioner Cushnie submitted against the Office of Elections. Chair Curtis denied his point of order explaining that his comment does not relate to the present agenda item. Commissioner Cushnie continued to express that he rejects Deputy AG Nakamura’s statement and requested that there be further discussion on the matter. Chair Curtis stated that he can submit his argument in writing as the matter is not relevant to the present agenda item.	
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 6 of 12	County Elections to have representatives to attend the meeting to hear questions from the public and have the opportunity to provide responses at the next meeting.	Chair Curtis explained that he requested the County Elections to have representatives to attend the meeting to hear questions from the public and have the opportunity to provide responses at the next meeting. Chair Curtis shared that a document titled State vs. County Responsibilities with links to the appropriate election laws was included in the meeting packet on pages 115 to 118, for the Commission and the public to view.	
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 6 of 12	Do counties certify their elections and pass the certification on to the Office of Elections?	Commissioner Cushnie asked if the counties certify their elections and pass the certification on to the Office of Elections. <b>Chief Election Officer (CEO) Scott Nago provided a response stating that the Office of Elections certifies the overall election and that the counties certify their county contests, issue their certificate of winners, and certify their charter questions.</b> Chair Curtis asked if there were any counties present at the meeting. EC Secretary Bueno announced that County of Hawaii and County of Maui were present.	
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 6 of 12	There were individuals with their hands raised during public testimony that were not called upon.	Commissioner Papalimu noted that there were individuals with their hands raised during public testimony that were not called upon. Chair Curtis asked EC Secretary Bueno to identify the individuals to give them an opportunity to testify. EC Secretary Bueno noted that the individuals with their hands raised were Commissioner Papalimu, Gary Cordery and Laura Nakanelua. EC secretary Bueno explained that Gary Cordery had already provided testimony and Laura Nakanelua was having technical difficulties. EC Secretary Bueno added Rosemarie Jauch as having her hand raised. Chair Curtis recognized Ms. Jauch and permitted her testimony.	
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 6 of 12	There was a High rate of ballot rejection signature verification during the 2022 General Election in Kauai	Rosemarie Jauch testified on the agenda item relating to State vs. County responsibilities. She testified that she had concerns about signature verification during the 2022 General Election stating that there was a high rate of ballot rejection and requested that the County of Kauai investigate the matter.	
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 6 of 12	Commission to investigate election audit procedures and ballot chain of custody.	Laura Nakanelua testified that she would like to request the Commission to investigate election audit procedures and ballot chain of custody.	
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 7 of 12	Voting at precincts be the primary method of voting	Commissioner Papalimu provided comments relating to voters who are not serviced by regular U.S. Postal Service. She commented that there are rural areas in the State that does not receive mail at their home and expressed that these residents are being disenfranchised from voting and would like to see voting at precincts be the primary method of voting. Chair Curtis called on County of Hawaii representative and asked if they could comment on Commissioner Papalimu’s concern. Jon Henricks, County Clerk of the County of Hawaii explained that when completing the voter registration application it is required to include a mailing address and the voter’s ballot is mailed to that mailing address. Clerk Henricks clarified that the mailing address can be a P.O. Box. Clerk Henricks shared that their office has not received any concerns regarding mailed ballots.	

			Commissioner Papalimu asked if there was a count of how many ballots on the Big Island are mailed to general delivery. Clerk Henricks said that he did not have a number at the moment and added that the number of undeliverable ballots changes from election to election.
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 7 of 12	1. Is there a count of how many ballots on the Big Island are mailed to General Delivery? 2. What is the total number of undeliverable ballots?	Chair Curtis shared that he received metrics for registered voters, mailed ballots, returned ballots, counted ballots and ballots returned deficient from the County of Kauai and noted that 233 ballots were returned deficient and most likely returned because of no signature.  Commissioner Cushnie asked if the Commission knows what the total number of undeliverable ballots. CEO Nago provided that they have a number but cannot recall the number at the moment. CEO Nago explained that the number of undeliverable ballots is reported to the federal government. He further explained that undeliverable ballots are part of the list maintenance process explaining that if an undeliverable mail is received, the voter is sent a mailing that is forwardable and the voter remains on the rolls and can only be removed after two general election cycles pursuant to federal law of the National Voter Registration Act.
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 8 of 12	1. OE officials negligent in their documentation of ballot chain of custody. 2. Chair Curtis said he will ask Counties to provide responses addressing ballot chain of custody.	Commissioner Cushnie commented that he submitted evidence that election officials were negligent in their documentation of ballot chain of custody. Chair Curtis asked if his comments are related to the complaint that he had filed with the Elections Commission regarding chain of custody. Commissioner Cushnie responded yes. Chair Curtis explained that because he had filed a complaint regarding ballot chain of custody he is in a conflict of interest which raises concerns about his neutrality as a commissioner.  Chair Curtis said that because ballot chain of custody is an issue raised by several testifiers, he will ask the counties to provide responses addressing the topic as well as provide voting metrics that will be discussed at the next meeting.
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 8 of 12	Issue: Unique ballot identifier placed on the ballot compromises the confidentiality of the vote.	Chair Curtis commented that a unique ballot identifier placed on the ballot compromises the confidentiality of the vote. He feels that a ballot unique identifier should be limited to functions of the vendor and not associated to the voter. He also expressed that ballot unique identifiers be limited to precincts.
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 8 of 12	Curtis equested metrics (did that happen?)	Chair Curtis requested voting metrics to be presented at the next meeting. He requested metrics for registered voters, ballots mailed, ballots returned and counted, ballots returned deficient, and ballots returned undeliverable.  Commissioner Kuwada felt that the motion is ill-timed. He expressed that the topic is too important and should be placed on the agenda ahead of time so that the public is aware and be given the opportunity to provide testimony. He raised the concern that some members of the public may no longer be present at the meeting to provide testimony. Additionally, he asked if public testimony had to be reopened in order to accept testimony from the public. Commissioner Kuwada suggested that the topic be placed on a future meeting agenda.
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 9 of 12	Evaluation Discussion of Chief Election Officer should be done in Public.	Commissioner Andrion agreed with Commissioner Kuwada that the topic be placed on the agenda for future meeting and expressed that the discussion should occur in public rather than in executive session. Commissioner Andrion asked if the Commission would entertain a motion to go into executive session to discuss the metrics of evaluation. Commissioner Takenaka disagreed that the Commission go back into executive session to discuss metrics for evaluation because she felt that the public should be given advance notice on topics that the Commission is to discuss. Commissioner Cushnie expressed that discussion in executive session erodes the public's confidence in the Commission. He expressed that a discussion on the CEO's performance should be conducted in an open meeting.
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 10 of 12	Monthly meetings	Commissioner Takenaka requested that the commissioners provide their input on metrics ahead of the next meeting so that the Commission can review. Chair Curtis agreed and requested for feedback from the commissioners along with agenda items for subsequent meetings. He shared that his intent is to have monthly meetings. Chair Curtis said that he will ask the secretary to poll the commissioners for their availability. There were no objections from the commissioners about having monthly meetings.  Commissioner Takenaka seeked clarification as to who to send their ideas and comments to. Chair Curtis said they may address it to the Commission and noted that any communication addressed to the Commission becomes public record as it involves more than three commissioners. He also offered that they send it to the secretary who will forward it to him or they may submit it as public testimony in which it will be included on the agenda.
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 10 of 12	1. Clarification of communication for Commissioners 2. Deputy AG Nakamura represents Office of Elections 3. Cushnie did not recuse himself but was prevented from voting	Commissioner Kuwada asked if Deputy AG Nakamura could advise the Commission regarding communication among the commissioners. Chair Curtis said that his understanding is when communication is addressed to the body of the Commission that communications become public record because it involves more than three commissioners. Chair Curtis called on Deputy AG Nakamura to comment. <u>Commissioner Cushnie stated that Deputy Attorney General Reese Nakamura stated that he represented the Office of Elections.</u> During the vote on Investigating chain of custody, Deputy AG Reese Nakamura advised the Commission against allowing Commissioner Cushnie to participate in the vote. <b>Commissioner Cushnie stated that he did not recuse himself but was prevented from voting.</b>
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 10 of 12	What questionnaire? (WE see if you can find it)	Deputy AG Nakamura responded to Chair Curtis' inquiry regarding communications amongst the commissioners stating that he will look into the matter.  Commissioner Andrion commented on method of evaluation recalling that there was a questionnaire provided to the Commission at a previous meeting and asked if that form could be resent to commissioners for their review.
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 11 of 12	Request for investigation to be voted on by Commission	Commissioner Cushnie expressed his concern that the public has been asking for formal investigations relating to agenda items discussed during the meeting. Chair Curtis stated that he can put in the request for an investigation to be voted on by the Commission at the next meeting. Commissioner Andrion asked Chair Curtis if Commissioner Cushnie can make a motion for investigation on any item from today's agenda in which Chair Curtis responded yes.
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 11 of 12	Need clarification: Chair Curtis said that he does not think the Commission is required to investigate a complaint based on a request from a single voter but that the investigation is initiated by a majority of the Commission	Commissioner Cushnie made a motion that the Elections Commission investigate chain of custody, which was seconded by Commissioner Andrion. Commissioner Papalimu seeked clarification on the duties of the Election Commission. She said that her understanding of the Election Commission's duties is that they are required to investigate when complaints are brought to the Commission. Chair Curtis said that he does not think the Commission is required to investigate a complaint based on a request from a single voter but that the investigation is initiated by a majority of the Commission. Chair Curtis said that before proceeding with an investigation, he would want to hear from all responsible parties first. In the case of chain of custody, he would want to find out from the counties their procedures before proceeding into any formal investigation. Commissioner Andrion asked if a formal investigation were initiated, would the hearings be separate from the Commission's regular meetings in which Chair Curtis said it would be separate hearings. Commissioner Andrion expressed his support for a formal investigation on chain of custody. Commissioners Kiguchi and McAdam shared that they would like to hear from the counties first. Chair Curtis said that he will ask for input from county officials regarding chain of custody.
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 12 of 12	Dispute between Deputy AG Nakamura and Commissioner Cushnie be sorted out (WE write up request for letter of apology by DAG Nakamura)	Commissioner Andrion requested that the conflict of interest dispute between Deputy AG Reese Nakamura and Commissioner Cushnie get sorted out before the next meeting. Chair Curtis stated that he will seek a legal opinion from the AG.

EC Meeting	Page	Topic Title	Topic Content: Blue - <i>OE Follow Up</i> , Red - <i>Investigation Request</i> , Green - <i>CEO Eval and Rais</i> , Purple - <i>Great Point</i> , Orange - <i>Research</i> , Brown <i>Missing County Clerk</i> , Moss Green <i>Process Change Request</i>
2014-02-05-EC-Minutes_Reviewed_Y2024-05-09	Page 4 of 10	Primary Litigation	CEO Nago noted that the open primary litigation will not impact the 2014 elections and the <i>Kostic v. Nago et al</i> has been dismissed by the Supreme Court.
2014-02-05-EC-Minutes_Reviewed_Y2024-05-09	Page 4 of 10	Chief Elections Officer Evaluation	Commissioner Okazaki noted that <i>she does have concerns regarding the legislation that requires the Commission to evaluate the CEO twice a year</i> . She notes that no other positions, to her knowledge, requires an evaluation twice a year.
			<i>Open Forum: Public comments on issues for the Commission's consideration</i> for the next Commission meeting and action, if appropriate Chair Marston explained to the Commission that as he reviewed the Sunshine Law materials, he found the Open Forum subject on sample agendas. Based on comments from audience members during previous meetings, he added this new item to the Election Commission agenda to give individuals the opportunity to ask the Commission to consider future agenda items.
2014-02-05-EC-Minutes_Reviewed_Y2024-05-09	Page 9 of 10	Open Forum; is this still available?	<i>This Open Forum was not added</i> · <i>on to open up discussions or initiate debates during Commission meetings</i> . Commissioner Orikasa noted that he interpreted the Open Forum item differently. He felt that the Open Forum agenda item is there to give the public an opportunity to have a voice.
			Chair Marston responded that he <i>did not want to open a debate with the audience, however, he did want to give them the opportunity to voice their concerns and have the Commission consider their concerns for the next meeting's agenda</i> . The public could then offer testimony on the agenda item at the next meeting. He also noted that at the present time, he works with the Commission Secretary to put together a draft agenda. The draft agenda is then sent to the Commission to get comments and agenda item suggestions. His intent in adding this item on the agenda was to solicit meaningful topics for discussions at future meetings.
2014-02-05-EC-Minutes_Reviewed_Y2024-05-09	Page 10 of 10	Open Forum used with Agenda	Commissioner Orikasa noted that <i>the Commission should still decide on what becomes an agenda item</i> . Chair Marston agreed. Commissioner Okazaki commented that it would not be fair for the Commission to have to engage in conversations with the audience on topics that they were not able to prepare for. <i>Again the Chair agreed and noted that the intent of having the Open Forum on the agenda was to allow the public to propose a topic of conversation and to also allow the Commission to decide if the topic would be included on the next meeting's agenda</i> . This would give the Commission time to prepare for any discussion. He also noted that he intended to have this discussion during the Sunshine Law training. Since the training has been deferred to another meeting, he will have this discussion with them at the next scheduled training.
			Trigger criticism due to the events that occurred during the 2012 Elections.
2014-03-28-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 3 of 6	What happened back in 2012? Ran out of ballots?	<i>Commissioner Young questioned what the new ballot procedures were for this election. CEO Nago responded that the new procedures are what the OE had reported to the Commission earlier</i> . The formula for the ballot orders have been revised so that there is 100% of ballots for registered voters and procedures for early detection of ballot shortages are in place. Commissioner Young then asked if this was in writing and CEO Nago responded yes, it was in the new SOP's that were previously sent to the Commissioners for review.
2014-03-28-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 4 of 6	OE and HAVA Policies	CEO Nago responded that in keeping in line with <i>HAVA policies</i> and how their monies can be spent, the OE there focuses on the mechanics of voting and not why one should be voting.
2014-03-28-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 4 of 6	Open Forum; did this morph into Testimony Time?	<i>Open Forum: Public comments on issues</i> for the Commission's consideration
2014-03-28-EC-Minutes_Reviewed_Y2024-05-09.pdf		Appeal for the 2011 Reapportionment Plan	Michael Palcic noted for the Commission that he served as the chair for the Oahu Apportionment Advisory Council during this last Reapportionment. He further stated that the appeal for the 2011 Reapportionment Plan was denied by the Supreme Court therefore allowing the Reapportionment Plan devised by the Reapportionment Commission to stand as law. As a result, the exclusion of 1 08,000 citizens deemed to be living in Hawaii by the Federal Census, are deprived of apportionment to any legislative body and has had their citizenship diminished. He further states that in <i>comparison, incarcerated felons and registered aliens are counted for apportionment to the legislature and Congress here in Hawaii</i> . He further noted that Senator Ihara is considering introducing legislation to have the Hawaii apportionment count be the same as the US Census therefore eliminating any extractions. He noted that he has brought this before the Commission because he feels they are concerned with having fair and honest elections. He also hopes that if Senator Ihara does introduce legislation to correct the current situation, the Commission will consider supporting the legislation.
2014-03-28-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 5 of 6	Military personnel	Commissioner Vierra asked Mr. Palcic how military personnel are counted in other states. Mr. Palcic responded that <i>military personnel living in other states are counted in that states apportionment</i> . Hawaii is the only state that does an extraction such as this. Commissioner Orikasa asked where do military personnel vote. Mr. Palcic answered that they can vote where they choose. For instance, if they are stationed here but are residents of another state, they can vote in that state.
			Chair Marston asked if Senator Ihara was going to bring this correction up as a bill and Mr. Palcic responded that the Senator will probably do this through a constitutional amendment. He further noted that the Senator held off with any action pending the decision of the Supreme Court. Chair Marston then asked if it would be better for the Commission to hold off on any action until corrective action is taken. Mr. Palcic agreed and noted that he brought this issue up now in order to alert the Commission of any possible future action.
2014-06-20-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 2 of 9	Statewide Voter Registration System.	CEO Scott Nago reported that the Office of Elections has made a selection for the Statewide Voter Registration System. A total of six (6) vendors submitted proposals and BPro, Inc., based out of South Dakota, received the highest score. The final price is \$1.6 million and the project is expected to be completed in time for the 2016 elections. Chair Marston asked what amount was appropriated by the State Legislature for this project and <i>CEO Nago explained that federal Help America Vote Act (HAVA) funds will be used for this project</i> . Chair Marston then asked if there will be any state funds used for this project and CEO Nago explained that state funds will be used in the subsequent years for the ongoing maintenance of the program.
2014-06-20-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 7 of 9	Open Forum; <i>Dan Purcell</i> concerns	Dan Purcell asked why the closing of the early voting location on the windward side was not discussed. <i>Commissioner Berg asked if the City Clerk was there to address this concern but the Clerk was not available</i> .
2014-06-20-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 7 of 9	<i>Senator Slom</i> -Commission to move public testimony to the later part of the agenda	<i>Senator Slam noted that he has also asked the Commission to move public testimony to the later part of the agenda</i> , after discussions have been done on the agenda items. He feels that this would be a better way to go. He also notes that he was disappointed that there was no discussion on enacted 2014 legislative bills and how they would impact the Office of Elections. <i>He asked if the Commission would consider meeting soon after the Primary Election to address and resolve any problems before the General Election</i> . Chair Marston noted for the group that the Office of Elections has prepared a Primer for Elections. He added that it was an eye opener for him because it contained a vast amount of information on how elections
2014-06-20-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 8 of 9	Need to determine chain of command: OE, Counties, CEO and Election Commissions	<i>Dan Purcell asked if there were any representatives from the County Clerk's Office at the meeting</i> . Commissioner Young noted that they usually attend. Dan Purcell asked if there were any comments from any of the representatives there since we are heading into an election. Kauai County Clerk Ricky Watanabe noted that the <i>County Clerks are not under the purview of the Elections Commission but the County does work closely with the Office of Elections during the elections</i> . Commissioner Berg commented that the Kauai County Clerk's office is usually well represented at the Commission meetings.
2014-08-22-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 3 of 27	<i>Council Member Brenda Ford</i> -Big Island asked for more balltos for Primary Election Day	Council Member Brenda Ford - Ms. Ford testified that thanks to the Office of Elections and Mr. Nago, the 2014 election was dismal. As shown in the pictures that she took off the internet and submitted to the Commission, there was total devastation in Puna and some parts of Ka'u. She further testified that she had <i>tried to call Mr. Nago twice on Monday to ask that he send out ballots</i> to those who were not able to vote on Primary Election day but she was not able to speak with him. <i>She testified that she had sent Mr. Nago a letter along with statistics that showed voter turnout for the district</i> . She also testified that she was distressed to hear the discussion of how little damage was done and how the roads were all open. She stated that Civil Defense's primary responsibility is to open the primary roads and after that is done, they move into the subdivisions and open those roads. She also noted that HELCO made significant efforts to bring power back to the public and keep the public informed of these efforts and progress.
2014-08-22-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 5 of 27	<i>Dan Purcell</i> --residents on the outer islands were not able to attend the meetings and give testimony.	Mr. Purcell testified that he was unable to find any documents for today's meeting but was told that documents will be made available after the meeting. He noted that comments were moved to after the Chief Election Officer's report and comments were limited to two minutes. He states that he raised concerns at the last meeting because residents on the outer islands were not able to attend the meetings and give testimony. Today's discussion is primarily for issues on the Big Island and no arrangements were made for them to view the meeting or provide testimony in person. It seems they can only provide testimony in writing since there is no phone or video conference capabilities available for them. He further testifies that at the last meeting he was told that the Commission has no budget and must work with limited resources. In his opinion that limitation is a problem and it does not allow the Commission to do their job. He also notes that at the last meeting, <i>Senator Slom testified that on several occasions he has asked that public testimony be moved on the agenda to follow the Chief Election Officer's report</i> . Mr. Purcell also appreciates that the Commission recognizes the need for Legislators to attend the meetings.



			<p>He further testifies that he called the <b>Office of Elections on numerous occasions with information on voters who could not get to the open polling places despite reports of the roadways being open.</b> He also called the Civil Defense, Attorney General, and the Governor's Office. He spoke with County Clerk Stewart Maeda who then relayed his information to the Office of Elections. He states that he understands that once the polls opened this did not fall under the jurisdiction of the Office of Elections but also feels that the Governor's Office could be petitioned to extend this election. He notes there are several ways to create a situation to remedy this. One would be to redo all four districts in the Pahoia area, redo the two that were open on election day with large numbers of voters that were unable to vote, or allow mail in or walk in ballots to those who sign a declaration that states they were unable to vote due to storm conditions that day.</p>
2014-08-22-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 6 of 27	<b>Senator Russell Ruderman</b> -Districts 04-01 and 04-02 had conflicting information	<p>Sen. Ruderman continues to testify that there were possibly two local races that were close enough that if you look at the number of people that were unable to vote, the election remains undecided. One race is County Council District 4, in which he calculates that 80 voters separated an outright win from a runoff election. <b>The leading candidates' neighborhood voted on the delayed election day. The early voting, walk in and absentee voting showed a close race triggering a runoff. Election day voting showed a close race triggering a runoff.</b> On the delayed voting, when one candidates' district got to vote, there was no runoff. More specifically, candidate Roy Lozano's district was trapped in by debris and they did not get to vote. Residents who live in Nanawale also did not get to vote because they were blocked in. He continues to testify that the election was skewed due to the random nature in which some neighborhoods where allowed to vote and which were not and this was not fair.</p>
			<p>Senator Ruderman asks that the Commission take steps to allow the election to be completed. He notes that the Commission should have received letters and declarations from his constituents which were received by his office and forwarded to the Commission. He also asks that the Commission restore fairness and confidence and allow the people to complete this election by restoring democracy. <b>Commissioner Okazaki asked him if his solution is to have all four districts vote again. Senator Ruderman responded that one would be to redo all four districts, or redo the two that were open on election day with large number of voters that were unable to vote, or allow mail in or walk in ballots to those who were physically unable to vote due to storm conditions that day.</b> Any of the three recommended solutions would be better than what is currently happening to the residents.</p>
2014-08-22-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 6 of 27	<b>Jeanne Ohta</b> -Need to fix the voting process, recommend meeting in Puna to hear concerns of residents who could not vote	<p><b>1) the 800 vote situation on Maui</b> where there was a delay in communication; <b>2) concern that the election in Puna should have been delayed .</b> She noted that there was a candidate in Puna who could not communicate with her staff and volunteers after the storm. Having the election so close after the storm created undo stress for the residents; and <b>3) the change in the voting process, communicating one process and then changing it</b> and expecting them to know about it. Her suggestion to the Commission is if they are truly interested in learning about emergency preparation, have a meeting in Puna and hear the concerns from the residents who were not able to vote.</p>
2014-08-22-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 7 of 27	<b>Cindy Vaillancourt</b> -Verified Nago at Counting Center most of the night	<p>She states that she was not asked to do this but in the spirit of trying to deal with facts, she states she was in the Counting Center in the Senate Chambers with the Office of Elections until 4:00a.m. Sunday morning and <b>she can vouch that Mr. Nago and his staff were there throughout the day and were still there when she left at 4:00 a.m. on Sunday</b></p>
2014-08-22-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 8 of 27	<b>Senator Sam Slom</b> -Recommends Getting Rid of Nago asap	<p>Senator Slam thanked Commissioner Berg for making the motion to change todays agenda. He states he is here to ask that the Chief Election Officer be replaced now. He feels that it is imperative and feels that the integrity of Hawaii's election process is in jeopardy. Like his legislative colleagues, he has been <b>besieged with calls, emails and personal visits from people who are disgusted and outraged with our election procedures and he feels there is no reason for it. He continues to state that the Commission did nothing about the disaster that occurred during the 2012 elections.</b> He felt the Commission did a short review of the incident and then considered a salary raise for the Chief Election Officer. He also states that there was no disciplinary or corrective action taken by the Commission. He feels that the public feels frustration since voting is a fundamental right.</p>
2014-08-22-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 8 of 27	<b>Senator Slom</b> -Statement, interesting, need to dig deeper on this	<p>In summarizing his written testimony that was submitted earlier, Sen. Slam stated that while <b>Judge Nakamura judged in favor of the Chief Election Officer, since the courts did not want to get involved in the election process during an ongoing election, the judge stated that he also feels there was a reasonable constitutional issue.</b> Sen. Slam further stated the CEO was not doing the Commission any favors since he did not give clear answers prior to the election when asked what will be done in case of the storm. He also noted for them that former Attorney General Michael Lilly stated that Judge Nakamura's statement was correct and that the State and the current Attorney General's ruling to release voter turnout results prior to the completion of all precincts completing the election was incorrect.</p>
			<p>She notes that the <b>State Constitution permitted the postponement of voting in Puna for up to 21 days from the original scheduled date</b> . The CEO's dilemma is if the makeup election was postponed too long, it could have delayed the preparations for the General Elections. She further states that the League <b>does not understand why scheduling the make up election was rushed since there were two additional weeks available for the disaster stricken area.</b> She hopes that in the future, more time will be permitted before a make up election, allowing people more recovery time and perhaps increasing voter turnout.</p>
2014-08-22-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 9 of 27	<b>Janet Mason</b> -wanted a longer delay for election remake for the Big Island	<p>Ms. Mason states that the League wondered why mail in voting was changed to in-person voting. The League feels that consistent messages alert voters to any changes in the election plans. The League is also curious to see if any of the alternative solutions recommended by Senator Ruderman could be used. Ms. Mason testifies that, with regards to the Maui County 800 votes, the League supports continued post-election audits, earlier reconciliation of ballots, and informing the public as soon as possible of any problems. Also, the League supported SB 853 in 2013 which provided the Elections Commission with oversight of the Chief Election Officer. This would not mean a daily supervision but a general oversight and ability to properly advise the Chief Election Officer when difficult decisions need to be made. Ms. Mason closes by asking the Commission to consider holding another meeting before the General Election and noting that the League would like to see voting simplified by moving towards voting by mail with allowances for voting in person for early walk-in voting.</p>
2014-08-22-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 10 of 27	<b>Rep. Faye Hanohano</b> - Requesting re-vote; in agreement with Senator Ruderman	<p>Rep. Hanohano feels that what was done was wrong and needs to be corrected. She also says that the current leadership has seen its days and needs to be changed. She also tells the Commission if they really want to know what happened in Puna, the Commission needs to schedule a meeting there and speak with the people.</p>
			<p>Commissioner Okazaki asks Rep. Hanohano if she is in agreement with Senator Ruderman with having another vote. Her response was yes. Everyone needs to get their voting rights back and there needs to be more voting locations in Puna.</p>
2014-08-22-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 10 of 27	<b>Kimo Sutton Jr</b> -2012 Elections and this 2014 Election was a Circus Show	<p>Mr. Sutton noted that numbers do not lie, <b>there are a higher number of registered voters and a lower number of actual voters. During the 2012 elections, there was the ballot shortage issue and this election was a three ring circus.</b> He asks what scenarios were considered if the hurricane should hit the islands. He further states that it was like a statewide lower voter turnout was purposefully planned to assist one democratic senatorial candidate who was not leading in the polls. He further notes that the <b>Office of Elections was given the full responsibility, by the Governor, to determine when to have the primary in light of the oncoming hurricane.</b> He states that bad judgment seems to be a continued effect of this department's autonomy. Also, the late reporting of Maui's 800 votes is infuriating.</p>
			<p>Mr. Sutton testifies that many voters felt disenfranchised and in this situation, put in danger if they attempted to vote. He feels that possibly 200,000 persons did not vote in the election due to the storm. He notes that former Governor John Waihe'e may now be correct in saying that <b>the Office of Elections should come under the direction of the Lt. Governor's Office again.</b></p>
2014-08-22-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 11 of 27	<b>Bart Dame</b> -Senator Slom is Whining	<p>Hawaii's election process does have some flaws and some mistakes are made, however, compared to some horror stories on the mainland, the Office of- Elections does do a good job. People who are interested in having good solid elections in Hawaii should realize that there are thousands of volunteers who work at our elections. There are hundreds of moving parts with layers of processes and the pool of people who are qualified and have the experience and relationships to do this is very small. In the Office of Elections, there is a handful of people that make this happen and Scott Nago is at the core of this group. If you were to remove him and bring someone new in to replace him, you would be setting the process back and not helping it move forward. He further states that Mr. Nago has continually improved on performance. Mr. Dame states that he has heard Senator Slam, since the 90's, asking for the removal of former CEO's Dwayne Yoshina and Kevin Cronin and now wants to remove Scott Nago. He apologizes but states that it's like a broken record. Former CEO Dwayne Yoshina and current CEO Scott Nago each have credibility among election workers and were at the core of making elections happen.</p>
2014-08-22-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 12 of 27	<b>Tisha Panter</b> -Requesting CEO salary raise discussion should be made in Open Session	<p>She states that she was at a previous meeting in which <b>t he Commission was considering a \$30,000 salary increase for the Chief Election Officer</b> . Chair Marston asked if he could interrupt to explain that <b>every year the Commission gets a request from the Department of Accounting and General Services Personnel Department (DAGS-Pers) to review the Chief Election Officers salary and to inform them of any changes to his salary level</b> . This year the request was made again so it was placed on the agenda for discussion so a response could be made to DAGS-Pers. <b>Ms. Panter states to the Commission that it would be more appropriate for this discussion to be held in open meeting rather than Executive Session unless the Commission can cite privacy issues.</b> Chair Marston asked Deputy AG Valri Kunimoto for her comments. Deputy AG Kunimoto stated that she will take Ms. Panter's comments and concerns into consideration and will review this matter further. She also suggests that this discussion be deferred to a later time. A decision can be made in Executive Session. Ms. Panter said that she will provide her list of concerns to the Deputy AG.</p>
2014-08-22-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 12 of 27	<b>Arvid Youngquist</b> -sharing personal preferences for in person voting	<p>He also notes that he does not care for absentee voting but likes for people to be able to go to the polling place and vote so that they will know their votes have been received and counted. He encourages the Commission to go before the Legislature to get monies budgeted for their use. <b>He concludes that previous testifiers such as Janet Mason from the League of Women Voters and Mr. Bart Dame who testified before him covered most of the items that he would have testified to.</b></p>
2014-08-22-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 12 of 27	<b>P.M. Azinga</b> -Puna voters trust in election integrity brokent	<p>She states that the trust of the people of Puna has been violated and before restoring trust can begin, there needs to be an admission that trust has been violated, an apology needs to be made, and there needs to be accountability. She notes that there are four steps, <b>1) keeping your word; 2) telling the truth; 3) being transparent; and 4) making a decision on reparation. She feels the general public of Hawaii deserves that and emergency contingencies could have been made in this election.</b></p>
2014-08-22-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 13 of 27	<b>Khristina Caldwell De Jean</b> -Remove Nago as Chief Election Officer	<p>She states that he should be removed as Chief Election Officer. Commissioner Young asks how she at1empted to contact the Commission and she responded that she had called in and because <b>she was unable to contact the Commission, she is at this meeting to make her statement.</b> Commissioners Young and Okazaki asked her what number she used to try and contact them. Ms. De Jean was unable to give them the number and said that she could contact them at a later time with the number. <b>She states that as a gubernatorial candidate she was wronged by Mr. Nago. She demanded respect and asked to have the Chief Election Officer removed from this position.</b></p>

2014-08-22-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 13 of 27	<b>Senator Ruderman</b> -strongly encourages the Commission to consider holding a Commission meeting on the Big Island	<b>He strongly encourages the Commission to consider holding a Commission meeting on the Big Island</b> so that the Commission can hear problems from a Big Island perspective. If the Commission is unable to go to the Big Island, he asks that they consider doing a video conference meeting. In addition to his original testimony he wanted to let the Commission know that <b>there were no paper ballots available at the polling place during the delayed election and there was no privacy for voters. He noted that there were some voters that left without voting. He restates that the people's right to vote has been denied.</b>
2014-08-22-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 13 of 27	<b>Jessie Ponce De Leon</b> -Everyone do the right thing	Mr. Ponce De Leon encourages everyone to do the right thing when making their decisions.  CEO Nago thanked the Commission for the opportunity to justify the conduct and actions taken during the 2014 Primary Elections and he will highlight the events that were covered in detail in the 2014 Primary Election Report that was distributed to the Elections Commission.  CEO Nago then reported that when information of an impending storm was released, he and the OE staff began consulting with the <b>Hawaii Emergency Management Agency (HEMA)</b> . This was done in conjunction with other agencies who depended on the regular briefings conducted by the HEMA. The OE also had separate conversations with <b>Hawaiian Electric Company (HECO) to discuss election operations power requirements</b> and the <b>Attorney General's Office to discuss state laws covering elections and natural disasters</b> .  He continued to report that Hawaii State Law governs the conduct of elections during a natural disaster with differing responsibilities between the Governor and the Office of Elections. <b>HRS 11-92.3 states that the OE has the power to consolidate precincts, postpone elections or require the use of absentee to conduct an election in the event of a flood, tsunami, earthquake, volcanic eruption, high wind or other natural disasters. He noted that only the Governor, pursuant to his emergency powers under Act 111, can extend polling hours or otherwise use his general emergency powers to protect health, safety, and welfare of the people.</b>  He further noted that adjustments had to be made to our Standard Operating Procedures to ensure the integrity of our el'ctions. This included such things as the ability for all voters to vote in the same manner on the same day and releasing the results in a timely manner so that the public can know the outcome of their vote. However, once a disaster occurs, the OE does not have the authority to discard those concepts. The OE must consider adjustments to the normal process and consider how to address a natural disaster without undermining the integrity of the election process. The OE has a duty to all voters which includes those who voted before the natural disaster and those who voted after. With this in mind, our thinking was structured when considering the information provided by the Hawaii Civil Defense. <b>We learned that there were fallen trees, power outages and damages to structures in the Puna area, more specifically 04-01 and 04-02. We also learned that routes leading out of the communities served by precincts 04-01 and 04-02 were compromised and blockages were substantial rendering them inaccessible. There was no guarantee that clearing these roads could be done in the 15 hours until the opening of polling places. Accessing polling places 04-01 and 04-02 could be delayed for days. We also learned that other polling places were accessible.</b>
2014-10-03-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 2 of 12	Why does the Commission need to understand its powers by consulting with the Deputy AG?	Commission to consult with its attorney about matters pertaining to the Commission's powers, duties, privileges, immunities and liabilities related Elections Commission Meeting Minutes to Haw. Rev. Stat. 92-2.5.  Mr. Purcell commented that the meeting room is never set up correctly which is indicative of elections itself. He continues that the agenda wasn't prepared correctly and he holds the Chair responsible for that. He stated that <b>he had a conversation with the Commission Secretary and she would not answer if the reports listed on the agenda were from permitted interaction groups or standing committees.</b> Also, she would not give him her email address and could not or would not answer other questions that he had for her. He states that she is the public's point of contact for the Commission and should be knowledgeable if someone should call and ask for information. He also testifies that there is a lack of transparency and holds the Commission responsible for this.  <b>He also commented that the three internal committees formed to investigate the Primary Election did not post meeting notices and there were no written reports published.</b> He further notes that it is important that the meetings be more inclusive. People should be encouraged to attend and materials should be made available to them. He states that for the outer islands, there is a room available on the fourth floor of the State Capitol that can be used for video conferencing and he doesn't understand why only this room is used and he urges us to look into using the other room at the capitol. Lastly, he asks if the Chief Justice has made an appointment to the vacant Maui County seat that he was unable to fill. Chair Marston responded that the Commission has not yet heard from the Chief Justice but will follow up. The Commission Secretary noted that the Chief Justice solicited resumes and
2014-10-03-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 3 of 12	<b>Dan Purcell</b> - Agenda is not prepared correctly	Senator Slom testified that he is planning on introducing legislation during the next legislative session to: 1) reorganize the elections process and; <b>2) make it so that investigations are done externally to make sure that the investigations are objective and therefore restoring the publics' faith in the process.</b>  He also notes that he is not sure if any action that will be taken for things that happened during the Primary Election but notes that it is the responsibility of the Commission to address the issues before them. <b>He asks that the Commission conducts a meeting on the Big Island or has the meeting available for the Big Island residents through video conferencing.</b> He also asks that the Commission considers having an all mail election to avoid a situation like the one that happened during the Primary Election.  In this State, problems such as not having an open Primary, lack of candidates, and the limited group of people that are allowed to participate in the electoral process, there is a definite need for change. These things are discouraging for the members of the military community and they are left wondering what they are fighting for. <b>He also states that the men and women that are overseas are currently either not receiving their ballots or are receiving them late and their votes are not being counted</b> . He further testifies that year after year there are problems. People are always being encouraged to get involved and get active in the process and yet problems keep occurring. He feels that it is time for a change in the State of Hawaii and the country.  She continues to speak about the circumstances of her run for Governor and demands that a special election be held for her. <b>Chair Marston tells Ms. Delean that the Commission is aware of her concerns since she covered them at the last Commission meeting and asks that she tries to summarize her testimony so that the Commission can continue with the other agenda items.</b> Ms. Delean responds that she is done with her testimony and she basically would like a special election and have the Chief Election Officer fired.
2014-10-03-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 4 of 12	<b>Senator Russell Ruderman</b> -hold a meeting on the Big Island or have the meetings available to the Big Island residents through video conferencing	Chief Election Officer Scott Nago reported that since the last meeting on August 22, the Office of Elections has been working on closing out matters that concern the Primary Election and is moving forward with the planning of the General Election. For the Primary Election, the OE has processed payroll for over 3,000 election day workers. Also, <b>the absentee ballots for the General Election will start to get mailed out next week and the testing of the vote counting system and its machines will also begin.</b>  He further reported that the <b>OE is looking at the lava flow occurring in the County of Hawaii. Each affected voter was sent an absentee voter application last week</b> . Additionally, the County of Hawaii will be opening up an <b>additional early voting walk-in site in Nanawale</b> to accommodate the impacted residents. As of now, the Office of Elections intends to open all polling places but those plans may change depending on how the lava flow continues.
2014-10-03-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 5 of 12	<b>Calvin Griffin</b> -not having an open Primary, lack of candidates	<b>Concern for higher Maui voter turnout</b> because of Ag issues on ballot, Nago responded that the formula used for this elections ballot order is different from the one used in the last General Election. <b>A ballot for every registered voter has been ordered for this election. So there will be a sufficient amount of ballots for this General Election.</b>  Commissioner Okazaki asked if it would be possible to send ballots out now as Senator Ruderman commented. <b>CEO Nago responded that HAS 11-92.3 does not allow us to send out the ballots now because access has to be substantially impeded.</b> Commissioner Okazaki asked when the cutoff date for accessibility is and <b>CEO Nago responded that there is no date.</b>  Commissioner King asked if the issue of the <b>800 votes on Maui County</b> was addressed with the vendor. CEO Nago responded yes. Both the vendor and the <b>Office of Elections have new procedures in place to ensure there is accountability and this does not happen again.</b>  <b>NAGO took the report with him and interviewed three of the four County officials that were named in that report. Specifically, he interviewed Ms. Molly Stebbins, Hawaii County Corporation Counsel; Ms. Pat Nakamoto, Hawaii County Elections Administrator; and Mr. Steward Maeda, Hawaii County Clerk.</b> Unfortunately, due to conflicting schedules, he was unable to interview Mr. Darryl Oliveira, Hawaii County Civil Defense Director who was the fourth individual mentioned in the report. Commissioner Vierra noted that Mr. Oliveira is currently dealing with the current lava flow situation on the Big Island. Mr. Oliveira is also involved with cleaning up after Iselle.
2014-10-03-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 5 of 12	<b>Khistina Caldwell Delean</b> - would like a special election and have the Chief Election Officer fired	...the information provided by these individuals matched the comments and contents provided by the <b>Chief Election Officer Scott Nago in his report to the Commission. There were no variations or deviations.</b>  ...Nago opinion that the decisions made by CEO Nago prior to, during and after Iselle, was not unilateral but included <b>collaboration with the appropriate Hawaii County officials as well as the State Attorney General.</b>  <b>Commissioner Vierra further states that determining whether the decisions made were lawful and or proper, that was not within the purview of his inquiry.</b>
2014-10-03-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 7 of 12	<b>Commissioner Vierra</b> regarding the Big Island Primary Election for precincts affected by weather conditions in District 4, discussion and action	

2014-10-03-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 9 of 12	<b>Commissioner Orikasa</b> -regarding the Maui County Ballot Counting issue which occurred during the Primary Election, discussion and action	Commissioner Orikasa reported that he met with Maui County Clerk Danny Mateo, Deputy County Clerk Josiah Nishita, Elections Administrator Shirley Magarifuji, HART Project Manager David Magedeson and HART Professional Services Consultant Jessica McKay at the Office of the Maui County Clerk. <b>He ? states that he was assigned to investigate the delay in the counting of 800 Maui County ballots in the Primary Election.</b>
			<b>Commissioner Orikasa reported that his ? findings were that there was a human error when counting and accounting of a card. He continued that the built in system to check ballot over and undercounting worked as designed but was not confirmed until an audit was done in the week following the Primary Election.</b> He reports that this was a unique situation because of the unusual timing of the ballot rally and the early physical arrival of the card at the County Clerk's Office.
			Human oversight appears to have been the proximate cause. <b>The procedures and inadvertent HART rally counting misstep was difficult to recognize in advance but was discovered in the subsequent audit.</b> Commissioner Orikasa further reports that the entire process which involved receipt, accumulation, validation, tabulation, recording and security provision of the public's ballot is a very complex affair. He notes that even with one "glitch" in the entire Primary Election, the other multiple events that took place were done seamlessly and without incident. He states that any attempt to simplify the process with broad brush sweeps of remedies is not indicative of a competent awareness of a complex process.
2014-10-03-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 10 of 12	<b>Commissioners Young and Okazaki</b> regarding the Office of Elections conduct during the Primary Election	Commissioner Orikasa states that in summary, while there was a temporary delay in the accounting of 800 ballots, no candidate, cause or party suffered any injury. <b>He also stated that no entity was diminished and no entity was ostracized or disenfranchised.</b> He further notes that to remedy this situation, it was agreed that <b>HART and the Maui County Clerk's Office will continue to work closely to examine and refine the election day process that contributed to the election day incident.</b>
			Commissioner Orikasa's closing comments were that he feels the meeting between all parties was successful in that it brought the operational misstep into focus so that it could be examined and remedied. <b>He also notes that it is not the intention, when having this meeting, to micromanage or attempt to implement specific operational changes or procedures. He states that the process is complex and the conduct of the process should be left to the trained professionals.</b>
			Commissioner Young reported that he and Commissioner Okazaki met with CEO Nago at the Office of Elections a week after the last Commission meeting. At this time he asked CEO Nago who the vendor was for Maui County. CEO Nago responded HART InterCivic. Commissioner Young then asked what the name of the vendor is and CEO Nago responded that Jessica McKay is the lead person on Maui. Commissioner Young noted that he requested that CEO Nago bring this person to Oahu for a meeting. He then stated that he and Commissioner Okazaki met with the Hart vendor on the 30th of September. <b>He stated that they questioned the vendor about the incident involving the 800 ballots for Maui County. Commissioner Young stated that they asked the vendor if he had any approval to do this or if he had notified anyone that he was going to do this. The vendor responded that he did not ask the Chief Election Officer or any election official for permission but did the procedure on his own with his staff (Nago looks like placing blame on Vendor)</b>
2014-11-14-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 2 of 15	<b>Tisha Panter - under 92-5(b) the board cannot make a decision or deliberate towards a decision in executive meeting</b> on matters not directly related to purposes as specified in subsection (a).	<b>Commissioner Young stated that in a previous meeting with CEO Nago, he and Commissioner Okazaki informed him that the CEO will ultimately be held responsible for errors that his staff and vendors make.</b> Having said that, Commissioner Young also noted that in his meeting with the vendor, the vendor was made to understand that even though the CEO will ultimately be held responsible for any error, the vendor must communicate with the CEO or his deputy before any major changes are made, if not there will be consequences. He asked CEO Nago if this statement was correct and CEO Nago responded yes.
			<b>Commissioner Young then asked to go on record and stated that the vendor did admit to making an error and the vendor did this on his own. Commissioner Young further states that even though it is the responsibility of the Chief Election Officer, like any leader of an organization, there are instances where staff go off on their own and make decisions that cause big problems</b> . He states that this is what he and Commissioner Okazaki found when looking into the Maui County 800 ballot situation and steps will be taken to make sure this type of situation does not happen again.
			Ms. Panter states that under agenda item Executive Session, she sees that the Commission has complied with the first element of 92-5 by giving a reason for evaluating the Chief Election Officer. However, 92-5(a)(2) also involves matters affecting privacy and a reason for privacy must be cited and it needs to be statutory or a constitutional right to privacy. <b>Since the CEO is an appointee and not covered by civil service statutes, his salary is not a privacy issue and the salary range may be disclosed. The privacy issue will also have to be Mr. Nago's personal issue and not the Commission's. She further notes that under 92-5(b) the board cannot make a decision or deliberate towards a decision in executive meeting on matters not directly related to purposes as specified in subsection (a) .</b>
2014-11-14-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 3 of 15	<b>Janet Mason</b> -The League did notice that the volunteer turnout was disappointing and there were those who had signed up to volunteer and were no shows.	Chair Marston asked Deputy AG Kunimoto if she had any response to this. <b>Deputy AG Kunimoto responds that the Commissions position is that it affects Mr. Nago's privacy rights as it relates to personnel issues and his evaluation. His salary is a separate matter and is not a privacy issue. If CEO Nago waives his personal rights the Commission can address it then.</b>
			Chair Marston explained to Ms. Panter that the <b>agenda phrases are given to the Commission by its legal counsel.</b> He further notes that the Commission will still go into Executive Session and perhaps she can discuss her concerns with the Commission's legal counsel.
			The League is very concerned with the low voter turnout. <b>Ms. Mason notes that the 35% voter turnout is very serious and wonders if it is possible that the number of eligible voters in Hawaii is overstated</b> . The League will renew its efforts in researching why eligible voters don't vote since this is a very important question.
2014-11-14-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 5 of 15	<b>Dan Purcell</b> -Questions the work of committees investigation Big Island voting issues	The minimum for a permitted interaction group is two. He states that for the Big Island, it was misleading to the public to say that there was <b>a committee appointed and yet there was only one person on this committee. He also noted that there were no notices posted for any committee meetings</b> that were held. <b>Chair Marston clarified that these were subcommittees</b> that were assigned to investigate the Primary Election issues.
			<b>CEO Nago responded that one of the requirements for online voter registration is that the individual has to have either a driver license or a state I D. The signatures will be verified with those on these two forms of I D.</b> Commissioner Berg then asked for any feedback on the agreement the OE had with a non-profit group. She wanted to know how many people they actually reached and registered and how many of these newly registered people actually voted. CEO Nago responded that unfortunately, the group was unable to follow through on registering people in the targeted areas so the OE sent voter registration forms to the residents in these areas. He said that he will get the number for the amount of people that were registered but will not be able to get the number of people that voted yet. When that number is available, he will give it to the Commission. CEO was asked if there was any payment or resources given to the non-group and CEO Nago responded no.
			Sen. Donna Mercado Kim - testified that there are concerns about elections. She states that in accordance with HRS §11-8.5, the <b>Commission is supposed to conduct a biennial evaluation of elections operations and submit its findings and recommendations to the Legislature. Since 1994, none conducted.</b>
2015-02-20-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 2 of 18	<b>Senator Donna Mercado Kim</b> -Biennial Evaluation of the elections operations	Commissioner Orikasa noted that in previous Commission meetings, the Commission had conducted thorough discussions on the problems and issues that occurred during the elections. The Commission also discussed remedies for these problems and these discussions have all been documented in the Commission meeting minutes. He asks if that would be considered adequate. <b>Sen. Kim responds that according to the statute, the Commission needs to conduct a biennial evaluation of the elections operations and submit its findings and recommendations to the Legislature no less than 20 days prior to the convening of the legislative session</b> . The Commission will need to consult with the AG to see if the minutes constitute the report that is required. Commissioner Orikasa noted that he wanted to state that the Commission was not totally derelict in its responsibilities. <b>Chair Marston agreed and noted that the Commission did investigate and address issues from this past election and issues from the 2012 elections.</b> Chair Marston noted that the Commission will respond and her concerns will be addressed.
			Sen. Kim noted that perhaps <b>a procedure should be put in place that would remind the Commission when reports are due.</b> Commissioner Limtiaco agreed and asked if a report could be put together and submitted now rather than waiting two years. Commissioner Moore also agrees that this should not be put off and an effort should be made to complete it now.
			<b>Chair Marston stated that the term for the Chief Election Officer expires in February of 2016. He wanted to begin the evaluation process early</b> y so that the Commission can either decide on whether they would like to do a reappointment or perhaps start a recruitment process. <b>An evaluation of the CEO was done in early 2011. He noted that the Commissioners have been given copies of the evaluation forms that were used at that time.</b>
2015-02-20-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 10 of 18	Discussion and review on method of evaluation for the Chief Election Officer	<b>Chair Marston stated that a subcommittee consisting of himself, Commissioners Okazaki and Soares was formed.</b> An evaluation formula, forms and recommendations were done and presented to the Commission for approval. The forms included one for the County Clerks, one for each Commission member and one self evaluation form for the CEO to complete. Discussions were also held with the County Clerks since they were an important part of the process and they worked closely with the Chief Election Officer. <b>Lastly, a letter from the employees of the Office of Elections was received. This letter supported and encouraged the appointment of CEO Nago.</b>
			Chair Marston asked the Commission how they would like to proceed. <b>He asked if a subcommittee should be formed to review and perhaps make changes to the current forms.</b> After that is completed, the Commission can begin the evaluation process for the CEO.
			Commissioner Limtiaco asked to defer her comments since she has not had an opportunity to closely review the forms. Commissioner Orikasa stated that he was good with the current forms and Commissioner King noted that he felt it was a fair process. Commissioner Berg noted that she had a few comments on the form that the Commissioners used and felt that one or two things should be added to the form. <b>She also felt that the form used by the County Clerks was excellent and objective and the self evaluation form used by the CEO was also good.</b>
2015-02-20-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 10 of 18	Discussion and review on method of evaluation for the Chief Election Officer	<b>Commissioner Limtiaco notes that instead of forming a new committee, she would like to see suggestions made by the Commission and discuss them at the next Commission meeting.</b> She also asks how often this evaluation is required. Chair Marston responds that the evaluation is not required at the moment but due to the incidents that surrounded the past few elections, an evaluation of the Chief Election Officers performance was done. He restates that the term for the Chief Election Officer ends in February of 2016 so he wanted to get a job performance evaluation done in preparation for the selection process.
			Commissioner Berg recommends adding the following question to the Commission evaluation form: “Does the Chief Election Officer demonstrate those skills and abilities identified in the job description?” <b>She also asks that “the public” be added to the question: “How effective\ does the Chief Election Officer resond to requests from the Commission and the public?”</b>



2015-04-07-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 5 of 20	<p><b>Janet Mason</b> - Makes small comment about Commission finalizing Bienneial report to Legislature</p>	<p>Relating to Agenda Item No. VIII, the LWV is happy to learn that the Commission is finalizing and adopting the overdue biennial report to the legislature. Ms. Mason stated completing the report should set the relationship on a more collegial footing and the tone for future work with the legislature. OE has focused on legislation, online voter registration and revising the website.</p> <p>Regarding online voter registration, CEO Nago reported <b>OE is on track to launch online voter registration on August 3, 2015. OE is required by law to implement this by the 2016 Primary Election</b> . Anyone with a Hawaii State Identification, or a Hawaii Driver's License will be able to register to vote online. OE is in the process of finalizing the screens, what a voter sees when they register online, and will continue testing the system.</p> <p><b>Chair Marston commented he is not receptive to the mail-in ballot. His intuitive feeling is the possibility of fraud occurring,</b> does not know what has been done to address that or why people feel comfortable with it, and asked for any comments.</p> <p><b>CEO Nago responded, he thinks if Chair Marston saw what is done on the back end, what is done with a mail-in ballot, it is not simply just mailing a ballot out to the voter, getting the mail back and we count it. There's a lot done on the back end that a voter is not aware of.</b> For example, when a voter first registers to vote, the application is signed, so the voter's signature is on file. When a voter applies for an absentee mail ballot, another application is filled out, and that signature is then compared to the original signature to make sure the voter is the person actually requesting a ballot. Someone else cannot request a ballot for you. <b>When the ballot gets sent out, the voter needs to sign it, and when it comes back that signature is also verified. If a voter's wife voted for him because he was away and signed the ballot, if the signature doesn't match, it's put on the side and doesn't get counted. There are a lot of checks in the system in place, to make sure that the voter is the voter that requested and voted the ballot. Chair Marston asked what system is used to verify the signature, and is it scanned. CEO Nago responded, the signature from the application is on file, and right now it's a manual verification.</b> CEO Nago added, the respective County Clerks receives the ballot and compares the signature on the envelope with the signature on file.</p> <p><b>Commissioner Vierra asked, if a signature is questionable, is the voter contacted.</b> CEO Nago responded, on many occasions, if the voter doesn't sign the envelope, the County Clerks will contact the voter to have them come in and sign it. If the envelope is not signed, the ballot cannot be counted, it's considered an invalid ballot. If the signature is questionable, or doesn't match, it's put on the side and is saved. If it eventually goes to court, it would then be the court to decide whether or not that ballot would be counted. Commissioner Vierra clarified that a voter wouldn't know if his vote wasn't counted. CEO Nago responded, if the voter didn't sign it, yes.</p> <p><b>Commissioner Vierra asked, if there was some minor discrepancy, is the voter contacted. CEO Nago responded, he's not. Chair Marston noted that all Commissioners received their packet containing the evaluation forms that were originally used, the suggested corrections, and suggested items to be included.</b> Chair Marston noted that he hopes all Commissioners will reach unanimity today in the forms themselves and the method going forward, as it will take another Commission meeting to review those. Chair Marston suggested starting with the questions for the commissioners, and asked if anyone has any additions, or corrections on that particular form.</p> <p><b>No 1 . Commissioner Limtiaco explained she thought it might be of value to broaden the stakeholder group who comment, or are allowed to submit evaluation comments. Second, the elected officials, she received feedback and respect the comments that it may not be a good idea. Third, key stakeholder groups that have a big stake outcome in the successful voting process, such as League of Women Voters and Common Cause.</b></p> <p><b>Employees who do not like their boss may express their feelings, and if it's written up, then he's gone.</b> However, Chair Marston noted he has never seen a form where subordinates rate their boss, maybe it happens, but has never seen nor been involved with it.</p>
2015-04-07-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 17 of 20	Review and Implementation of method of evaluation for the Chief Election Officer	<p>Commissioner Limtiaco responded, it's been done and is called a <b>360 Review. She added the questions has to be completely confidential, that's the key, you have to make sure these people are protected and can make comment if they want to.</b></p> <p>Commissioner King commented, to him, <b>there's a difference between an appraisal and an evaluation. The appraisal that the legislature seems to be wanting from the Commission is whether the CEO is doing a good job and if the Commission should continue and employ him.</b> An evaluation is more of how can you improve, and he thinks that's more where a 360 is used. Commissioner King thinks a 360 is 30% of a company, but he's not sure that that's appropriate for what seems to be moving through the legislature, that they are asking for the Commission to do.</p> <p>The CEO delegates his authority to the County Clerks, as he's responsible for the whole thing. The Commissioners don't delegate anything, they quiz the CEO, ask him for responses, and receive testimony from him on the goings-on. <b>They are viewed from two different perspectives and that's why there are two different questionnaires.</b> Chair Marston commented he hopes this answers her questions, and Commissioner Limtiaco commented the explanation responds to her query.</p> <p>Commissioner Vierra stated he's experiencing that issue right now. <b>He's conducting an investigation and employees went forward before the Board that controls the department and voiced their opinion on the abilities of the CEO and the Board accepted the comments but the word out out and some of these</b></p> <p>Chair Marston confirmed all Commissioners received a copy of the biennial report, and asked for any additions or corrections. Commissioner Berg commented, relating to Item #2, she suggested deleting a portion in the second sentence, "However, there was apparent confusion on the part of some voters, and as a result, the Commission recommended that current statutes governing the conduct of elections during such natural disasters be addressed by the legislature." All Commissioners agreed unanimously to Commissioner Berg's suggestion, and Chair Marston directed the following be taken out, " ... there was apparent confusion on the part of some voters, and as a result. ... "</p> <p>Chair Marston directed the Secretary to finalize the report, and send the report with a letter to the President of the Senate and the Speaker of the House, with a copy of each letter to their counterpart.</p> <p>Chair Marston added that since the <b>evaluation was required within two months of the General Election</b>, it must be completed by the first part of January. This means that the Commission will have to schedule meetings through the holidays, which may or may not be convenient for everybody, so there is a time consideration there.</p> <p>Chair Marston announced that the <b>Commission has voted today to retain Scott Nago as the Chief Election Officer, to continue through his current term and for a new term beginning on February 1, 2016.</b></p>
2015-04-07-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 16 of 20	Discuss and finalize the Commission's biennial report to the legislature	
2015-05-18-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 8 of 14	Chair Marston CEO evaluation is required within two months of the General Election	<p>XI. Discussion of salary adjustment of the Chief Election Officer and action, if appropriate.</p> <p>Chair Marston announced, in addition to that, <b>a salary committee had been appointed, composed of himself, Commissioner Patricia Berg and Commissioner Charles King to report back to the Commission, their recommendation at the next meeting.</b></p> <p>With no further comments, Chair Marston asked for a motion to go into executive session <b>to discuss the recommendation from the Salary Committee, pursuant to Section 92-5(a)(2), HRS, on the salary adjustment of the Chief Election Officer</b> , pursuant to Section 11-1.6(e).</p> <p>The motion was made by Commissioner Young, seconded by Commissioner Vierra, and approved unanimously by the Commissioners.</p> <p>Pursuant to Section 92-5(a)(2), HRS, to discuss the recommendation from the Salary Committee on the salary adjustment of the Chief Election Officer, pursuant to Section 11-1.6(e), HRS, and action, if appropriate.</p> <p>The Commission resolved into open meeting at 11 :00 a.m.</p> <p>X. Salary adjustment of the Chief Election Officer, pursuant to Section 11-1.6(e), HRS, if applicable.</p> <p>Chair Marston announced that the Commission <b>voted to increase CEO Nago's annual salary to \$90,000, effective July 1, 2015</b> , which represents 75% of the total amount the Chief Election Officer is entitled to be paid.</p>
2015-05-18-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 14 of 14	Chair Marston discussion of CEO salary adjustment	
2015-07-09-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 9 of 10	Chair Marston asked for a motion to go into executive session to discuss the recommendation from the Salary Committee	
2015-07-09-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 9 of 10	Salary adjustment of the Chief Election Officer	
2015-09-16-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 3 of 5	<p><b>Commissioner Orikasa</b> asked CEO Nago if <b>Hawaii's voting equipment is up to speed on technology</b></p>	<p><b>CEO Nago replied that the election equipment is certified and meets the necessary requirements, but realistically machines are only reliable to a certain extent. Thus, the machine count is backed up by OE's election auditing process</b> . Commissioner Berg mentioned that the story regarding the unreliability of voting equipment was in reference to older machines (i.e., 1 0+ years), whereas Hawaii's equipment is not that old. CEO Nago confirmed that Hawaii's voting machines are about five or six years old and that OE maintains its equipment with regular upkeep.</p>
2015-11-04-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 2 of 9	<p><b>Senator Sam Slom</b> -At bipartisan House and Senate Joint info meeting, Nago and County Officers had many unanswered questions</p>	<p>Senator Sam Slom: Sen. Slom reported that there was a bipartisan House and Senate joint Informational Briefing regarding the elections process yesterday with representatives from each of the four counties and Chief Election Officer (CEO) Scott Nago. Sen. Slam expressed concerns that <b>there were many unanswered questions and a lack of knowledge that he felt was very unsettling. He suggested that they revisit the training that is conducted for volunteers and new workers, as well as for those who have held their positions in the counties for quite some time.</b></p> <p>Sen. Slom stated that with the move toward electronic or mail delivery ballots, the issue of voter identification was discussed at length. <b>The contentious issue has been whether or not to implement a photo identification requirement in order to vote.</b> Sen. Slam recalled that several voter officials said that they will ask for identification, but it is okay if it is not provided. If a voter does not have a photo ID, driver's license, or State ID, a utility bill (or other document approved by the Federal Voting Rights Act) will suffice. Sen. Slam explained that this system is flawed as there is no verification that the person handling the bill is actually who they claim to be. Those who disagree say that fraud is not an issue in Hawaii.</p>
2015-11-04-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 4 of 9	<p><b>Sen. Slom</b> replied that Chair Keith-Agaran was discussing the issues of proper identification and the possibility of a person voting more than once in two different jurisdictions.</p>	<p>The county clerks reported that there were two sources: the county clerk's office and the county clerk's office. The county clerk's office was the source that charged nothing for double checking all data, and the Pew source that charged \$80,000-\$90,000, which they thought was too expensive. In regards to reports of double voting, <b>the counties' stock answer is that the voter must sign the affidavit declaring that they are a U.S. citizen and that they are not voting anywhere else. Sen. Slam said that the legislators, particularly the senators, pointed out that the affidavit is of little significance if there is no follow up.</b></p> <p>Commissioner Moore asked if Sen. Slam thinks that the EC should participate in or at least audit these types of Informational Briefings. Sen. Slam explained that the Informational Briefing yesterday was not a hearing, so there was no testimony. However, if it had been, the Commissioners would not have denied if they had wanted to testify. Sen. Slam stated that everyone involved wants the same things, which are good, fair elections, and an increase in voter participation. He said that they are currently not doing much more than studying and talking about the issues, but anything they can all do together would be beneficial.</p>
2015-11-04-EC-Minutes_Reviewed_Y2024-05-09.pdf	Page 7 of 9	<p><b>Commissioner Berg</b> asked if OE is planning to propose any other type of legislation other than what has already been discussed</p>	<p>CEO Nago replied that OE is preparing to propose a different mail bill. Because the EC submits a report to the Legislature, <b>Commissioner Moore asked if there is a way that the EC can support the modernization of the election process safely and effectively.</b></p> <p>CEO Nago stated that there is <b>nothing preventing any EC member from testifying, and that they are all appointed by a political entity with whom they can communicate.</b></p>

2016-01-13-EC-Regular-Meeting-Minutes_Y2024-05-12	Page 4 of 9	<b>Commissioner Berg</b> - review the video recording of the Informational Briefing on November 3, 2015 with the Senate Committee on Judiciary and Labor (JDL) and the House Committee on Judiciary (JUD); several concerns addressed at the Informational Briefing, primarily voter identification.	Commissioner Berg stated that since the last EC meeting, the members of the EC had the opportunity to review the video recording of the Informational Briefing on November 3, 2015 with the Senate Committee on Judiciary and Labor (JDL) and the House Committee on Judiciary (JUD). She explained that there were <b>several concerns addressed at the Informational Briefing, primarily voter identification.</b>
			Commissioner Berg said that she did not see anything in CEO Nago’s Status of Operations report regarding how these issues were addressed. <b>CEO Nago replied that the state law allows each of the county clerks to determine what is considered sufficient identification for voter registration.</b> He explained that they currently follow the requirements of the “Help America Vote” Act, which accepts a current and valid photo ID or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.
			Commissioner Berg asked <b>CEO Nago to confirm that each county is able to develop its own requirements for voter registration identification.</b> CEO Nago verified that they can under the current law, however they are looking to standardize the requirements statewide.
2016-01-13-EC-Regular-Meeting-Minutes_Y2024-05-12	Page 6 of 9	<b>Commissioner Hiraki</b> asked CEO Nago how he envisions OE changing, assuming that the whole package of bills are passed (e.g., differences in cost, voter turnout, etc.).	CEO Nago responded that their <b>most critical bill is the all-mail election proposal</b> . He explained that the last time Hawaii had an all-mail election was for the special election in 2010, which resulted in greater voter turnout than the previous special election in 2003 that was not all-mail. Based on that data and nationwide statistics, there is greater voter turnout when elections are conducted by mail. CEO Nago added that voter turnout is also dependent upon the type of election; Hawaii holds elections every two years, whereas elections are held annually in other jurisdictions. Furthermore, presidential and gubernatorial elections typically have higher voter turnout. Commissioner Hiraki asked CEO Nago what percentage of an increase he anticipates if the all-mail bill passes. <b>CEO Nago replied that voter turnout was approximately 20% for the 2003 special election, versus about 55% for the all-mail 2010 special election,</b> however it is difficult to predict how these numbers would translate in a regular scheduled election. <b>In regards to cost, CEO Nago stated that transitioning to all-mail elections would save over \$800,000 based on the State’s current contract. Commissioner Hiraki asked if this change would mean a reduction in OE staffing, to which CEO Nago agreed, explaining that election day officials, nor polling places, would be required.</b>
			Chair Anderson asked CEO Nago to confirm the five political parties currently qualified. Kristen Uyeda (Office of Elections) listed the Hawaii Republican Party, the Democratic Party of Hawaii, the Green Party of Hawaii, the Hawaii Independent Party, and the Libertarian Party of Hawaii.
			Sen. Slom recalled that voter fraud was discussed at the joint informational briefing, and that either Hawaii is a “perfect” state with no fraud, or that there is no due diligence to discover fraudulent information. In following up with Commissioner Berg’s inquiry, <b>Sen. Slom asked if any improvements have been made since the informational briefing with regard to voter registration fraud.</b> CEO Nago explained that he cannot speak for what the counties do on their end, but know that all fraudulent findings are reported to the prosecutor’s office. <b>Sen. Slom asked if CEO Nago could find out exactly what the counties do and report back by the next EC meeting</b> , to which CEO Nago said that he would. <b>Sen. Slom asked if the state does anything in regards to fraud, to which CEO Nago responded that voter registration is not under the state’s jurisdiction.</b>
2016-01-13-EC-Regular-Meeting-Minutes_Y2024-05-12	Page 7 of 9	<b>Commission Berg</b> - Making fraud easier if same day registration with utility bill is all you need	He explained that this is why it is important to assign local neighborhood residents to work in the polling places so that they are better able to determine these types of fraud. <b>CEO Nago added that according to the “Help America Vote” Act, a current and valid photo ID or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter is acceptable in order to register.</b> Commissioner Berg asked if a picture ID is required to vote at the polls. CEO Nago responded that if a person did not have a picture ID, they could corroborate their identity with the election day official and be allowed to vote.
			Per Nago; <b>only 1 voter fraud in 2015 and 1 in 80’s</b>
			CEO Nago added that he was asked at the last EC meeting to look at issues of voter fraud that were sent to the prosecuting attorney. <b>He reported that there was one issue last year (2015) on the Big Island, and prior to that, the last voter fraud issue sent to the prosecutor was in the '80s.(Why were any election irregularities investigated?)</b>
2016-05-18-EC-Regular-Meeting-Minutes_Y2024-05-13	Page 8 of 8	Commissioner Young mentioned that he and past EC member, Ms. Zale Okazaki, had previously worked with OE on <b>the ballot issue that had occurred in 2012</b>	<b>CEO Nago explained that in 2012, a miscalculation resulted in a shortage of ballots at the polling places. In order to address this, OE is now sending out one ballot per voter</b> , even if they do not vote at their polling place. Furthermore, OE has developed a system to deliver additional ballots if any polling place does require more. CEO Nago added that in remote areas, the reserved ballots are sent out before they are requested.
			<b>Commissioner Vierra asked CEO Nago how this change increases the total cost of elections, to which CEO Nago replied that it does not.</b> He explained that the change simply involved allocating more ballots to each polling place rather than holding back as was done in 2012.
			Sen. Slom requested that the <b>“Public Testimony” agenda item be placed after CEO Nago’s Status of Operations Report</b> for future meetings.
2016-06-27-EC-Regular-Meeting-Minutes_Y2024-05-13	Page 2 of 9	Senator Slom - Push for Accountability for Nago	He stated that July 1st is the deadline for CEO Nago’s report to the Legislature regarding the statewide voter registration system, and said that he was hoping to hear about the report at today’s meeting. Sen. Slom also expressed interest in receiving a status update on the voter education program. He noticed on the agenda that the <b>EC would be going into Executive Session to discuss a possible salary adjustment for CEO Nago.</b> Sen. Slom said that he wanted to testify against any salary increase right now, and suggested that the EC wait until after the 2016 elections to make that determination.
			Look up the details on this...She presented the EC with three questions: 1. The Moratorium on Maui has never been certified by either the State (which actually can’t) or County (which is supposed to). Is this a correct statement? 2. Was the rest of that election certified? 3. Who pulled the Moratorium from certification? What are the steps taken to do this?
			Chair Anderson asked CEO Nago if he is able to answer any of these questions. <b>CEO Nago stated that OE certifies the accuracy of the counts, however the counties determine whether or not the amendments pass. Ms. Savitt disclosed that when she spoke with Maui County Clerk, Mr. Danny Mateo, he said that the certification was pulled out by the State.</b> CEO Nago and Commissioner Moore agreed that this statement did not sound accurate.
2016-06-27-EC-Regular-Meeting-Minutes_Y2024-05-13	Page 5 of 9	<b>Beth Savitt</b> - SHAKA Movement fought hard and won the vote on the Moratorium	Commissioner Moore apologized to Ms. Savitt for having to fly from Maui to attend today’s meeting. She expressed her support for teleconferenced meetings at least through November of this election year, as it is important that people are able to participate easily.
			Commissioner Moore stated that she does not understand why the Moratorium was not certified, and that she had thought that the tie up was in the legal process. She asked Deputy AG Valri Kunimoto if she is able to answer any of Ms. Savitt’s questions. <b>Deputy AG Kunimoto explained that the only contact the AG’s Office has had regarding the GMO issue was a hearing before Judge Rhonda Loo during which she issued a ruling at the State court.</b> She said that the State has not been involved in the litigation, and that the cases were just heard by the 9th Circuit Court last week. Deputy AG Kunimoto stated that the county would be responsible for the certification, as it is a county charter provision and part of a county election. She suggested that Ms. Savitt ask for clarification from their lawyers, acknowledging that the SHAKA Movement has very good representation. Ms. Savitt replied that their lawyers have not been able to answer her questions adequately.
			Mr. Douglas added that he would like to settle this issue without having to go to court, if at all possible. Chair Anderson asked CEO Nago if he would like to comment on Mr. Douglas’ issue. CEO Nago explained that OE only puts questions on the ballot proposed by the Legislature. The petition process for ordinances and charter amendments such as Mr. Douglas’ are handled exclusively by the counties.
2016-06-27-EC-Regular-Meeting-Minutes_Y2024-05-13	Page 6 of 9	<b>Bruce Douglas</b> - deadline has passed to get their initiative on the 2016 ballot; He hoped that the EC could assist as it is their responsibility to ensure fair and honest elections	Commissioner Vierra asked who is responsible for settling issues when there are disputes. CEO Nago replied that OE would not be notified of these issues, but instead the county clerk’s office would handle them through their judicial process.
			Chair Anderson asked Mr. Douglas if their petition sets were taken to the county clerk and received by someone. Mr. Douglas confirmed that they were, and stated that he waited at the clerk’s office while each page was timestamped and the number of pages was certified. Mr. Douglas shared that they had not counted the pages of the petition sets before submitting them.
			Commissioner Moore asked CEO Nago and Deputy AG Kunimoto if they could comment on the notary requirement for the petition sets. Deputy AG Kunimoto stated that the requirement would fall under the county’s jurisdiction. CEO Nago said that he was not aware of the notary requirement, but maintained that the state has no involvement with regard to the charter amendments.
2016-08-31-EC-Regular-Meeting-Minutes-FINAL_Reviewed_Y2024-05-03.pdf	Page 3 of 10	Status of Operations Report from the <b>Chief Election Officer</b>	<b>Mr. Douglas clarified that the question is whether the affidavit needs to be notarized at all, and reiterated that no other county in the State of Hawaii has this requirement. He explained that many affidavits are simply signed and not notarized, and that it is only Maui’s interpretation that the affidavits need notarization. Chair Anderson stated that regardless of the fact that Maui County is the only county that requires the affidavits to be notarized, it is their rule that must be followed.</b>
			CEO Nago reported that there were <b>minimal issues on Saturday, Primary Election Day.</b> <b>One issue that occurred involved switching out a voting machine at a polling place on the Windward side.</b> Since the Primary Election, the <b>Office of Elections (OE) has conducted the audits of the results</b> and started preparations for the General Election ballot. The deadline to file a contest for cause was Monday, August 22nd, and as there were no contests filed, the results and list of winners were then certified.
			<b>CEO Nago stated that voter registration increased 2.9% from the 2014 General Election, and 4.3% from the 2014 Primary Election. In regards to online voter registration, there were 40,000 transactions statewide</b> , which include existing voters requesting a permanent absentee ballot or updating their record, as well as new registrations. This year was the first time that same-day voter registration at the AB walk sites was offered, through which approximately 1,000 people registered. In 2018, Election Day registration at the polling places will be available.
2016-08-31-EC-Regular-Meeting-Minutes-FINAL_Reviewed_Y2024-05-03.pdf	Page 3 of 10	<b>Chair Anderson</b> - Newspaper published letter to the editor about low voter turnout and inflated voter rolls	Chair Anderson shared that the newspaper had published a letter to the editor regarding low voter turnout and inflated voter rolls. OE and the counties had submitted a response, however the newspaper had chosen not to publish it.
			Chair Anderson asked CEO Nago to explain his response to the Commission. <b>CEO Nago stated that his response detailed the process through which the county clerks update the voter registration rolls.</b>
			He explained that prior to the election, the county clerks mail all voters a yellow card that cannot be forwarded. If it is returned, the clerk changes the voter’s status to “inactive,” and mails a follow-up white card through which the voter can re-register. If the voter fails to reactivate their record, they cannot be removed from the voter registration rolls until two election cycles have passed.

2016-08-31-EC-Regular-Meeting-Minutes-FINAL_Reviewed_Y2024-05-03.pdf	Page 4 of 10	<b>Chair Anderson</b> - Another issue is handling deceased individuals on Voter Rolls	<p>...In regards to deceased individuals on the voter rolls. CEO Nago explained that the Department of Health provides a list of names of those who have passed away in the State of Hawaii. Thus, <b>their Elections Commission Meeting Minutes would be no record if a Hawaii resident passed away in another state or country.</b></p> <p>If the spouse of a deceased individual continues to live at the same residence, the yellow card may be thrown away rather than returned. <b>CEO Nago said that if one wanted to remove a deceased person from the voter rolls, they would need to provide sufficient information to the clerk's office to verify their claim.</b></p> <p>Regarding individuals in other states hacking into voting machines. CEO Nago clarified that there have been no hacks in Hawaii, and that the Office of Enterprise Technology Services (ETS) has provided OE with a list of sites that they should be blocking. Commissioner Berg asked if the Hart machines that scan the ballots are connected to the internet. <b>CEO Nago replied that the machines are not connected to the internet, but rather the information is stored on a memory card which is removed and secured at the end of the night</b></p> <p>Commissioner Berg reported that she had visited a couple of polling places on Kauai, and that everything seemed to be running smoothly. <b>A precinct official had relayed to her an incident involving a woman who was encouraged by a precinct worker to vote on the machine, as it was not being used. Halfway through the process, she became frustrated, and wanted to vote on a paper ballot instead. When she was told that it would be too difficult to reverse what she had voted on the machine, the woman became upset and left the polling place without voting. CEO Nago stated that the woman should have been allowed to cancel her vote on the machine and be issued a paper ballot.</b> He asked Commissioner Berg at which polling place she had heard of this incident, to which Commissioner Berg answered that it was at Hanalei Elementary School. <b>CEO Nago maintained that the precinct official did not follow the proper procedure and that OE will follow up.</b></p> <p>Commissioner Steffey asked CEO Nago if there is a specific procedure in place for securing the memory cards that are removed from the Hart ballot scanning machines. <b>CEO Nago explained that everything is sealed, verified by official observers, and signed off on when it goes out before Election Day, and when it comes back. (WE has lots of blank memory device forms)</b></p> <p>In regards to the hacking concern, Sen. Slom asked CEO Nago if there <b>are any new procedures in place to guarantee that the memory cards are secure.</b></p> <p>CEO Nago confirmed that the voting system is a standalone system that is <b>not connected to the internet in any way, and that everything is sealed with a unique serial number and recorded.</b></p> <p>Sen. Slom asked CEO Nago who is responsible for providing information on the different charter amendments. With regard to the two constitutional amendments, CEO Nago stated that the law used to require the Legislative Reference Bureau (LRB) to provide pros and cons on the charter amendments, however the law has since changed. He added that in some states like California, this information is provided by the AG's Office. <b>Sen. Slom asked CEO Nago if he can find out who will provide this information, as education should be the main goal.</b></p> <p><b>Senator Slom had encouraged the EC to do more to remedy low voter turnout, and asked if there is anything the EC is able to do to help.</b> Commissioner Berg suggested that the EC can encourage OE to do more PSAs, and said that she thought OE's "I'm a Voter" campaign was great. CEO Nago clarified that the "I'm a Voter" campaign was done by Hawaii News Elections Commission Meeting Minutes Now.</p> <p>Chair Anderson asked CEO Nago if there is money in the budget that is earmarked for these advertisements, to which CEO Nago replied that OE uses federal funds for these commercials. He added that OE's advertisements cover the mechanics of voting (i.e., voter registration, precinct official recruitment, online registration, single party primary, etc.). <b>CEO Nago stated that the most effective way of increasing voter turnout in other states has been going to all-mail elections. Chair Anderson agreed and encouraged the EC to push their legislators to support all-mail elections.</b></p> <p>Commissioner Bates mentioned that Commissioner Vierra had shared a video via email with the rest of the EC regarding the hacking of voting machines and the issue of security. He asked CEO Nago if he had any thoughts on the video.</p> <p>CEO Nago stated that Commissioner Vierra had sent the video before the Primary Election, and because a lot has happened since then, he would need to first review it to refresh his memory.</p> <p><b>Chair Anderson reiterated that OE's system cannot be hacked into, as CEO Nago explained earlier.</b></p> <p><b>Chair Anderson stated that during this upcoming legislative session, his main goal is to get the all mail bill passed.</b> He said that in the last few weeks, he has met with six legislators who are key in passing this bill, and found that they have no objections.</p> <p>Chair Anderson urged the rest of the EC members to meet with their local legislators, and said that they could be provided with a <b>summary sheet that highlights the benefits of all mail elections.</b></p> <p>He added that all mail voting would <b>eliminate various issues that occurred on General Election Day, including the long lines and the machine jams.</b></p> <p>Commissioner Takenaka asked CEO Nago how much it would cost to implement all mail voting. CEO Nago explained that OE is proposing that it be implemented in phases by county, and that once it is completely carried out, <b>there will be an estimated savings of \$800,000 per election cycle.</b></p> <p>CEO Nago explained that SB 462 was the only bill of the four to cross over. He added that although OE's all-mail bill did not pass, HB 1401/SB 334 did; one would implement all-mail elections statewide, and the other would do so in a staggered fashion. CEO Nago stated that OE prefers the Senate version of the bill because it allows for implementation as early as 2018 if necessary.</p> <p>CEO Nago said that OE acknowledges that there are concerns regarding fraud in elections, however they believe that there are sufficient safeguards in place. For absentee mail ballots, a signature is required on the outer envelope, which is verified by the clerk's office against the signature on file. In addition, a yellow card is sent to the mailing address of every voter prior to the election, which is the same address the absentee ballot would be mailed to. Thus, CEO Nago explained that if a person did not receive their yellow card, it would prompt them to follow up and update their registration if necessary.</p> <p>Chair Anderson pointed out that there is a lot of concern regarding fraud in elections, and asked CEO Nago to review the safeguards that are currently in place regarding absentee mail ballots. CEO Nago explained that when a person registers to vote or makes any changes to their existing registration, they include their signature on the application, which is captured and saved on file. When an individual is returning their voted absentee ballot, they are required to sign the outer envelope, which is then checked against the signature on file. If the signatures do not match or the outer envelope is not signed, the ballot is either sent back to the voter or held, depending on the county.</p> <p>Commissioner Takenaka asked if it is the EC's role to encourage the Governor to pass or veto bills that affect them. Commissioner Okazaki responded that the responsibility of the EC is to oversee CEO Nago.</p> <p>Chair Anderson asked CEO Nago if there was any evidence during the last election of any outside tampering with the election process or anyone's vote. <b>CEO Nago replied that there was no evidence of tampering with votes, as the vote counting system is not attached to the internet.</b> He explained that the vote counting system is tested, certified, locked down, and sealed by independent official observers prior to each election, and that tampering with a machine would require breaking the physical seal. On election day, the voting machines are managed at the polling places by the election day officials. Finally on election night, the results are audited, so any tampering that occurred would be found in the audit.</p> <p>CEO Nago stated that there was also no evidence of any tampering with the voter registration system. He said that <b>OE works with the state Office of Enterprise Technology Services (OETS), who in turn works with the U.S. Department of Homeland Security (DHS) to ensure that the system is secure and equipped with the necessary security programs and updates.</b> CEO Nago disclosed that it was reported that 21 states were targeted during the last election, but OE was informed by DHS that <b>Hawaii was not one of those states. (Can we see this report?)</b></p> <p>Commissioner Vierra asked CEO Nago what the legislature's concerns are regarding all-mail voting. CEO Nago said he believes it was a funding issue, as OE estimated a need for \$1 million in startup costs, \$200,000 of which would be spent on office voter education, and the rest divided amongst the counties for scanners/sorters, signature captures, drop boxes, and security for the drop boxes. He added that operational costs were also questioned, which is not something that can be answered now, as the 2020 operational costs would come out of the 2020 budget next session.</p> <p><b>Commissioner Steffey asked CEO Nago to confirm that the estimated cost savings of switching to all-mail voting would be \$800,000 per election. CEO Nago stated that the savings would be approximately \$750,000 per election, which is essentially the labor cost for election day officials. He explained that the \$750,000 estimate was calculated in 2014;</b> when the current contract expires in 2020, OE will go through the procurement process to secure a new contract, which will determine a more updated savings estimate.</p> <p>He added that of the 286,000 people who voted in the Primary Election, two out of three voted prior to Election Day; this means that only one out of three walked into their polling place on Election Day.</p> <p>Bart Dame: "...presidential preference poll is currently held on a specific day at a single location, and people wait in long lines to cast their vote. He said that the Democratic Party of Hawaii does not have the technical ability or the resources to provide for early voting in a way that is secure and guards against error and fraud." NAGO: "CEO Nago explained that in order to bring down the \$2.8 million cost, the presidential preference poll would need to be held in conjunction with the regularly scheduled primary election. However, doing so would also require that the date of the primary election be moved, as it would need to occur prior to the national convention."</p> <p>CEO Nago clarified that absentee mail ballots, including the ones dropped off at polling places on election day, are processed in a specific way. Previously, the City Clerk's Office used to manually scan the barcodes and verify the signatures. He said that they have since purchased a scanner/sorter machine that performs these functions at high speed. However, the machine is about 15 feet long and is not portable, so the ballots need to be taken to the machine, which is stored at the Clerk's Office near the airport. Once the ballots are scanned and verified, they are brought to the Capitol to be processed.</p> <p>Ms. Marinelli asked CEO Nago what he means by "verifying signatures." He explained that when a person registers to vote, they are required to sign the application. That signature is captured and stored in the database, which is then verified against the signature on the absentee mail ballot envelope. Ms. Marinelli asked what happens if a voter signs a loop in the wrong direction. CEO Nago stated that it is meant to be a security feature, but less than 1% of ballots get invalidated, including blank and mismatched signatures.</p>
2016-08-31-EC-Regular-Meeting-Minutes-FINAL_Reviewed_Y2024-05-03.pdf	Page 4 of 10	<b>Chair Anderson</b> - Third issue is hacking into voting machines	
2016-08-31-EC-Regular-Meeting-Minutes-FINAL_Reviewed_Y2024-05-03.pdf	Page 4 of 10	Commission Berg - Reported incident woman voting on machine wanted to change her mind and vote on paper but was told she could not; she left without voting	
2016-08-31-EC-Regular-Meeting-Minutes-FINAL_Reviewed_Y2024-05-03.pdf	Page 5 of 10	<b>Commission Steffey</b> -is there specific <b>procedure for securing memory cards?</b>	
2016-08-31-EC-Regular-Meeting-Minutes-FINAL_Reviewed_Y2024-05-03.pdf	Page 6 of 10	<b>Senator Slom</b> -great question on memory card and if voting systems are connected to the internet	
2016-08-31-EC-Regular-Meeting-Minutes-FINAL_Reviewed_Y2024-05-03.pdf	Page 7 of 10	<b>Sen. Slom</b> asked CEO Nago who is responsible for providing information on the different charter amendments.	
2016-08-31-EC-Regular-Meeting-Minutes-FINAL_Reviewed_Y2024-05-03.pdf	Page 8 of 10	<b>Commissioner Steffey</b> - reiterated Sam Slom's inquiry getting help to improve the low voter turn out	
2016-08-31-EC-Regular-Meeting-Minutes-FINAL_Reviewed_Y2024-05-03.pdf	Page 8 of 10	<b>Commissioner Bates</b> -shared about Commissioner Vierra's video about the hacking of voting machines	
2016-12-02-EC-Regular-Meeting-Minutes-FINAL_Reviewed_Y2024-05-03.pdf	Page 4 of 9	All Mail-in Ballots	
2017-03-13-EC-Regular-Meeting-Minutes-FINAL_Reviewed_Y2024-05-03.pdf	Page 3 of 7	CEO Nago assurances of sufficient safeguards in place to prevent fraud	
2017-03-13-EC-Regular-Meeting-Minutes-FINAL_Reviewed_Y2024-05-03.pdf	Page 4 of 7		
2017-03-13-EC-Regular-Meeting-Minutes-FINAL_Reviewed_Y2024-05-03.pdf	Page 7 of 7		
2018-02-22-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-03.pdf	Page 4 of 8	Chair Anderson asked CEO Nago if there was <b>any evidence during the last election of any outside tampering with the election process or anyone's vote</b>	
2018-02-22-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-03.pdf	Page 5 of 8		
Y2018-09-16	Page 4 of 7	Performance Metrics of 2018 Primary Election	
Y2018-09-16	Page 5 of 7	Presidential Preference	
Y2018-09-16	Page 6 of 7	Signature Verification	



2018-12-13-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 4 of 7	Questions about scanner margin of error and signature verification	<div>Mr. Waters said that according to Rich Geppart of Hart Intercivic, there are three types of machines: the eSlate, the eScan, and the Ballot Now. The eSlate is a type of computerized voting that prints out a verification of how votes were cast, and the eScan takes a digital picture of the ballot. <b>Mr. Waters stated that he wanted to ask OE what the margin of error is on the machines. He explained that he is a criminal defense attorney, and the DUI machine has a margin of error of .05 that the courts recognize. Mr. Waters said that there must be a margin of error on the eScan machine. He stated that if he outside the margin of error, he will accept it; if he is within the margin of error, a recount should be done for the confidence in the system.</b></div> <div>Regarding the Ballot Now machine used for absentee ballots, Mr. Waters stated that to his understanding, the signature on the envelope is verified against the signature on the voter registration form. If the signatures do not match and the machine rejects the ballot, a person physically compares the signatures.</div> <div>CEO Nago added that OE will also be asking voters to return notification cards to their County Elections Division if any are received in error (e.g., a voter no longer resides at that address). Rather than simply throwing them away, returning them will help to clean up the voter registration rolls. <b>CEO Nago stated that there are currently 775,000 registered voters in Hawaii, 734,000 of which are active voters. This means that approximately 40,000 or 5% of voters are designated as “inactive,” and can only be removed from the voter registration rolls if they fail to update their registration within two election cycles.</b></div> <div>Commissioner Kuwada asked CEO Nago if the signature database will be maintained by the state. <b>CEO Nago replied that the database will be maintained by the state, but the inputting and the ownership of the data is the responsibility of each individual county.</b></div> <div>Mr. Dame said that the Democratic Party is also preparing to mail absentee ballots to the approximately 100,000 members statewide. He added that they are <b>working with vendors to obtain scanners that are capable of reading and tabulating the votes.</b> Mr. Dame stated that it will be an ambitious and expensive project for the Democratic Party, and just wanted OE and the EC to be aware of it.</div> <div>Chair Anderson stated that the EC will be voting on CEO Nago’s reappointment, as his term is up in February of next year. He told the EC that their meeting folders contained the surveys that were used for CEO Nago’s evaluation in 2015, and that he would like them to take it home, review it, and see if there are any changes that they would like to make. Following this, they will collect the completed surveys and vote on CEO Nago’s reappointment.</div> <div>Commissioner Curtis asked if the surveys will be collected at a later date, to which Chair Anderson said that they will be, and that the EC has some time before they need to vote on the reappointment. Commissioner Curtis asked CEO Nago how long his contract is. <b>CEO Nago said that he does not really have a contract, but that his term expires in February 2020. Commissioner Okazaki asked what CEO Nago means when he says he does not have a contract, to which Deputy AG Kunimoto explained that he is not on a contract with the State and his position is appointed.</b></div> <div>With no further comments, Chair Anderson asked for a motion to go into executive session as stated in the agenda, i.e., to approve the minutes for the executive session for the meeting of December 13, 2018; and pursuant to Section 92-5(a)(4), HRS, to consult with the board’s attorney on questions and issues pertaining to the board’s powers, duties, privileges, immunities, and liabilities, and action, if appropriate, relating to litigation. The motion was made by Commissioner Takenaka, seconded by Commissioner Seielstad, and approved unanimously by the Commissioners.</div>
2019-06-12-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 3 of 8	Voter Roll Clean-up	
2019-06-12-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 5 of 8	How will signature database will be maintained?	
2019-06-12-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 6 of 8	Presidential Preference Democratic Party side	
2019-06-12-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 7 of 8	Method of Evaluation of Chief Election Officer	
Y2019-10-29	Page 3 of 8	Nago explaining Mail-In Ballot Process	<div>CEO Nago reported that OE is working collaboratively with the counties, and that their focus has been on educating voters about all-mail elections in 2020. He said that a mailer with this information was sent to each voter in July, a sample of which was included in the EC’s meeting packets. CEO Nago explained that the National Voter Registration Act, a federal law, states that the only way a voter can be removed from the rolls is by a returned mailing. In describing the process, CEO Nago stated that if a voter has forwarded their address, their registration will get flagged. The counties will then follow up with another card called the “white card,” and the voter’s status is changed to “inactive.” The voter then has two election cycles, or two general elections to correct their registration. If they fail to do so within that time parameter, the voter is removed from the rolls.</div> <div>CEO Nago stated that a second mailer will be sent in January, notifying the voters of important dates and information regarding the voter service centers. In April, a signature capture card will be sent, requesting an updated sample of the voter’s signature. CEO Nago clarified that the signature sample is checked against the signature on the ballot envelope, which is one of the ways a voter’s identity is verified.</div> <div>CEO Nago said that OE will be running television, digital, and radio advertisements beginning in April, asking voters to return the signature capture card with a current signature. In July and October, OE will be running an ad for the voter registration deadline. CEO Nago added that although there is a voter registration deadline, voters still have the opportunity to register and vote at a voter service center on election day. At the end of July, OE will run ads explaining the importance of signing the return envelope, and another in August regarding instructions for voting in a single party primary election. Regarding election security, CEO Nago stated that they have been noticing misinformation on social media, such as false claims of closed polling places. He said OE wants to make sure that their website has the most accurate information. In addition, OE is working with the National Governors Association on cybersecurity messaging. Chair Anderson stated that there will be a certain percentage of voters who do not return the signature capture card the first time. He asked CEO Nago what their second opportunity will be. CEO Nago replied that if a voter does not have a signature on file, there is a remedy period written into the elections by mail bill during which time the voter can come in to sign their ballot and verify their identity. Chair Anderson asked if a voter would still receive a ballot if they did not return the signature capture card. CEO Nago confirmed that all voters whose registrations are up to date will receive a ballot. Commissioner Curtis said that CEO Nago had mentioned that there is 30-day period prior to the election to register, otherwise individuals can register on election day at a voter service center. CEO Nago answered that is correct.</div>
2019-10-29-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 5 of 8	Process of Purging Voter Rolls	<div>CEO Nago explained that the 680,000 notification cards were sent only to active voters, and that the number from November 2018 that Ms. Mason referred to included both active and inactive voters. He clarified that the inactive voters are those who were sent the mailing which bounced back, then were subsequently sent a forwardable card and had four years or two general elections to correct their registration. CEO Nago said that this most recent notification card was not forwardable, so if they were sent to inactive voters, they would just be returned as undeliverable. Thus, the most recent notification card was only sent to active voters. <b>As an example, CEO Nago stated that approximately 25,000 voters were removed from the white card mailing in August 2019, meaning they were flagged as inactive voters four years ago.</b></div> <div>Commissioner Curtis asked CEO Nago if the voters who were removed were the individuals whose cards bounced back. CEO replied that is correct.</div>
2020-02-21-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 2 of 8	National Governors Association (NGA) Policy Academy	<div>OE also participated in the National Governors Association (NGA) Policy Academy; Hawaii was one of seven states selected to participate. CEO Nago shared that the Policy Academy consisted of best practices and tabletop exercises.</div>
2020-02-21-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 2 of 8	Nago reviews candidate filing period.	<div>CEO Nago stated that he is going to walk through the process of elections, beginning with February 3rd, which was the start of the candidate filing period.</div>
2020-02-21-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 2 of 8	NVRA requirement to inform voters that they are registered	<div>In April, they will be <b>sending out signature capture cards to voters.</b> CEO Nago explained that the National Voter Registration Act (NVRA) requires a mailing to inform voters that they are registered, <b>and only allows the process to remove voters to begin after a returned mailing.</b> He added that voters cannot be removed simply due to a failure to vote, and emphasized the importance of keeping one’s voter registration information up to date since ballots are not forwardable</div>
2020-02-21-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 3 of 8	End of Candidate Filing Period	<div>CEO Nago stated that the candidate filing deadline is June 2nd. He explained that candidates who want to run for office need to obtain the requisite number of signatures of voters in the district in order to file for office.</div>
2020-02-21-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 3 of 8	Testing of Vote Counting System	<div>Following this, CEO Nago said that there is <b>ballot proofing, and then the testing of the vote counting system, which is done by the official observers, who serve as the eyes and ears of the general public. He added that the official observers mark ballots, test and certify the machines, then lock them down until election day.</b></div> <div>CEO Nago explained that 30 days prior to the election is the voter registration deadline. He reiterated that it is important for everyone to keep their voter registration up to date, because individuals who are not properly registered will not receive a ballot. CEO Nago said that 18 days prior to the election is when ballots are expected to arrive at households. <b>He stressed the importance of signing the back of the envelope prior to returning it, and that ballots need to be received by the Clerk’s Office by 7:00 p.m. on election day.</b></div> <div>CEO Nago stated that 10 days prior to the election, voter service centers will open statewide for in-person voting and election-day registration. He added that the locations of the voter service centers are determined by the County Clerks, pursuant to Act 136.</div> <div>CEO Nago said that five days prior to the election, secure ballot boxes will be available for voters to drop off their ballots, and that ballots must be received by 7:00 p.m. on election day.</div> <div>He mentioned that a tracking system will be available for voters to confirm that their ballot has been received by the Clerk’s Office and validated for processing. <b>CEO Nago stated that if a voter does not sign their ballot, they will be notified by the Clerk’s Office and will have five days after the election to remedy the issue. He added that the entire process is then repeated for the general election.</b></div> <div>CEO Nago reported that OE has met with the <b>United States Postal Service (USPS) and shared samples of the mailings with the letter carriers to stress their importance and ensure that they are delivered.</b></div> <div>OE will continue to work with the State Fusion Center, the Office of Enterprise Technology Services (OETS), and federal partners.</div>
2020-02-21-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 3 of 8	Ballot tracking system for voters	
2020-02-21-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 3 of 8	OE vetted USPS services	
2020-02-21-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 3 of 8	Mail-In Vote In Process Partners	
2020-02-21-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 6 of 8	Mrs. Ma of Common Cause asking for a review of the Voter Rolls due to Ten individuals reporting have not received postcard	<div>Ms. Ma replied that her suggestion was for a <b>review to be done to find out where the possible breakdown may have happened, if there was one.</b></div> <div>Commissioner Vierra asked CEO Nago if undeliverable cards are returned to OE, to which CEO Nago confirmed that they are. CEO Nago explained that voters whose cards are undeliverable are sent a forwardable card, and then have <b>two general elections to update their address, or are otherwise removed, as per the NVRA. He added that county clerks used to have the power to remove voters for any reason, so the NVRA was enacted to protect the rights of voters.</b></div> <div>Commissioner Bates asked CEO Nago if these issues will be addressed in OE’s advertisement campaign to educate the public. <b>CEO Nago replied that the card has two purposes: to bring awareness to elections by mail and to clean up the voter rolls. He said that the mailings have been working because the returns have gone down from 6% for the first mailing to 3% for the second mailing.</b> CEO Nago stated that another card will be sent out in April, so the hope is that the returns will decrease further.</div> <div>Commissioner Curtis asked CEO Nago for his estimate of the number of moved voters that would be undeliverable. CEO Nago answered that <b>20,000 cards were returned statewide for the January card. He reiterated that these voters will be flagged, and a follow-up mailing will be sent to them via forwardable mail. These voters would then have two general elections to update their address, or they will be removed.</b></div> <div>Commissioner Curtis asked CEO Nago if the returned cards are sent to OE or the Clerk’s Office. CEO Nago responded that the <b>returned cards are received by the Clerk’s Office, as they are the only ones who can remove names from the voter rolls.</b> Commissioner Curtis asked CEO Nago if the information is then forwarded to OE. CEO Nago replied that it is not, as voter registration is the responsibility of the County Clerks.</div>
2020-02-21-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 6 of 8	Nago stated that, " two general elections to update their address, or they will be removed"	

2020-02-21-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 7 of 8	EC went into Executive Session <b>to evaluate and reappoint Nago as CEO.</b>	Evaluation of the Performance of the Chief Election Officer and Reappointment, If Appropriate, Pursuant to HRS §§ 11-1.6 and 11-7.5 Pursuant to HRS § 92-5(a)(2), the Commission anticipates going into an <a href="#">executive session to consider the evaluation of the performance of the Chief Election Officer and reappointment.</a>	
2020-07-23-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 3 of 12	On Saturday July 25, 2020, Nago conducting logic and accuracy test of the vote counting system	CEO Nago reported that OE will be conducting the logic and accuracy test of the vote counting system this Saturday in the presence of Official Observers. He explained that <b>Official Observers are representatives of the political parties who serve as the “eyes and ears” of the general public, mark test ballots, and ensure that the logic and accuracy of the machines are working properly.</b>	Was there a report to review?
2020-07-23-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 3 of 12	August 8, 2020 first result report to be released.	CEO Nago stated that the County Elections Divisions will be opening the voter service centers next Monday, where voters can register and vote in person. He said that over 7,000 ballots have been received so far, and that ballot processing will begin on Wednesday of next week. CEO Nago added that the law allows for processing to begin 10 days prior to Election Day, and that the first result report will be released after 7:00 p.m. on August 8.	Was there a report to review?
2020-07-23-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 7 of 12	Tracking ballots during USPS side	CEO Nago reiterated that they are looking into working with USPS to be able to track ballots within the postal stream for future elections.	
			Chair Anderson asked CEO Nago how many days he thinks it would take for a ballot to be dropped into the mail and received by the County Elections Division.	
			CEO Nago replied that the length of time it takes for delivery depends on a voter’s location. He explained that USPS recommends five days for rural areas, or a 967 zip code, and two days for urban areas, or a 968 zip code, though they have seen returns as quick as one day. Regarding results being reported prior to Election Day, CEO Nago stated that the law prohibits them from doing so, and that he does not believe that occurs anywhere in the US.	
2020-07-23-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 8 of 12	Complaint by Karl Dicks, Candidates are not filing correctly	Mr. Dicks stated that this is his first time running for office in Hawaii, and that he is running for mayor. He said that when he filed his nomination papers in February, he noticed that there were many other candidates who were not yet “registered” who were accepting donations and campaigning actively. For the protection of the public, Mr. Dicks reported that he and others filed several objections regarding ethics and law violations. He stated that it is clear in federal law that fraudulent misrepresentation is portraying that you are someone you are not, and that he understands that Campaign Spending requires candidates to file reports once they collect \$100 because some were otherwise not doing so.	
			Mr. Dicks suggested that there needs to be additional clarification that simply accepting \$100 in donations does not automatically make someone a candidate, <b>but they must also file all necessary reports so it is all on record. He suggested that the rule should require that if you accept \$100 in donations, you must register within 15 days, because it is his belief that individuals are not registering so they can accept larger donations and engage in campaign activity that is not authorized once you are registered.</b> Mr. Dicks stated that it is fraudulent misrepresentation, and that the general public already has a distrust in the election process and thinks their votes are not counted. He said that the process to become a candidate is not difficult; you obtain the signatures on the nomination paper, have them verified, pay the fee, and take the oath.	Why wasn't an investigation initiated.
			Mr. Dicks explained that there is one candidate who has been in the media for 40 years and is well aware of the forms required to run political advertisements. He said he inquired in late February or early March whether that individual had registered, and his response was that the process was more complicated than he thought and that he would register that day. In late May, Mr. Dicks stated that the individual was on the radio again, and was asked by a caller if he had registered yet. His response was that he had not registered, but was planning to do so on June 1.	
			Mr. Dicks asked why these individuals are waiting and what the benefit is to not registering. He added that it is unethical and not the kind of behavior of someone we want to hold elective office. Mr. Dicks said that this was the foundation of all of the objections he filed. He explained that there were no procedures in place, so he developed a form and a process through which the form is timestamped and the objector is given a copy.	
2020-07-23-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 10 of 12	What is the definition of Candidate?	Mr. Dicks stated that CEO Nago made his point. Candidates who raise \$100 are self-declaring as candidates, despite the fact that they are not registered as required by OE. Chair Anderson asked Mr. Dicks what state law was broken. Mr. Dicks answered that he quotes the laws that were violated in his objections. He clarified that there is a federal law against fraudulent misrepresentation that is a Class C felony, punishable by up to \$10,000 penalty and up to five years in prison. Commissioner Koller told Mr. Dicks that his concern seems to belong in a different venue. She asked Mr. Dicks what he imagines to be an appropriate remedy that the EC can render for him. Mr. Dicks replied that this issue falls directly under the jurisdiction of OE because OE is where one takes the oath and pays the fees to officially be placed on the ballot. Commissioner Koller agreed that is where to find the rules for becoming an official candidate, but her question asked whether Mr. Dicks thinks the EC has some enforcement power or ability to issue a penalty, conduct an investigation, or bring a lawsuit, for example. Mr. Dicks responded that the EC appoints CEO Nago, so presenting his issue to the EC was the next logical step to appeal CEO Nago’s decision. He added that the remedy he sought was to disqualify the nomination papers of those candidates due to unethical behavior. Commissioner Koller told Mr. Dicks that she believes that the EC will be going into executive session to discuss his appeal.	
2020-07-23-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 11 of 12	<b>Chair Anderson Motions to Kill Karl Dick's complaint</b>	Chair Anderson stated that the EC moves to take no further action on Mr. and Mrs. Dicks’ complaint because the law or rule which they believe has been violated is not a law or rule that OE or the EC is statutorily authorized to administer or enforce.	
			Commissioner Seielstad made the motion, which was seconded by Commissioner Vierra, and approved unanimously by the Commissioners	
2020-12-15-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 4 of 19	<b>Per Commissioner Koller</b> , "ballots should be trackable through the United States Postal Service (USPS) mail stream?"	CEO Nago said that he would work with USPS on that. She asked CEO Nago for a status update. CEO Nago clarified that when he said they would work on it, he meant for the 2022 Elections, as it would have been too late to implement for the 2020 Elections. Commissioner Koller asked CEO Nago for a status update on tracking ballots through the mail stream for the 2022 Elections. <b>CEO Nago stated that currently, voters can track their ballots once it is received by the County Elections Divisions. He said that they are working with USPS to see if they would be able to begin tracking ballots once they are mailed out. CEO Nago explained that this would require things on OE's part, such as printing some sort of identifier on the ballot return envelope.</b>	
2020-12-15-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 5 of 19	Koller is asking how many Mail-In Ballots received by OE?	She also referred to a chart on pages four and five that shows the mail and in-person totals. Commissioner Koller went on to say that in the second paragraph on page five, CEO Nago describes how the envelopes with signature issues were remedied for five days after the election. At the end of the second paragraph on page five, Commissioner Koller quoted, “The final statewide results report is then released upon the completion of all County post-election counts. All voted ballots are then secured for storage for 22 months pursuant to federal law.” Commissioner Koller asked, given all of these references to numbers, which one, if any, reflects the final count including the remedied ballots. She said it does not appear that this information is in the report, and asked CEO Nago if he could amend his report to include it. CEO Nago explained that the purpose of the table on pages four and five was to show the differences in the results reports on election day through the final report on election night. He offered to provide the EC with the final result report, which is posted on the OE website. Commissioner Koller stated that she would like the Status of Operations report to include the final numbers, and that having it on the website is not an efficient way to communicate with the EC.	
			Commissioner Koller referenced page five of the Status of Operations report, where CEO Nago mentioned that OE provided an update to the Legislature on November 20, 2020 called Implementing Elections by Mail. She stated that Act 136, SLH 2019 requires that OE submit a report for every election through 2025, with the first one submitted on November 6, 2019. Commissioner Koller said that when she attempted to view the report on the OE website, she instead pulled up a four-page letter dated December 31, 2019 to the Senate President and the House Speaker regarding projections and cost comparisons for all mail elections versus polling places. She asked CEO Nago if this four-page letter is the report to the Legislature he referred to in his Status of Operations report. CEO Nago stated that he is looking at the website now, and the language says, “Act 136, Session Laws 2019 requires the Office of Elections to submit a report to the Legislature addressing the office’s progress in implementing elections by mail.” Below this statement, he pointed to a link that says,	
2020-12-15-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 6 of 19	Koller shares complaint of Republican volunteers not contacted to serve as Official Observers	Commissioner Koller told CEO Nago that one of the <b>complaints he will hear today is regarding the GOP not being given the opportunity to provide names for official observers.</b> She said that she personally knows about it because she signed up for every one of the ten days and was not called to service. Commissioner Koller reported that when she inquired with the GOP Chair, Greg Lussier, she was told that the spots had already been filled by the County Elections Division. She asked CEO Nago if these complaints should be directed to the Maui County Elections Division.	
			CEO Nago reiterated that the official observers are the state’s responsibility, and that OE sends notification to the political parties in February asking for a list of names. He went on to say that OE did not receive any names from the Republican Party, so they did have to move on with recruitment. CEO Nago stated that the Republican Party did reach out to OE after, and OE did try to make every accommodation to include at least one Republican observer on every shift on Maui	
2020-12-15-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 8 of 19	Greg Lussier, Maui GOP did make deadline for sending in volunteer list	Greg Lussier: Mr. Lussier introduced himself as the Chair for the Maui County Republican Party, and recalled that CEO Nago said that the Republican Party was provided an opportunity to submit a list of names to be official observers. He claimed that is not accurate, and that they were told before the deadline that the positions had already been filled.	
			Chair Anderson asked CEO Nago if he would like to respond. CEO Nago said that he does not know how to respond to that statement, and that he said what he believes to be true. Chair Anderson asked CEO Nago if OE’s response was sent to the state chair or the county chair, to which CEO Nago replied that the request was sent to the state chair of all parties.	



			<p>Brett Kolbis: Mr. Kolbis identified himself as the Chair of the Honolulu County Republican Party, and said after speaking with the Republican Party official observers, some, if not all, acted as election workers rather than observers, which violates HRS 16-45. He stated that during the administrative rules hearing, the Republican Party raised the issue that official observers were not identified in the administrative rules, and it was not addressed.</p>
2020-12-15-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 8 of 19	Kulbis reports volunteers were made election workers versus Official Observers	Commissioner Koller referenced page four, second paragraph of CEO Nago’s Status of Operations report, and said that the language speaks of election workers and official observers as if they are one and the same. She quoted, “Volunteers are also recruited to help with the processing of ballots and serve as Official Observers. Despite COVID-19, volunteers were eager to serve at the counting centers and we had more than enough people interested in participating. All shifts had ample coverage and many volunteers were willing to sign up for additional shifts as they became available.” Commissioner Koller stated that it is true that <i>many Republican Party members were eager to be observers but were not allowed to participate, and that the language blurs the distinction between an election worker and an official observer.</i> She added that if the distinction is not clear, it needs to be clarified in the law and added to the recommendations to the Legislature to fix in 2021.
2020-12-15-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 9 of 19	Nago agreed to have balance of Official Observers	Commissioner Koller reported that what she heard was that the Republican Party observers were asked by officials in the counting center to do certain tasks that interfered with their responsibilities as official observers. She asked CEO Nago if he will ensure that each political party is allotted an equal number of more than one observer for future elections, to which CEO Nago agreed.
2020-12-15-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 9 of 19	Koller calls out Nago for failure to purge voter rolls	She said her understanding is that there are 124,000 voters who have not voted in the last four primary and general elections as of the end of September 2020, according to the Hawaii Republican Party voter data center. Commissioner Koller asked CEO Nago if he will ensure the removal of voters as required by HRS Section 11-17. CEO Nago stated that HRS Section 11-17 is in conflict with federal law, the National Voter Registration Act, which does not allow the removal of voters for failure to vote. He explained that the only way a voter can be removed is if a voter cancels their registration, or if a mailing sent to a voter is returned as undeliverable. In this circumstance, a forwardable follow-up mailing would be sent, allowing the voter two general elections to update their registration. If the voter does not update their registration within this timeframe, only then can they be removed from the voter rolls.
2020-12-15-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 11 of 19	Kulbis complaint that dropboxes open as early as October 6 versus 5-days before election	Brett Kolbis: Mr. Kolbis identified himself again as the Chair of the Honolulu County Republican Party, and stated that he thinks Honolulu County may have violated HRS Section 11-109 (d) by authorizing that the drop boxes open on October 6. He said the law reads that the clerks may designate a place of deposit to be open five business days before the election. Mr. Kolbis stated that October 6 was much earlier than five days before election day, which questions the security of the drop boxes, as previously mentioned by Commissioner Koller. He requested that the EC inquire with the counties to ensure they are following the law so that the public can feel confident about the security of the drop boxes. Chair Anderson asked CEO Nago if he would like to respond. CEO Nago replied that his understanding is that the law says, “at least five days.” This was an interpretation by the counties’ corporation counsel, which allowed them to open drop boxes early. Mr. Kolbis said that the law does not say “at least five days,” but states, “...places of deposit to be open five business days before the election.” He stated that he understands that is a legal interpretation, but as a high school graduate, he reads the words the way they are written. Mr. Kolbis suggested that this revision be added to OE’s recommendations to the Legislature.
2020-12-15-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 13 of 19	Regentine complains of APO discrepancy of 98% Biden vs 2% Trump which doesn’t match enthusiasm for Trump	Ms. Regentine said that she observed approximately 98% of votes for Biden, and 2% of votes for Trump, and checked over half of the 1500 APO/FPO ballots. She stated that she was surprised to see only 2% of votes for Trump, when most individuals in the military that she knows support Trump. Ms. Regentine then compared these numbers to the statewide result, where Trump received 33% of votes, which was not consistent with the 2% that she saw. She reported that she wrote letters to the newspaper, though they did not publish them. Ms. Regentine stated that she also wrote letters to Lin Wood, Trump’s advisor, who said he would get back to her, and to U.S. Representative Ed Case, who did not respond. She said that she wanted to bring this issue to the attention of the EC because she believes there were issues with the APO/FPO ballots throughout the nation.
			Commissioner Koller requested an internal investigation into Ms. Regentine’s concern. Chair Anderson asked CEO Nago where the APO/FPO ballots are sent to. CEO Nago replied that they are sent to the County Elections Divisions for validation, then to the State for counting. He explained that the military and overseas ballots are HTML alternate format ballots that need to be duplicated to be counted. CEO Nago asked if the duplication was correct or incorrect. Commissioner Koller asked CEO Nago if there were observers from all of the political parties observing the duplication. CEO Nago confirmed that there were, and explained that the ballot is first duplicated by an election worker, then validated and signed off on by an observer. He added that there were at least 10 pairs of election workers and observers participating in this task, and no others had raised this concern.
2020-12-15-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 14 of 19	Maui GOP reports Maui OE did not have room for Republican Official Observers	Greg Lussier: Mr. Lussier reintroduced himself as the Chair for the Maui County Republican Party, and stated that they experienced many issues that he wanted to share with the EC. He reported that they were told by the Maui County Elections Division that they would not be able to accommodate their party members as observers, as the positions had already been filled. Mr. Lussier said that he raised his concern with new Maui County Clerk, Ms. Kathy Kaohu, who allowed them to have one observer rotate between the four counting stations, rather than accommodating their request for four observers. Regarding their poll watchers, Mr. Lussier stated that the Maui County Elections Division removed names from their list and changed their schedules. They were also required to stand on a platform 50 feet away, and were restricted from moving around freely in certain areas, such as the parking lot. He said that during the last few days, they were allowed to move around freely to observe, as there was no established rule that required them to stand 50 feet away. Mr. Lussier stated that the Republican Party feels that the political parties should be able to fill the official observer positions with their own representatives before other volunteers are considered. He added that he wants to know who made these decisions and why these issues occurred.
2020-12-15-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 15 of 19	Koller “CEO Nago reported that OE will be conducting the logic and accuracy test of the vote counting system this Saturday in the presence of Official Observers. He explained that Official Observers are representatives of the political parties who serve as the ‘eyes and ears’ of the general public.”	She said there is in writing and speech from CEO Nago regarding the need for observers from the political parties, however what occurred on Maui did not reflect this. Commissioner Koller requested that these issues be officially reported and investigated. Chair Anderson asked Mr. Lussier if he could put his concerns into writing, to which Mr. Lussier agreed.
2020-12-15-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 15 of 19	Nakanelua reports glaring lack of chain of custody	Laura Nakanelua: Ms. Nakanelua introduced herself as the RNC national committeewoman representing Hawaii, and asked CEO Nago what body approved the extended timeframe for the ballot drop boxes. CEO Nago replied that the drop boxes are the responsibility of each county, so their respective corporation counsel, or their legal advisor, would have approved that decision. Ms. Nakanelua asked CEO Nago if the law requires that no less than one member of each political party shall observe the pickup or transport of the ballots from the drop boxes. CEO Nago answered that he does not believe there is anything in law, so if that occurred, it would have simply been a voluntary practice implemented by the county. Ms. Nakanelua stated that she served as an official observer on several occasions, and there seems to be a glaring lack of chain of custody of the ballots via USPS mail and the drop boxes. She said that USPS does not deliver the mail ballots to the location where the signature verification is done, but instead the Honolulu City Clerk’s Office picks up the ballots from USPS unobserved. Ms. Nakanelua stated that there are many people in Hawaii who have concerns about the security of the mail ballot process, and the ability to observe what happens to the ballots once they have left the voters’ hands. She said she is unsure if this is a question for CEO Nago or the EC, but wants to know how the chain of custody issue can be addressed.
2020-12-15-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 16 of 19	Koller and Nakanelua addressing Chain of Custody	Commissioner Koller requested that CEO Nago include in his recommendation to the Legislature that they standardize some chain of custody and require observers to be present for the transportation and delivery of the voted ballots from the drop boxes and USPS. Ms. Nakanelua asked CEO Nago if he could address this concern in writing in his next report to the Legislature. CEO Nago replied that the receipt of ballots via USPS mail and drop boxes are the responsibility of the counties, so he can make the recommendation, but cannot guarantee that they will be on board. Commissioner Koller stated that she understands CEO Nago does not have the power to tell the counties what to do, and suggested that he recommend in his report to the Legislature that they give him that authority, or adopt a law that standardizes the requirements with regard to the chain of custody for ballots, including the requirement that the process be observed by the political parties. She told CEO Nago that he should be insisting that the Legislature reign in the counties’ discretion because the counties have gone too far in abandoning any semblance of chain of custody of ballots.
2020-12-15-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 17 of 19	Koller can a straight line be accepted as a signature?	Commissioner Koller asked Commissioner Dean if it is true that the machines that verify signatures can be set to a level that accepts a straight line as a valid signature. She added that she wanted to know if this was true for the Verity machines that CEO Nago reported won the bid. Commissioner Dean explained that because signatures are variable, the “hash function” needs to translate the signature its measuring into a multi-digit number, so the result will either be many false positives or false negatives. He said that he would be reluctant to approve a machine for signature verification, rather than human eyes. Commissioner Koller asked CEO Nago if machines will be used to conduct the signature verification. CEO Nago replied that three of the four counties use machines to compare signatures. Commissioner Koller asked which counties, to which CEO Nago answered that Kauai is the only county who validates signatures manually. Commissioner Koller started to mention
2020-12-15-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04.pdf	Page 18 of 19	How can the scanning settings be standardized in all counties to prevent fraud.	CEO Nago stated that if the signature verification machine rejects an envelope, a manual comparison is done. If there is still a discrepancy, the voter is notified, and they are given five days after election day to correct the issue. Commissioner Koller asked CEO Nago how the machine is set and whether it produces a lot of false positives or false negatives. CEO Nago answered that the counties are responsible for the signature verification and he does not know how they set the machines. Commissioner Koller asked CEO Nago if OE has anything to do with the contracting of these machines, to which CEO Nago said that falls under the jurisdiction of the counties.
2021-01-21-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04 at 1750.pdf	Page 3 of 10	Nakanelua requested EC to hold off evaluations until complaints from the 12/13/2020 EC meeting were addressed	Chair Anderson recalled that there were several individuals who voiced their concerns at the last EC meeting, but the EC received nothing in writing that he was aware of. Ms. Nakanelua said that in addition to herself, she thinks the County Republican Party Chairs for Oahu and Maui provided testimony at the last EC meeting, and she assumed that would become public record. She recalled Commissioner Koller requesting that CEO Nago include some of those concerns in his report to the Legislature, and asked the EC if they will be including that information in their evaluation. Ms. Nakanelua stated that to not have their concerns shared is disenfranchising a number of voters, and that they only want their issues (e.g., the lack of verifiable chain of custody, opportunity for fraud, Maui County concerns) on record.

2021-01-21-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04 at 1750.pdf	Page 4 of 10	Commissioner Koller expressed concern that the EC does not have the minutes from the last meeting on December 15, 2020	Commissioner Koller expressed concern that the EC does not have the minutes from the last meeting on December 15, 2020, which is where these concerns were first presented, and will not be posted until January 24, as per the Sunshine Law. She said that is not timely with respect to the report to the Legislature that the EC is supposed to take action on today, and that the draft report makes no reference to the concerns that were raised at the last EC meeting. Commissioner Koller stated that it is not just about the December 15th minutes being posted by January 24, but following that, the EC will need to have another meeting to review and approve those minutes for accuracy purposes. She said she does not understand how the EC can communicate with the Legislature without including the concerns that were raised in their evaluation. Commissioner Koller agreed with Chair Anderson that many of the issues focused on the conduct of the County Elections Divisions, particularly Maui County, however she did recall a number of complaints that required the review of the EC. As an example, she mentioned the issue regarding official observers. Commissioner Koller stated that CEO Nago did submit a letter to the EC after the December 15 meeting detailing his record of what occurred regarding the selection of official observers, though that was disputed by Mr. Greg Lussier, the Chair for the Maui County Republican Party, via verbal testimony at the December 15 EC meeting. Commissioner Koller recalled other concerns raised at the last EC meeting regarding the votes of military absentee voters appearing to heavily favor Biden versus Trump, and the lack of chain of custody for ballots from drop boxes. She added that Commissioner Dean had also raised concerns about whether the technology used to compare signatures was reliable. Commissioner Koller stated that the purpose of the EC's report to the Legislature is not to "gush with enthusiasm over a job well done," but to identify and share concerns within the EC's jurisdiction to the Legislature so they may take action if necessary. She said the only way to capture that is to first review and approve the minutes for the last EC meeting. Commissioner Seielstad referenced a line in the draft report to the Legislature that reads, "Going forward, we will continue to review procedures to ensure voters and volunteers have a smooth experience," and said she believes this statement covers much of what Commissioner Koller discussed. She added that the issues that were raised regarding Maui County do not necessarily apply to Kauai.
2021-01-21-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04 at 1750.pdf	Page 5 of 10	Kulbis reaffirms Koller and Nakanelua's call out of EC not having 12/15 minutes completed and lack of progress on clean up voter rolls	Brett Kulbis: Mr. Kulbis, Chair of the Honolulu County Republican Party, stated that he agrees with Commissioner Koller and Ms. Nakanelua. He said that he asked the Honolulu County Elections Division for the administrative rules regarding the conduct of elections, specifically the signature verification process and where it is held, which he knows is someplace near the airport. Mr. Kulbis stated that the Honolulu County Elections Division deferred to OE and pointed to the administrative rules, though he said the administrative rules said nothing about the signature verification process or VSC procedures. He explained that his other concern is regarding the voter rolls, though he does understand that the relevant federal and state laws conflict. Mr. Kulbis said that the Honolulu County Elections Division claimed that it is OE's responsibility to clean up the voter rolls, and vice versa, and he is unsure of who to reach out to next to ensure that the voter rolls are being cleaned up properly. Chair Anderson told Mr. Kulbis that they are required to follow the federal law when cleaning up the voter rolls, which is a lengthy process. He thanked the testifiers for sharing their comments and concerns, and assured them that the EC will work to find answers for them within a reasonable amount of time. Ms. Nakanelua asked the EC if they could have the opportunity to submit written testimony of their concerns within the next few days that the EC can refer back to. Chair Anderson answered that submitting written testimony is recommended, as there is no dispute over what was said or what question is being asked.
2021-01-21-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04 at 1750.pdf	Page 8 of 10	Koller complains about lack not including issues raised at 12/15/20 EC meeting in Legislature Report	Commissioner Koller asked if it is the priority of the EC to minimize the need for discussion and meetings. Commissioner Curtis stated that it takes five votes to make an action valid, and he does not think the five votes are there. Commissioner Koller said that it seems as though the EC does not want to discuss matters that were raised during the December 15 meeting. Commissioner Seielstad and Chair Anderson disagreed. Commissioner Curtis suggested that they take a vote. Commissioner Kiguchi stated that he completely agrees with the contents of the draft letter, and thinks that CEO Nago and his team did a very good job with conducting the 2020 Elections. He asked the EC where they left off with regard to addressing the concerns that were raised at the last meeting. Chair Anderson suggested that they add a paragraph to the draft report stating that they do not have the minutes from the last meeting, but will be conducting an investigation and may submit a supplemental report at a later date.
2021-01-21-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04 at 1750.pdf	Page 10 of 10	EC pushes draft of report to Legislature	Commissioner Koller stated that her preference would still be for the EC to not send the report, which is already 20 days late and communicates nothing substantial. She said that though they do not yet have the minutes for the December 15 meeting, the EC knows that there were concerns raised regarding OE duties and functions. Commissioner Koller stated that the EC will look foolish to the Legislature if they submit the report now, then identify issues later that may need Legislative action to correct. She reiterated that she would prefer that the EC votes down the draft report today and waits until after they have reviewed and approved the December 15 minutes to write an appropriate report. Chair Anderson stated that there is a motion on the floor and asked for a vote. The votes were as follows: 6 Ayes: Commissioners Anderson, Curtis, Kiguchi, Seielstad, Takenaka, Vierra; 1 No: Commissioner Koller. Chair Anderson stated that the motion carried.
2021-02-08-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04 at 1856.pdf	Page 2 of 20	Audio recording; first time	Elections Commission (EC) Secretary, Ms. Jaime Kataoka, stated that she wanted to make a few housekeeping announcements. She said that today's meeting is being recorded and that all participants except for the EC will be muted until public testimony. Ms. Kataoka reminded the attendees that all non-Commissioners should have their video turned off until they are called on during public testimony, and to identify themselves before speaking. Commissioner Koller said that she wanted to follow up on some items in the minutes, and asked if now is the appropriate time. Chair Anderson confirmed that it is. Commissioner Koller stated that the minutes in and of themselves are accurate, aside from the typos she mentioned earlier. She asked when the EC will discuss whether they should make any findings and recommendations as a supplemental report to the Legislature. Chair Anderson replied that they are having that discussion now, and that he wants to make sure they focus on issues that are the responsibility of OE, not the County Elections Divisions. Commissioner Koller asked if there is anything in law that says the EC cannot provide recommendations to the Legislature regarding improvements for the County Elections Divisions. Chair Anderson stated that he thinks it is valid to mention some of these concerns, and though there may have been a couple of missteps, there was nothing of major proportion that he saw. He said there is a draft letter that the EC can offer comments on. Commissioner Koller stated that she thought the letter had been submitted with a paragraph indicating that the EC may provide a supplemental letter after they reviewed the minutes from the previous meetings. Chair Anderson told Commissioner Koller that she was correct. Commissioner Koller said that the chart they were provided that lists the responsibilities of the State (OE) versus the County Elections Divisions was very helpful, and that the Counties have a lot of discretion with the way the law currently stands. She stated that they have discretion regarding the number and locations of voter service centers (VSCs), and whether to utilize observers or cameras for the chain of custody of voted ballots from the drop boxes to the County offices, which she said no County is currently doing. Commissioner Koller recalled that when she asked CEO Nago if he thought having observers cameras would improve the security and integrity of the transportation of voted ballots, he agreed but said it was a County matter. She suggested that the EC recommend to the Legislature that they consider shifting that delegation of responsibility from the Counties to OE, or that they pass a law that standardizes requirements for ballot transportation. Commissioner Koller stated that it is important for voters to feel confident in the election system, which is not just a local issue. She referenced the testimony of Laura Nakanelua, the RNC national committeewoman for the Hawaii Republican Party, in the December 15, 2020 meeting minutes, who said, "...there seems to be a glaring lack of chain of custody of the ballots via USPS mail and the drop boxes" and that the "Honolulu City Clerk's Office picks up the ballots from USPS unobserved." She also quoted Ms. Nakanelua saying, "...there are many people in Hawaii who have concerns about the security of the mail ballot process, and the ability to observe what happens to the ballots once they have left the voters' hands." Commissioner Koller said this is an example of an area that the County Elections Divisions have jurisdiction over that the EC may want to recommend be changed. Commissioner Curtis stated that one of the EC's duties is to investigate and hold hearings for receiving evidence of any violations and complaints. He said this sounds like a complaint and that he thinks it is within the EC's authority to hold a hearing and perhaps make recommendations to the Legislature, to be discussed at a future meeting. Commissioner Koller agreed that this topic could be discussed at another meeting. Chair Anderson said that it is possible this issue is already being
2021-02-08-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04 at 1856.pdf	Page 5 of 20	Koller also bringing up Nago's USPS followup	Commissioner Koller recalled from the meeting minutes that CEO Nago stated that OE is working with USPS on tracking ballots through the mail stream. She said that CEO Nago mentioned that would require OE to print an identifier on the ballot return envelope, but he could not commit to having that function ready for the 2022 Elections. Commissioner Koller stated that because other more populous states are doing this, there is no reason why CEO Nago should not be able to make that commitment. She suggested that the EC recommend to the Legislature that they require OE to have ballot tracking through the mail stream by 2022. Chair Anderson stated that CEO Nago is working on it, and that they would be telling USPS what to do. Commissioner Koller disagreed and said they would be telling CEO Nago what to do because it is OE's responsibility to print the identifier on the ballot return envelope. She added that this issue has nothing to do with USPS because it is being done in other states. Commissioner Koller said there would be no consequence if OE failed to implement ballot tracking by 2022, but it is a matter of having the Legislature prioritize the issue by passing a resolution or law. Commissioner Vierra asked if the EC would need to go through the Legislature to handle this issue. Chair Anderson replied that the EC can ask CEO Nago these questions and have that discussion with him. Commissioner Vierra stated that since the EC evaluates CEO Nago's performance, it seems as though they could have that conversation with him internally, rather than going through the Legislature and turning the issue into a long, drawn out affair. Chair Anderson agreed that the EC should have that discussion with CEO Nago first, so they can learn what the stumbling blocks are, then decide what to do going forward.
2021-02-08-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04 at 1856.pdf	Page 5 of 20	Koller brings up Maui Official Observer complaint	Commissioner Koller referenced the December 15, 2020 minutes in which Greg Lussier, Chair of the Maui County Republican Party, testified that CEO Nago allowed one official observer from the Republican Party for each shift at the Maui county counting station, although Chair Shirlene Ostrov had not submitted a list of names in a timely manner. She said the point Mr. Lussier was trying to make was that one observer per shift was not adequate, since that observer had to be rotated between the four counting stations. Commissioner Koller recalled Commissioner Dean saying at the December 15, 2020 meeting that arbitrary deadlines should not restrict political party representation at the counting centers. She suggested that this issue be communicated to the Legislature.
2021-02-08-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04 at 1856.pdf	Page 6 of 20	Koller insisting that issue be communicated to Legislature	Commissioner Curtis told Commissioner Koller that this issue is already on record and that she is being redundant. Commissioner Koller agreed that it is recorded in the minutes, but it is not being communicated to the Legislature. Chair Anderson asked Commissioner Koller why the EC should bring this to the attention of the Legislature when the fault lies with the then-Chair of the Republican Party, Shirlene Ostrov, who did not submit the list of names. Commissioner Koller stated that there is nothing in law that says the names have to be submitted by a certain date, and that if CEO Nago had the power to add one observer from the Republican Party per shift, he could have added four. Chair Anderson said that CEO Nago had given Ms. Ostrov extra time and she still did not submit the list of names. Commissioner Koller stated that she did not believe that was relevant because the deadline was arbitrary, and that she knew Ms. Ostrov collected names past the deadline because Commissioner Koller had signed up for every shift every day and was not called to work as an observer.
2021-02-08-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04 at 1856.pdf	Page 6 of 20	Koller brings up Kulbis functions of election workers versus official observers need to be clarified in the law or by administrative rule.	Commissioner Koller referenced the minutes in which Brett Kulbis, Chair of the Honolulu Republican Party, testified that the functions of election workers versus official observers need to be clarified in the law or by administrative rule. Commissioner Curtis asked if this is on today's agenda, to which Commissioner Koller replied that it is in the minutes. Commissioner Curtis asked if the minutes have been approved, and Commissioner Koller said that the EC can continue this discussion after the approval of the minutes. She added that Chair Anderson had said now is the time to discuss what the EC thinks should be included in the supplemental report to the Legislature.

2021-02-08-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04 at 1856.pdf	Page 7 of 20	Koller brings up Kulbis complaint of voter rolls	<p>Commissioner Koller recalled that the other issue Mr. Kulbis raised was regarding cleaning up the voter rolls. She said she did not want to repeat the discussion about how our state law conflicts with the federal law, which is what is followed. Commissioner Koller stated that according to the chart they received, consistent with CEO Nago's testimony, this is a responsibility of the County Elections Divisions. She said the EC needs to know whether the counties are fulfilling this duty and if not, the EC may make a recommendation to the Legislature to shift this responsibility to OE. Commissioner Koller said that mail voting has caused a huge spike in voter registration which is a good thing, but voters who have died or moved out of the state need to be removed from the rolls to protect the integrity of the vote. Chair Anderson agreed that this issue is important and should be examined, but he is not sure it is a recommendation the EC needs to make to the Legislature. Instead he offered to ask CEO Nago to talk to the County Elections Divisions about their process since it is their job. Commissioner Koller agreed that is the Counties' job, and said that it is the EC's job to report to the Legislature when the Counties are not doing that job. She agreed that the EC should first ask the Counties to report what they are doing to clean up the voter rolls. Commissioner Kuwada agreed that the EC should ask the Counties to submit a report, and said that he would be shocked if they were not following the proper procedures. He stated that if Commissioner Koller believes there should be a law change with regard to how the voter rolls are</p>	Motion for investigation of voter rolls needed to happen here.
2021-02-08-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04 at 1856.pdf	Page 7 of 20	Koller, Counties are not cleaning up voter rolls. This needs to be reported to the Legislature.	<p>Commissioner Koller agreed that is the Counties' job, and said that it is the EC's job to report to the Legislature when the Counties are not doing that job. She agreed that the EC should first ask the Counties to report what they are doing to clean up the voter rolls. Commissioner Kuwada agreed that the EC should ask the Counties to submit a report, and said that he would be shocked if they were not following the proper procedures. He stated that if Commissioner Koller believes there should be a law change with regard to how the voter rolls are maintained, that is a completely different matter. Commissioner Koller said that the federal law is followed, to which Commissioner Kuwada confirmed to be true. He asked Commissioner Koller if she is maintaining that the Counties are not doing their job. Commissioner Koller recalled that in the testimony the EC received, based on the GOP data, there are 143,000 voters in Hawaii who have not voted in the past two elections. She said that she understands that is not sufficient to remove voters under the federal law. Commissioner Kuwada confirmed that is correct and asked Commissioner Koller what her point is. Commissioner Koller stated that she wanted to know how they ended up with the 143,000 and what the Counties are doing to maintain the voter rolls. She added that she is not recommending that they change the federal law.</p>	
2021-02-08-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04 at 1856.pdf	Page 8 of 20	Commissioner Dean stated that the voter registration rolls are the fundamental and ask CEO Nago to put this into a report	<p>Commissioner Dean stated that the voter registration rolls are the fundamental, foundational layer of what the government is and how democracy functions. He said it makes sense to him for the EC to mention to the Legislature that this responsibility falls under the jurisdiction of the Counties, and that there needs to be some kind of process that reviews how the Counties are managing the voter rolls. Commissioner Dean stated that he does not think it would be too much of a burden to ask CEO Nago to put this into a report.</p>	
2021-02-08-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04 at 1856.pdf	Page 8 of 20	Koller and Dean concerned Counties are not cleaning up voter rolls	<p>Commissioner Kuwada asked the EC to confirm that there is a concern that the Counties are not following the federal law in maintaining the voter rolls. Commissioner Dean said that if one looks closely at what is happening in each office, there is probably room for improvement, and that it is more of a transparency issue than an accusation of failure. Chair Anderson stated that this is why he would like to hear from the County Clerks first. Commissioner Dean said that because the Legislature oversees the state, the Counties should be talking to them directly rather than going through the EC. Commissioner Koller agreed with Commissioner Dean, and apologized to Commissioner Kuwada, stating that she did not mean to suggest that the Counties are not doing their job properly. She clarified that there is no accountability because there is no report to the EC or to the Legislature regarding these procedures. Chair Anderson reiterated that if the EC talks to the Counties directly rather than going through the Legislature, the issue can be handled more quickly. Commissioner Dean said that he does not have any strong views on this, and understood Chair Anderson's viewpoint better after he restated it.</p>	
2021-02-08-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04 at 1856.pdf	Page 9 of 20	Koller pointing out Peggy Regentine's testimony, in which she explained that she was an election worker whose job was to verify the military APO/FPO ballots and report any discrepancies	<p>In reference to the December 15, 2020 minutes, Commissioner Koller pointed to Peggy Regentine's testimony, in which she explained that she was an election worker whose job was to verify the military APO/FPO ballots and report any discrepancies. Commissioner Koller stated that Ms. Regentine said that she handled more than half of the 1,500 ballots that were received, and claimed that she saw that 98% of the votes were for Biden and 2% were for Trump. Commissioner Koller said that Ms. Regentine thought this was odd since the statewide vote for Trump was 33%. Regarding the duplication process for the HTML alternate format ballots explained by CEO Nago in the minutes, Commissioner Koller recalled that the ballots are duplicated by human hands in the presence of official observers. She asked if this included observers from the Republican Party, as they know there was only one observer from the Republican Party per shift at the Maui County counting center. Commissioner Koller said that if not all of the political parties were represented, the EC should raise this issue with the Legislature and request an audit of the votes going forward. Chair Anderson stated that he does not want to doubt Ms. Regentine's testimony, but her concern had not been reported by anyone else. He asked if Ms. Regentine was working on Maui or Oahu, to which Commissioner Koller replied that she thinks Ms. Regentine was working on Oahu. Chair Anderson said that he thinks Janet Mason from the League of Women Voters of Hawaii (LWV) was assigned to the same task and had not heard her mention this issue. Commissioner Koller suggested that they ask Ms. Mason about this when they get to public testimony.</p>	EC should have initiated an investigation into verification and audit of military ballots.
2021-02-08-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04 at 1856.pdf	Page 9 of 20	Regarding the signature verification machines	<p>Regarding the signature verification machines, Commissioner Koller stated that Commissioner Dean had said in the minutes that he would not recommend them, as the technology tends to produce a lot of false positives and false negatives. She said that CEO Nago had indicated that this is a responsibility of the County Elections Divisions, and that Kauai is the only county that uses human eyes to verify signatures. Commissioner Koller asked the EC if they should request that the Legislature consider standardizing the signature verification process at the state level and reexamine the accuracy of the signature verification technology. Chair Anderson explained that if the machine rejects a signature, it is then examined by human eyes. Commissioner Koller said that this process only accounts for the false positives, not the false negatives. Chair Anderson said that is true, and that he was surprised by how low the numbers were for ballots with mismatched signatures. Commissioner Koller recalled that she had asked CEO Nago whether the signature verification machines were set so low that it would accept a straight line as a signature, and CEO Nago had said this was a responsibility of the County Elections Divisions. Commissioner Dean stated that one has to either trust the companies that manufacture the machines and write the algorithms, or the people responsible for these tasks. He said that with cybersecurity, it is either impossible or very easy to hack most computers and software, and that he is reluctant to see a centralization of power amongst three companies with respect to counting ballots nationwide. Commissioner Dean disclosed that he does not have firsthand knowledge on this topic, but is reading about this in the news. He said that he is reluctant to shift from a people- and relationship-centric voting system to one that is software-based for these reasons.</p>	EC should have initiated an investigation into signature verification and scanner settings.
2021-02-08-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04 at 1856.pdf	Page 10 of 20	Commissioner Koller asked if there is a reason the EC would not want to recommend to the Legislature to set up a study group or reexamine the signature verification process.	<p>Commissioner Koller asked if there is a reason the EC would not want to recommend to the Legislature to set up a study group or reexamine the signature verification process. Chair Anderson answered that it is the Counties' decision whether to use machines or human eyes for the signature verification, and that he thinks this should be discussed with the Counties first before bringing it to the attention of the Legislature.</p>	
2021-02-08-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04 at 1856.pdf	Page 11 of 20	Koller; long lines at VSC	<p>In reference to the January 21, 2021 minutes, Commissioner Koller pointed to the testimony from Sandy Ma, Common Cause Hawaii, who stated that there were very long lines at the VSCs on general election day, and that Common Cause is hoping for more VSCs and drop boxes in the future to accommodate voters' needs statewide. Commissioner Koller stated that the number and locations of the VSCs is the responsibility of the Counties, but that does not mean the EC does not have a role in acknowledging there was a problem. She said that there were lines of 100+ people past 10:00 PM at the VSCs, though the EC is not going to mention it in their report to the Legislature. Commissioner Koller suggested that the EC maybe recommend to the Legislature that they take away some responsibility and discretion from the Counties considering the issues that occurred during the 2020 Elections. She proposed that if they do submit a supplemental report to the Legislature, they should at least acknowledge that there were lines and that it is unreasonable to expect people to wait in line for six hours. Commissioner Kuwada stated that this was the first election cycle that Hawaii transitioned to voting by mail statewide, and that he does not think the EC should report to the Legislature about the long lines at the VSCs when the issue could be handled internally. He said that the VSCs may be a County responsibility, but as a former election official at the Maui County Office, he does not think the same mistakes would be made again. Commissioner Kuwada added that if a mistake is repeated, then they may have a reason to alert the Legislature, but he does not think they are at that point yet.</p>	
2021-02-08-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04 at 1856.pdf	Page 12 of 20	Kulbis; low rejection rate for signature verification as compared to previous elections	<p>Brett Kulbis, Honolulu County Republican Party: Mr. Kulbis stated that he completely agrees with Ms. Mason's testimony. He said that there are over 60 pieces of legislation regarding voting and elections this year, and that he believes that the more information the Legislature is provided, the more empowered they will be to make an informed decision. Mr. Kulbis requested that the EC consider the items that Commissioner Koller is recommending to submit as a supplemental report to the Legislature. He stated that as previously mentioned, some of these bills have not yet been assigned a committee, but suggested that the EC's input may change that. Mr. Kulbis reminded the EC that in 2022, all 76 legislators will be up for election and there will also be a governor's race. He said he did not think the Legislature will want to discuss anything election related then, so now is the time. Regarding the signature verification process, Mr. Kulbis suggested that the EC ask the Counties for the numbers of rejected signatures from prior elections compared to this year's election to determine why the discrepancy was so low.</p>	EC opportunity to initiate investion on low rejection rate
2021-02-08-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04 at 1856.pdf	Page 12 of 20	Nakanelua, lack of chain of custody	<p>Laura Nakanelua, Hawaii Republican Party: Ms. Nakanelua asked when OE will be submitting a report to the Legislature, to which Chair Anderson replied that it was submitted in November. Ms. Nakanelua stated that at the December 15, 2020 meeting, she had raised her concern about the lack of verifiable chain of custody of ballots, and had asked CEO Nago if he could address this issue in his next report to the Legislature. She recalled that CEO Nago had said that the receipt and transportation of ballots is the responsibility of the County Elections Divisions, and he could make the recommendation, but he could not guarantee that they would be on board. Ms. Nakanelua asked if this issue will be included in OE's next report to the Legislature, and when it will be submitted. Chair Anderson answered that the next report to the Legislature is due in November. Ms. Nakanelua stated that she was under the impression that their recommendations would be included in a report to be submitted during this legislative session. Chair Anderson explained that there is a difference between the EC's and OE's reports to the Legislature. Ms. Nakanelua said that she understands that, and that the previous conversation was specifically regarding OE's report. She asked if that was the understanding of anyone else on the call. Chair Anderson stated that they had only discussed the EC's report. Commissioner Koller disagreed, and said that the minutes reflect that they were also discussing recommendations for OE's report to the Legislature. She stated that she was under the impression that CEO Nago had not yet submitted his report. Ms. Nakanelua said that she could see that CEO Nago was on the call, and asked if he could answer whether another report would be submitted to the Legislature. Chair Anderson recalled that there was a report that Ms. Nakanelua was unable to locate, to which Ms. Nakanelua said that she did not know what he was talking about. Chair Anderson apologized, and stated that it was Commissioner Koller who could not locate the report. Commissioner Koller confirmed that is correct, and that she had clicked on the wrong button when looking for the November report, but said that is not what they are talking about. She said that attached to the December 15, 2020 minutes was a very short report from CEO Nago to the Legislature, and she had asked him to add things to his report, some of which he had agreed to. Commissioner Koller stated that they are not talking about the big annual report that OE sends to the Legislature in November, but a pre-legislative session report that the EC was referring to during the December 15, 2020 meeting. She added that it looked more like a letter than a report, and that many of the comments in the minutes reflect requests from herself and others for him to add things to his letter to the Legislature.</p>	

2021-02-08-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-04 at 1856.pdf	Page 14 of 20	Takenaka; EC is going to have a discussion with the County Elections Divisions. Chair Anderson answered that at their next meeting, he would like to talk to them about how they are handling the voter rolls, since it is their responsibility.	Commissioner Takenaka asked if the EC is going to have a discussion with the County Elections Divisions. Chair Anderson answered that at their next meeting, he would like to talk to them about how they are handling the voter rolls, since it is their responsibility. He said he wanted to give them an opportunity to speak for themselves, as there may be factors involved that the EC does not know about. Chair Anderson stated that he knows the Counties seriously considered the circumstances of the drop boxes, including the numbers and locations, and that it is not the EC’s job to tell the Counties what to do. He said that he would like to know what the Counties are doing and what kind of problems they maybe encountering. Chair Anderson reiterated that tracking the ballot is an important issue. He said that though he does not necessarily think that anything bad has happened, he does not want to leave room for that possibility. Chair Anderson stated that if the EC decides to submit a supplemental report to the Legislature, they cannot delay too much since the first lateral is next Friday. He asked the EC if they had any thoughts on the matter. Commissioner Kiguchi stated that he would support Chair Anderson’s recommendation, and thinks it would be a worthwhile exercise to invite the County Elections Divisions to the next EC meeting. Regarding legislation, he said it looks like some of the issues they have been discussing have been flagged by the relevant committees, so they will be addressed on some level.	
2021-06-10-EC-Written-Summary_Reviewed_Y2024-05-04 at 1911	Page 3 of 4	Tracking ballots during USPS mail delivery process	Beginning with the 2022 Elections, we are looking to incorporate tracking information from the United States Postal Service (USPS). However, as we research options to partner with a vendor specializing in this service, we are finding that tracking with the USPS is not commonly used as there is only one scan point at USPS for an envelope, as opposed to the multiple scan points for a package. In Hawaii, when outgoing ballots are being mailed to voters, the ballot envelope is scanned at the main USPS plant located near the airport in Honolulu. The delivery date for the ballot is estimated and there is no subsequent scan points and tracking information available. We have consulted with other jurisdictions and found that other election officials are only using information from their voter registration system for ballot tracking rather than incorporating tracking information from the USPS. This allows election officials to control the message to voters. We would also note that by law, the County Elections Divisions notify voters of the ballot mailing date. Our office also shares this information on our website and platforms. However, we remain committed to working with a ballot tracking vendor that can use both the USPS tracking information and information from our statewide voter registration system. It is expected that the vendor selected would be able to provide services like alerts by text, email, and phone for voters to opt in to, in addition to the ability to log in to a website to check the status of their ballot. These statuses would include that the voter’s ballot was mailed, the voted ballot has been received by the County Elections Division, and then that the ballot has been validated for counting.	
2021-06-10-EC-Written-Summary_Reviewed_Y2024-05-04 at 1911		No topics to track.	No topics to track.	No topics to track.
2022-01-12-EC-Written-Summary_Reviewed_Y2024-05-04 at 1919		No topics to track.	No topics to track.	No topics to track.
2022-01-12-Meeting-Materials-Packet_Reviewed_Y2024-05-04 at 1922				
2022-03-18-EC-Written-Summary_Reviewed_Y2024-05-04 at 1932.pdf				
2022-04-01-EC-Written-Summary_Reviewed_Y2024-05-04 at 1939.pdf				
2022-09-16-EC-Written-Summary_Reviewed_Y2024-05-04 at 1943.pdf				
2022-12-12-EC-Written-Summary_Reviewed_Y2024-05-04 at 1948.pdf				
2023-04-17-EC-Written-Summary_Reviewed_Y2024-05-04 at 1749.pdf				
2023-11-15-EC-Written-Summary_Reviewed_Y2024-05-04 at 1951.pdf				
2024-01-16-EC-Written-Summary-FINAL_Reviewed_Y2024-05-04 at 1954.pdf				
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 3 of 12	Deputy AG Nakamura accuses RC of direct conflict as complainant in recent court case	Deputy AG Nakamura concluded that since Commissioner Cushnie has filed a formal complaint, he is in direct conflict as he is the complainant on the issues mentioned and therefore cannot be neutral and must recuse himself from participating in deliberations, discussions and voting on these issues.	
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 4 of 12	Cushnie expressed Deputy AG Nakamura is in conflict of interest as he represents Office of Elections	Commissioner Cushnie called for a point of order and was recognized by Chair Curtis. Commissioner Cushnie expressed that Deputy AG Nakamura is in a conflict of interest as he represents the Office of Elections. Chair Curtis stated that Commissioner Cushnie’s comment is not related to the agenda and expressed that he may bring forth his concern at a later time.	
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 4 of 12	Jaime Detwiler testified on chain of custody and lack of response of OE for requested audit	Ms. Detwiler also testified that she did not receive a response from the Office of Elections to her inquiry for an audit to be conducted.	
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 4 of 12	Cast Vote Records discrepancies	Adriel Lam testified on the analysis he did of the cast vote records from the 2022 Elections. Mr. Lam expressed that he felt there were discrepancies in the record keeping of the ballots and raised questions about the security of the election system and is asking the Commission to look into procedures for ballot chain of custody.	
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 4 of 12	Solomon raised concern that there is no uniform signature curing process across counties	Corrine Solomon testified on data collection she observed relating to signature curing process and raised concern that there is no uniform signature curing process across counties. Ms. Solomon expressed that having representatives from the counties in the EC meetings would be helpful in understanding the process.	
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 4 of 12	Stanton pointed out issues with ballot chain of custody and the signature verification process.	Tom Stanton testified on ballot chain of custody and State vs. County responsibilities. Mr. Stanton pointed out issues with ballot chain of custody and the signature verification process. He expressed that there is a need for improved procedures and transparency.	
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 4 of 12	Raised a question to the Commission inquiring when the Commission last conducted an investigation on complaints	Scott Shedko testified on ballot chain of custody. Mr. Shedko expressed that ballot chain of custody should be limited to only the voter and the person counting the ballot. Mr. Shedko raised a question to the Commission inquiring when the Commission last conducted an investigation on complaints.	
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 4 of 12	Commission conduct an investigation on how elections by mail is implemented as he believes that elections by mail has inflated costs and reduced voter turnout.	Doug Pasnik testified on State vs. County responsibilities, voters who are not serviced by regular U.S. Postal Service and voting and ballot metrics. Mr. Pasnik presented data showing a decline in voter turnout and increased costs associated with implementing elections by mail. He expressed that the Commission conduct an investigation on how elections by mail is implemented as he believes that elections by mail has inflated costs and reduced voter turnout.	
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 4 of 12	OE not following ballot chain of custody procedures	AnnMarie Hamilton testified on ballot chain of custody. Ms. Hamilton testified that election officials are not following the procedures of ballot chain of custody as mandated by state law.	
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 4 of 12	Office of Elections should publish costs associated with Elections Commission Meeting Minutes previous elections.	Lynn Surayan testified on voting and ballot metrics. Ms. Surayan expressed concerns about the transition to all mail because of low voter turnout. She expressed that the Office of Elections should publish costs associated with previous elections. She also raised concern about the ballot counting process and feels that the system should return to a hand count paper ballot system.	
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 5 of 12	Law requires all races be audited where 10% of precincts are audited	Ana Mo Des testified on election audits. Ms. Mo Des said that audits should be followed according to law. Ms. Mo Des stated that the law requires all races be audited where 10% of precincts are audited.	
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 5 of 12	Voter rolls may be inflated.	Andy Crossland testified on State vs. County responsibilities. Mr. Crossland expressed concerns about the voting system and that the voter rolls may be inflated.	
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 5 of 12	At the time of the gubernatorial inauguration, the 2022 General Election was not certified	Gary Cordery testified about alleged law violations related to the certification of the 2022 General Election. Mr. Cordery testified that at the time of the gubernatorial inauguration, the 2022 General Election was not certified as required by law as it was pending litigation.	
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 5 of 12	Components of the computer system used during the 2022 Elections were altered leaving it open for hacking attacks	Austin Martin testified about security concerns and expressed that components of the computer system used during the 2022 Elections were altered leaving it open for hacking attacks.	
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 5 of 12	Developing administrative rules to standardize the voting process across the state	Brett Kulbis testified about county responsibilities. He suggested that the Elections Commission work with the County Elections Divisions on developing administrative rules to standardize the voting process across the state.	
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 5 of 12	Commissioner Cushnie continued to express that he rejects Deputy AG Nakamura’s statement and requested that there be further discussion on the matter.	Commissioner Cushnie called for a point of order and stated that he would like to comment on Deputy AG Nakamura’s earlier advisement to the committee regarding the complaint Commissioner Cushnie submitted against the Office of Elections. Chair Curtis denied his point of order explaining that his comment does not relate to the present agenda item. Commissioner Cushnie continued to express that he rejects Deputy AG Nakamura’s statement and requested that there be further discussion on the matter. Chair Curtis stated that he can submit his argument in writing as the matter is not relevant to the present agenda item.	
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 6 of 12	County Elections to have representatives to attend the meeting to hear questions from the public and have the opportunity to provide responses at the next meeting.	Chair Curtis explained that he requested the County Elections to have representatives to attend the meeting to hear questions from the public and have the opportunity to provide responses at the next meeting. Chair Curtis shared that a document titled State vs. County Responsibilities with links to the appropriate election laws was included in the meeting packet on pages 115 to 118, for the Commission and the public to view.	
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 6 of 12	Do counties certify their elections and pass the certification on to the Office of Elections?	Commissioner Cushnie asked if the counties certify their elections and pass the certification on to the Office of Elections. <b>Chief Election Officer (CEO) Scott Nago provided a response stating that the Office of Elections certifies the overall election and that the counties certify their county contests, issue their certificate of winners, and certify their charter questions.</b> Chair Curtis asked if there were any counties present at the meeting. EC Secretary Bueno announced that County of Hawaii and County of Maui were present.	
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 6 of 12	There were individuals with their hands raised during public testimony that were not called upon.	Commissioner Papalimu noted that there were individuals with their hands raised during public testimony that were not called upon. Chair Curtis asked EC Secretary Bueno to identify the individuals to give them an opportunity to testify. EC Secretary Bueno noted that the individuals with their hands raised were Commissioner Papalimu, Gary Cordery and Laura Nakanelua. EC secretary Bueno explained that Gary Cordery had already provided testimony and Laura Nakanelua was having technical difficulties. EC Secretary Bueno added Rosemarie Jauch as having her hand raised. Chair Curtis recognized Ms. Jauch and permitted her testimony.	
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 6 of 12	There was a High rate of ballot rejection signature verification during the 2022 General Election in Kauai	Rosemarie Jauch testified on the agenda item relating to State vs. County responsibilities. She testified that she had concerns about signature verification during the 2022 General Election stating that there was a high rate of ballot rejection and requested that the County of Kauai investigate the matter.	
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 6 of 12	Commission to investigate election audit procedures and ballot chain of custody.	Laura Nakanelua testified that she would like to request the Commission to investigate election audit procedures and ballot chain of custody.	
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 7 of 12	Voting at precincts be the primary method of voting	Commissioner Papalimu provided comments relating to voters who are not serviced by regular U.S. Postal Service. She commented that there are rural areas in the State that does not receive mail at their home and expressed that these residents are being disenfranchised from voting and would like to see voting at precincts be the primary method of voting. Chair Curtis called on County of Hawaii representative and asked if they could comment on Commissioner Papalimu’s concern. Jon Henricks, County Clerk of the County of Hawaii explained that when completing the voter registration application it is required to include a mailing address and the voter’s ballot is mailed to that mailing address. Clerk Henricks clarified that the mailing address can be a P.O. Box. Clerk Henricks shared that their office has not received any concerns regarding mailed ballots.	

			Commissioner Papalimu asked if there was a count of how many ballots on the Big Island are mailed to general delivery. Clerk Henricks said that he did not have a number at the moment and added that the number of undeliverable ballots changes from election to election.
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 7 of 12	1. Is there a count of how many ballots on the Big Island are mailed to General Delivery? 2. What is the total number of undeliverable ballots?	Chair Curtis shared that he received metrics for registered voters, mailed ballots, returned ballots, counted ballots and ballots returned deficient from the County of Kauai and noted that 233 ballots were returned deficient and most likely returned because of no signature.  Commissioner Cushnie asked if the Commission knows what the total number of undeliverable ballots. CEO Nago provided that they have a number but cannot recall the number at the moment. CEO Nago explained that the number of undeliverable ballots is reported to the federal government. He further explained that undeliverable ballots are part of the list maintenance process explaining that if an undeliverable mail is received, the voter is sent a mailing that is forwardable and the voter remains on the rolls and can only be removed after two general election cycles pursuant to federal law of the National Voter Registration Act.
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 8 of 12	1. OE officials negligent in their documentation of ballot chain of custody. 2. Chair Curtis said he will ask Counties to provide responses addressing ballot chain of custody.	Commissioner Cushnie commented that he submitted evidence that election officials were negligent in their documentation of ballot chain of custody. Chair Curtis asked if his comments are related to the complaint that he had filed with the Elections Commission regarding chain of custody. Commissioner Cushnie responded yes. Chair Curtis explained that because he had filed a complaint regarding ballot chain of custody he is in a conflict of interest which raises concerns about his neutrality as a commissioner.  Chair Curtis said that because ballot chain of custody is an issue raised by several testifiers, he will ask the counties to provide responses addressing the topic as well as provide voting metrics that will be discussed at the next meeting.
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 8 of 12	Issue: Unique ballot identifier placed on the ballot compromises the confidentiality of the vote.	Chair Curtis commented that a unique ballot identifier placed on the ballot compromises the confidentiality of the vote. He feels that a ballot unique identifier should be limited to functions of the vendor and not associated to the voter. He also expressed that ballot unique identifiers be limited to precincts.
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 8 of 12	Curtis equested metrics (did that happen?)	Chair Curtis requested voting metrics to be presented at the next meeting. He requested metrics for registered voters, ballots mailed, ballots returned and counted, ballots returned deficient, and ballots returned undeliverable.  Commissioner Kuwada felt that the motion is ill-timed. He expressed that the topic is too important and should be placed on the agenda ahead of time so that the public is aware and be given the opportunity to provide testimony. He raised the concern that some members of the public may no longer be present at the meeting to provide testimony. Additionally, he asked if public testimony had to be reopened in order to accept testimony from the public. Commissioner Kuwada suggested that the topic be placed on a future meeting agenda.
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 9 of 12	Evaluation Discussion of Chief Election Officer should be done in Public.	Commissioner Andrion agreed with Commissioner Kuwada that the topic be placed on the agenda for future meeting and expressed that the discussion should occur in public rather than in executive session. Commissioner Andrion asked if the Commission would entertain a motion to go into executive session to discuss the metrics of evaluation. Commissioner Takenaka disagreed that the Commission go back into executive session to discuss metrics for evaluation because she felt that the public should be given advance notice on topics that the Commission is to discuss. Commissioner Cushnie expressed that discussion in executive session erodes the public's confidence in the Commission. He expressed that a discussion on the CEO's performance should be conducted in an open meeting.
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 10 of 12	Monthly meetings	Commissioner Takenaka requested that the commissioners provide their input on metrics ahead of the next meeting so that the Commission can review. Chair Curtis agreed and requested for feedback from the commissioners along with agenda items for subsequent meetings. He shared that his intent is to have monthly meetings. Chair Curtis said that he will ask the secretary to poll the commissioners for their availability. There were no objections from the commissioners about having monthly meetings.  Commissioner Takenaka seeked clarification as to who to send their ideas and comments to. Chair Curtis said they may address it to the Commission and noted that any communication addressed to the Commission becomes public record as it involves more than three commissioners. He also offered that they send it to the secretary who will forward it to him or they may submit it as public testimony in which it will be included on the agenda.
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 10 of 12	1. Clarification of communication for Commissioners 2. Deputy AG Nakamura represents Office of Elections 3. Cushnie did not recuse himself but was prevented from voting	Commissioner Kuwada asked if Deputy AG Nakamura could advise the Commission regarding communication among the commissioners. Chair Curtis said that his understanding is when communication is addressed to the body of the Commission that communications become public record because it involves more than three commissioners. Chair Curtis called on Deputy AG Nakamura to comment. <u>Commissioner Cushnie stated that Deputy Attorney General Reese Nakamura stated that he represented the Office of Elections.</u> During the vote on Investigating chain of custody, Deputy AG Reese Nakamura advised the Commission against allowing Commissioner Cushnie to participate in the vote. <b>Commissioner Cushnie stated that he did not recuse himself but was prevented from voting.</b>
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 10 of 12	What questionnaire? (WE see if you can find it)	Deputy AG Nakamura responded to Chair Curtis' inquiry regarding communications amongst the commissioners stating that he will look into the matter.  Commissioner Andrion commented on method of evaluation recalling that there was a questionnaire provided to the Commission at a previous meeting and asked if that form could be resent to commissioners for their review.
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 11 of 12	Request for investigation to be voted on by Commission	Commissioner Cushnie expressed his concern that the public has been asking for formal investigations relating to agenda items discussed during the meeting. Chair Curtis stated that he can put in the request for an investigation to be voted on by the Commission at the next meeting. Commissioner Andrion asked Chair Curtis if Commissioner Cushnie can make a motion for investigation on any item from today's agenda in which Chair Curtis responded yes.
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 11 of 12	Need clarification: Chair Curtis said that he does not think the Commission is required to investigate a complaint based on a request from a single voter but that the investigation is initiated by a majority of the Commission	Commissioner Cushnie made a motion that the Elections Commission investigate chain of custody, which was seconded by Commissioner Andrion. Commissioner Papalimu seeked clarification on the duties of the Election Commission. She said that her understanding of the Election Commission's duties is that they are required to investigate when complaints are brought to the Commission. Chair Curtis said that he does not think the Commission is required to investigate a complaint based on a request from a single voter but that the investigation is initiated by a majority of the Commission. Chair Curtis said that before proceeding with an investigation, he would want to hear from all responsible parties first. In the case of chain of custody, he would want to find out from the counties their procedures before proceeding into any formal investigation. Commissioner Andrion asked if a formal investigation were initiated, would the hearings be separate from the Commission's regular meetings in which Chair Curtis said it would be separate hearings. Commissioner Andrion expressed his support for a formal investigation on chain of custody. Commissioners Kiguchi and McAdam shared that they would like to hear from the counties first. Chair Curtis said that he will ask for input from county officials regarding chain of custody.
2024-01-16-EC-Regular-Mtg-Minutes-FINAL_Reviewed_Y2024-05-06 at 2115.pdf	Page 12 of 12	Dispute between Deputy AG Nakamura and Commissioner Cushnie be sorted out (WE write up request for letter of apology by DAG Nakamura)	Commissioner Andrion requested that the conflict of interest dispute between Deputy AG Reese Nakamura and Commissioner Cushnie get sorted out before the next meeting. Chair Curtis stated that he will seek a legal opinion from the AG.

**From:** [Kellyna Campbell](#)  
**To:** [OE.Elections](#)  
**Subject:** [EXTERNAL] \*\*\*Testimony for June 19th Elections Committee Meeting\*\*\*  
**Date:** Wednesday, June 12, 2024 4:41:36 PM

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Aloha,

I would like to make a testimony regarding 2 Election Committee issues:

1. I would like to ensure election integrity regarding the upcoming election and what protocol is in place to ensure this?

2. I am opposed to ERIC and would like to know how We the People can have a voice in this decision and where does the Election Committee stand on this issue?

How did ERIC get implemented by the Governor without approval from the committee?

Many thanks,  
Kellyna Campbell

**From:** [Ralph Cushnie \(EC\)](#)  
**To:** [Michael C Curtis, REALTOR](#); [OE.Elections](#)  
**Subject:** [EXTERNAL] RE: Agency Appeal  
**Date:** Friday, June 14, 2024 5:36:50 AM

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Hello please put this in written testimony.

---

**From:** Ralph Cushnie (EC)  
**Sent:** Tuesday, May 21, 2024 11:37 AM  
**To:** Michael C Curtis, REALTOR <LeadingEdgeofKnownUniverse@gmail.com>; OE.Elections <elections@hawaii.gov>  
**Subject:** Agency Appeal

Chair Curtis, please forward this to the Elections Commission

As you may recall, Ms Bueno forwarded an agency appeal to the Commissioners on 29 April 2024 which was filed by Mr Dicks against the Office of Elections and the Elections Commission, and was regarding the reappointment of Mr Nago as the Chief Election Officer.

I was expecting that this appeal would have been discussed today at our Elections Commission meeting.

After today's meeting was cancelled, I became aware that there have been legal actions taken on behalf of the Elections Commission and in response to this appeal.

Will we be consulting with the Commission's attorneys on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities in regards to this appeal?

Please ensure the other Commissioners are aware of this information.

Your prompt attention is appreciated.

Respectfully,

Ralph Cushnie

**From:** [Ralph Cushnie \(EC\)](#)  
**To:** [Michael C Curtis, REALTOR](#)  
**Cc:** [OE.Elections.Commission](#)  
**Subject:** [EXTERNAL] RE: Definition of a ballot image and how it is created  
**Date:** Friday, June 14, 2024 5:30:40 AM

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Hello please put this in written testimony for the next meeting.

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**From:** Ralph Cushnie (EC)  
**Sent:** Thursday, June 13, 2024 9:16 AM  
**To:** Michael C Curtis, REALTOR <[LeadingEdgeofKnownUniverse@gmail.com](mailto:LeadingEdgeofKnownUniverse@gmail.com)>  
**Cc:** OE.Elections.Commission <[elections.commission@hawaii.gov](mailto:elections.commission@hawaii.gov)>  
**Subject:** FW: Definition of a ballot image and how it is created

Hi Mike please put this on the agenda. I have been asking for the legal definition of a ballot image and how ballot images are created. Mr. Nago will use ballot images to conduct post-election precertification audits. We deserve to know the answers to these important questions.

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**From:** Ralph Cushnie (EC)  
**Sent:** Friday, June 7, 2024 4:26 AM  
**To:** Nago, Scott T <[scott.t.nago@hawaii.gov](mailto:scott.t.nago@hawaii.gov)>; OE.Elections <[elections@hawaii.gov](mailto:elections@hawaii.gov)>  
**Cc:** Michael C Curtis, REALTOR <[LeadingEdgeofKnownUniverse@gmail.com](mailto:LeadingEdgeofKnownUniverse@gmail.com)>  
**Subject:** RE: Definition of a ballot image and how it is created

Good Morning Mr. Nago

Please provide the legal definition of a ballot image.

Please describe how a ballot image is created.

Sincerely

Ralph Cushnie

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**From:** Ralph Cushnie (EC)  
**Sent:** Tuesday, May 28, 2024 9:49 PM  
**To:** Bueno, Nedielyn I <[nedielyn.i.bueno@hawaii.gov](mailto:nedielyn.i.bueno@hawaii.gov)>; OE.Elections <[elections@hawaii.gov](mailto:elections@hawaii.gov)>  
**Cc:** Michael C Curtis, REALTOR <[LeadingEdgeofKnownUniverse@gmail.com](mailto:LeadingEdgeofKnownUniverse@gmail.com)>  
**Subject:** RE: Definition of a ballot image and how it is created

Mr. Scott Nago

Please provide the legal definition of a ballot image.

Please describe how a ballot image is created.



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**From:** Ralph Cushnie (EC)

**Sent:** Friday, April 19, 2024 8:40 AM

**To:** Bueno, Nedielyn I <[nedielyn.i.bueno@hawaii.gov](mailto:nedielyn.i.bueno@hawaii.gov)>; OE.Elections <[elections@hawaii.gov](mailto:elections@hawaii.gov)>

**Cc:** Michael C Curtis, REALTOR <[LeadingEdgeofKnownUniverse@gmail.com](mailto:LeadingEdgeofKnownUniverse@gmail.com)>

**Subject:** Definition of a ballot image and how it is created

Hi Nedielyn please share this with the Elections Commission

Please provide the legal definition of a ballot image.

Please describe how a ballot image is created.

**From:** [Ralph Cushnie \(EC\)](#)  
**To:** [Michael C Curtis, REALTOR](#)  
**Cc:** [OE.Elections.Commission](#)  
**Subject:** [EXTERNAL] RE: Meeting Agenda for June  
**Date:** Friday, June 14, 2024 5:32:34 AM

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Hello please put this in written testimony.

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**From:** Ralph Cushnie (EC)  
**Sent:** Sunday, June 9, 2024 2:15 PM  
**To:** Michael C Curtis, REALTOR <leadingedgeofknownuniverse@gmail.com>  
**Cc:** OE.Elections.Commission <elections.commission@hawaii.gov>  
**Subject:** Meeting Agenda for June

Hi Mike, Proposed Agenda for June 19 Elections Commission Meeting

In addition to the items that have been identified for discussion on the rescheduled May Elections Commission Meeting agenda, I propose adding the following:

**Review Calendar of Key Dates:**

- The Elections Commissions will review key election related dates as published by the Office of Elections at: <https://elections.hawaii.gov/about-us/calendar/>

**Status of Motions:**

- The Elections Commissions will review the status of the following motions that were passed by the Elections Commission during previous meetings to ensure the action required by these motions are followed through and implemented:
  - 20 Feb 2024; Request the chain of custody documents from the County Clerks to be provided to the Commission 7 days before the next meeting.
  - 20 Feb 2024; Advise the Office of Elections to respond in writing to all inquiries within 14 business days of receipt and to post the responses publicly starting on approval by the Commission.
  - 20 Feb 2024; Oppose the State of Hawaii joining ERIC.
  - 19 Mar 2024; Pursue adopting a rule in accordance with HRS § 11-7.5(3) to require the county clerks and the chief election officer to individually certify under penalty of perjury that chain of custody was maintained in accordance with HAR 3-177-61 and HAR 3-177-453.
  - 20 Apr 2024; Request ballot box chain of custody procedures and documentation from the county elections divisions.
  - 20 Apr 2024; Advise the Chief Election Officer to use voter verifiable paper audit trail to conduct all audits.
  - 20 Apr 2024; Have the State Chief Information Officer review pre-election audit and safety procedures and report to the Elections Commission the effectiveness of the procedures to identify hacking or mistakes in the voting system.
  - 20 Apr 2024; Request log of signature sensitivity settings from the counties who are using signature machines.
  - 20 Apr 2024; Randomly audit one precinct in House District 37 in

accordance with HRS 16-42(b)(3) using the voter verifiable paper audit trail counting all races on the ballots in accordance with Jamie Detwiler's request.

**Certification of Elections Procedure:**

- The Elections Commission will discuss the post-election certification requirements in preparation for the 10 August primary and 5 November general elections. The EC will begin by reviewing the requirements of:
  - HRS 11-155 Certification of results of election.
  - HRS 11-156 Certificate of election and certificate of results.
  - County Certification Responsibilities.
  - State Certification Responsibilities.
  - Observer Certification Responsibilities during pre-certification per HAR 3-177-704, and during and post-election the election pursuant to HRS 11-108, 152, 154 and HAR 3-177-750, 752, 755, 756, 757, 758, 759, 760, 762, 763, 767, and among others.
  - Watcher Responsibilities pursuant to HAR 3-177-501, 505, and among others.
  - Counting Center Manual official observer responsibilities: during testing and certifying the voting equipment, during processing, handling, and transfer of election materials, during the counting of ballots, during the processing of defective ballots, during the post-election audit,
  - "Official Observers volunteer as the "eyes and ears" of the public by testing and certifying the voting equipment and observing the processing, handling, and transfer of election materials within the counting center" (CCM)
  - Key dates for official observers:

**Primary Election**

Thursday, July 11, 2024, 4:00 p.m. – 6:00 p.m., Official Observers' Test

Saturday, July 27, 2024, 9:00 a.m., Statewide Observers' Test

Thursday, August 22, 2024, 5:00 p.m. – 5:45 p.m., Official Observers' Debrief

**General Election**

Thursday, October 3, 2024, 4:00 p.m. – 6:00 p.m., Official Observers' Test

Saturday, October 19, 2024, 9:00 a.m., Statewide Observers' Test

Thursday, November 21, 2024, 5:00 p.m. – 5:45 p.m., Official Observers' Debrief

Key dates for certification of election results.

None published.

**From:** [Ralph Cushnie \(EC\)](#)  
**To:** [LeadingEdgeofKnownUniverse@gmail.com](mailto:LeadingEdgeofKnownUniverse@gmail.com)  
**Cc:** [OE.Elections.Commission](#); [Nago, Scott T](#); [Leong, Christopher JJ](#)  
**Subject:** [EXTERNAL] RE: April Motion to Advise chief elections officer to use voter verifiable paper audit trail to conduct all audits  
**Date:** Friday, June 14, 2024 5:35:43 AM

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Hello please put this in written testimony.

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**From:** Ralph Cushnie (EC)  
**Sent:** Wednesday, June 5, 2024 5:21 AM  
**To:** 'LeadingEdgeofKnownUniverse@gmail.com' <LeadingEdgeofKnownUniverse@gmail.com>  
**Cc:** OE.Elections.Commission <elections.commission@hawaii.gov>; Nago, Scott T <scott.t.nago@hawaii.gov>; christopher.ji.leong@hawaii.gov  
**Subject:** RE: April Motion to Advise chief elections officer to use voter verifiable paper audit trail to conduct all audits

Chair Curtis, Elections Commission,

Thank you for answering my email.

As you know, there are months of communication that have been addressed to the Office of Elections, Deputy Attorney General, you and Mr Nago that have gone unanswered. These questions are important and relate to the business of the commission stemming from decisions during past meetings and in preparation for the next to come. Per your request, I will send those questions again, for the record, and I am hopeful for a timely response.

On another note, I would like to know more about your decision to cancel the May Elections Commission meeting based on advice from OIP.

I have exchanged communication with Ms Maumau at OIP and she told a different story. She stated that the OIP Attorney of the Day (AOD) had a discussion on 16 May with Aaron (Schulaner) who is General Counsel for the Office of Elections and one of the Defense Attorneys for Scott Nago about canceling the meeting, and she did not state that the AOD discussed this decision with you nor with anyone from the commission. Did you have direct communication with the OIP? If not, who advised you to cancel the meeting?

Is the general counsel for the Office of Elections now working for the commission?

You may also recall that I am still trying to resolve the questions about how the commissioners are supposed to be sharing information amongst the commission. This, along with other important questions were directed to Deputy Attorney General Kam in March and April that also remain unanswered. Is it possible for you to help with getting answers to these questions too?

On that point, who is Christopher Leong, as I notice he is cc'd on your email response.

Is he a new member of the Elections Commission?

It was refreshing to see you reply on behalf of the secretary. I am eager to pick up this dialogue and increase the understanding on these issues for all the commissioners and in preparation for our June meeting. Please share this correspondence with them so that they can also remain informed.

Thank you.

Ralph Cushnie

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**From:** Michael C Curtis, REALTOR <[leadingedgeofknownuniverse@gmail.com](mailto:leadingedgeofknownuniverse@gmail.com)>

**Sent:** Tuesday, June 4, 2024 9:37 AM

**To:** Ralph Cushnie (EC) <[ralphcushnieec@cushniecci.com](mailto:ralphcushnieec@cushniecci.com)>

**Cc:** OE.Elections.Commission <[elections.commission@hawaii.gov](mailto:elections.commission@hawaii.gov)>; Nago, Scott T <[scott.t.nago@hawaii.gov](mailto:scott.t.nago@hawaii.gov)>; [christopher.ji.leong@hawaii.gov](mailto:christopher.ji.leong@hawaii.gov)

**Subject:** Re: April Motion to Advise chief elections officer to use voter verifiable paper audit trail to conduct all audits

Aloha Ralph,

Thanks for your thoughtful query. Yes, I did reschedule May meeting, on advice from OIP.

Please address your queries to either Scott Nago or myself. Ms. Jazelle Aolahiko is secretary who will process communications.

You can go on record by addressing your missive to the Elections Commission, and it will appear in correspondence section of Agenda. Otherwise, distribution will be as addressed.

I welcome open discussion on any issue on the Agenda, with a purpose. The Commission meeting is to make decisions and recommendations properly brought before

the body. The purpose of all discussion is to decide motions, properly seconded.

If you intend to discuss any agenda item, please make an appropriate motion to initiate that dialogue.

Only Agenda items are open to action and discussion.

**Aloha,**  
mike

**Michael Curtis**

**808-639-7878**

**[808RandR@gmail.com](mailto:808RandR@gmail.com)**

from Poipu Beach, the Leading Edge of the Known Universe®

On Tue, Jun 4, 2024 at 5:13 AM Ralph Cushnie (EC)

<[ralphcushnieec@cushniecci.com](mailto:ralphcushnieec@cushniecci.com)> wrote:

Ms Aolahiko,

I am surprised at the answers that you have provided to my questions.

As you may know, I represent thousands of people that have legitimate questions regarding how our elections are administered. Confidence in our elections is at an all-time low, and this type of response from the Office of Elections on pertinent issues will not help restore the people's trust in our election administration, in fact it only leads people to question the integrity of this system even more.

I would like to have a professional relationship with you. I will be honest with you, and I would like you to be honest with me. Please keep in mind that all our emails will become public record, and that I copy the Chair on all correspondence to be fully transparent.

As secretary, you replied to four of my emails today. Two were addressed to Ms Bueno and two were addressed to Mr Nago. You answered my first email stating that the Chair cancelled the May Elections Commission meeting, but the Chair has yet to publicly state this fact. I would like to know who stated that the Chair made this decision.

In the second e-mail addressed to Mr Nago, I have asked Mr Nago for a definition and a procedure that is of interest to the entire commission. Your response insinuates these questions were in some way improper and that they somehow

violated the Sunshine Law. I am requesting that you relay this message to Mr Nago and provide a response from him that answers these questions.

The third e-mail was addressed to Ms Bueno and was a follow up on a motion that was passed during the February Election Commission meeting. The action on this item is in the hands of the Office of Elections, and progress on this issue is dependent on their attention and response. Based on the commission's discussion with Mr Nago, there should be a list of questions that have been submitted by the public to the Office of Elections and the answers to these questions should be posted online. Unfortunately, your reply did not answer the question and I would hope that you can assist in providing a useful response as to where to find this information online, and as I do not see that it has been added to the OE website.

The fourth question was addressed to Mr Nago. During the April Election Commission meeting, Mr Nago stated that he was going to provide a procedure for the conduct of audits using the voter verifiable paper audit trail, and he was to have this procedure ready for the May Meeting. Since the May Election Commission meeting was cancelled, I am asking for the procedure to be provided and in preparation for the June EC. This answer should come from Mr Nago and your response that only the Chair can act on this matter is unacceptable.

The information that I am requesting is public information, and as was discussed during previous Election Commission meetings. Per HAR 3-170-5(a), "any person may obtain information available for public dissemination concerning the activities of the elections commission..."

As you take on your new role as secretary, please keep in mind that per HRS 11-1.5(b) the Office of Elections provides staff support to the Elections Commission. I believe in your role as secretary, you are here to provide that support.

As a commissioner, or as a member of the public, I am entitled to this information and a thoughtful response to these questions.

Please correct me if there is misunderstanding as to the role you fill as secretary. I look forward to working with you to rebuild confidence in Hawaii's elections.

Welcome to the team.

Ralph Cushnie

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**From:** OE.Elections.Commission <[elections.commission@hawaii.gov](mailto:elections.commission@hawaii.gov)>

**Sent:** Monday, June 3, 2024 12:22 PM

**To:** Ralph Cushnie (EC) <[ralphcushnieec@cushniecci.com](mailto:ralphcushnieec@cushniecci.com)>

**Cc:** Michael C Curtis, REALTOR <[LeadingEdgeofKnownUniverse@gmail.com](mailto:LeadingEdgeofKnownUniverse@gmail.com)>

**Subject:** RE: April Motion to Advise chief elections officer to use voter verifiable paper audit trail to conduct all audits



Aloha Commissioner Cushnie,

I would typically forward your email to Chair Curtis for appropriate action. However, your email indicates it has already been copied to Chair Curtis.

Mahalo,

*Jazelle Aolahiko*

Secretary

State of Hawaii

Office of Elections

(808) 453-VOTE (8683)

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**From:** Ralph Cushnie (EC) <[ralphcushnieec@cushniecci.com](mailto:ralphcushnieec@cushniecci.com)>

**Sent:** Tuesday, May 28, 2024 6:34 AM

**To:** Bueno, Nedielyn I <[nedielyn.i.bueno@hawaii.gov](mailto:nedielyn.i.bueno@hawaii.gov)>; OE.Elections <[elections@hawaii.gov](mailto:elections@hawaii.gov)>

**Cc:** Michael C Curtis, REALTOR <[LeadingEdgeofKnownUniverse@gmail.com](mailto:LeadingEdgeofKnownUniverse@gmail.com)>

**Subject:** [EXTERNAL] April Motion to Advise chief elections officer to use voter verifiable paper audit trail to conduct all audits

Mr. Nago please send your draft procedure to conduct audits using the voter verifiable paper audit trail.

**From:** [Ralph Cushnie \(EC\)](#)  
**To:** [Michael C Curtis, REALTOR](#)  
**Cc:** [OE.Elections.Commission](#)  
**Subject:** [EXTERNAL] RE: Cancelling of May 21 Elections Commission Meeting  
**Date:** Friday, June 14, 2024 5:37:57 AM

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Hello please put this in written testimony.

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**From:** Ralph Cushnie (EC)  
**Sent:** Tuesday, May 28, 2024 5:41 AM  
**To:** Michael C Curtis, REALTOR <[LeadingEdgeofKnownUniverse@gmail.com](mailto:LeadingEdgeofKnownUniverse@gmail.com)>  
**Subject:** RE: Cancelling of May 21 Elections Commission Meeting

Hi Mike, I look forward to your answers on this.

Were you involved in the discussions about cancelling the meeting?

Were you told the meeting was cancelled?

Did you cancel the meeting?

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**From:** Ralph Cushnie (EC)  
**Sent:** Friday, May 17, 2024 1:03 PM  
**To:** Michael C Curtis, REALTOR <[LeadingEdgeofKnownUniverse@gmail.com](mailto:LeadingEdgeofKnownUniverse@gmail.com)>  
**Subject:** Cancelling of May 21 Elections Commission Meeting

Hi Mike, I am concerned about the cancelation of the Elections Commission Meetings.

The timing seems more of a reorganization effort on the part of the Deputy Attorney Generals Office and the Office of Elections.

Canceling the meeting has no relevance to material being posted online. Simply take the personal information of the internet. Redact the letters and put them back up. No need to cancel the meeting.

It seems odd that the OIP would recommend this drastic solution.

Where you part of the conversation with the OIP?

Who came to you to tell you the meeting needed to be cancelled?

Where there any laws sited if so which ones?

**From:** [Ralph Cushnie \(EC\)](#)  
**To:** [Michael C Curtis, REALTOR](#)  
**Cc:** [OE.Elections.Commission](#)  
**Subject:** [EXTERNAL] FW: Deputy Attorney General Stella Kam Conflict of Interest  
**Date:** Friday, June 14, 2024 5:43:26 AM  
**Attachments:** [UIPA Kam Nakamura.pdf](#)

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Hello please put this in written testimony.

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**From:** Ralph Cushnie (EC)  
**Sent:** Wednesday, May 15, 2024 5:56 AM  
**To:** Michael C Curtis, REALTOR <LeadingEdgeofKnownUniverse@gmail.com>  
**Cc:** Bueno, Nedielyn I <nedielyn.i.bueno@hawaii.gov>; OE.Elections <elections@hawaii.gov>  
**Subject:** Deputy Attorney General Stella Kam Conflict of Interest

Chair Curtis,

As you may recall, Deputy Attorney General Reese Nakamura was replaced by Ms Stella Kam as the advisor to the Elections Commission following the January Elections Commission meeting.

During the February EC, Ms Kam explained that where there is an appearance of a conflict, separate deputy AG's have been assigned to represent the staff, and the board. You may recall that during that discussion, you stated that "Reese is representing the Office of Elections. So (to) avoid any conflict of interest or appearance, accordingly, so Stella Kam is now our advisor. She represents us (Elections Commission) from the Attorney General's office."

I have written several e-mails and sent certified letters asking for Ms. Kam's counsel on matters before the commission. These letters have never been answered. After the April EC, and after observing Ms Kam's interaction with the commission for several meetings, I submitted a UIPA for all communications between Deputy Attorney General Kam and Deputy Attorney General Nakamura from the date that Ms Kam began advising the Elections Commission in February. The response I received indicated that those records were being withheld because they are "attorney work product" and "contain attorney-client privileged communications." (See UIPA attached).

It would appear as though Ms Kam, through claiming attorney client privilege with Mr Nakamura, also has a conflict of interest and is in violation of the Hawaii Rules of Professional Conduct 1.7.

I request that this conflict be identified to the commissioners, and that Ms Kam recuse herself from providing any future advice to the commission.

Ms Kam should subsequently be replaced with a deputy AG that does not have this conflict, and that can represent the commission through unbiased and independent judgment, and who is not in conflict with the Hawaii Rules of Professional Conduct.

I look forward to your attention to this matter.

Ralph Cushnie

**From:** [Ralph Cushnie \(EC\)](#)  
**To:** [OE.Elections.Commission](#)  
**Cc:** [Michael C Curtis, REALTOR](#)  
**Subject:** [EXTERNAL] RE: Motion during February 20 meeting  
**Date:** Friday, June 14, 2024 5:43:55 AM

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Hello please put this in written testimony.

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**From:** Ralph Cushnie (EC)  
**Sent:** Friday, June 7, 2024 4:33 AM  
**To:** Nago, Scott T <[scott.t.nago@hawaii.gov](mailto:scott.t.nago@hawaii.gov)>; OE.Elections <[elections@hawaii.gov](mailto:elections@hawaii.gov)>  
**Cc:** Michael C Curtis, REALTOR <[LeadingEdgeofKnownUniverse@gmail.com](mailto:LeadingEdgeofKnownUniverse@gmail.com)>  
**Subject:** RE: Motion during February 20 meeting

Good Morning Mr. Nago

Please provide the updated list of inquiries to the Office of Elections and responses per the motion made in February. Please let me know how we can access the link.

Sincerely

Ralph Cushnie

**Advise the Office of Elections to respond in writing to all inquiries within 14 business days of receipt and to post the responses publicly starting on approval by the Commission**

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**From:** Ralph Cushnie (EC)  
**Sent:** Tuesday, May 28, 2024 6:04 AM  
**To:** Bueno, Nedielyn I <[nedielyn.i.bueno@hawaii.gov](mailto:nedielyn.i.bueno@hawaii.gov)>; OE.Elections <[elections@hawaii.gov](mailto:elections@hawaii.gov)>  
**Cc:** Michael C Curtis, REALTOR <[LeadingEdgeofKnownUniverse@gmail.com](mailto:LeadingEdgeofKnownUniverse@gmail.com)>  
**Subject:** Motion during February 20 meeting

Hi Nedielyn, please provide the updated list of inquiries and responses per the motion made in February. Please let me know how we can access the link.

Motion: **Advise the Office of Elections to respond in writing to all inquiries within 14 business days of receipt and to post the responses publicly starting on approval by the Commission**

TESTIMONY  
Hawaii Elections Commission  
June 19, 2024

Aloha Chair Curtis and Members of the Hawaii Election Commission,

I am submitting testimony pertaining to agenda item V. Communications and Correspondence.

In response to Chair Curtis' request during the March 19, 2024, Hawaii Elections Commission meeting, I submitted copies of 2 letters sent to the Office of Elections by Certified USPS mail as well as in-person to the Office of Elections and Mr. Scott Nago in November 2022 and have not received a response from the OE and Mr. Nago as of this date. I have repeatedly stated this during previous EC meetings for the past 1 ½ years.

1. Thank you for listing my April 22 and 29, and June 5, 2024, correspondence on today's meeting agenda.

**April 22, 2024 Correspondence:** Mr. Nago, Chair Curtis, and Commissioners,  
I am writing to follow-up on the outcome of the Elections Commission meeting held on April 16, 2024. I have a team of volunteers ready to assist with a hand count audit of the paper ballots for a precinct in District 37. In review, the motion made by Commission Cushnie and passed states, "I move to randomly audit one precinct in District 37 in accordance with HRS 16-42(b)(3) using the voter verifiable paper audit trail counting all races on the ballot." When will the audit be performed so that I may properly notify my volunteers? Please respond to me in 7 business days. I look forward to working with your team to complete this audit.  
Response received from OE, Ms. Auli'i Tenn stating, "Thank you for your letter. We do not need assistance with conducting the audit."

**April 29, 2024 Correspondence:**

Aloha Ms. Tenn, Mr. Nago, and Elections Commissioners,  
Additional response to Ms. Auli'i Tenn's email dated, 4/29/24

1. Please make sure this response is forwarded to Mr. Nago and the Elections Commission Chair and Commissioners.
  2. Your response of "We do not need assistance with conducting the audit" is unacceptable.
  3. The HRS requires members of each political party to be in observance of audits.
  4. I, along with my team members, want to observe the seals that were placed on the ballot boxes in 2022 being cut open for this audit.
  5. How is the precinct in District 37 being determined?
  6. I, along with my volunteers, will need to be present to witness the count and to be present at all stages of the audit including but not limited to the items that are listed.
- Not having observers is the equivalent of not doing the audit at all.

Response from the Office of Elections:

On Mon, Apr 29, 2024 at 10:30 AM OE.Elections <elections@hawaii.gov> wrote:

Dear Ms. Detwiler,

Thank you for your letter. We do not need assistance with conducting the audit.

Mahalo,

Aulii Tenn

Counting Center Operations

**June 5, 2024 Correspondence:**

Aloha Mr. Nago, Chair Curtis, and EC Commissioners,

I am following up on the status of the Audit for District 37.

We were scheduled to discuss the approved audit during the May 16<sup>th</sup> meeting but it was cancelled abruptly.

What is the status of the audit?

I am well aware of the statute of limitations on the secured paper ballots. Time is of the essence and the audit must be conducted promptly.

I look forward to hearing from you soon.

2. When will you follow through with the Elections Commission's decision to audit one precinct in District 37 in accordance with HRS 16-42 b(3) using the voter verifiable paper audit trail counting?

3. The 22-month statute of limitations is set to expire on September 5, 2024. The audit must be conducted correctly and promptly.

4. May I respectfully remind the Office of Elections and the Elections Commission of the pertinent laws and regulations required when conducting an audit:

**HAR §3-177-61 Security of ballots and election supplies.** (a) The procedure or ensuring the security of a container used to store or transport ballots, voter verifiable paper audit trails, vote data storage media, and other sensitive election materials shall be as follows:

- (1) Made of suitable materials to prevent breakage or tampering;
- (2) Securable using a nonreusable seal;
- (b) A record shall be maintained to list the seals used to secure such containers and to provide an accurate chronological posting of seals used during the opening and closing of each container. A section for witnesses' signatures shall also be provided.
- (c) Election officials shall make periodic checks of the seals on such containers to ensure that no tampering has occurred. [Ef UL] (Auth: HRS § 11- 4) (Imp: HRS § § 11-109, 11-152)

**HAR §3-177-762 Electronic voting system; auditing.**

(a) The chief election officer or the clerk shall conduct an audit of a random sample of not less than ten per cent of the precincts employing the electronic voting system, to verify that the electronic tallies generated by the system in those precincts equal hand tallies of the paper ballots generated by the system in those precincts.

- (1) The manual audit may be conducted by election officials or by counting center officials;
  - (2) Except for designated election officials, counting center officials, or official, observers, no person shall be permitted to witness the audit without the authorization of the chief election officer, clerk, or designated representative. The area in which, the audit is conducted shall be kept secure;
  - (3) Observers may request to conduct a manual audit;
  - (4) Whenever ballots are removed from storage, the handling of the ballots shall be witnessed by not less than two representatives who are not of the same political party or official observers;
  - (5) Election officials and counting center-officials shall certify the conduct of and results of the manual audit; and
  - (6) The manual audit shall not be considered a recount pursuant to the election contest provisions of the law.
- (b) In the event discrepancies are found in the audit, the chief election officer may authorize an expanded audit to determine the extent of misreporting within the system.



(1) The chief election officer may use official observers, election day officials, county or state election employees, or other designated individuals as part of the expanded audit.

(2) The chief election officer will determine when the expanded-audit is concluded.

(3) The results of the expanded audit will be filed with the office of elections.

(c) In lieu of relying on the initial results from an electronic voting system, the chief election officer may count ballots or voter verifiable paper audit trails by hand or with a mechanical tabulation system, or a combination thereof.

(1) Any counting of ballots or voter verifiable paper audit trails, through the use of a mechanical tabulation system, will conform to the marking and vote disposition rules relating to the voting system that the ballot or voter verifiable paper audit trails were associated with.

(A) As the marksense ballot voting system, is a mechanical tabulation system, and the ballots were intended to be read by the devices associated with that system, the chief election officer, will to the extent possible, use those voting devices of the system that did not experience misreporting problems; and

(B) In the event there are inadequate voting equipment that did not experience misreporting problems, the chief election officer, in consultation with the official observers, may use voting equipment that have been repaired to the satisfaction of the chief election officer.

(2) Any counting by hand of ballots or voter verifiable paper audit trails will conform to the marking and vote disposition rules relating to the voting system that the ballot or voter verifiable paper audit trails were associated with.

(A) Ballots that were marked for use by a marksense ballot voting system, will be counted in accordance with those rules associated with that system to the extent reasonably possible. Any hand count of marksense ballots will not use any statute or rules associated with the paper ballot voting system, as those marking instructions and vote disposition rules are uniquely different from those statutes and rules associated with other voting systems; and

(B) Voter verifiable paper audit trails from a direct recording electronic device voting system will be counted in accordance with the ballot selections indicated on them.

(d) The chief election will to the extent possible, resolve any misreporting problem, prior to the end of the contest period stated in HRS § 11-173.5, in the case of a primary, or special primary election, or HRS § 11-174.5, in the case of a general, special general, or special election. Any resolution of a misreporting problem shall be documented and filed with the office of elections.

(e) "Precinct" for purposes of this rule, consistent with HAR § 3-177-57, refers to the ballot type that corresponds to the manner in which results are reported (i.e. if results are reported by state representative district-precinct, such as DP 17-01, then the ballot type associated with DP 17-01 is the applicable precinct for auditing purposes).

Haw. Code R. § 3-177-762

[Eff JUL 26 2020] (Auth: HRS § 11-4, 52 USC § 21081) (Imp: HRS §§ 11-4, 11-108, 11-153, 16-2, 16-41, 16-42, 52 USC § 21081)

Haw. Code R. § 3-177-762

**HRS §16-42 Electronic voting requirements.** (a) When used at primary or special primary elections, the automatic tabulating equipment of the electronic voting system shall count only votes for the candidates of one party, or nonpartisans. In all elections, the equipment shall reject all votes for an office when the number of votes therefore exceeds the number that the voter is entitled to cast.

No electronic voting system shall be used in any election unless it generates a paper ballot or voter verifiable paper audit trail that may be inspected and corrected by the voter before the

vote is cast, and unless every paper ballot or voter verifiable paper audit trail is retained as the definitive record of the vote cast.

(b) The chief election officer may rely on electronic tallies created directly by electronic voting systems, in lieu of counting the paper ballots by hand or with a mechanical tabulation system if:

(1) The electronic voting system is subject to inspection, audit, and experimental testing, by qualified observers, before and after the election, pursuant to administrative rules adopted by the chief election officer under chapter 91;

(2) No upgrades, patches, fixes, or alterations shall be applied to the system through thirty days after the election;

(3) The chief election officer conducts a post-election, pre-certification audit of a random sample of not less than ten per cent of the precincts employing the electronic voting system, to verify that the electronic tallies generated by the system in those precincts equal hand tallies of the paper ballots generated by the system in those precincts; and

(4) If discrepancies appear in the pre-certification audits in paragraph (3), the chief election officer, pursuant to administrative rules, shall immediately conduct an expanded audit to determine the extent of misreporting in the system. [L 1970, c 26, pt of §2; am L 1973, c 217, §6(g); am L 1979, c 139, §12; am L 2005, c 200, §1; am L 2006, c 5, §2]

To my knowledge, HRS 16-42 (b)(3) was not conducted for District 37 and other districts as well.

Thank you for this opportunity to testify.

Respectfully submitted,

Jamie Detwiler  
2022 Hawaii House of Representatives Candidate, District 37

DATE: JUNE 15, 2024

TESTIMONY ON AGENDA ITEM No. IV  
ELECTIONS COMMISSION MEETING  
JUNE 19, 2024

You have intentionally made voting more confusing. Your mailer sent to “voters” of which I myself received around the end of April 2024, should inform all recipients what a traditional voting polling place is, and is not.

Your mailer lacked definition- was this by design?



I have created a 2:55 in duration YouTube that exhibits my concern:  
<https://www.youtube.com/watch?v=7FIh9JjZMs4>

**Questions posed to you:**

Voting Service Centers will be available for IN PERSON voting for both Primary and General election “periods,” correct?

How will you then “sift out” and “find” those ballots as sitting in a mail box receptacle in which will “prevent” double dipping?

Why didn’t your mailer as depicted at left include the list of days, hours, and locations of VOTING SERVICE CENTERS and that they are not considered TRADITIONAL, but rather viable and in play?

Per the website as advertised to get more information, [www.honoluluelections.us](http://www.honoluluelections.us) – is where I learned that a Voting Service Center is not a Traditional Election Day polling place. To me, it was, and served as such until precincts were erased due to incompetence of the Office of Elections to secure staffing and reserve Traditional Election Day polling places many of us grew up with and took pride in their existence.

Blame for erasing Traditional Election Day polling places should be shared with our legislature and governor for lack of funding and rather scheming to undermine those voters like myself who value voting in person on election day.

Furthermore, voting by mail this 2024 selection cycle should be returned to pre-covid era procedures. Whereby, only those who qualify for an Absentee Ballot, should be getting one.

I did not request a ballot by mail. Did someone act on my behalf? Who will be checking to determine if I still reside at the address the ballot will be issued by post to?

This practice being deployed to “go mail” is riddled with voting protocol ran rife and destined for fraud, ill-will, and foul play. And the Democrats, who committed election interference in 2020 by falsifying the Hunter laptop as Russian crap, need to be prosecuted, for that laptop was indeed as real as the ice cream Joe Biden just released in his pants.

Stop another steal.

Tom Berg, citizen of USA, resident of the State of Hawaii, ready to embrace a voter ID to protect Democracy.