Implementing Elections by Mail

October 26, 2023

This report has been prepared by the Office of Elections pursuant to Act 136, Session Laws of Hawaii 2019.

For additional information or questions, please contact the Office of Elections by emailing elections@hawaii.gov or by calling (808) 453-VOTE (8683) or toll-free 1-800-442-VOTE (8683).

2024 ELECTIONS CALENDAR

Thursday, February 1	Pick up nomination paper from the Office of Elections or County Elections Division (HRS §12-2.5)
Thursday, February 22	Deadline for qualified political parties to file their party rules and officers (HRS §§11-63 & 11-64)
	Deadline for new political parties to file their petition to qualify to field candidates for the 2024 Elections (HRS §11-62)
Tuesday, June 4	Last day to file nomination papers with the Office of Elections or County Elections Division (HRS §12-6)
Wednesday, June 5	Deadline to withdraw candidacy for any reason to the Office of Elections or County Elections Division (HRS §11-117)
Wednesday, June 12	Deadline to file objections to a nomination paper with the Office of Elections, County Elections Division, or Circuit Court (HRS §12-8)
Friday, June 21	Deadline to submit a request to withdraw from the Primary Election for reasons of ill health to the Office of Elections or County Elections Division (HRS §11-117)
Wednesday, June 26	Deadline for Clerk's Offices to mail ballots to overseas voters (52 USC §20302 & HRS §15D-9)
	Primary Election digital voter guide made available online. (Act 115, SLH 2023)
Saturday, July 20	Deadline for qualified political parties to submit names of voter service center watchers for the Primary Election to the County Elections Division (HRS §11-77)

Tuesday, July 23	Voters start receiving Primary Election mail ballot packet at least 18 days prior to the election (HRS §11-102)
	Places of deposit may open as early as the mailing of ballots, as determined by the County Elections Division (HRS §11-109)
	Primary Election digital voter guide made available to view at state public libraries (Act 115, SLH 2023)
Monday, July 29	Voter service centers open and same day voter registration for the Primary Election (HRS §§11-15.2 & 11-109)
Wednesday, July 31	Deadline to submit paper Voter Registration Application for the Primary Election to the County Elections Division. (HRS §11-24). Paper applications must be postmarked to your County Elections Division by this date. After this date, applicants may continue to register for the Primary Election using the Online Voter Registration System or at a voter service center (HRS §11-15.2)
Saturday, August 3	Deadline to request an absentee mail ballot for the Primary Election from the County Elections Division (HRS §15-4)
Wednesday, August 7	Deadline for a nonpartisan candidate to file a presidential petition to appear on the General Election ballot (HRS §11-113(c)(2))
Saturday, August 10	PRIMARY ELECTION (HRS §12-2)
	Voter service centers and places of deposit close. Voted ballots must be received by the County Elections Division by 7:00 pm. (HRS §§11-104 & 11-131)

Monday, August 19	Deadline to cure a deficient return envelope for the Primary Election with the County Elections Division (HRS §11-106)
Thursday, August 22	Deadline to submit Constitutional Amendment questions, County Charter Amendment questions, and County Initiative questions to the Office of Elections (HRS §11-119)
Friday, August 23	Deadline to file complaint on contests for cause in the Primary Election with the Hawaii State Supreme Court (HRS §11-173.5)
Friday, September 6	Deadline for qualified political parties to certify nominees for president and vice president (HRS §11-113(c)(1))
	Deadline to submit names and addresses of nominees for president elector and alternates to the Office of Elections (HRS §14-21)
Monday, September 16	Deadline to submit a request to withdraw from the General Election for reasons of ill health to the Office of Elections or County Elections Division (HRS §11-117)
Friday, September 20	Deadline for Clerk's Offices to mail ballots to overseas voters (52 USC §20302 & HRS §15D-9)
	General Election digital voter guide made available online (Act 115, SLH 2023)
Wednesday, October 16	Deadline for qualified political parties to submit names of voter service center watchers for the Primary Election to the County Elections Division (HRS §11-77)

Friday, October 18	Voters start receiving General Election mail ballot packet at least 18 days prior to the election (HRS §11-102)
	Places of deposit may open as early as the mailing of ballots, as determined by the County Elections Division (HRS §11-109)
	General Election digital voter guide made available to view at state public libraries (Act 115, SLH 2023)
Tuesday, October 22	Voter service centers open and same day voter registration for the General Election (HRS §§11-15.2 & 11-109)
Monday, October 28	Deadline to submit paper Voter Registration Application for the General Election to the County Elections Division. (HRS §11-24). Paper applications must be postmarked to your County Elections Division by this date. After this date, applicants may continue to register for the Primary Election using the Online Voter Registration System or at a voter service center (HRS §11-15.2)
Tuesday, October 29	Deadline to request an absentee mail ballot for the General Election from the County Elections Division (HRS §15-4)
Tuesday, November 5	GENERAL ELECTION (State Constitution, Article II, Section 8)
	Voter service centers and places of deposit close. Voted ballots must be received by the County Elections Division by 7:00 pm. (HRS §§11-104 & 11-131)
Wednesday, November 13	Deadline to cure a deficient return envelope for the Primary Election with the County Elections Division (HRS §11-106)

Monday, November 25	Deadline to file complaint on contests for cause in the General Election with the Hawaii State Supreme Court (HRS §11-174.5)
Tuesday, December 17	Electoral College (3 U.S.C §7)
Wednesday, March 5, 2025	Deadline to determine political party disqualifications (HRS §11-65)

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Appendix A: Review of Statutes Related to Election Audits in Hawaii

INTRODUCTION

Providing secure, accessible, and convenient election services to all citizens statewide is the mission of the Office of Elections. The office's goals and objectives are to 1) conduct honest and efficient elections; 2) encourage participation in the electoral process; 3) protect voter rights; and 4) promote elections. In furtherance of this, it conducts candidate filing; prints, counts, and tabulates ballots; and provides voter education. This is done in coordination with the county clerks, who are in charge of voting by mail and in person, along with voter registration.

In 2019, a new law was passed providing for elections by mail to begin with the 2020 Primary Election. Act 136, Session Laws of Hawaii 2019. The law migrated the State away from the prior polling place model to the current division of responsibilities between the Office of Elections and the county clerks. The migration was the natural result of years of experience by the public with absentee mail, absentee walk locations, and special elections by mail. However, there were still significant changes in the administration of elections that accompanied the move. Given this, the Act requires prior to the convening of the Legislature in 2020, 2021, 2022, 2023, 2024, and 2025 the submittal of a report addressing the following:

(1) The office's progress in implementing this Act;

(2) A summary of the office's discussions with the county clerks to determine areas of joint implementation of this Act;

(3) A summary of the expenditures required to implement this Act and a comparison of those expenditures with the expenditures required to conduct elections or election-related activities before the enactment of this Act;

(4) Any additional resources the county clerks or the office may require to implement this Act;

(5) Any developments in assistive technology that may be implemented by the State, the counties, or nonprofit associations

to ensure that persons with disabilities are not, on the whole, disadvantaged by implementation of this Act, including the costs associated with such technology;

(6) Any difficulties encountered in the implementation of this Act;

(7) Specific steps taken and recommendations necessary to prevent fraud and ensure the integrity of the election process; and

(8) Any other findings and recommendations, including any proposed legislation necessary to clarify and make consistent chapters 11, 12, 15, 15D, 16, and 19, Hawaii Revised Statutes, in light of the transition to statewide elections by mail.

The prior *Implementing Elections by Mail* reports, dated November 6, 2019, December 31, 2019, November 20, 2020, November 18, 2021, and November 18, 2022, in addressing the above requirements, provided, in part, the following: 1) an extensive background on the history of voting in our state; 2) a statutory review of Act 136, SLH 2019; 3) a discussion of the planned implementation of elections by mail, including the sharing of responsibilities with the counties and fiscal matters; 4) a summary of the execution of elections by mail, against the backdrop of the COVID-19 pandemic, that occurred for the 2020 Elections; and (5) a summary of the execution of elections by mail for the 2022 Elections, following the delay in the completion of the reapportionment process due to COVID-19's impact on the ability of the U.S. Census Bureau to provide the relevant population data in a timely manner.

The present report builds off these past reports and will highlight, among other things, the post-election auditing process, the budgeting process, and recent legislative changes.

POST-ELECTION AUDITING

Our office has been faced with an interest by some who preferred the hand counting of ballots over the state's marksense ballot voting system that involves scanning technology and apparently by extension the machine punch card system that

immediately preceded it. Eventually, however, their apparent focus shifted to how the counting of ballots as part of the post-election audit for the marksense ballot voting system was conducted.

Three lawsuits were filed related to the auditing process that was used for the 2022 Elections. The first two were election contests filed with the Hawaii Supreme Court after the Primary Election and the General Election. Both cases were dismissed by the Hawaii Supreme Court. *Cushnie v. Chief Election Officer*, SCEC-22-0000515 (September 6, 2022) and *Cushnie v. Nago*, SCEC-22-0000703 (December 15, 2022). The third case was filed on November 28, 2022, with the Circuit Court of the First Circuit. The case was dismissed on February 28, 2023. *Hawaii Republican Party v. Nago*, 1CCV-22-0001499 (February 28, 2023).

While these cases were dismissed, we expect that similar issues may be raised with the 2024 Elections. To avoid possible confusion over the auditing process that could undermines the public's confidence in the electoral process, we have prepared Appendix A, a review of statutes, to provide some context related to Hawaii's use of the marksense ballot voting system and the conduct of post-election audits.

EXPENSES

As discussed in our prior reports, the implementation of elections has involved a significant shift in the expenses that election officials must be concerned about. The main cost drivers are now mailing house costs, postage, and the voting and vote counting system.

The reconciliation of the expenses associated with an election cycle occurs in the first six months of the odd-numbered year, following the general election. Specifically, the law provides for a detailed proration process between the Office of Elections and the counties. This can only substantively occur after each has received their invoices and made payment for various goods and services, along with internally calculating staffing costs attributable to the conducting of the elections.

> All expenses related to elections by mail involving both state and county offices, or involving both federal and county offices, unrelated to voter

> registration, shall be divided in half between the State and the counties. To the extent that a particular expense is shared statewide, each county shall pay a proration of expenses as a proportion of the registered voters at the time of the general election. The counties shall separately be responsible for expenses associated with voter registration.

HRS § 11-110(a)(1).

The table below reflects the expenditures to conduct the 2018 Elections, the last election before the enactment of elections by mail – which followed a different expense sharing structure, the cost of the 2020 Elections, which included CARES Act funding, and finally the 2022 Elections.

	2018 Elections Expenses	**2020 Elections Expenses**	**2022 Elections Expenses**
Early Voting	219,072	269,306	396,543
Election Day Officials	527,510	179,958	263,588
Facilities	59,640	1,110,330	90,943
Mailing Services & Envelopes	143,349	479,670	94,533
Places of Deposit	0	228,754	67,749
Postage	415,662	1,615,429	658,282
Proclamations	70,200	20,475	56,708
Shipping & Delivery	225,657	10,429	54,298
Staffing	1,414,838	1,398,838	1,205,153
Supplies & Equipment	192,549	168,363	319,980
Travel			15,912
Voter Education			790,331

Voting & Vote Counting System Contract	3,209,000	2,990,000	3,895,187
Total	$6,477,477	$8,471,552	$7,909,207

As indicated in the table, the cost of facilities dropped significantly, as we were able to resume our use of the State Capitol in 2022. Previously, in 2020, due to social distancing concerns, CARES Act funds were used to lease the Hawaii State Convention Center to serve as the statewide counting center.

The cost of the voting system contract went up from 2020 to 2022. This was attributable to two main factors. First, the voting system was upgraded in 2022. The prior cost of the voting system in 2020 was the last election cycle of a multi-year contract. Second, the voting system contract in 2022 incorporated the mailing house services associated with elections by mail. As such, the cost of mailing services dropped significantly and now primarily covers smaller in-house mailing conducted by the counties (e.g., mailings that occur closer to the date of the election in connection with belated voter registration updates and similar matters, as opposed to the pre-scheduled initial mailings of ballot that used the economies of scale associated with a mailing house).

We additionally included travel and voter education categories into the table as those categories were not directly accounted for in the prior table.

Finally, we would note some fluctuation in the categories as the State and counties have been revisiting how to categorize matters that overlap or that had not previously been explicitly accounted for in the past. Also, some fluctuations are associated with expenditures for capital equipment, such as ballot drop boxes, that do not naturally need to be repeated the following election cycle. Further, revisions to the elections by mail model have occurred, such as the expansion of voter service centers that have resulted in additional expenses.

ELECTRONIC BALLOT DELIVERY

The electronic ballot allows voters to independently mark their ballot using their own personal compatible device. Additionally, it makes ballots immediately available to those in remote locations that would be otherwise impacted by delays in the postal system. The system has been well received by the various populations of voters who use it, such as voters with accessibility needs, military voters, and overseas voters.

The upcoming election cycle will involve a transition from our prior vendor, Five Cedars Group, to Enhanced Voting, which acquired its assets last year. While Five Cedars Group serviced Oregon and Hawaii, Enhanced Voting has serviced various jurisdictions on the East Coast. Given the change in vendors, we have been working with Enhanced Voting to ensure its electronic ballot delivery and return process meet the requirements of our State.

BALLOT TRACKING

Part and parcel of elections by mail is the expectation of voters to know that their mail ballot packet has been created, and when their voted ballot has been received by election officials. Given this, the 2022 Elections used the BallotTrax service, whereby voters could sign up to receive notifications by text, email, or by phone letting them know when they should be receiving their ballot, as well as where their returned ballot was in the validation process. This includes letting them know if their ballot has been received and the signature validated, or if there is a discrepancy with their signatures on the return ballot envelope that they will need to correct with their county clerk. As of the 2022 General Election, over 29,000 voters have signed up for the service and we anticipate that as more voters learn about this service, they will also sign up.

LEGISLATIVE CHANGES

We want to highlight the following legislative changes, enacted following the 2023 Legislative Session and the impacts to our operations:

1. RELATING TO VALIDATION OF BALLOTS (ACT 7, SLH 2023)

HRS § 11-108 Counting of mail-in ballots; validity; ballots included in recounts; certification of final tabulation

Act 7, SLH 2023, aligned the deadline by which voters had to cure any deficiency with their return envelope with the deadline for the county clerks to validate ballots. Specifically, HRS § 11-106 provides that voters had five business days after the election to cure their ballots. In practice, the intervening Statehood Day holiday for the Primary Election, and Veterans' Day holiday for the General Election, resulted in the time available for voters to cure their ballot with the county clerk to be up to nine calendar days after the election. This did not line up with the prior deadline in HRS § 11-108(c) of seven days (i.e., calendar days) after the election for the county clerks to complete the validation process. Now, as a result of the Act, the deadline in both statutes is five business days after the election.

2. RELATING TO ELECTIONS (ACT 115, SLH 2023)

HRS § 11-__ Digital voter information guide

HRS § 11-118.5 Constitutional amendments, proposed; attorney general statement

Act 115, SLH 2023, requires the Office of Elections to coordinate and prepare a digital voter information guide that will be posted on its website. Among other things, the guide will contain candidate statements, explanations of state and county ballot questions by the Attorney General and the county corporation counsels, and traditional voter information concerning mailing deadlines, same-day voter registration, places of deposit, and voter service centers. It will be translated into Olelo Hawaii and languages required under the federal Voting Rights Act. In terms of distribution, a notice to voters of the guide being available on the Office of Elections' website will be included with every ballot mailed to voters. Instructions directing voters to the digital voter guide will also be included in the transmission of the electronic ballot to UOCAVA and accessibility needs voters. Finally, printed copies of the guide will be made available for viewing at state public libraries. Our office will separately be submitting a Proposal to the Legislature on the Cost and Personnel Required to Prepare and Distribute a Voter Information Guide pursuant to House Concurrent Resolution No. 87 from the 2023 Legislative Session.

Beginning with fiscal year 2025-26, the Office of Election will include the digital voter guide as part of its ongoing budget request to the Legislature.

3. RELATING TO ELECTIONS (ACT 117, SLH 2023)

HRS § 11-__ Legal name of candidates; publication

Act 117, SLH 2023, requires the Office of Elections and the Campaign Spending Commission to include a candidate's legal name wherever the name requested to be printed on the ballot is used, except on the ballot. Specifically, this Act applies to the Candidate Report of individuals who have been issued and filed a nomination paper and the digital voter guide.

2023 HELP AMERICA VOTE ACT GRANT

We recently applied for and were granted an award of $1,000,000 in Help America Vote Act (HAVA) funds. As a condition of the award, our office will provide a 20% match of $200,000. The $1,000,000 in federal funds and the $200,000 in state general funds are required to be used toward the purposes of HAVA. The funds have been earmarked toward improvements to the statewide voter registration system, which is required by Section 303 of HAVA.

For example, we are working with the statewide voter registration system vendor to upgrade the addressing component that relies on geocoding. Specifically, one of the functions of the statewide voter registration system, which is housed on the Hawaii State Government Private Cloud (GPC), is to assign voters to their proper precinct.

A precinct's boundaries are developed in relation to federal, state, and county district lines, to ensure that all voters within the precinct are eligible to vote for the same contests on the same unique precinct ballot. This is best done by geocoding the voter's address so that it has specific latitude and longitude coordinates that permit it to be located within its proper precinct. The technology in this area has improved over time and an upgrade of the geocoding technology will better permit us to add subdivisions and other new residences, along with addressing residences with non-standard addresses.

MAUI WILDFIRES

While we understand this may be a difficult time for the Maui voters, election officials are committed to ensuring voters have the opportunity to cast their ballot in the upcoming elections. Voters displaced by the Hawaii wildfires in August 2023 may need to update their mailing address or residence address to receive their ballots for the 2024 Elections. Mail ballots packets cannot be automatically forwarded to a voter, as non-delivery is the process election officials use to flag outdated voter registration. Voters may continue to maintain their home address with the intent of returning, and use an alternate mailing

address within the State. To update, voter can use the online voter registration system at elections.hawaii.gov or a paper voter registration application.

The Office of Elections and County of Maui Clerk's Office have also coordinated mailing voter registration applications to the voters in House District 14, which includes Lahaina and West Maui. Additionally, radio, print, and digital ads ran at the same time as the mailing, alerting all Maui voters that they may need to update their voter registration if they have been impacted by the wildfires.

POLITICAL PARTY STATUS

Following the 2022 Elections, we calculated and determined which political parties obtained the requisite number of votes in certain contests to remain qualified. HRS §§ 11-61 & 11-65. The Aloha Aina Party, Green Party, and Constitution Party were disqualified. This left the Democratic Party, Republican Party, and Libertarian Party.

The period for petitioning to form political parties has commenced and various groups have pulled out papers and are gathering signatures. Groups are required to submit a petition containing "not less than one-tenth of one per cent of the total registered votes of the State as of the last preceding general election," along with party rules and officers. HRS § 11-62. The deadline is February 22, 2024, and the exact number of signatures is 862, based on there being 861,358 registered voters for the 2022 General Election.

CONCLUSION

As previously noted, this report builds off prior *Implementing Elections by Mail* reports going November 6, 2019. These reports documented the transition to elections by mail and the natural startup issues. With two election cycles of election by mail completed (i.e., 2020 and 2022), the present report reflects that elections by mail is no longer a new system that takes the foreground in any discussion of elections. Instead, it is a well-established part of the overall administration of election, which, like any other part, is subject to review and amendment to best serve the public.

Review of Statutes Related to Election Audits in Hawaii

October 26, 2023

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For additional information or questions, please contact the Office of Elections by emailing elections@hawaii.gov or by calling (808) 453-VOTE (8683) or toll-free 1-800-442-VOTE (8683).

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The mission of the Office of Elections is to provide secure, accessible, and convenient election services to all citizens statewide. Our goals and objectives are to 1) conduct honest and efficient elections; 2) encourage participation in the electoral process; 3) protect voter rights; and 4) promote elections. The office conducts candidate filing; prints, counts, and tabulates ballots; and provides voter education.

Introduction

Election audits confirm the election results. In Hawaii, election audits are conducted on a set percentage of randomly selected precincts. A contest for each of the audit precincts is selected to create a hand tally of expected results to compare to the publicly released precinct detail report. Should the election audit identify any issues with the vote counts, election officials may expand the scope by selecting additional contests or additional precincts, as appropriate.

The spread of mis-, dis-, and mal-information undermines public confidence in the electoral process. These attacks include perpetuating false narratives about the purpose and conduct of election audits. Some of the scrutiny and political attacks on the administration and conduct of elections are focused on the vote counting system used to count ballots. As voting systems are criticized nationwide, this review of statutes related to election audits seeks to provide context related to Hawaii's use of a marksense ballot voting system and the conduct of post-election audits.

Since 1998, Hawaii has used a marksense ballot voting system. The United States Election Assistance Commission (US EAC) defines marksense as a "system by which votes are recorded by means of marks made in voting response fields designated on one or both faces of a ballot card or series of cards. Marksense systems may use an optical scanner or similar sensor to read the ballots. Also known as optical scan."[1] Similarly, Hawaii Administrative Rules §3-177-707 provides:

> A "marksense voting system" means an automatic tabulation system using ballots and optical scanning or similar technology equipment. The voter manually records votes by marking the appropriate voting position on the ballot, with a prescribed marking device, in the manner instructed

[1] https://www.eac.gov/sites/default/files/glossary_files/Glossary_of_Election_Terms_EAC.pdf

> by the chief election officer. The marks on the ballots are subsequently read by the optical scan or similar technology device, in conformance with the specifications of the voting system selected by the chief election officer. As used in these rules, a “marksense voting system” is considered to be a “mechanical tabulation system,” which may be used in any context requiring or permitting the use of a mechanical tabulation system. A “mechanical tabulation system” means an automatic tabulation system, including a marksense ballot voting system.

The requirements to use such a system include a uniform standard for counting votes, federal certification, logic and accuracy testing, and auditing. These processes ensure the accuracy and integrity of the results and are safeguards for relying on the marksense ballot voting system. The voting system is checked at multiple points of the election process to confirm it is operating correctly.

Applicable Laws and Statutes

The following laws and statutes apply to the conduct of post-election audits. They are presented chronologically to show the development and changes in technology and processes over time.

As a starting point, when discussing vote counting and technology, given that much has changed over the years in terms of terminology, it is important to keep in mind the context in which laws were initially passed and subsequent amendments were made in understanding the intent of the Legislature.

Hawaii Revised Statutes (HRS), Chapter 16, Voting Systems

Historically, voting systems involved paper ballots that were marked by voters and then counted in some fashion. The only issue was whether to count them by hand or through some technological means. Additionally, there were voting machines that were defined as “electrically, mechanically, or electronically recording and counting votes upon being cast.” HRS § 16-11 (Definitions). These types of voting machines were generally lever machines that would increment counters within the machine based on voters interacting with various levers.

The result was that Act 26, Session Laws of Hawaii (SLH) 1970, divided voting systems into three groups. The groups were voting machine system, electronic voting system, and paper ballot voting system. HRS § 16-1 (Voting Systems Authorized).

The term "paper ballot voting system" simply meant that paper ballots were counted by hand, as opposed to meaning only that system involved paper. HRS § 16-21 (Definition). Despite this, some currently refer to a “paper ballot voting system” as being any system that involves a voter directly interacting with a paper ballot, such as the marksense voting system, to distinguish it from a direct recording electronic (DRE) device.

The “voting machine system” as previously noted largely involved lever machines but its definition encompassing electrical, mechanical, and electronic voting and counting is so broad that it could arguably include the use of direct recording electronic (DRE) voting equipment that was used in Hawaii between 2004 and 2020. HRS § 16-11 (Definitions)

The most recent voting systems have been “electronic voting systems.” The term “electronic voting system” has encompassed two subtypes. Specifically, one subtype falls squarely within the definition of an “electronic voting system” (i.e., machine-readable punch cards and paper ballots using marksense scanning technology), and the other subtype is arguably an expansion of what was generally understood to fall within the definition (i.e., DREs). HAR § 3-177-706 (Electronic voting systems; generally).

Specifically, the term “electronic voting system” is defined as “the method of recording votes which are counted by automatic tabulating equipment.” HRS § 16-41 (Definitions). Automatic tabulating equipment was understood to involve equipment that read paper ballots and tabulated the results. The earliest would have been machine-readable punch cards that were voted on by voters and then read by a machine card reader.

The machine-readable punch cards were replaced by marksense scanning technology in 1998 in which voters would mark their ballots with their choices and the ballots would be run through a machine using scanning technology to read the ballots. The initial scanning technology involved optical scan and we now use digital scanning technology. This type of “electronic voting system” using automatic tabulating equipment is currently defined by administrative rule as a “marksense voting system.” HAR §§ 3-177-706 and 3-177-707. Additionally, given its use of automatic tabulating equipment, it is defined as a “mechanical tabulation system.” HAR § 3-177-707.

A short statute regarding the requirements for electronic voting existed up to 2005. It simply read as follows:

> **§16-42 Electronic voting requirements.** 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 therefor exceeds the number which the voter is entitled to cast. [L 1970, c 26, pt of §2; am L 1973, c 217, §6(g); am L 1979, c 139, §12]

Emphasis added.

Hawaii Revised Statutes, §16-2, Voting system requirements

Election audits have been an integral part of the use of voting systems and were a direct result of HRS § 16-2, which has remained unchanged since 1970.

> **§16-2 Voting system requirements.** All voting systems adopted under this chapter by the chief election officer or the legislature shall satisfy the following requirements:
>
> (1) It shall secure to the voter secrecy in the act of voting;
>
> (2) It shall provide for voting for all candidates of as many political parties as may make nominations, nonpartisans, and for or against as many questions as are submitted;
>
> (3) **It shall correctly register or record and accurately count all votes cast for any and all persons, and for or against any and all questions.** [L 1970, c 26, pt of §2]

Emphasis added.

Going back to at least 1996, the administrative rules had guidelines for auditing for machine punch cards that included addressing 10 percent of precincts and selecting precincts that met certain criteria (e.g., small precinct, large precinct, early pick-up, final pick-up, and a precinct with a statewide, countywide, or districtwide contest). HAR § 2-51-97(a)(2). Official observers could also conduct a manual audit. HAR § 2-51-97(a)(5). The manual audit was implementing HRS § 16-2 (Voting System Requirements) by ensuring the system was working correctly.

The 1998 election cycle involved the first use of the marksense voting system (i.e., scanning technology was used to read marked paper ballots). The administrative rules provided that when the chief election officer experimented with a system "all rules which can be reasonably applied to that system shall be followed." HAR § 2-54-5. As such, the previously noted auditing for machine punch cards was applied to the marksense voting system.

Before the 2000 Elections, new administrative rules were promulgated. These rules in HAR § 2-51-97 (misnumbered as HAR § 2-51-96.3) provided for auditing again but removed the reference to machine punch cards. It continued with the guideline of auditing 10 percent of precincts and selecting precincts that met certain criteria (e.g., small precinct, large precinct, early pick-up, final pick-up, and a precinct with a statewide, countywide, or districtwide contest). HAR § 2-51-97(a)(2) (misnumbered as HAR § 2-51-96.3). Official observers also had the ability to conduct a manual audit. HAR § 2-51-97(a)(5) (misnumbered as HAR § 2-51-96.3). The manual audit again implemented HRS § 16-2 (Voting System Requirements) by ensuring the system was working appropriately.

Essentially, while Chapter 16, HRS, references various types of systems, it only used an "electronic voting system" that involved automatic tabulation equipment to count paper ballots for decades before the 2004 Elections (i.e., machine punch cards and the marksense voting system). The relevant laws of Chapter 16, HRS, were Part I. General Provisions and Part IV. Electronic Voting System as Part II. Voting Machine System and Part III. Paper Ballot Voting System were in disuse. Auditing was conducted pursuant to HRS § 16-2 and its implementing administrative rules.

Help America Vote Act (HAVA) of 2002

Following the closely contested Presidential Election of 2000 that was litigated before the U.S. Supreme Court, the Help America Vote Act of 2002 (HAVA) was passed. Section 301 of HAVA required various things, including in part, the following: (1) the utilization of voting systems meeting certain standards; and (2) for "[e]ach State to adopt uniform and nondiscriminatory standards that define what constitutes a vote and what will be counted as a vote for each category of voting systems used in the State." 52 USC § 21081(a).

In the State of Hawaii, this had largely occurred with the migration from a hand counted paper ballot system, to a machine system utilizing punch cards, and finally to a marksense voting system in 1998. Our administrative rules lay out what constitutes a

proper mark, a marginal mark, and an improper mark, along with the treatment and disposition of said marks. HAR § 3-177-454 and 3-177-752. Below are samples of these marks from HAR § 3-177-454(d).

(1) Example of a proper mark

(2) Examples of marginal marks are:

(3) Examples of improper marks are:

The treatment of these types of marks is addressed in HAR § 3-177-752. The rule notes that a “proper mark” involves the voting target area being completely filled in with a proper marking device and consequently will be counted as a vote by a properly functioning voting system. HAR §3-177-752(b). A mark made outside of the voting position is an “improper mark” and “will not be counted by a properly functioning voting system as a vote.” Finally, “a ‘marginal mark’ involves a mark in the voting position area in which the voter may have used an improper marking device or did not completely fill in the target area as instructed. The disposition of a marginal mark as to whether it will be counted as a vote will be based on whether a properly functioning voting system has read the mark as a vote.” HAR § 3-177-752(d). This administrative rule has been applied since 2005 to explain how ballots would be counted based on a properly functioning voting and vote counting system that would be subject to inspection, audit, and testing by qualified observers before and after an election.

Against this backdrop, an audit is meant to verify the electronic tallies against the hand tally of the paper ballots. In other words, to confirm that the marks on the ballots were read consistently with the administrative rules. The election audits are conducted by election officials in the presence of Official Observers who monitor the handling of ballots. To the extent discrepancies are found in the audit, an expanded audit to determine the extent of misreporting within the system may be authorized. HAR § 3-177-762(b). Additionally, Official Observers, pursuant to HAR § 3-176-102(a)(2) may conduct their own election audit.

As we cannot change the rules as an election is being conducted, any audit of results is focused on confirming how a properly functioning voting and vote counting system would count ballots. Given this, objective evidence that the system was not operating properly would need to be presented, to require additional auditing to occur. For the sake of argument, if such evidence were provided that a particular voting machine was not operating properly, the solution is not to move to a hand count, but instead to use voting machines that experienced no such problems. HAR § 3-177-762(c)(1)(A). Additionally, for the sake of argument, if there were inadequate voting machines that experienced no problems, after consultation with the official observers, we could use repaired machines. HAR § 3-177-762(c)(1)(B). Further, if a hand count were required, due to there being no properly functioning machines, the hand count is required to "conform to the marking and vote disposition rules relating to the voting system." HAR § 3-177-762(c)(2). Specifically,

> [b]allots 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 utilize any statute or rules associated with the paper ballot voting system, as those marking instruction and vote disposition rules are uniquely different from those statutes and rules associated with other voting systems.

HAR § 3-177-762(c)(2)(A).

Under no circumstances are a different set of rules or a different standard used after an election to count ballots that were originally intended to be counted with a particular voting system. At all times, one strives to replicate the counting by the original voting system.

Hawaii Revised Statutes, 16-42

As previously noted, the Help America Vote Act of 2002 (HAVA) made various changes to the administration of elections. One of those changes was a result of Section 301 of the new law, which required various actions be taken, including ensuring accessibility for individuals with disabilities in terms of the voting system "provid[ing] the same opportunity for access and participation (including privacy and independence) as for other voters." 52 USC § 21081(b)(3)(A). It was noted in the law that this requirement could be "satisif[ied] . . . through the use of at least one direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place." 52 USC § 21081(b)(3)(A). The effective date was January 1, 2006. 52 USC § 21081(d).

A direct recording electronic is known as a "DRE." The U.S. Election Assistance Commission defines a DRE as the following:

> A vote capture device that allows electronic presentation of a ballot, electronic selection of valid contest options, and electronic storage of contest selections as individuals vote. It also provides a summary of these contest selections.

https://www.eac.gov/sites/default/files/glossary_files/Glossary_of_Election_Terms_EAC.pdf (EAC Glossary).

A DRE can be optionally equipped with a voter-verified paper audit trail (VVPAT). The VVPAT is defined as follows:

> In DRE systems, a paper document containing evidence of a voter's contest selections that they can check before officially casting the ballot.

https://www.eac.gov/sites/default/files/glossary_files/Glossary_of_Election_Terms_EAC.pdf (EAC Glossary).

Essentially, a DRE is an accessible electronic voting system that ensures a voter with special needs can vote independently. The DRE was used from 2004 through 2020 Elections to provide accessible in person voting at the polling places and early walk-in voting locations, and subsequently at the voter service centers. The DRE voting system used in Hawaii included an accessible voting booth for voters to electronically mark their ballot and the votes were written directly onto a secure vote memory storage device.

A DRE without a VVPAT was used in the 2004 Elections. Specifically, a DRE was provided in each polling place across the state, along with a precinct counter using scanning technology. Nationally, there were discussions about DREs and whether there were security vulnerabilities, especially regarding DREs that did not use a VVPAT. Our state ultimately sided with requiring the DRE to generate a VVPAT or paper ballot.

As reflected in the legislative history in 2005 and 2006 on HRS § 16-42, the DRE was considered an "electronic voting system" and the marksense system was considered a "paper ballot system" as it used paper. However, we would note that the DRE does not use "automatic tabulating equipment" as it does not tabulate paper ballots. Given this, it might be beneficial to revisit the definition of an "electronic voting system" to distinguish between those that tabulate paper ballots and those that are direct recording devices that are required to generate a paper ballot or VVPAT.

Our understanding of the various bills during the 2005 and 2006 legislative sessions concerning HRS § 16-42 were that they were primarily focused on a lack of a paper record in relation to DREs and that we should not rely on the results DREs directly provided without additional steps being taken.

In 2005, Senate Bill 1325 had language substantively the same language as House Bill 1740, which later became Act 200, SLH 2005. The Senate Committee on Judiciary and Hawaiian Affairs reported, in part, as follows:

> Your Committee finds that as electronic voting systems increase in both use and popularity, adequate safeguards must be implemented to ensure that the votes of all eligible voters are not only counted, but also subject to verification by the voter. **Unlike the current paper ballot system, most electronic voting systems do not generate or leave a verifiable paper trail that may be audited** in cases of recounts or election challenges. **By requiring electronic voting systems used in elections in Hawaii to generate paper ballots**, your Committee finds that **the convenient and cost effective method of electronic voting will also have the safety and security of the current paper ballot system.**

Sen. Stand. Com. Rep. No. 283 on S.B. No. 1325 S.D. 1, 23rd Leg., Reg. Sess. (2005) (Emphases added).

The committee report's reference to the "current paper ballot system" was to the scanning system that used paper ballots. Its reference to "most electronic voting systems do not generate or leave a verifiable paper that trail that may be audited in

cases of recounts or election challenges," should be understood to be referring to the DREs that had been used in 2004 for the first time.

By directly looking at the committee reports for House Bill 1740 which became Act 200, Session Laws of Hawaii 2005, which was similarly worded to Senate Bill 1325, the House Committee on Judiciary reported, in part, the following:

> The purpose of this bill is to provide accountability for, and assist disabled citizens in, the voting process by prohibiting the use of an electronic voting system unless it generates a paper ballot that may be inspected and corrected by the voter before the vote is cast, and unless every paper ballot is retained as the definitive record of the vote cast.
>
> ***
>
> Your Committee recognizes that the foundation of a democratic society rests on a fair, secure, and accountable voting process that addresses the needs of all citizens, including **the disabled who may require additional measures to ensure that their vote is reflected accurately. Specifically, voters who are blind and cannot read print material require non-visual means to allow each voter to review his or her selection prior to casting the ballot. Establishing a "paper trail" for the electronic voting system helps to safeguard this electoral process.**

Hse. Stand. Com. Rep. No. 545 on H.B. No. 1740, 23rd Leg., Reg. Sess. (2005) (Emphases added).

Again, the reasonable conclusion was that the language of the bill concerned DREs and the need to have them generate something that could be inspected.

The committee reports of the House Committee on Finance, Senate Committee on Judiciary and Hawaiian Affairs, and Senate Committee on Ways and Means all contain similar language to allow one to reasonably conclude the legislation concerned DREs, as opposed to a system that used scanning technology with paper ballots. Hse. Stand. Com. Rep. No. 790, Sen. Stand. Com. Rep. No. 1219, and Sen. Stand. Com. Repo. No. 1535 on H.B. No. 1740, 23rd Leg., Reg. Sess. (2005).

The following year, what was largely a housekeeping bill was passed clarifying the earlier changes. Act 5, Session Laws of Hawaii 2006, went through the Legislature

unamended as House Bill 2900. The bill added a definition of a voter verifiable paper audit trail to HRS § 16-41. Additionally, it clarified that the electronic system could generate a voter verifiable paper audit trail, as opposed to only a paper ballot, and that a generated "paper ballot or voter verifiable paper audit trail [would be] retained as the definitive record of the vote cast." The House Committee on Judiciary in its report referred to the purpose of the bill as follows:

> The purpose of this bill is to enhance the validity of the electronic voting process by:
>
> (1) Clarifying that, when using electronic voting machines, either a paper receipt or a voter verifiable audit trail that contains only a record of the voter's ballot selections may be used to verify a voter's vote; and
>
> (2) Allowing a voter verifiable paper audit trail to be used to:
>
> > (A) Assess the accuracy of the voting machine's electronic record; and
> >
> > (B) Verify the election results.

Hse. Stand. Com. Rep. No. 449-06 on H.B. No. 2900, 23rd Leg., Reg. Sess. (2006).

The Senate Committee on Judiciary and Hawaiian Affairs in its report noted, in part, as follows:

> The purpose of this measure is to add a voter verifiable paper audit trail that contains a record of the voter's ballot selections to be used to verify a voter's vote as an alternate requirement for verification in electronic voting.
>
> ***
>
> Your Committee finds that this measure clarifies that electronic voting systems may generate either a paper ballot or a voter verifiable paper audit trail to verify a voter's votes. Adding the voter verifiable paper audit trail will further accessibility, especially for disabled voters, to voting and will strengthen the fairness, security, and integrity of elections.

Sen. Stand. Com. Rep. No. 3103 on H.B. No. 2900, 23rd Leg., Reg. Sess. (2006).

With the above in mind, one can more easily look at the amendments to HRS § 16-42 in 2005 and 2006 to interpret the statute.[2]

> **§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 therefor exceeds the number [~~which~~] 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;

[2] The text in italics reflects the language that was added to HRS § 16-42 in Act 5, SLH 2006. Specifically, the words “or voter verifiable paper audit trail” was added in two places in the second paragraph of subsection (a). On a related note, Section 1 of Act 5, SLH 2006, added the following to the definitions section of HRS § 16-41:

> "Voter verifiable paper audit trail" means the paper record that constitutes a complete record of ballot selections that is verified by the voter. The record may also be used to assess the accuracy of the voting machine's electronic record and to verify the election results.

(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.

The first paragraph of HRS § 16-42 is changed from being the sole paragraph of HRS § 16-42 to the first paragraph of subsection (a) of the revised statute. As such, it retains its reference to "the automatic tabulating equipment of the electronic voting system." Consistent with what was stated before in the history of the voting system, automatic tabulating equipment was understood to involve equipment that read paper ballots and tabulated the results (e.g., machine-readable punch cards and marksense scannable ballots). A "marksense ballot voting system" is defined as using automatic tabulating equipment. HAR §§ 3-177-706 and 3-177-707.[3] Additionally, it was referred to as a "mechanical tabulation system." HAR § 3-177-707.

The second paragraph of HRS § 16-42(a) is added by Act 200, SLH 2005, and Act 5, SLH 2006, against the previously noted legislative history discussion of DREs and the Legislature's concerns that they should involve paper, similar to the "current paper system" (i.e., marksense voting system that involves the scanning of paper ballots) that the Senate Committee on Judiciary and Hawaiian Affairs referenced in Sen. Stand. Com. Rep. No. 283 on S.B. No. 1325 S.D. 1, 23rd Leg., Reg. Sess. (2005).

Additionally, the text itself in the second paragraph refers to a system that "**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." This paragraph refers to a system that generates a paper ballot or voter verifiable paper audit trail. The only system that could conceivably "generate" such a paper ballot or voter verifiable paper audit trail is a DRE. Likewise, the inspection and correction refer to the ability on a DRE for a voter to correct their vote before it is directly and electronically cast. A DRE system without

[3] The terms "marksense ballot voting system" and "marksense voting system" are used interchangeably in the administrative rules.

such features was the very type of system that the Legislature, as reflected in the legislative history, was concerned had been used in the earlier 2004 election cycle.

Moving on to subsection (b), the understanding that the amendments in 2005 and 2006 were associated with the DRE system are further supported. Specifically, the first sentence refers to "rely[ing] on electronic tallies created directly by electronic voting systems," which appears to be a reference to direct recording electronic devices directly tallying results as the voter directly votes with such a DRE system, as opposed to indirectly when one first marks a paper ballot and then has it read by marksense ballot voting device. Additionally, the same sentence says, "in lieu of counting the paper ballots by hand or with a mechanical tabulation system." Again, the legislation in 2005 required the DRE system to generate a paper ballot. As such, this reference is consistent with that understanding. Next, it notes that the paper ballots could be counted by hand or mechanical tabulation system. Such a reference would make sense regarding a DRE system that generates ballots but would not make sense for a marksense voting system. Specifically, a marksense voting system is already defined as a "mechanical tabulation system" that counts ballots. HAR §§ 3-177-707.

Finally, subsection (b) continues and notes that reliance on the electronic tallies, if one did not count by hand or mechanical tabulation system, requires a variety of steps to be taken. In other words, if one did not count the paper ballots generated by the DRE system by either hand or with a mechanical tabulation system (e.g., marksense voting system), then one needed to confirm various safeguards were in place.

The first two safeguards in subsections (b)(1) and (b)(2) relating to inspection, auditing, testing, and no upgrades, patches, or alterations, were standard measures that the legislation sought to apply to DREs. As it relates to the marksense voting system, the administrative rules implementing HRS § 16-2 that were in place at the time already provided for testing. HAR § 2-54-4.

Likewise, for subsection (b)(3), the legislation sought for DREs to conduct a post-election audit. As it relates to the marksense voting system, the administrative rules implementing HRS § 16-2 that were in place at the time already provided for auditing. HAR § 2-51-96.3. Further, subsection (b)(3) continues the use of the term "generated" in referring to the electronic tallies generated by the system needing to equal hand tallies of the paper ballots generated by the voting system. Again, the only system that generates a paper ballot would be a DRE.

Finally, subsection (b)(4) refers to expanding the audits if discrepancies were found. Yet again, HAR § 2-51-96.3(a)(7) already provided for the expansion of audits as indicated

by the following language: “The manual audit shall be concluded when a majority of the team members so decide.”

In other words, the legislative history of HRS § 16-42 reflects subsection (b) applies to DREs.

Act 136, Session Laws of Hawaii 2019

On June 25, 2019, Act 136, SLH 2019, was signed into law transitioning Hawaii to elections by mail from a polling place model. While elections by mail builds from the prior foundation of absentee mail, absentee walk locations, special elections by mail, and other election administration processes, this transition has involved a significant change in the administration of elections.

Historically, voters were assigned to precincts that had a corresponding polling place where voters in the precinct were to vote for the contests and ballot questions that voters in those areas were eligible to vote on. This was supplemented by the ability of voters to instead request an absentee ballot by mail or to vote at an absentee polling place before election day. Given the relationship between precincts and polling places, the terms were used interchangeably by some. Consistent with this, the Elections by Mail Bill (i.e., Act 136, SLH 2019) removed the definition of “precinct” from HRS § 11-1 and replaced it with “district,” along with removing the terms “precinct” and “polling places” from various sections in Chapters 11, 15, and 16, HRS.

The polling place model’s use of corresponding polling places for each precinct resulted in ballots voted in person being segregated on election day by precinct. Specifically, each polling place had a precinct scanner for voters who marked a paper ballot, along with a DRE with a VVPAT feature for those who wanted to vote on a DRE.

The migration to an elections by mail centered model, with limited voter service centers for those who wanted to vote in person, resulted in the previous structural segregation of ballots by precinct through polling places to be removed.

Additionally, Act 136, SLH 2019 provided that changes in the handling and counting of ballots might be necessary when it stated that “[a]ll handling and counting of ballots shall be conducted in accordance with procedures established by the chief election officer.” HRS § 11-108(a). This was the case when it came down to how ballots would need to be handled and counted for purposes of the initial tabulation of results and the post-election audit. Section 11-108, HRS, was succinct in addressing the counting of ballots in one

statute and entrusting the Office of Elections to develop procedures as may be necessary.

> **§11-108 Counting of mail-in ballots; validity; ballots included in recounts; certification of final tabulation.** (a) Ballot processing for tabulation may begin no sooner than the eighteenth day before the election. In the presence of official observers, counting center employees may open the return identification envelopes and count the ballots; provided that any tabulation of the number of votes cast for a candidate or question appearing on the ballot, including a counting center printout or other disclosure, shall be kept confidential and shall not be disclosed to the public until after the closing hour of voting or after the last person in line at a voter service center desiring to vote at the closing hour of voting has voted, as provided in section 11-131, whichever is later. **All handling and counting of ballots shall be conducted in accordance with procedures established by the chief election officer.**
>
> (b) The initial tabulation of ballots shall be completed no later than 6:00 a.m. on the day following an election day.
>
> (c) Any ballot the validity of which cannot be established upon receipt shall be retained by the clerk and shall not be commingled with ballots for which validity has been established until the validity of the ballot in question can be verified by the clerk. No ballot shall be included in an initial tabulation until the clerk has determined its validity. The clerk shall make reasonable efforts to determine the validity of ballots within seven days following an election day. No ballot shall be validated beyond the seventh day following an election.
>
> (d) Any initial recount provided by law shall include only ballots verified for the purpose of the initial tabulation. In no event shall a recount of an initial tabulation include ballots the validity of which could not be verified by 6:00 a.m. on the day following an election day.
>
> (e) No election result shall be certified pursuant to section 11-155 unless all ballots verified as valid by the clerk within seven days following an election day have been added to the final tabulation. Recount of a final tabulation shall be as provided by law.

Emphasis added.

This model, as reflected in HRS § 11-108, was primarily a centralized model as the law's focus was on the validation of ballots by the county clerks and counting at counting centers by the State, as opposed to counting at a polling place in a decentralized manner.

Implementation

The implementation of election audits from 1970 through the early 2000s remained largely unchanged and followed the processes set forth by HAR. Even the subsequent introduction and use of DREs from 2004 through 2018 did not significantly change the auditing process. This was due in part to the nature of the polling place model of election that existed during that time frame. Specifically, in a polling place model, counting is decentralized to each voting location, then brought to the counting center to tabulate following the close of polls. In this model, the voting materials are organized, received, and stored by precinct.

The transition to elections by mail for the 2020 Election significantly altered the method by which voted ballots flowed into the counting center. Polling place ballots were already counted at the polling places and then brought to the counting center. Given this, the post-election auditing of such marksense ballots was straightforward. Additionally, the amount of VVPATs generated by the DRE system was also relatively nominal, making the auditing of the DREs also straightforward. However, in an election by mail model, voted ballots are transferred to the counting center after validation by the county clerks in flow, as opposed to being organized by precinct.

Post-Election Audit

The migration to elections by mail moved the state away from the initial structural separation of ballots at the precinct level that necessarily occurred with voters voting at a corresponding polling place, the subsequent counting of those separated ballots by the machines at those polling places, and the auditing of those structurally separated precinct ballots at the state counting center. Instead, the vast majority of ballots are mailed in and those ballots are counted at the state counting center after they are validated by the county clerk as they are received.

The lack of polling places to separate ballots down to the precinct level necessitated the centralized separation of ballots down to the district level, the random selection of districts and their corresponding precincts to audit, and finally, an audit using those selected precinct ballots in 2020. Subsequently, in 2022, the use of an updated voting system, permitted the electronic separation of ballots down to the precinct level, the random selection by official observers of the precincts to audit, and finally, an audit observed by official observers using ballot images that provide the ability to retrieve physical ballots if questions arose.

The following subsections go into greater detail as to how the post-election audit process was impacted by elections by mail and the available voting system technology for the 2020 and 2022 Elections.

2020 Elections

Given the volume of ballots, the removal of the term “precinct” from various sections in Chapters 11, 15, and 16, HRS, and the voting system that was in use at the time, the return envelopes were, at a minimum, sorted by Representative District, at the start of processing voted ballots at the counting center.

For purposes of auditing, the Representative District and corresponding district/precincts were typed on cards, shuffled and spread out faced down, and then selected by Official Observers to account for at least 10% of the precincts. Election officials proceeded to identify the voted ballot containers using the sorting recorded on the box. Election officials consulted with Official Observers to select the contest to audit. The hand counts of the precincts were compared against the corresponding printouts for those precincts. The post-election auditing process was described in the 2020 Counting Center Manual that was made available to all Official Observers and any member of the public who requested it.

The 2020 Election audits confirmed the accuracy and integrity of the results. No discrepancies with the ballots, or mis-counting or malfunctioning were identified. Specifically, for the 2020 General Election, audits were conducted in each County at each counting center in the presence of Official Observers. The audits were certified before the deadline to file an election contest with the Hawaii Supreme Court. There were no election contests filed with the Hawaii Supreme Court related to the process of auditing the results.

In 2021, election officials advocated for the return of the use of the term “precinct” as it was an integral term used in the administration of elections. As such, Act 213, SLH 2019, was passed and various references to “districts” were replaced with “precincts.”

Due to the procurement of a new federally certified voting system that included the ability to view scanned ballot images by precinct, election officials were able to improve upon the post-election audit procedures. Specifically, after the Official Observers randomly selected the precincts and contests to be audited and election officials hand tallied the votes by reviewing the scanned ballot image captured by the voting system. The process decreased errors related to the manual sorting of return envelopes and increased the security of the physical ballots. However, the physical ballots could be retrieved and reviewed for physical inspection if requested.

This process is possible due to the fact that every ballot was accounted for in the voting system and could be tracked to an identifiable sealed voted ballot container. Specifically, the barcode for each individual ballot contained a "Unique Ballot Identifier." These barcodes were generated by the voting system vendor as part of the proofs that are sent to their ballot printing company. Please note that the "Unique Ballot Identifier" is not associated with an individual voter. For example, the "Unique Ballot Identifier" for each ballot is not shared by the voting system vendor with the mailing house vendor that mails out the ballots to individual voters. Given this, there is no master list or way to associate a specific "Unique Ballot Identifier" with a specific voter meaning the secrecy of voting is preserved.

In terms of the scanning process, the ballots were scanned in batches. A typical batch size is approximately 200 ballots. A batch report was printed out from the system and rubber banded around the batch. When ballots were scanned, every scanned image was associated with a precinct and could be electronically retrieved (i.e., one can retrieve electronically every scanned ballot associated with a precinct and then allow election officials to hand tally those ballot images against the election results). Additionally, when ballots were scanned, the voting system was annotated manually by the scanner operator with an indication of which voted ballot container a batch of ballots was contained in. This permitted a voted ballot container to contain numerous batches of ballots that together reflect hundreds of ballots from a diverse mix of precincts, while allowing one to centrally know in the voting system where every ballot is located. This feature permitted election officials to have the ability to retrieve a specific voted ballot container to review a physical ballot if there is ever a question during the audit. Additionally, Official Observers, as provided for in HRS § 16-45 to monitor the handling

of ballots, were present during the audit at the counting centers across the State to observe.

The auditing of the mail ballots (i.e. ballots initially returned in return identification envelopes that were validated by the county clerks) associated with the voting system involved five steps: (1) randomly selecting the precincts to audit and then selecting a contest for each precinct ; (2) identifying the batches that contained the ballots associated with each precinct; (3) reviewing the scanned ballot at each scanner station, hand tallying the vote, and completing the Batch Audit Tally form; (4) to physically review a ballot, a Ballot Review Log could be completed to permit the ballot to be retrieved from the correct voted ballot container; and (5) after all batches had been reviewed, tally the expected results.[4]

To the extent an apparent discrepancy was found, the manual audit team would review and recount the ballots to ascertain if the discrepancy could reasonably be explained or if there was cause to believe the system was misreporting proper marks. If so, then the audit would be expanded to determine the extent of the misreporting. However, no misreporting was found for the 2022 Elections.

The post-election auditing process was described on Pages 250 to 256 in the 2022 Counting Center Manual that was made available to all Official Observers and any member of the public who requested it. This manual as will be referenced later in this report is attached as Appendix A.

Verity Voting

The State used the Hart InterCivic Voting System, Verity 2.7, a marksense voting system, for the 2022 Elections. Attached as Appendix B is a copy of the Certificate of Conformance, dated June 7, 2022, by the executive director of the U.S. Election Assistance Commission certifying that Verity 2.7 was "evaluated at an accredited voting system testing laboratory for conformance to the Voluntary Voting System Guidelines

[4] The auditing process for ballots associated with in-person use of the voting devices at the voter services centers was distinguishable from elections by ballots that were processed by the central counters at the counting center. Specifically, voter service center ballots are scanned through a precinct counter rather than the scanner stations used at the counting center such that the physical ballots were handled for the auditing process.

Version 1.0 (VVSG 1.0)." One of the functions of Verity 2.7 was the "[a]uditing of election results including ballot images and log files." Appendix B on Page 2.

Litigation

During the 2022 election cycle, our office was faced with interest by some who preferred the hand counting of ballots, as opposed to the state's historical use of a marksense ballot voting system that involves scanning technology. Eventually, this focus shifted to how the hand counting of ballots as part of the post-election audit was conducted.

Most notably, they took issue with a feature of the federally certified voting system that permitted auditing using the scanned ballot images in lieu of physically handling the ballots (i.e., The hand tallying of the paper ballots occurred primarily using scanned images of those ballots, in lieu of physically touching the ballots, with the ability to physically retrieve individual ballots if requested).

Three lawsuits were filed related to the auditing process that was used for the 2022 Elections. The first two were election contests filed with the Hawaii Supreme Court after the Primary Election and the General Election. Both cases were dismissed by the Hawaii Supreme Court. *Cushnie v. Chief Election Officer*, SCEC-22-0000515 (September 6, 2022) and *Cushnie v. Nago*, SCEC-22-0000703 (December 15, 2022). The third case was filed on November 28, 2022, with the Circuit Court of the First Circuit. The case was dismissed on February 28, 2023. *Hawaii Republican Party v. Nago*, 1CCV-22-0001499 (February 28, 2023). Attached as Appendix C is the motion to dismiss that was filed.

Scanned Ballot Images

While the Office of Elections had the authority to conduct audits with scanned ballot images in the manner described, based on its authority under HRS § 11-108(a) to establish the procedures for the handling and counting of ballots, it additionally contends that state law generally permits governmental agencies to rely on electronic images, including their use for auditing purposes.

The Legislature in 2000 adopted the Uniform Electronic Transactions Act (UETA). Act 282, SLH 2000. This act that has been in place for over two decades and authorized the use of technology to permit "electronic records" to be valid for business, commercial, or governmental affairs. Notably, this act acknowledged that a governmental agency can

“rely upon electronic records” and can “[c]ontrol processes and procedures as appropriate to ensure adequate preservation, disposition, integrity, security, confidentiality, and audibility of electronic records.” HRS § 489E-18(a) & (b)(3). In other words, the Office of Elections had the authority to use “ballot images” for auditing purposes and could establish what it considered appropriate control processes and procedures. For the Office of Elections, this included the already mandated preservation of the physical ballots and associated electronic storage media for twenty-two months as required by federal laws and referenced by state law. HRS § 11-154 & 52 USC § 20701.

Separately, the scanned ballot images constitute true and correct copies of the original ballots, and consistent with the Hawaii Rules of Evidence they could be treated to the same extent as the original ballots for purposes of an audit. Specifically, a ballot image constitutes a "duplicate" of an original as defined in Rule 1001(d), Hawaii Rules of Evidence, Chapter 626, Hawaii Rules of Evidence.

> A "duplicate" is a counterpart produced by the same impression as the original, or from the same matrix, or by means of photography, including enlargements and miniatures, or by mechanical or electronic re-recording, or by chemical reproduction, or by other equivalent techniques which accurately reproduce the original.

The ballot images are scans of the original ballots by a certified voting system that specifically references its use for auditing. The voting system used commonly accepted scanning technology with commercial off the shelf scanners. Additionally, the system was subjected to testing by official observers before both the Primary Election and General Election. The Hawaii Rules of Evidence provide, "A duplicate is admissible to the same extent as an original unless (1) a genuine question is raised as to the authenticity of the original, or (2) in the circumstances it would be unfair to admit the duplicate in lieu of the original." Rule 1003, Hawaii Rules of Evidence, Chapter 626, Hawaii Rules of Evidence.

There was no question as to the authenticity of the original ballots. The marksense ballot voting system counts the marks on the scan of the ballot. Likewise, it was not unfair to use the duplicates for auditing purposes to confirm the tabulations by the system as they were true and correct copies of the originals.

Additionally, the physical ballots were available to be reviewed by the official observers if so requested. Further, the official observers could conduct their own manual audit of the ballots if they thought they had concerns about the system. Moreover, the use of

scanned images of the ballots with the present system facilitated the timely, accurate, confirmable, and reproducible auditing of the results.

Under these circumstances, we understand the use of the ballot images to be appropriate and consistent with the law.

Analysis

Election officials follow the same procedures for the conduct of the post-election audit statewide. The audit process used during the 2022 Elections improved confidence in the results and the security of the election and reduced the human error that occurred in all previous elections by mail and polling places. The process of using the ballots captured during the scanning allows election officials to see how the voting system counted the vote in the contest and identify any systemic errors. Additionally, if any discrepancies between the hand tally and the precinct detail report are identified, they can be more easily resolved reducing the ballots to review to identify batches for review rather than all individual physical ballots.

As the voting system limits the review to the audit precinct only, human errors with sorting and confirming the precinct are eliminated. Human errors with the sorting may occur at multiple steps in the process. The return envelopes, containing the voted ballots, are sorted before they are opened. After sorting, the envelopes are sliced opened and the ballots are removed in a two-step process – first from the return envelope then from the optional secrecy sleeve. The unfolded ballots are packed into voted ballot containers which are labeled with the sort criteria. However, within this process of preparing the voted ballots to scan, there are at least four points when the sorting could be accidentally disturbed. Again, we want to emphasize that these human errors do not impact the integrity of the results as each ballot is tracked by the voting system and retrievable from its voted ballot container.

Additionally, fewer physical ballots must be handled improving the security and integrity of the containers and batches.

In summary, the post-election audit:

- Ensures the voting system accurately counts votes.

- Ensures ballots are handled in the presence of official observers.

- Creates a log of ballot handling to account for ballots within the counting center.

The audit results and the ballots are maintained by the Office of Elections.

Other Safeguards

Election audits are not the only safeguards to ensure the accuracy and integrity of the voting system. Before each election, Official Observers are provided test ballots to mark in any manner of their choosing to develop a test pattern to confirm that the voting system is counting the ballots logically and accurately. These logic and accuracy tests are conducted before the voter service center equipment is secured and deployed and before and after scanning the ballots at the counting centers.

Additionally, on the first day of processing voted ballots, the first VBC counted at each scanner station is assigned as an audit voted ballot container. On election day, election officials or Official Observers will create a hand tally of expected results to compare to a tally tabulated by the voting system. Essentially, the “election day audit” is an interim tool to sample the ballot and ascertain on election day if there is an issue with the voting system, despite the earlier testing. If there is an issue, election officials in coordination with the Official Observers, can take corrective action to address those ballots that have been counted and need to be counted again and take the necessary corrective action for those uncounted ballots that remain to be counted. In other words, it would be incorrect to assume that the auditing process only occurs once at the end of the overall counting of ballots that can stretch on for days (i.e., “post-election audit”).

Proposed Legislation

Having provided context for understanding how elections officials addressed the implementation of the post-election audit, this section turns to address the State’s position that the manner in which the post-election audit was conducted with true and correct copies of the ballots was permissible and appropriate. Additionally, we address the rationale for the proposed legislation, House Bill No. 132, that we submitted in 2023 for consideration by the Legislature during the 2023 and 2024 Sessions.

The proposed bill, attached as Appendix D, is a housekeeping measure aimed to update Chapter 16, HRS, to reflect the changes in the conduct of elections that have occurred since the first introduction of such statutes in the 1970s. The post-election auditing process was necessarily impacted by the migration to elections by mail and the move toward the use of the previously noted technology. There were those who took issue with the migration to elections by mail, who likewise took issue with the manner in which the post-election audit was conducted. Others, who already had issues with the use of technology in connection with elections were resistant to its use as part of the post-election audit process. This resulted in a renewed focus on HRS § 16-42 and whether it could be read as being inconsistent with the manner in which the post-election audits had been conducted.

The proposed legislation seeks to accomplish two things. First, it resolves any ambiguity over the appropriateness of using true and correct copies of the original ballots, in the form of ballot images, for purposes of audits. Second, it updates HRS § 16-42 to make explicit references to both the marksense ballot voting system and the direct recording electronic voting system and removes the references to “generates” and “generated” that limited HRS § 16-42 to just DREs.

Mis-, Dis-, and Mal-Information & Election Audits

The testimony provided on the Office of Elections’ proposed legislation related to the post-election audit presented various unfounded allegations as fact. The following section refutes these statements.

Allegation: The Office of Elections’ proposed amendments to HRS §16-42 eliminate the conduct of election audits.

This claim is false. Since 1970, election audits have been conducted pursuant to HRS §16-2. Legislation proposed by the Office of Elections seeks to correct the usage of electronic voting systems, which are a reference to the direct recording electronic (DRE) voting equipment with a generated voter verifiable paper audit trail (VVPAT) implemented in 2004.

As of the 2022 Elections, the Office of Elections has moved away from the use of DREs. Instead, the voter service centers provide for the use of an accessible ballot marking device as a marksense paper ballot voting system.

Allegation: Ballot images have been compromised or manipulated by the voting system.

Scanned ballot images are not altered by the voting system. The voting equipment is tested before and after each election to ensure that it has been programmed to count ballots logically and accurately. The logic and accuracy tests are conducted by Official Observers who mark test ballots and create a tally of expected results to compare to the results tabulated by the voting system. The Official Observers certify that the logic and accuracy tests were conducted and the test results.

Additionally, at the time of the audit, following the election, the ballot images are locked so that they are only available for review. Specifically, no further action can be taken – including resolving voting errors or writing vote data for tabulation.

Allegation: Using ballot images places private companies in charge of Hawaii's election security.

The voting system vendor, currently Hart InterCivic, does not conduct the election audit. The voting system vendor provides support regarding the operation and maintenance of the voting equipment.

Allegation: Government officials broke laws related to the election audit during the 2022 Elections.

The Office of Elections conducted the elections audits in compliance with the laws and rules governing elections. The audit was certified by Official Observers.

The Office of Elections does not respond to public requests to conduct an election audit under the specifications and requirements of the requestor. Election contests for cause may be filed with the Hawaii Supreme Court pursuant to HRS §§11-173.5 or 11-174.5.

The Hawaii Supreme Court has heard two cases related to the conduct of election audits and the Hawaii First Circuit Court has heard one case related to election audits. All three of the cases have been dismissed and there has been no determination that the Office of Elections or Attorney General's Office has broken the law or that the conduct of the election audit was improper.

Allegation: The Office of Elections should not propose measures to amend election law.

Government agencies, including the Office of Elections, are responsible for proposing measures for consideration by the Legislature. The Office of Elections proposed measures to the Legislature to improve the administration and security of elections.

Allegation: Hawaii uses a paper ballot voting system.

Hawaii uses a marksense paper ballot voting system. The ballots are counted using scanning technology and the paper ballots are securely stored for 22 months to maintain the records.

Allegation: Electronic voting systems are not verifiable.

Electronic voting systems are verified by tests and audits of the voting system. The audits confirm the election results as election officials create a hand tally of expected results of a contest of a randomly selected precinct. The hand tally of expected results is compared to the results tabulated by the voting system.

Allegation: Best practices of election audits do not allow for the use of ballot images.

The U.S. Elections Assistance Commission recognizes that there is no national election auditing standard and that "methods can vary from procedural, traditional, risk-limiting, tiered, or a combination of one or more types."[5] Hawaii conducts traditional election audits on a predetermined number of precincts, while other jurisdictions may conduct traditional election audits on a set number of ballots or devices. As it relates to traditional election audits, the EAC states:

> Traditional post-election audits are usually conducted by hand tallying a sample of paper records and comparing the results to election reports produced by voting systems. However, hand counting can be expensive, time-consuming, error-prone, labor-intensive. To create efficiencies in the process, some states allow the audit to be conducted electronically. For example, in Hawaii, the chief election official and a bipartisan team have the option to retabulate 10% of precincts with the voting system as part of their post-election audit.

https://www.eac.gov/sites/default/files/bestpractices/Election_Audits_Across_the_United_States.pdf

Further, a report by the EAC from October 23, 2020, states

[5] https://www.eac.gov/sites/default/files/bestpractices/Election_Audits_Across_the_United_States.pdf

> In some jurisdictions, ballot images, rather than the ballots themselves, are used for auditing. These images are created when the ballots are scanned and tabulated at the polling place or election office.
>
> Using the images for an audit allows the use of independent software, not connected to the voting system, to re-tabulate those images. The results from this independent tabulation are then compared with the original results, and differences can be identified and resolved.
>
> The usage of images in an audit allows for a large percentage (up to 100%) of ballots in a jurisdiction to be audited prior to the certification of the election. Jurisdictions in Florida, Maryland and Vermont have utilized ballot images for post-election audits. While potentially providing a valuable review, ballot image audits have raised concerns among some election integrity and security experts because the review is only of digital images and not the official paper record.

https://www.eac.gov/sites/default/files/electionofficials/postelection/Post_Election_Tabulation_Audits.pdf

In Hawaii, we create a hand tally of expected results using the scanned ballot images captured and counted by the voting equipment. As an election by mail state, this process is efficient as it eliminates the sorting the ballots by district/precinct and maintains the security and integrity of the physical ballots. The review of the ballots is not automated or a re-tabulation, as election officials review each ballot as it was scanned to create the hand tally. In recognition that no process is foolproof and with concerns with reviewing ballot images, election officials compare batches of the physical ballots to the hand tallies created from the ballot images to confirm the accuracy of the voting system. The physical ballots are also maintained and may be reviewed for further clarification. The election audit is conducted in the presence of official observers.

We also want to note that if the election audit identifies an issue with the voting system and results, the audit may be expanded including additional reviews of physical ballots, adding an additional contest, or increasing the number of precincts to audit. The expanded audit may result in rescanning ballots using properly functioning equipment and releasing supplemental results reports. Additionally, the official observers may conduct an election audit.

Pursuant to state law, the election audit must be completed by the deadline to file an election contest for cause with the Hawaii Supreme Court.

Allegation: Hand counts are more accurate.

Counts by voting systems are objective and require a uniform standard for counting votes. As such, the counts compiled by a voting system are largely replicable.

Counting by a person is subjective – a vote may not be counted the same way across all ballots or at different times. Adding additional people to count exponentially increases the subjectivity of how a vote may or may not be counted.

Allegation: Auditing by ballot image relies on an automated process by rescanning the ballots to confirm the results.

No, the election audits conducted in Hawaii do not rely on the rescanning and re-tabulation of ballots to confirm the election results. While the sorting of the ballots by precinct is automated by the voting system, each ballot image is reviewed, and hand tallied by an election official. The audit process may reveal programming or tabulation errors as it shows how each vote on the ballot was counted.

Hawaii does have recount provisions for contests in which the votes between two candidates who would either qualify to appear on the general election ballot or be elected are within 0.25% or 100 votes whichever is greater. The ballots for contests that require a recount are rescanned and re-tabulated using properly functioning voting equipment. A recount is not an election audit.

Allegation: The audit overturns the election results.

Election audits confirm the election results. The election audit does not constitute a hand recount. Instead, the election audit may reveal any systemic errors impacting the outcome of the election.

The audit does not overturn the results of the election results. If the election audit identifies a systemic error that impacts the accuracy and integrity of the results, election officials may expand the audit. After the issue is identified, as appropriate, the ballots may be rescanned using properly functioning voting equipment, and updated reports released.

Further, Hawaii Revised Statutes provide for election contests for cause to be filed with the Hawaii Supreme Court.

§11-172 Contests for cause; generally. With respect to any election, any candidate, or qualified political party directly interested, or any thirty voters of any election district, may file a complaint in the supreme court. The complaint shall set forth any cause or causes, such as but not limited to, provable fraud, overages, or underages, that could cause a difference in the election results. The complaint shall also set forth any reasons for reversing, correcting, or changing the decisions of the voter service center officials or the officials at a counting center in an election using the electronic voting system. A copy of the complaint shall be delivered to the chief election officer or the clerk in the case of county elections.

Policy Matters and Consideration

The Office of Elections understands that as a matter of policy, the Legislature may decide to clarify the conduct of the post-election audits as it sees fit.

The current process of election auditing, creating a hand tally of expected results using ballot images, has been implemented, tested, and reviewed for the conduct of future elections. The resources – including space and personnel, and the estimated time required to complete the election audit fit within the timeframe to certify the election results.

To conduct the election audit on 10% of precincts limited to physical ballots, our office would explore three procedural changes: 1) receive envelopes in flow, no sorting of the return envelopes, 2) volunteers sort the return envelopes, or 3) procure sorting equipment. The same audit procedures are implemented statewide, so while it may be feasible or preferable for one county, the process must be the same to ensure the security and integrity of the audit and the election as a whole.

Receive envelopes in flow

By conducting the election audit without sorting the return envelopes would not impact the time to process and scan ballots, or the release of the results report. Instead, the conduct of the election audit would be more time consuming to track down and log each ballot in its corresponding voted ballot container. Election officials project using up to 800 voted ballot containers per election per county. Each voted ballot container may hold approximately 750 ballots. We approximate it would take up to five days per county to accurately log ballot handling for each voted ballot container, create the hand tally of

expected results for each audit precinct, reconcile the audit tally with the results reports, resolve any discrepancies, and secure the ballots. Based on previous practice in handling physical ballots (e.g., auditing voter service center ballots), the rate of human error in sifting through thousands of ballots is very high, such that we anticipate at least two reviews of each voted ballot container to account for each ballot for the selected audit precincts. We would also note that increasing the number of volunteers would not reduce the amount of time required as subjectivity and human error rates increase and election security decreases.

Up to 5 days per county would extend the time required to complete the audit and certify the election to 27 days after the election. This is an extension of 14 days past the primary election deadline and 7 days past the general election to file a contest for cause with the Hawaii Supreme Court. For the primary election, the contest for cause deadline cannot be extended as ballots must be proofed, printed, and mailed to voters for the general election. For the general election, the certification of the results impacts the dates the elected candidates take office.

Volunteers sort return envelopes

To potentially decrease the number of voted ballot containers to review when conducting the post-election audit, the ballots would need to be sorted by district/precinct as they are scanned. Sorting ballots for voters within the City and County of Honolulu would pose the greatest issue as there are 34 representative districts and over 150 district/precincts. To sort the ballots by hand (i.e., volunteers at the counting center sort the return envelopes by district/precinct) would increase the time to process and scan the ballots. This impacts costs related to volunteer stipends, staff overtime, and consumable supplies – like voted ballot containers. Adding processing time is of concern on Election Day and the day after, as the public awaits the results reports.

However, this method does not guarantee that the number of voted ballot containers to review for the audit or the time required to review, reconcile, and secure the election decreases. As such, our time estimate to conduct the audit by sorting the return envelopes remains up to five days per county.

As previously stated, requiring up to 5 days per county would extend the time required to complete the audit and certify the election to 27 days after the election. This is an extension of 14 days past the primary election deadline and 7 days past the general election to file a contest for cause with the Hawaii Supreme Court. For the primary election, the contest for cause deadline cannot be extended as ballots must be proofed,

printed, and mailed to voters for the general election. For the general election, the certification of the results impacts the dates the elected candidates take office.

Procuring sorting equipment

With the appropriate sorting equipment, the return envelopes could be sorted by district/precinct and kept sorted for opening, scanning, and secure storage. Election officials could readily access the ballot associated with a selected audit precinct. With this model, we estimate it would take up to two days per County to log ballot handling for each voted ballot container, create the hand tally of expected results for each audit precinct, reconcile the audit tally with the results reports, resolve any discrepancies, and secure the ballots. The audit could be accomplished by the deadline to file a contest for cause with the Hawaii Supreme Court.

While procuring sorting equipment would be the most efficient method to prepare for the election audit, it is not feasible based on the space and time required. Specifically, the City and County of Honolulu has over 150 precincts. As such, it cannot be added to the sorter used to check in the mail ballots as there would need to be a sort-pocket for each district/precinct to collect those return envelopes. This would increase the space needed by 30 times the current size.

Additionally, if the Office of Elections were to procure different sorting equipment, we would also need to look at permanent facilities for each of the four counting centers or storage options. Currently, we look for space for a counting center during the election season and ship equipment to the Office of Elections for storage between elections. Transporting the sorting equipment adds the risk of damaging the voting equipment.

Conclusion

Election audits confirm the results. Election officials check that the voting equipment was properly functioning and that there are no systemic issues impacting the validity of the results. The audits are conducted as efficiently as possible as time delays degrade public confidence in their vote and the outcome of the election. The election audits using the scanned ballot image are a manual review and hand tally of expected results.

The procedures and analysis of conducting election audits by creating a hand tally of the scanned ballot is efficient and secure. The process requires a thorough review of the contest and how the marksense ballot voting system counted the vote to ensure the accuracy of the elections. Additionally, risks to physical ballots decrease as the ballots remain securely stored and fewer ballots are handled. There is less chance of exposing election materials to mishandling or opportunities to change the marks on the physical ballot.

The conduct of the election audit is one part of the election process. There are additional checks on the election process like the testing of the voting equipment and reconciliation of voted ballots. Finally, an election contest for cause may be filed with the Hawaii Supreme Court challenging the outcome and validity of the election.

COUNTING CENTER

2022 ELECTIONS

HAWAII VOTES

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This manual has been created through the contributions of the staff of the Office of Elections and the County Elections Divisions, as well as many other interested persons. We appreciate the help and support of all involved. The manual is not a substitute for the statutes and rules governing elections. Any errors are unintentional. If any exist, the errors are ours alone. For assistance or questions about the materials covered in this manual, contact the Office of Elections.

A MESSAGE FROM THE CHIEF ELECTION OFFICER

Thank you for working in the counting center for the 2022 Elections. We could not conduct the elections without the assistance of hundreds of volunteers, just like you. We truly appreciate your hard work and dedication.

At the counting center, we rely on volunteers to process and open ballots, track ballots for scanning, and duplicate defective ballots. We ask that you please be aware of the sensitivity and handling of election materials.

We also ask for your flexibility and patience. The flow of voted ballots to the counting center is unpredictable and dependent on when voters decide to vote and return their ballots. We try to adjust and accommodate schedules, but there may be some downtime as we wait for voted ballots to be transferred to the counting center.

Thank you again for your support and assistance, and we look forward to working with you. For more information and materials about voting in Hawaii, visit **elections.hawaii.gov**.

Very truly yours,
SCOTT T. NAGO
Chief Election Officer

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ELECTIONS IN HAWAII

The Office of Elections and County Elections Divisions cooperatively administer elections in Hawaii. The Office of Elections, based on the island of Oahu, is responsible for federal and state elections. The office manages candidate filing, the printing and counting ballots, and voter education. There are 4 County Elections Divisions, each operated by the respective counties: Hawaii, Maui, Kauai, and City & County of Honolulu. The County Elections Divisions are responsible for county elections. Each County Elections Division manages voter registration, the mailing and receipt of ballots, and in-person voting.

Hawaii voters receive their ballot in the mail at least 18 days before Election Day. The packet includes the ballot, a secrecy sleeve, and a return envelope. Voters who do not receive their ballot in the mail should check that their voter registration is up-to-date and contact their County Elections Division for a replacement.

VOTING THE BALLOT

The Primary Election ballot includes candidates who filed nomination papers by the candidate filing deadline. Hawaii conducts a single-party Primary Election to nominate the candidates to represent a political party (or nonpartisan) in the General Election. On the Primary Election ballot, voters must select a political preference, then only vote for candidates within that political preference. Votes for candidates of another political preference are not counted. While a voter must select a political preference for partisan contests on the Primary Election ballot, this does not register a voter with that political party. Everyone may vote for the Office of Hawaiian Affairs and County contests, regardless of selected political preference.

The General Election ballot includes the candidates nominated in the Primary Election and ballot questions. In a presidential election year, the president and vice president candidates only appear on the General Election ballot. The General Election ballot does not require the selection of a political party; voters may vote for any candidates across parties.

If a voter makes a mistake, damages the ballot, or changes their mind while voting, they may request a replacement from their County Elections Division. Voting errors cannot be fixed using correction tape or by initialing the error.

The voted ballot is folded into the optional secrecy sleeve before sealing it in the return envelope. The secrecy sleeve ensures the voter's right to secrecy as ballots are prepared for counting. Part of the ballot should stick out, but the votes are concealed. Then, voters must sign the return envelope.

For each election, an alternate format ballot (AFB) is available to voters with special needs and uniformed and overseas voters. The AFB is emailed to voters to mark using a compatible device like a computer or tablet. After voting, the voter may return the ballot electronically or by mail using the original return envelope. The AFB is also available to voters who have not received a ballot or need a replacement within 5 days of Election Day. Voters request an AFB from their County Elections Division.

RETURNING THE VOTED BALLOT

The return envelope is postage-paid and pre-addressed to the respective County Elections Division for voters to drop it back in the mail. Voters can also return their ballots by hand delivery to a ballot drop box. Drop boxes are located throughout the county and the ballots are collected by the County Elections Division. After returning their ballot, voters can confirm it has been received at **elections.hawaii.gov** or by calling their County Elections Division.

The voted ballot must be received by the County Elections Division by 7:00 PM on Election Day to count. Ballots postmarked by the deadline but not received by the deadline cannot be counted.

SIGNATURE VERIFICATION

Ballots are received by the County Elections Divisions either from USPS or collected from ballot drop boxes. Return envelopes are scanned upon receipt and validated by matching the signatures on the return envelopes to the signatures on file with the voter registration records. If a signature matches, the recorded is tagged “voted.” Ballots validated by the County Elections Division are secured for transfer to the state-operated counting center.

If the signature is missing or does not match, it is reviewed by the County Elections Division, and the voter is contacted to remedy the signature. If the signature is corrected within 5 business days following Election Day, the ballot is validated. If it is not corrected, the ballot remains invalid and not counted.

TRANSFER OF BALLOTS

Once ballots validated by County Election Officials, they are secured for transfer to the state-operated counting centers to be opened and scanned. There are 4 counting centers statewide, with 1 in each county. Ballots are transferred to the counting centers in the presence of Official Observers, who serve as the “eyes and ears” of the public. Official Observers are required to be present during the counting of ballots to ensure the security and integrity of the election.

VOTER SERVICE CENTERS

Voter service centers are established in each county to provide accessible in-person voting, same-day registration, and replacement ballots.

A voter may only cast 1 ballot. If a voter has submitted their ballot by mail and then arrives at a voter service center to vote, they will not be allowed to vote in person. Likewise, if a voter votes in person at a voter service center, their mail ballot is canceled. If that mail ballot is received by the County Elections Division, it cannot be accepted as the barcode would indicate the ballot has been canceled.

TIMELINE OF ELECTIONS EVENTS

- Voter service centers open 10 business days before each election.

- Counting can begin 18 days before each election. The County Elections Divisions validate and secure voted ballots to transfer to the counting center for processing, counting, and tabulation. The processing of voted ballots begins with a Pre-Election Observers' Test and ends with a Election Day Observers' Test indicating that the voting and vote counting system is counting ballots logically and accurately.

- Result reporting starts on Election Day. The first release of results reports is after all voter service centers, statewide, confirm that the last voter in line has cast their ballot. Additionally, after voting closes, the voted ballots and voting equipment are transferred from the voter service centers to the counting center.

- Curing deficient ballots ends at 4:30 PM on the 5th business day following the election. After the deadline, a post-election count, adding these ballots, is conducted in each County by the Office of Elections.

- Election contest deadline is 13-days after the Primary Election and 20-days after the General Election. A contest for cause is filed with the Hawaii Supreme Court.

COUNTING CENTER OPERATIONS

Counting Center Operations is a section of the Office of Elections responsible for processing, tabulating, and disseminating election results in an accurate and timely manner, statewide. The goals and objectives of Counting Center Operations are to:

- Develop an audit trail that accounts for ballots and election materials.
- Conduct operations following federal laws, Hawaii Revised Statutes (HRS), and Hawaii Administrative Rules (HAR).
- Maintain the integrity of the electoral process by conducting activities with the highest professional and ethical standards.

The counting center is a secure area, and only persons authorized by the Chief Election Officer shall be permitted.

PERSONNEL

- Chief Elections Officer supervises the conduct of state elections.
- Statewide Counting Center Manager is the Counting Center Section Head who directs the operations of the 4 counting centers.

- Counting Center Manager directs activities as a representative of the Chief Election Officer and reports to the Statewide Counting Center Manager.

- County Elections Divisions serve as advisers and management assistants to the Neighbor Island Counting Center Managers.

- Hart InterCivic is the voting system vendor. Hart Technicians operate, maintain, setup, and breakdown the voting equipment. This includes operating the scanner stations and tabulation of results.

- Team Chairperson may be designated to supervise the volunteer work areas. The Chairperson reports directly to the Counting Center Manager.

- Team members carry out the tasks and responsibilities under the direction of the Team Chairperson and Counting Center Manager.

- Official Observers are volunteers who serve as the “eyes and ears” of the public to ensure the security and integrity of the election.

There 6 work areas: Ballot Opening, Duplication, VBC Processing, Scanner Stations, Count, and Manual Audit.

BALLOT OPENING

The Ballot Opening work area is where ballot envelopes are opened and placed into containers for counting. Ballots are opened in a multi-step process to ensure voter secrecy. First, return envelopes are opened, and the secrecy sleeve containing the ballot is removed. The empty return envelopes are placed in a separate stack and kept away from the secrecy sleeves. Once all envelopes on the table have been emptied, the envelopes are collected and checked to ensure they are empty.

Finally, the ballots are removed from their secrecy sleeves, unfolded, and placed into securable voted ballot containers (VBCs) for transport and storage. VBCs are brought to the VBC Processing work area, where they are queued for scanning by the voting equipment.

Tasks

- Receiving Return Envelopes
- Opening the Return Envelopes
- Removing the Ballot
- Curing Defective Ballots
- Invalidating a Ballot
- Secure the Work Area

VBC PROCESSING

Ballots that are ready for counting are transferred to the VBC Processing work area. The majority of the ballots for counting are packed into voted ballot containers (VBCs) and come from the Ballot Opening work area. However, duplicated ballots are transferred in control packets and packed by the VBC Processing Team. The VBCs are stored at the work area to queue for scanning and securely stored.
On Election Day, after voting closes, the VBC Processing Team will also receive materials, like the voting equipment and VBCs, from the voter service centers.

Tasks

- Logging VBCs & vDrives
- Curing Defective Ballots
- Receive Materials from Voter Service Centers
- Transfer Audit VBCs
- Secure the Work Area

SCANNER STATIONS

The scanner stations are operated by Hart Intercivic and monitored by Official Observers. Each scanner station is equipped with a scanner, printer, and Verity Central workstation. The scanned ballots are written to a vDrive that will be used for tabulation.

The VBC Processing Team brings 1 VBC at a time to each scanner station. Once the ballots in a VBC are scanned, it is marked as counted and returned to the VBC Processing Team for secure storage. Each VBC is tracked as it is transferred to and from the scanner to ensure ballots are only scanned once.

DUPLICATION

The Duplication Team recreate defective ballots onto tabulation-ready ballots. A defective ballot is a valid ballot that cannot be scanned by the voting equipment as it is damaged or an alternate format ballot (AFB). Defective ballots are duplicated so that the votes can be counted.

Both damaged ballots, AFBs, and duplicate ballots are inventoried and tracked when transferred between the counting center work areas for accuracy and the integrity of the election. A damaged ballot cannot be scanned because of a physical defect like a ballot ripped in half or a stray mark in the barcode. AFBs are emailed to voters to mark using a computer, printed, and returned to the County Elections Division. The voter submits a summary of their votes rather than a paper ballot, which cannot be scanned directly by the voting equipment. Most AFBs are duplicated electronically by reading the barcode printed on the ballot. A tabulation-ready ballot automatically prints with the voters' selections marked. An AFB may need to be duplicated by hand if the barcode is not scannable or if the ballot prints incorrectly.

Additionally, each defective ballot is tracked with its duplicated ballot to ensure each defective ballot was only duplicated once. All defective ballots are handled and duplicated in the presence of Official Observers. Additionally, Observers review each defective ballot with its duplicated match for accuracy and sign both ballots as confirmation they are an exact match.

Duplicate ballots are transferred to the VBC Processing Team to be scanned by the voting equipment. The defective ballots are also transferred to VBC Processing but kept in a separate container for secure storage as they cannot be scanned.

Tasks

- Receive Control Packets

- Duplicating Defective Ballots Electronically
- Duplicating Defective Ballots by Hand
- Tracking the Ballots
- Return the Control Packet
- Securing the Work Area

COUNT

Results are not released until after the close of voting, which is 7:00 PM on Election Day. The results reports are tabulated and printed at the Count work area. The Count work area is equipped with a Count workstation to read vDrives and compile the results. The Neighbor Island Counting Centers use Verity Transmit to send the vDrive data to the Oahu Counting Center to compile the statewide results. The Oahu Counting Center is equipped with Verity Relay to receive the transmission from Verity Transmit and the voter service center voting equipment.

Hart Technicians operate the Count work area. On Election Day, the Counting Center Manager coordinates the release of results with the VBC Processing Team, Hart Technicians, and Statewide Counting Center Manager.

MANUAL AUDIT

The Manual Audit Team confirms the election results to ensure the accuracy and integrity of the election. On Election Day, an audit is done on the first VBCs that were sent to the voting equipment on the first day that the counting centers were open. The ballots in these VBCs are hand-counted, and the results are compared to the results printed for these specific VBCs.

A post-election audit comprises 10% of district/precincts (D/Ps) in each county. At least half of the D/Ps are selected randomly. The ballots are reviewed to confirm they were counted correctly. Once the audit is complete and certified by Official Observers, all ballots are sealed for eventual transport from the counting centers to the Office of Elections for storage.

On Election Day

- Retrieve Audit VBCs
- Count the Ballots
- Reconcile the Audit
- Secure the Work Area

Post Election Audit

- Review Batches
- Count Audit the Voter Service Center Ballots
- Reconcile the Audit
- Secure the Work Area

OFFICIAL OBSERVERS

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.

Counting center operations must be monitored by Official Observers. Work areas may not begin handling sensitive election materials, like ballots or vDrives, without Official Observers present. As such, Official Observers must remain in their designated work areas.

Official Observers do not supervise the counting center work areas. Any procedural issues should be reported to the Official Observer Chairperson or Counting Center Manager to address and resolve. Additionally, Official Observers are encouraged to ask questions about the processes and what they should be monitoring and observing of the Counting Center Manager or returning Official Observers. The Official Observers only handle ballots in designated situations like comparing and certifying that the defective and duplicate ballots match at the Duplication work area.

The Official Observer Chairperson determines the schedule and rotation of Official Observers within the counting center and may designate an Official Observer

to serve as the spokesperson to the media. Coverage must be maintained in all counting center work areas for operations to proceed and to report the results in an accurate and timely manner.

Testing

- Marking the Test Ballots
- Official Observers' Test
- Statewide Observers' Test
- Pre-Election Observers' Test
- Election Day Observers' Test

Observing

The Official Observers monitor operations at the active work areas. Work areas may not be operating every day the counting center is open. For example, the Count work area does not have tasks until Election Day.

- Ballot Opening
- VBC Processing
- Scanner Stations
- Duplication
- Count
- Certify the reports
- Election Day Audit
- Automatic recount, if any
- Post-Election Count
- Post-Election Audit

A DAY AT THE COUNTING CENTER

CHECK IN

- Arrive at the counting center and check in to receive the ID badge granting access to the counting center.
- Personal belongings are stowed in a designated area, including mobile phones and water, so they are not in any work areas.

BALLOTS ARRIVE

- When return envelopes arrive at the counting center, the Ballot Opening Team and Official Observers unseal the containers.
- Return envelopes are sorted and run through the automatic letter opener.
- Sliced return envelopes are distributed to groups of the Ballot Opening Team.

OPEN BALLOTS

- The Ballot Opening Team removes the content of the return envelopes. Empty return envelopes are collected, checked, and packed.
- The Ballot Opening Team removes the ballots from secrecy sleeves, unfolds them, and places into a voted ballot container (VBC) for transport and storage.
- Empty secrecy sleeves are also checked to confirm they are all empty.
- VBCs are transferred to the VBC Processing Team in flow for scanning.

SCAN AND STORE THE BALLOTS

The VBC Processing Team logs VBCs to and from the scanner stations operated by Hart InterCivic. Ballots are scanned 1 VBC at a time per station and then returned to the VBC Processing Team for secure storage.

DUPLICATE DEFECTIVE BALLOTS

- The Duplication Team remakes one-for-one duplicates of damaged ballots and alternate format ballots (AFBs). Each duplicated ballot is then reviewed and signed by an Official Observer once they confirm it is an exact duplicate.

- Duplicated ballots are transferred to VBC Processing for scanning.

ELECTION DAY

- Results are released in a series of reports until the last ballots have been scanned.

- Audits are conducted to confirm the accuracy and integrity of the results.

SECURE THE WORK AREA

Once finished with handling their tasks, the Teams secure sensitive election materials at their work area. Teams can check out when their tasks are completed.

CHECK OUT

Volunteers retrieve their personal belongings, sign out, and return their ID badges before leaving the counting center.

VOTING EQUIPMENT

Hawaii uses Hart InterCivic's Verity voting system. The components of the voting system are Central, Scan, Touch Writer, Transmit, Relay, and Count.

Official Observers test and certify that the voting equipment is counting votes logically and accurately and reporting correctly to ensure the integrity of the election. To test the voting equipment, Official Observers mark test ballots and create a tally of expected results. The test ballots are scanned and counted by the voting equipment to print test results. Then, the Official Observers compare their tally to the test results.

AT THE COUNTING CENTER

- Scanner stations use the Central application to count the voted ballots:

NUMBER OF SCANNER STATIONS	
Hawaii	3
Maui	3
Kauai	2
Oahu	5

- Count is the tabulation application to compile and print the results.

- Relay is the application used at the Oahu Counting Center to receive the vDrives from the neighbor island counting centers. This workstation is not connected to Central or Count.

- Transmit is the application used at the neighbor island counting centers to send the vDrive data to the Oahu Counting Center. This workstation is not connected to Central or Count.

- vDrive is inserted at the Central workstation and Relay to write ballots for tabulation.

AT THE VOTER SERVICE CENTERS

- Scan is a ballot counter where voters cast their ballot. The voted ballots are collected in the ballot box. The votes are stored on a vDrive secured in the Scan device. The vDrive remains secured until the Scan device is transferred to the counting center after voting closes on Election Day.

- Touch Writer is an accessible ballot marking device (BMD) that allows voters to mark and print a tabulation-ready ballot. A vDrive is secured in the Touch Writer device, but the Touch Writer does not count votes. The vDrive remains secured until the Touch Writer device is transferred to the counting center after voting closes on Election Day.

VOTING SCENARIOS

A properly marked ballot counts 100% of the time. A proper mark is a completely darkened voting position (i.e., the box to the left of the choice), based on the number of votes allowed by the contest, with a black or blue pen. If a voter makes an error or changes their mind while voting the ballot, they must request a replacement ballot from the County Elections Division to have it counted correctly. The ballot will be counted as-is, by contest, as read by the voting equipment:

- Marginal marks may or may not be readable by the voting equipment. This may include hesitation marks; making slashes or x's instead of completely darkening the box; or using colored pens or markers - like red, green, sparkles, highlighters, pencil, or erased pencil. Marginal marks may result in a valid vote, blank vote, or over vote.

- Blank votes are undetectable by the voting equipment. Voters may choose to leave a contest blank or vote for fewer candidates than the contest allows. Blank votes are reported by contest and the votes for other contests will count.

- Over vote means a voter chose more candidates than the contest allowed (i.e., voting for 2 candidates instead of 1). Over votes cannot be remedied by circling the intended voting position and initialing or using correction tape. If a voter over votes a contest, they must request a replacement ballot to have their votes

counted correctly. Over votes are reported by contest and the votes in other contests will count.

Select-A-Party Contest

In the Primary Election, voters may only vote for candidates of 1 political preference. To vote, first mark the political preference in the select-a-party contest; then find the political preference on the ballot and vote only for those candidates only.

At the voter service center, if the select-a-party contest or ballot cannot be counted properly, the Scan device alerts the voter that they may correct the issues before their ballot is counted.

At the counting center, the scanner stations automatically resolve any issues to count the votes. If the voter correctly voted for candidates within 1 political preference, the votes for those candidates will be counted. However, if the voter properly votes for 1 political preference and then votes for candidates of another political preference, the votes for the candidates are not counted.

VOTING EQUIPMENT REPORTS

Before tabulating the results, Official Observers verify a zero report indicating that there are no votes recorded in the tabulation application, Count, to ensure the accuracy and integrity of the election.

The results reports can only be printed after the close of voting at 7:00 PM on Election Day. However, there are additional reports available to assist election officials in tracking the number of ballots that have been scanned.

At the voter service centers, the suspend polls report is run daily after closing and indicates the number of ballots counted. The report indicates the number of ballots; they do not tally or report votes for candidates.

At the counting centers, reports are printed for each scanned batch. The batch report is rubber-banded to the scanned ballots, which are then stored in the VBC. The batch ID and the number of ballots are also recorded on the voted ballot container (VBC).

overview

TESTING

counting

reporting

auditing

automatic recount

appendix

TEST BALLOT PACKETS

Test ballot packets are distributed to Official Observers to conduct logic and accuracy tests of the voting equipment. The logic and accuracy tests include the Official Observers' Test for the voting equipment deployed to the voter service centers and Statewide Observers' Test for the voting equipment used at the counting center. Official Observers mark test ballots in any manner of their choosing and create a tally of expected results.

To ensure the security and integrity of the election, test ballots are inventoried before distribution and on return by the Official Observers. There are 25 test ballots per district/precinct (D/P). Each is marked "test" and serially-numbered. The test ballots are sealed in plastic shrink wrap by D/P to be opened by the Official Observer. The number of test ballot packets issued is based on the estimated number of Official Observers required for monitoring the operations of the counting center. Test ballot packets will not be split and reissued based on an increased number of Official Observers.

MARKING THE TEST BALLOTS

As Official Observers pick up their test ballot packets, each will sign out the packet. Official Observers may pick up a test ballot packet for another Official Observer by signing it out.

Official Observers mark their test ballots in any manner and quantity of their choosing. Each Official Observer develops a test pattern to determine and certify that the voting equipment is counting properly. This test deck is used throughout the election including the Official Observers' Test and Statewide Observers' Test.

The Official Observers tally their expected results for their test deck to compare to the test results printed by the voting equipment. The logic and accuracy tests confirm that the voting equipment is counting the ballot correctly following the instructions provided to voters. These tests are not meant to determine what the voting equipment will or will not read (e.g., voting the ballot in highlighter).

NOTE: *Voting equipment used in Hawaii elections is federally tested and certified. Before the logic and accuracy testing, Hart InterCivic conducts preventative maintenance and acceptance testing ensuring the voting equipment is functioning properly.*

PERSONNEL

Official Observers test and certify the logic and accuracy of the voting equipment by marking test ballots, creating a tally of expected results, and matching their results to the voting equipment results reports.

SUPPLIES

- facsimile ballots, 2 per district/precinct (D/P)
- paper clips, 1 per D/P
- pens, black, 2 per packet
- rubber bands, #117, 2 per packet
- test ballots
- *Test Tally*, 1 per D/P

TASKS

1. Pick up the test ballot packet.
2. Vote the test ballots.
3. Tally the expected results.
4. Return the test ballot packet.

STEP 1 PICK UP THE TEST BALLOT PACKET

Test ballot packets include the necessary supplies for Official Observers to mark, create a tally of expected results, and inventory their test ballots such as pens and *Test Tally* worksheets. Supplies are also provided for the Official Observers to segregate their test deck (test ballots to be scanned as part of the logic and accuracy test) from any unused or spoiled test ballots.

STEP 2 VOTE THE TEST BALLOTS

To make a valid vote, completely darken the voting position to the left of the choice using the provided black pen. The voting position is read by the voting equipment. The contest indicates the number of candidates that may be selected.

The ballots marked and prepared to be scanned by the voting equipment is the

Official Observer's test deck. This may include blank test ballots. Keep in mind that damaged test ballots that have been ripped or marked near or through a barcode may be rejected by the voting equipment and would not report in the voting equipment results reports.

STEP 3 TALLY THE EXPECTED RESULTS

Create a tally of expected results based on the test deck. The tally of expected results is compared to the printout from the voting equipment. A *Test Tally* worksheet and facsimile ballot are provided to assist with developing the tally of expected results. Use of either is optional.

Official Observers may write on the ballot, in any blank space, to indicate the test condition and the number of ballots used. However, do not write near or on a barcode as the test ballot will not be readable by the voting equipment.

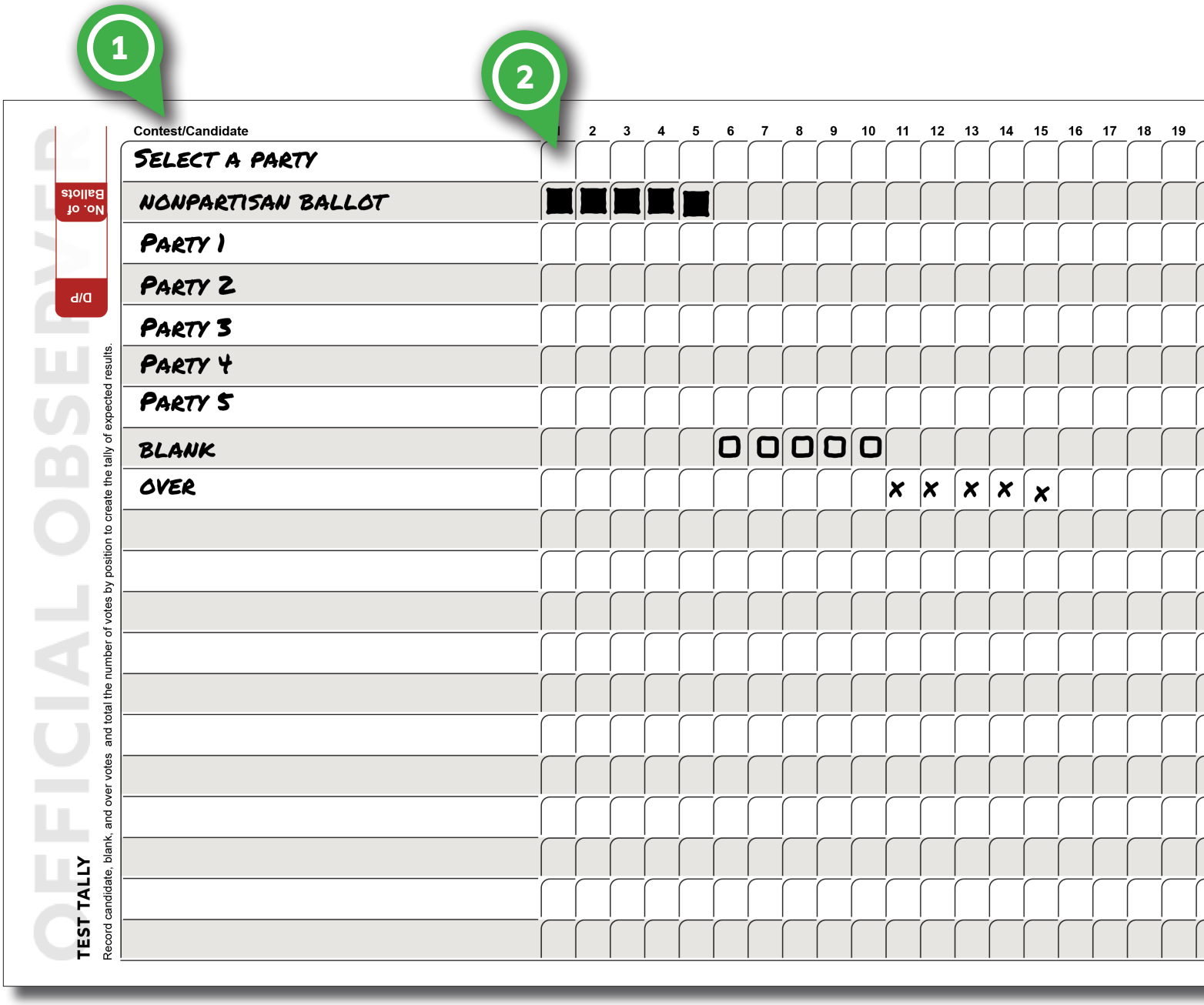
STEP 4 RETURN THE TEST BALLOT PACKET

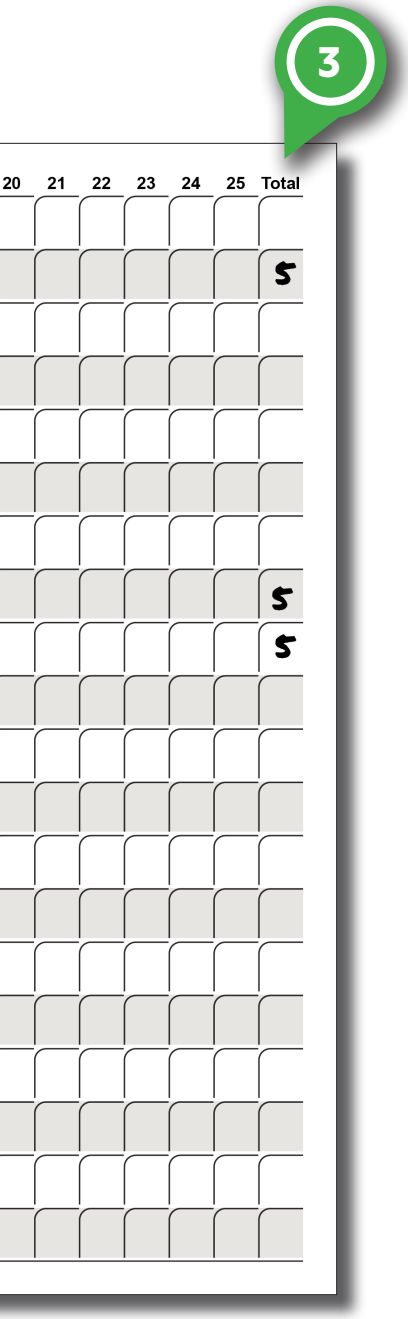
Separate the test deck from any unused or spoiled test ballots. The test deck should be paper-clipped by D/P and then rubber-banded. Similarly, for unused or spoiled test ballots, organize by D/P and rubber-band. This assists the State Election Officials as they inventory the test ballot packet on return. All test ballots must be returned, whether voted or not. The test ballots are securely stored.

FREQUENTLY ASKED QUESTIONS

CAN ANOTHER OFFICIAL OBSERVER RETURN MY TEST BALLOT PACKET FOR ME?

Yes. An Official Observer may designate another Official Observer to pick up or return a test ballot packet. Test ballot packets returned by an Official Observer are secured in the equipment transport container (ETC).


1
2
OFFICIAL OBSERVER
TEST TALLY
Record candidate, blank, and over votes and total the number of votes by position to create the tally of expected results.
No. of Ballots
D/P
Contest/Candidate
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19
SELECT A PARTY
NONPARTISAN BALLOT
PARTY 1
PARTY 2
PARTY 3
PARTY 4
PARTY 5
BLANK
OVER



TEST TALLY

Use of the *Test Tally* worksheets is optional as Official Observers may decide on a different method to tally their expected results. To use the *Test Tally*, first assign a ballot number (1 to 25) to each test ballot.

1. Record the contest and candidates, following the ballot.

2. Indicate votes for candidates, blank votes, and over votes for each test ballot used. Use a different symbol for each type of vote. The following is a sample legend of votes:

   ■ valid vote

   ☐ blank vote

   X over vote

3. Record the vote total for each candidate/voting position. This number is compared to the test results printed by the voting equipment.

I CANNOT ATTEND ONE OF THE TESTS. WHAT SHOULD I DO? DO I STILL TAKE A TEST BALLOT PACKET?

Test ballot packets can be distributed through the day before the Statewide Observers' Test. Official Observers can participate in the Statewide Observers' Test and return their test ballot packet at that time. The test ballot packet must be returned to the Counting Center Manager and secured before Election Day.

CAN YOU MAIL MY PACKET TO ME?

No, to ensure the security and integrity of the election, Official Observers are asked to pick up their test ballot packet from the designated election office. Mailing the test ballot packet may result in non-delivery or non-return which impacting the integrity of the election.

OFFICIAL OBSERVERS' TEST

Official Observers test the logic and accuracy of the voting equipment and certify that the ballots are counted correctly. At the Official Observers' Test, or OT 1, Official Observers use the voter service center voting equipment and tabulation application.

- Count is the tabulation application to compile and print the results.
- Scan is a ballot counter for voters to cast their ballot. Voted ballots are collected in the ballot box.
- Touch Writer is an accessible ballot marking device (BMD) that allows voters to mark and print a tabulation-ready ballot.
- vDrives are used to write ballots for tabulation.

INVENTORY TEST BALLOTS

Controlling the inventory of the test ballots ensures the accuracy and integrity of the election. The Official Observer returned their test ballot packet, then Counting Center Operations (CCOPS) inventories the test ballots. The unused test ballots are removed from the test ballot packet and stored in the corresponding unused test ballot packet to be secured in the equipment transport container (ETC). An Official Observer may return a test ballot packet on behalf of another Official Observer. These test ballot packets are also inventoried and securely stored.

PERSONNEL

Counting Center Operations (CCOPS) includes the Counting Center Manager and Office of Elections staff. CCOPS who inventory the test ballots.

Official Observers return all test ballots. As the test ballots are inventoried, Official Observers wait on the side until notified by CCOPS.

SUPPLIES

- equipment transport container (ETC)
- marker, red
- *Official Observer Sign In*
- paper clips
- pens, red
- rubber bands
- rubber fingers

- *Test Ballot Inventory*
- *Test Ballot Tracking*
- unused test ballot packet envelopes

OAHU: *One ETC is for unused test ballot packets; the other is for test ballot packets collected as the Official Observers reconcile.*

TASKS

1 ▪ Check in the Official Observer.

2 ▪ Inventory the test ballots.

3 ▪ Return the test ballot packet.

STEP 1 CHECK IN THE OFFICIAL OBSERVER

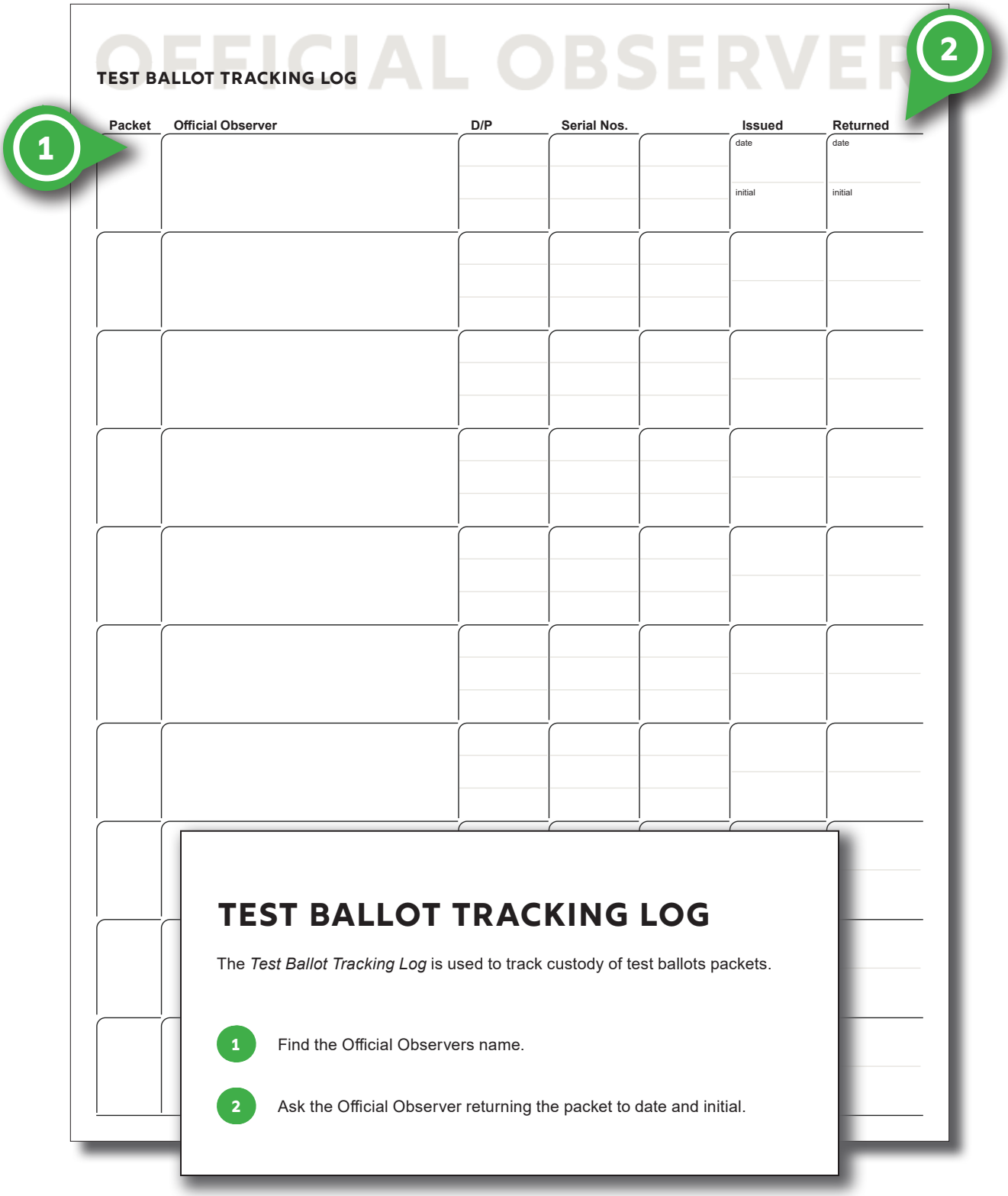
On arrival, each Official Observer completes the *Official Observer Sign In* for payroll and the *Test Ballot Tracking* is for custody of the packets.

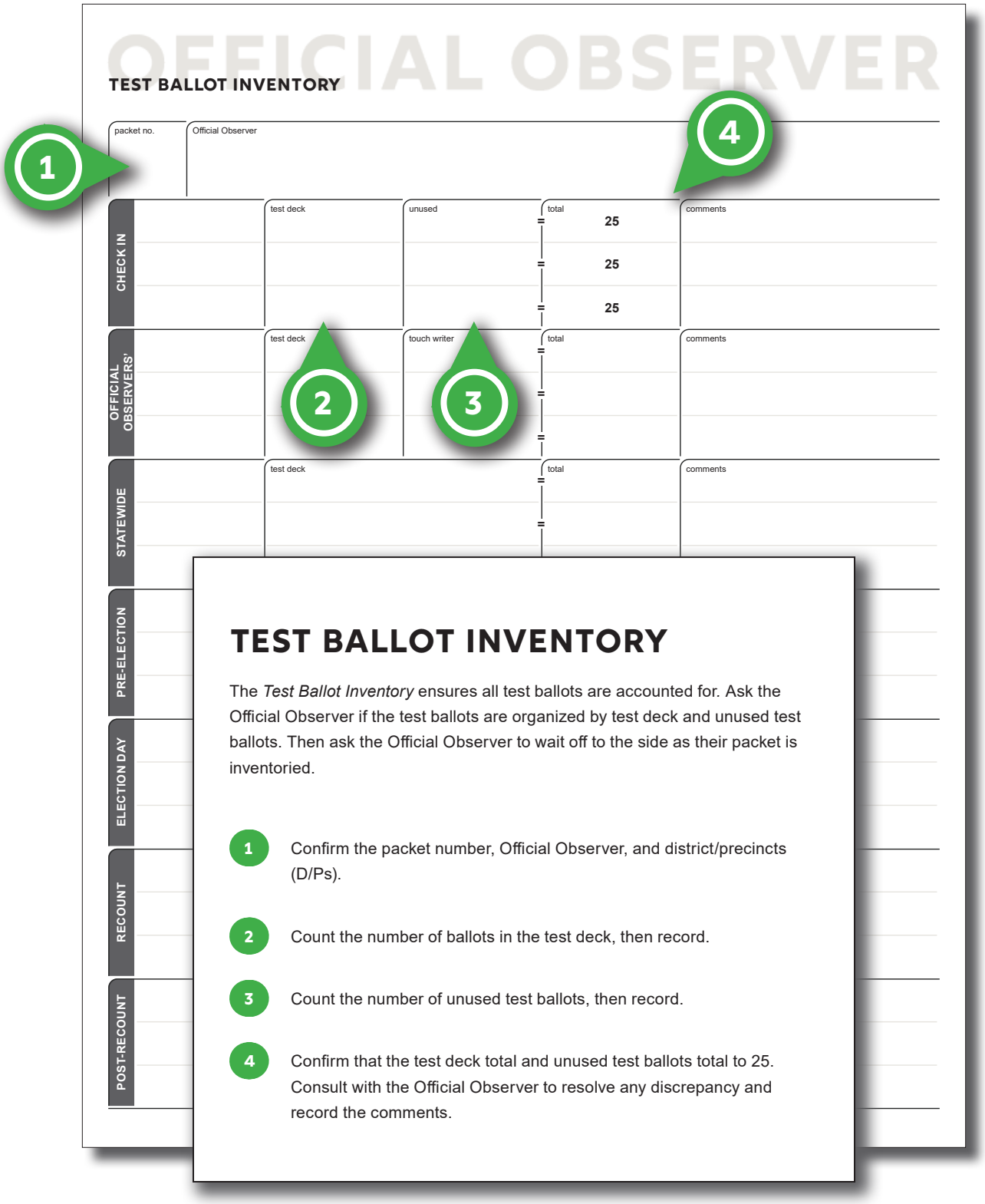
STEP 2 INVENTORY THE TEST BALLOTS

- Ask the Official Observer for their test ballot packet and confirm that they are returning all test ballots. If they discarded spoiled ballots or removed the unused test ballot, record the discrepancy on the *Test Ballot Inventory*. Any test ballot must be returned before Election Day.

- Check that the test deck (i.e., test ballots voted to be counted in the test) is segregated and identifiable from the unused test ballots. Then, ask the Official Observer to wait on the side while their ballots are inventoried.

- Complete “Check In” on the *Test Ballot Inventory*. Use a rubber finger, as necessary, to assist with counting ballots.


OFFICIAL OBSERVER
TEST BALLOT TRACKING LOG
Packet
Official Observer
D/P
Serial Nos.
Issued
Returned
date
initial
date
initial
1
2
TEST BALLOT TRACKING LOG
The Test Ballot Tracking Log is used to track custody of test ballots packets.
1
Find the Official Observers name.
2
Ask the Official Observer returning the packet to date and initial.



TEST BALLOT INVENTORY

The *Test Ballot Inventory* ensures all test ballots are accounted for. Ask the Official Observer if the test ballots are organized by test deck and unused test ballots. Then ask the Official Observer to wait off to the side as their packet is inventoried.

1. Confirm the packet number, Official Observer, and district/precincts (D/Ps).
2. Count the number of ballots in the test deck, then record.
3. Count the number of unused test ballots, then record.
4. Confirm that the test deck total and unused test ballots total to 25. Consult with the Official Observer to resolve any discrepancy and record the comments.

- Remove the unused test ballots and store them in the corresponding unused test ballot packet. Record the Official Observer's name on the unused test ballot packet, as necessary using a red marker. Store the unused test ballot packets in the ETC by packet number.

NOTE: *Only the unused test ballots are removed from the test ballot packet.*

STEP 3 RETURN THE TEST BALLOT PACKET

- Provide the test ballot packet to the Official Observers.

- Ask each Official Observer if they would like to vote test ballots on the Touch Writer before proceeding to a Scan device. Use of the Touch Writer is optional.

SCAN THE TEST BALLOTS

An Official Observer may vote additional test ballots using the Touch Writer. The Touch Writer is an accessible ballot marking device (BMD) to mark and print a tabulation-ready ballot. Use of the Touch Writer is optional and the Official Observer should choose to vote additional test ballots before scanning their planned test deck.

The Scan device counts and collects voted ballots at the voter service centers. Official Observers cast their test ballots at a Scan device and their test ballots are removed from the ballot box before allowing the next Official Observer to scan test ballots. The vote data is stored on the vDrive.

After the Official Observers have scanned their test ballots, the vDrive is removed to tabulate the results. Each Official Observer receives test results to match with their tally of expected results.

Additionally, Official Observers are assigned to be part of the Accumulation Test. The Accumulation Test is conducted by compiling the test results from each counting center at the Statewide Observers' Test. This mimics the tabulation of results reports that begins on Election Day.

PERSONNEL

Counting Center Operations (CCOPS), including the Counting Center Manager and Office of Elections staff, provide direction and answer questions.

Hart InterCivic opens and operates the voting equipment. The voting equipment is set up for in-person voting at voter service centers.

Official Observers test and certify the logic and accuracy of the voting equipment by marking test ballots, creating a tally of expected results, and matching their results to the voting equipment results report.

SUPPLIES

- accumulation tag
- Build key
- pens, red
- *Test vDrive Log*
- test zero report envelope
- vDrives, blank

TASKS

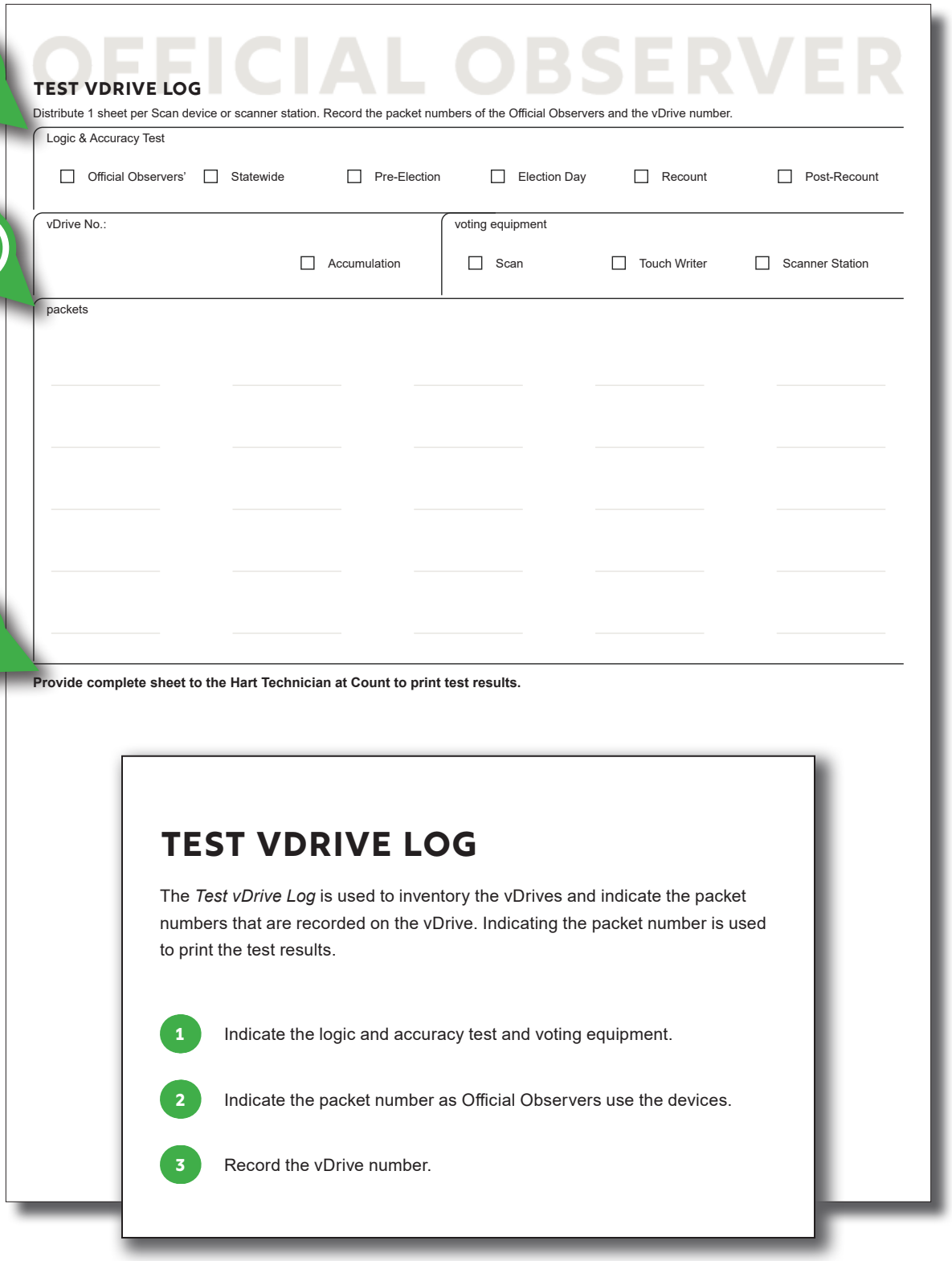
1. Assign accumulation Official Observers.
2. Issue test vDrives.
3. Open the voting equipment.
4. Operate the voting equipment.
5. Remove the test vDrive.

STEP 1 ASSIGN ACCUMULATION OFFICIAL OBSERVERS

The Official Observer Chairperson or Counting Center Manager assigns accumulation Official Observers. The accumulation Official Observers are the first to scan their test ballots at each Scan device. The Hart Technician then writes their ballots (and their ballots only) to a vDrive.

ASSIGNING ACCUMULATION OFFICIAL OBSERVERS

Hawaii	2
Maui	2
Kauai	1
Oahu	2



TEST VDRIVE LOG

The *Test vDrive Log* is used to inventory the vDrives and indicate the packet numbers that are recorded on the vDrive. Indicating the packet number is used to print the test results.

1. Indicate the logic and accuracy test and voting equipment.
2. Indicate the packet number as Official Observers use the devices.
3. Record the vDrive number.

STEP 2 ISSUE TEST VDRIVES

Official Observers randomly select a vDrive to install in each Scan and Touch Writer device. vDrives are issued for each device (rather than each Official Observer).

- Ask Official Observers to select a vDrive for each Scan and Touch Writer and complete the *Test vDrive Log*. An accumulation vDrive is identified by attaching an accumulation tag.

- Direct the Official Observer to the Hart Technician at a Scan or Touch Writer device to install the vDrive and open voting.

NOTE: *The accumulation vDrives are assigned to different voter service centers.*

STEP 3 OPEN THE VOTING EQUIPMENT

Hart Technicians open the voting equipment and explain each step to the Official Observers.

Scan Voting Equipment

- Insert the vDrive and predefine the Scan device.

- Confirm the election name and date. Select “Yes, load new election.”

- Insert the Build key and enter the key password. Then press “Accept.” Wait until the device displays the Enter Maintenance Code screen to remove the Build key.

- Enter the maintenance code and press “Accept.”

- Choose the voter service center and select “OK.”

- Confirm the voter service center name and select “Yes, assign it.” If the voter service center is not correct, select “No, I’ll select another” to return to the previous screen.

- Select “Print Zero Report. The zero report prints on the built-in printer. The zero report is a summary of the contests associated with the County.

- Select “Open the Polls;” enter the Open Polls Code, and select “Accept.” The open polls report prints. Then, remove the reports tape.

- Official Observers verify and sign that the ballot count total is zero. The certified reports tape is provided to CCOPS to pack in the test zero report envelope.

Touch Writer Voting Equipment

- Insert the vDrive and predefine the Touch Writer.

- Confirm the election name and date. Select “Yes, load new election.”

- Insert the Build key and enter the key password. Then press “Accept.” Wait until the device displays the Enter Maintenance Code screen to remove the Build key.

- Enter the maintenance code and press “Accept.”

- Choose the voter service center and select “OK.”

- Confirm the voter service center name and select “Yes, assign it.” If the voter service center is not correct, select “No, I’ll select another” to return to the previous screen.

- Select “Print Zero Report.” The zero report prints on the built-in printer. The zero report shows that no ballots have been printed.

- Select “Open the Polls,” enter the Open Polls Code, and select “Accept.” The open polls report prints. Then, remove the reports tape.

- Official Observers verify and sign that the ballot count total is zero. The certified reports tape is provided to CCOPS to pack in the test zero report envelope.

STEP 4 OPERATE THE VOTING EQUIPMENT

Hart Technicians open the voting equipment and explain each step to the Official Observers.

Scan Voting Equipment

- Scan can accept ballots when “Ready to Use” is displayed. Insert the voted ballot following the flashing green arrow indicators. Ballots must be fed short-edge first but in any other orientation.

- After feeding the ballot, wait while the ballot is processed. The ballot has been cast when the American flag is displayed on the screen. If there are any voting errors, instruct the Official Observers are instructed to cast their ballot as-is.

- If an Official Observer has a spoiled ballot (e.g., marked in the barcode), ask them to record SPOILED on the ballot indicating it was not counted as part of their test deck.

- Once the Official Observer has scanned their test deck, remove the test ballots from the ballot box and return to the Official Observer before allowing the next Official Observer to scan their test deck.

NOTE: *After an Accumulation Official Observer has cast their test ballots, the Hart Technician powers down and removes the test vDrive.*

Touch Writer Voting Equipment

Official Observers may opt to use the Touch Writer to print additional test ballots. The Official Observers are issued test ballots at the Touch Writer based on their assigned district/precinct (D/P) test ballots only.

A Hart Technician provides operational instructions to the Official Observers to vote, verify, and print a test ballot. Vote data is not stored on the Touch Writer vDrive.

ACTIVATING A BALLOT

A Touch Writer is available when “Ready to Use” is displayed. Press “Ready to Use” or the blue poll worker button on the back of the device.

- Enter Poll Worker Code and select “Accept.”
- Select “Activate Ballot,” choose the assigned D/P, and select “OK.”
- Confirm the selections and select, “Yes, Activate this Ballot.” If the D/P is incorrect, select “No, Cancel to return to the main menu.”

MARKING A BALLOT

- Select “To Get Started”, Touch Here, or turn the move wheel clockwise.
- Choose whether to use the accessibility features by selecting either “Yes, Help Me Change the Settings” or “No, Skip Straight to Voting.”
- Start voting by selecting “Begin Voting.” Mark the ballot using the touchscreen or using the move wheel and select button on the Access controller. A selected choice displays a green box with a check mark to the left of the choice. Use the “Next” or “Skip” buttons to advance to the next contest, and review the ballot by selecting “Review Your Choices.”
- On the “Review your Ballot screen,” select a specific contest to return to or select “Return to Ballot” to go to the last contest visited.
- Then, select “Print” and confirm by selecting “Yes, Print My Ballot.” The ballot is 2-sided so do not grab the ballot until printing has stopped.

Official Observers add their printed ballot to their test deck. Once an Official Observer has printed their additional test ballots, they proceed to a Scan device.

STEP 5 REMOVE THE TEST VDRIVE

Accumulation vDrives are closed immediately after the assigned Official Observer scans their test deck.

- Power down the device and remove the vDrive once all Official Observers have scanned their test ballots.

- Provide the Scan test vDrives to the Hart Technician at the Count work area to print the test results.

NOTE: *The devices take approximately 5 minutes to reboot.*

PRINT THE TEST RESULTS & RECONCILE

Before the reports can be printed, Official Observers verify that there are no votes in Count, the tabulation application. A Hart Technician prints a zero report for Official Observers to certify that the results for each contest and candidate are zero indicating that no votes are recorded.

Then, the test vDrives are read into Count to print the test results. The test results are printed by packet number to disseminate to the Official Observers. Official Observers reconcile their test results with their tally of expected results.

PERSONNEL

Counting Center Operations (CCOPS), including the Counting Center Manager and Office of Elections staff, collect the zero report and disseminate the test results. CCOPS also assists to resolve discrepancies when reconciling. As Official Observers finish reconciling, CCOPS collects and inventories the test ballot packets.

Hart InterCivic operates Count, the tabulation application to print the zero report, and then test results. Each Official Observer is printed test results based on their assigned district/precincts (D/Ps). Test results are printed **in flow** as vDrives are transferred to the Count work area.

Official Observers certify that there are no votes in Count before compiling the test results. Then, Official Observers receive their test results to reconcile with their tally of expected results. After reconciling, the test ballot packet is provided to CCOPS to inventory and securely store.

SUPPLIES

- accumulation envelope
- Count USB envelope
- equipment transport container (ETC)
- pens, red
- rubber fingers
- *Test Ballot Inventory*
- test vDrive envelope
- *Test vDrive Log*
- test zero report envelope

TASKS

1. Certify the zero report.
2. Distribute the test results.
3. Certify the test results.

STEP 1 CERTIFY THE ZERO REPORT

Before tabulating the vDrives, the Hart Technician must print a zero report, indicating there are no votes in Count, for the Official Observers to certify.

- Provide the zero report to the Official Observers to verify that the results are zero for all contests. Direct the Official Observers to sign and date the first page of the zero report.

- Pack the report in the test zero report envelope.

STEP 2 DISTRIBUTE THE TEST RESULTS

- Provide the test vDrive and *Test vDrive Log* to the Hart Technician at the Count work area. The Hart Technician prints the test results by packet number. The test vDrives are held at the Count work area.

- Identify the Official Observer by packet number to provide the test results.

- Instruct each Official Observer to match the test results to their tally of expected results. Then, they sign and date the first page of the test results and pack the test ballots and certified test results into the test ballot packet.

- Ask the Hart Technician to print an extra copy of the test results for the accumulation vDrives to store in the accumulation envelope.

NOTE: *The Statewide Counting Center Manager requests copies of the Accumulation Official Observers' test results.*

STEP 3 CERTIFY THE TEST RESULTS

The following procedures are conducted by the Official Observers.

- Match the test results to the tally of expected results. Confirm the number of ballots, and votes for candidates, blank (under) votes, and over votes in each contest.

- Certify by signing and dating the first page of the test results.

- Pack the test ballots and certified test results packed into the test ballot packet and returned to CCOPS to inventory.

SEAL THE VOTING EQUIPMENT

With Official Observers, secure the vDrives in each Print, Scan, and Touch Writer device. The voting equipment is sealed through the close of voting.

PERSONNEL

Counting Center Operations (CCOPS), including the Counting Center Manager and Office of Elections staff, seal the voting equipment.

Hart InterCivic predefines the voting equipment to the voter service center location. Spare equipment is sealed, but not assigned a location.

Official Observers monitor the voting equipment sealing process and certify by signing the seal certification forms.

SUPPLIES

- pens, red
- *Print Seal Certification*
- *Scan Seal Certification*
- seals
- *Touch Writer Seal Certification*

TASKS

1 ▪ Secure the Scan devices.

2 ▪ Secure the Touch Writer devices.

3 ▪ Secure Print devices.

STEP 1 SECURE THE SCAN DEVICES

- Read the location, vDrive number, Scan number, and seal number aloud. Official Observers verify the information matches the *Scan Seal Certification* and signs each page. Correct any discrepancy or replaced equipment on the *Scan Seal Certification*.

- Insert the vDrive.

A Hart Technician completes the following:

- Predefine the Scan to the identified voter service center. Spare Scan devices are secured but not assigned.

- Confirm the election name and date. Select “Yes, load new election.”

- Insert the Build key and enter the key password. Then press “Accept.” Wait until the device displays the Enter Maintenance Code screen to remove the Build key.

- Enter the maintenance code and press “Accept.”

- Choose the voter service center and select “OK.”

- Confirm the voter service center name and select “Yes, assign it.” If the voter service center is not correct, select “No, I’ll select another” to return to the previous screen.

- Lock the vDrive compartment.
- Press the red power button to turn off the device and unplug it.

CCOPS and Official Observers secure the vDrive compartment with a seal.

STEP 2 SECURE THE TOUCH WRITER DEVICES

- Read the location, vDrive number, Touch Writer number, and seal number aloud. Official Observers verify the information matches the *Touch Writer Seal Certification* and signs each page. Correct any discrepancy or replaced equipment on the *Touch Writer Seal Certification*.
- Insert the vDrive.

A Hart Technician completes the following:

- Predefine the Touch Writer to the identified voter service center. Spare Touch Writer devices are secured but not assigned.
- Confirm the election name and date. Select “Yes, load new election.”
- Insert the Build key and enter the key password. Then press “Accept.” Wait until the device displays the Enter Maintenance Code screen to remove the Build key.
- Enter the maintenance code and press “Accept.”
- Choose the voter service center and select “OK.”
- Confirm the voter service center name and select “Yes, assign it.” If the voter service center is not correct, select “No, I’ll select another” to return to the previous screen.

VRC PROCESSING

SCAN SEAL CERTIFICATION

Location	Scan No.	vDrive No.	Seal No.

Date & Time

Official Observer

Witnessed By (Print) | Sign

From Voter Service Center

Unsealed by (Print) | Date & Time

Witnessed By (Print) | Sign

VRC P

TOUCH WRITER SEAL CERTIF

Official Observer

Witnessed By (Print) | Sign

VRC P

PRINT SEAL CERTIFICATION

EQUIPMENT SEAL CERTIFICATION

Use the equipment seal certification forms to secure the Scan, Touch Writer, and Print devices. State election officials, with Official Observers, confirm the location, device number, vDrive number, and seal number. The vDrive is installed and secured.

Official Observers certify the security of the voting equipment by signing the forms.

- Lock the vDrive compartment.
- Press the red power button to turn off the device and unplug it.

CCOPS and Official Observers secure the vDrive compartment with a seal.

STEP 3 SECURE THE PRINT DEVICES

The County Elections Divisions use Print devices to print blank ballots-on-demand. The Print devices do not count or store votes, but each device must be secured.

- Read the location, vDrive number, Print number, and seal number aloud. Correct any discrepancy or replaced equipment on the *Print Seal Certification*. Official Observers verify the information matches the *Print Seal Certification* and signs each page.
- Insert the vDrive.
- Lock the vDrive compartment.
- Press the red power button to turn off the device and unplug it.
- CCOPS and Official Observers secure the vDrive compartment with a seal.

PACK THE ETC

The test materials are securely stored in the equipment transport container (ETC). This includes the test ballot packets, test vDrives, and USB backup are secured in the ETC. The test ballot packets are used for subsequent logic and accuracy tests, including the Statewide Observers' Test.

The ETC is secured with a seal and padlock. The combination is determined by the Official Observer Chairperson and may be shared with Official Observers only. The Counting Center Manager, Office of Election staff, and County Elections Divisions staff, are not provided the combination.

PERSONNEL

Counting Center Manager inventories the test ballots and packs the ETC.

Hart Technicians archive Count to USB and maintain the voting equipment.

Official Observers monitor the handling and security of sensitive election materials, like test ballots and test vDrives.

SUPPLIES

- accumulation envelope
- certified reports envelope
- Count USB envelope
- equipment transport container (ETC)
- rubber fingers
- padlock
- pens, red

- seal
- *Seal Certification*
- *Test Ballot Inventory*
- test vDrives envelope
- test zero report envelope

TASKS

1. Inventory the test ballots.
2. Organize the Count work area.
3. Pack the ETC.
4. Seal the ETC
5. Lock the ETC.

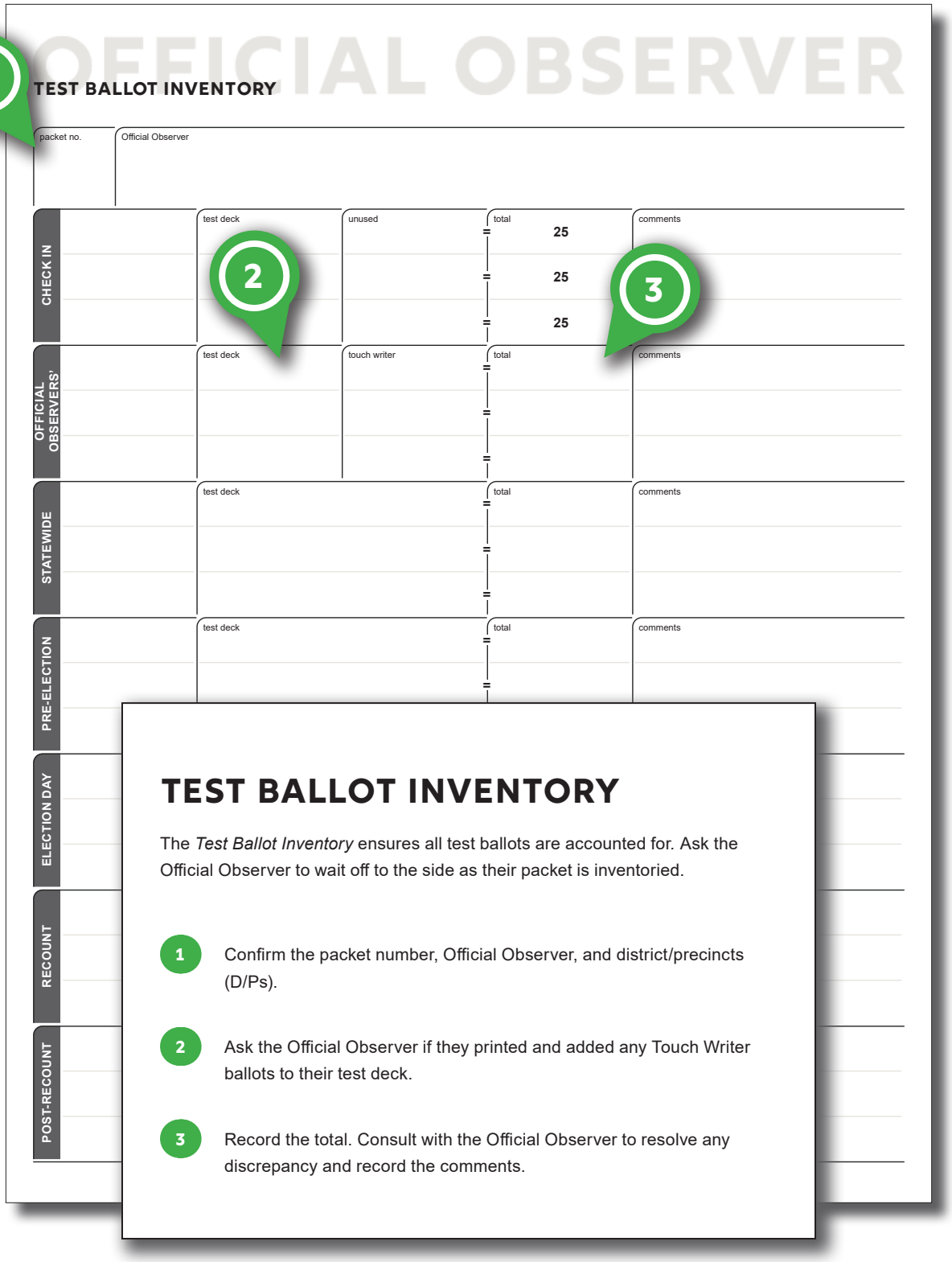
STEP 1 INVENTORY THE TEST BALLOTS

Test ballots are inventoried as each Official Observer returns their test ballot packet for secure storage in the ETC.

- Complete “Official Observers’” on the *Test Ballot Inventory*.
- Store inventoried test ballot packets in the ETC, lowest to highest.

STEP 2 ORGANIZE THE COUNT WORK AREA

- Ask the Hart Technician to archive Count to USB. The USB is packed and secured in the Count USB envelope in the ETC.
- Pack the test vDrives in the test vDrives envelope to store in the ETC. Check the *Test vDrive Log* to confirm the number of vDrives.



TEST BALLOT INVENTORY

The *Test Ballot Inventory* ensures all test ballots are accounted for. Ask the Official Observer to wait off to the side as their packet is inventoried.

1. Confirm the packet number, Official Observer, and district/precincts (D/Ps).
2. Ask the Official Observer if they printed and added any Touch Writer ballots to their test deck.
3. Record the total. Consult with the Official Observer to resolve any discrepancy and record the comments.

- Pack the accumulation vDrives in the accumulation envelope. Record the names of the accumulation Official Observers, D/P, the number of test ballots, and vDrive number. Store the accumulation envelope in the ETC.

STEP 3 PACK THE ETC

Ensure the following are packed in the ETC:

- accumulation envelope
- certified reports envelope
- Count USB envelope
- test ballot packets
- test vDrive envelope
- test zero report envelope
- unused test ballot packets

STEP 4 SEAL THE ETC

The Counting Center Manager seals the ETC with Official Observers.

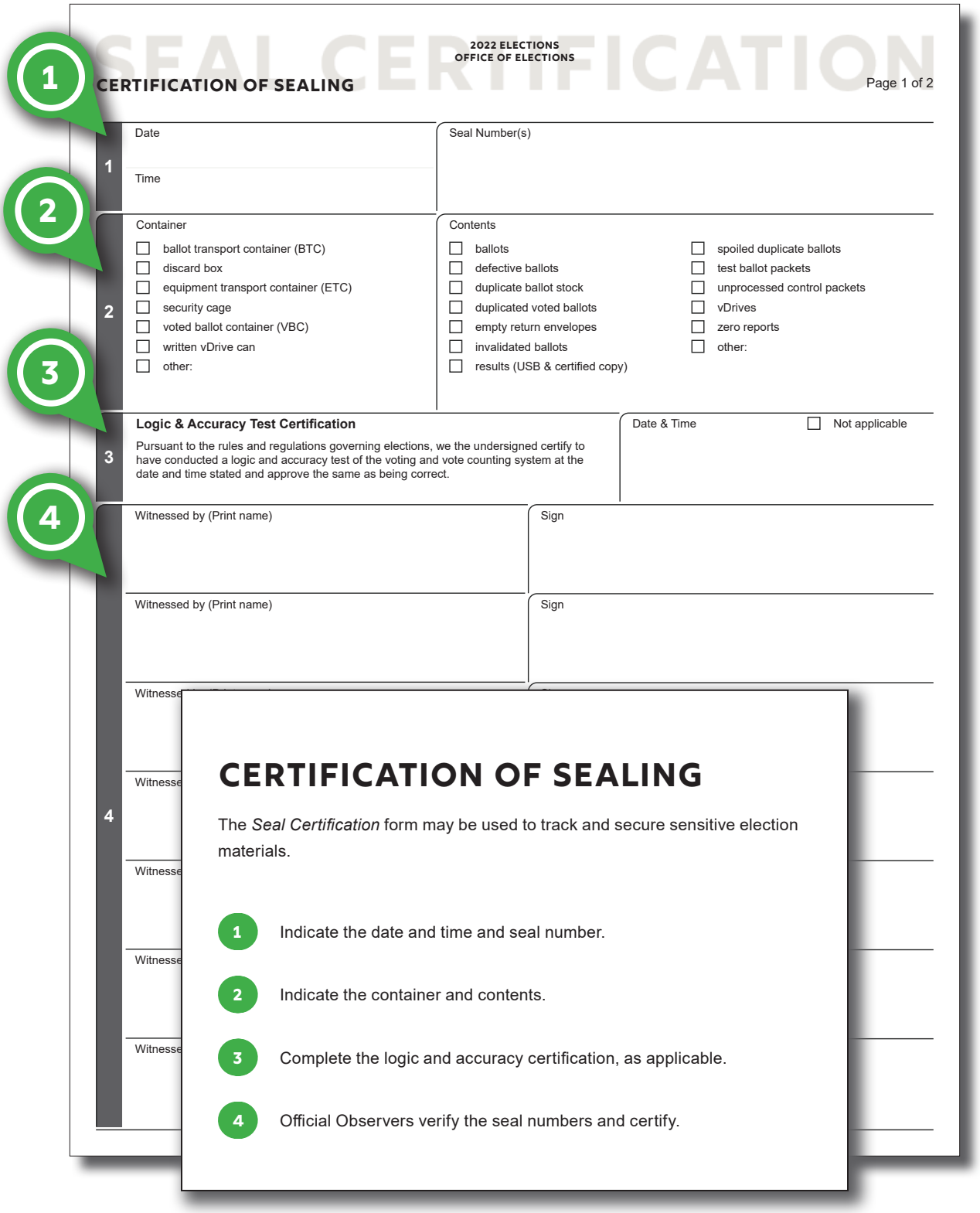
- Complete 2 *Seal Certification* forms. Place 1 copy of the *Seal Certification* in the container before closing. Copy 2 is stored on top of the container.

- Close the ETC and hook on the corresponding seal. Squeeze the seal shut and tug to ensure it is secured.

OAHU: *Unused test ballot packets are securely stored in a second ETC with a seal only.*

STEP 5 LOCK THE ETC

Ask the Official Observer Chairperson, or designee, to set the padlock. The combination should be shared with at least 1 other Official Observer. The Official Observer secure the ETC with the padlock.



CERTIFICATION OF SEALING

The *Seal Certification* form may be used to track and secure sensitive election materials.

1. Indicate the date and time and seal number.
2. Indicate the container and contents.
3. Complete the logic and accuracy certification, as applicable.
4. Official Observers verify the seal numbers and certify.

STATEWIDE OBSERVERS' TEST

Official Observers test the logic and accuracy of the voting equipment and certify that the ballots are counted correctly. At the Statewide Observers' Test, or OT 2, Official Observers use the counting center voting equipment and tabulation application. This test is conducted simultaneously at the 4 counting center as part of the test is to verify the compilation of the result reports statewide.

- Count is the tabulation application to compile and print the results.
- Relay is the application used at the Oahu Counting Center to receive the vDrives from the neighbor island counting centers.
- Scanner stations use the Central application to count the voted ballots.
- Transmit is the application used at the neighbor island counting centers to send the vDrive data to the Oahu Counting Center.
- vDrives are used to write ballots for tabulation.

OPEN THE COUNTING CENTER

Each counting center is opened at least 1 hour before the start of the Statewide Observers' Test. This ensures all counting centers can start promptly and remain on pace for the accumulation test. The Counting Center Manager coordinates with the neighbor island County Elections Divisions to ensure the counting center is accessible at that time.

OAHU: *The counting center starts 1 hour before the Neighbor Island Counting Centers to account for the number of Official Observers and ballot types.*

PERSONNEL

Counting Center Manager administers the logic and accuracy test including the inventory and security of the test ballots.

County Elections Divisions assist and support the Counting Center Manager at the neighbor island counting centers. The neighbor island County Elections Division serves as the key holder to their respective counting center. The County Elections Division also delivers any remaining unissued test ballot packets to the counting center.

Hart InterCivic operates the voting equipment. When opening the counting center, Hart powers on the voting equipment and reviews any last-minute training with the Hart Technicians. During the test, Hart opens, operates, and writes vDrives at scanner stations, and prints the test results at Count.

Statewide Counting Center Manager directs the operations of the 4 counting centers. Office of Elections staff is assigned to work at the Oahu Counting Center to support counting center operations including inventorying test ballots, and disseminating the test results.

SUPPLIES

Supplies are packed in the Official Observer supply box. The Official Observer supply box should be positioned near the equipment transport container (ETC).

- cut seals envelope
- equipment transport container (ETC)
- marker, red
- paper clips
- rubber bands
- rubber fingers
- *Statewide Observers' Test Sign In*
- *Test Ballot Inventory*
- *Test Ballot Tracking*
- transparent tape
- unissued test ballot packets, remaining
- unused test ballot packet envelopes
- wire cutter

IN THE MANAGER SUPPLY BOX

- election shirt (Official Observers)
- election shirt (Counting Center Manager)
- pens, red

TASKS

1. Call the Oahu Counting Center.
2. Identify the work areas.
3. Check in the Official Observers.
4. Unseal the ETC.

STEP 1 CALL THE OAHU COUNTING CENTER

A phone and a direct number to contact the Oahu Counting Center are provided. This allows the Oahu Counting Center to be on the phone with multiple counting centers at once and identify who is calling.

- Locate the ETC in the counting center. The ETC may have been transported to the counting center following the Official Observers' Test.

- Locate the phone and call the Oahu Counting Center. Provide the message: **The [County] has opened the counting center and located the ETC.**

STEP 2 IDENTIFY THE WORK AREAS

- Set up a check in area for Official Observers to complete the *Official Observer Sign In*. The check in area should be positioned near the ETC, as practicable. The space allowed should also account for Official Observers returning their test ballot packet which must be inventoried.

- Ensure there is an area for Official Observers to reconcile their test results. Consult with the County Elections Divisions based on the space available.

- Identify the scanner stations and Count work area. These work areas are operated by Hart Technicians.

STEP 3 CHECK IN THE OFFICIAL OBSERVERS

- Ask each Official Observer to complete the *Statewide Observers' Test Sign In*. If the Official Observer is returning their test ballot packet for the first time or for another Official Observer, the test ballots must be inventoried. **See Inventorying Test Ballots, As Necessary.**

- For the Primary Election, distribute election shirts to the Official Observers. The shirt should be worn on the first day of counting and Election Day, at minimum, for both the Primary Election and General Election.

Inventorying Test Ballots, As Necessary

Test ballots are inventoried to ensure the security and integrity of the election. The test ballot packets in the ETC have already been inventoried.

- Ask the Official Observer to date and initial the *Test Ballot Tracking* to confirm they are returning all of the test ballots. If they discarded spoiled ballots or removed the unused test ballots, record the discrepancy on the *Test Ballot Inventory*. Any outstanding test ballots must be returned before Election Day.

- Check that the test deck (i.e., test ballots voted to be counted in the test) is segregated and identifiable from the unused test ballots. Then, ask the Official Observer to wait on the side while their ballots are inventoried.

- Complete "Check In" on the *Test Ballot Inventory* by recording the number of test ballots - test deck and unused, by district/precinct (D/P). Use a rubber finger, as necessary to assist with counting ballots.

- Remove the unused test ballots and store them in the corresponding unused test ballot packet. Record the Official Observer's name on the unused test ballot packet, as necessary using a red marker. Store the unused test ballot packets in the ETC by packet number.

- Return the test ballot packet to the Official Observer.

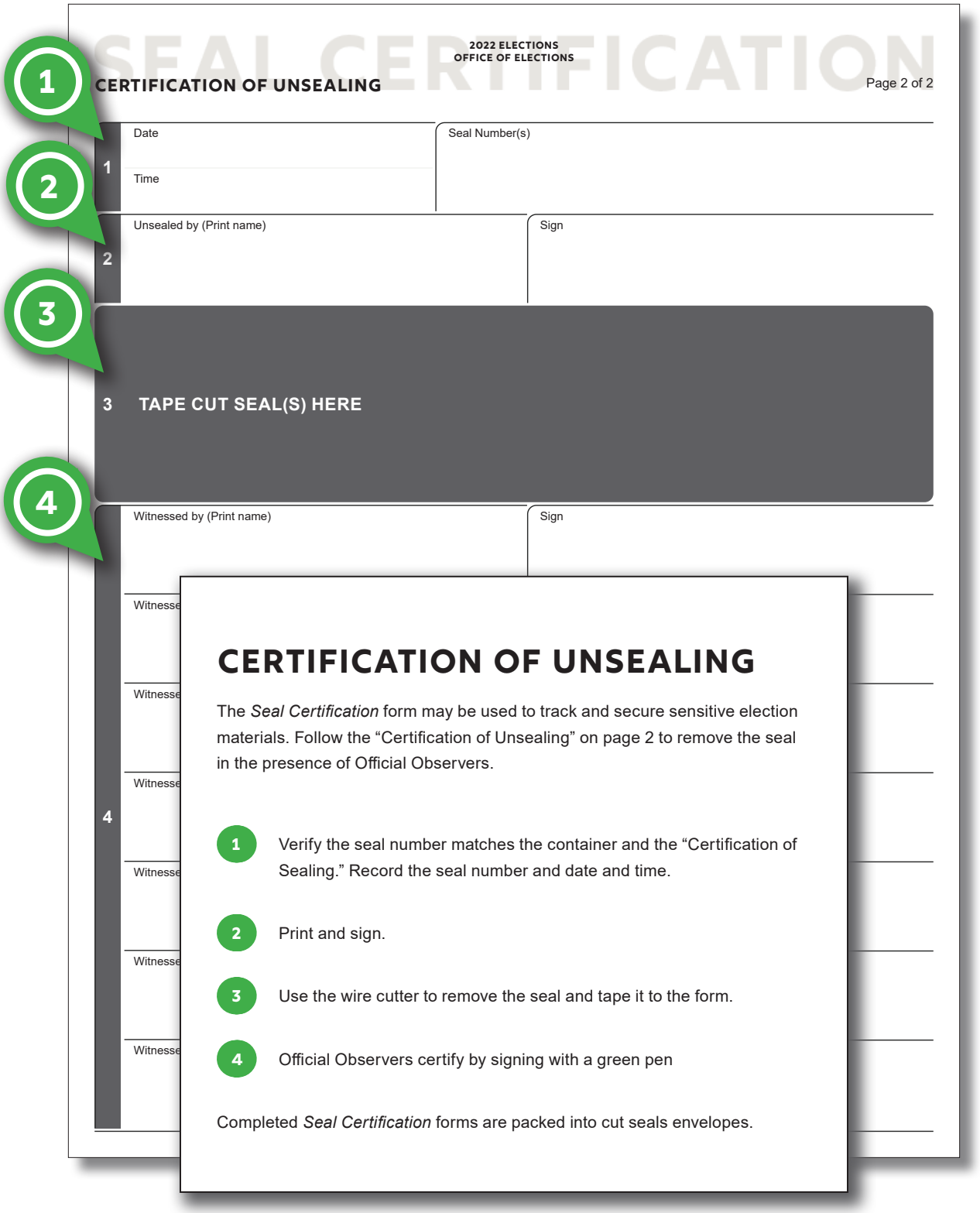
STEP 4 UNSEAL THE ETC

- Ask the Official Observers to remove the padlock from the ETC.

- Remove the seal by completing the "Certification of Unsealing*" on the Seal Certification* forms.

- Distribute test ballot packets to the Official Observers.

OAHU: *The ETC of unused test ballot packets remains sealed.*


SEAL CERTIFICATION
2022 ELECTIONS
OFFICE OF ELECTIONS
CERTIFICATION OF UNSEALING
Page 2 of 2
1
Date
Time
Seal Number(s)
2
Unsealed by (Print name)
Sign
3
3 TAPE CUT SEAL(S) HERE
4
Witnessed by (Print name)
Sign
4
CERTIFICATION OF UNSEALING
The Seal Certification form may be used to track and secure sensitive election materials. Follow the "Certification of Unsealing" on page 2 to remove the seal in the presence of Official Observers.
1 Verify the seal number matches the container and the "Certification of Sealing." Record the seal number and date and time.
2 Print and sign.
3 Use the wire cutter to remove the seal and tape it to the form.
4 Official Observers certify by signing with a green pen
Completed Seal Certification forms are packed into cut seals envelopes.

SCAN THE TEST BALLOTS

The scanner stations count voted ballots at the counting centers. The ballots are written to a vDrive to tabulate the test results. Official Observers match the test results to their tally of expected results or previous test results. Official Observers are also assigned for the accumulation test to verify the compilation of the result reports.

PERSONNEL

Counting Center Operations (CCOPS), including the Counting Center Manager and Office of Elections staff, work with the Official Observers to provide direction and answer any questions.

Hart InterCivic opens, operates, and writes ballots at the scanner stations. The scanner stations are set up for mail ballots.

Official Observers test and certify the logic and accuracy of the voting equipment by marking test ballots, creating a tally of expected results, and matching their results to the voting equipment results report.

SUPPLIES

- accumulation tags
- pens, red
- *Test vDrive Log*
- test zero report envelope
- vDrives, blank

TASKS

1 ▪ Assign accumulation Official Observers.

2 ▪ Scan the test ballots.

3 ▪ Write ballots to a vDrive.

STEP 1 ASSIGN ACCUMULATION OFFICIAL OBSERVERS

The Official Observer Chairperson or Counting Center Manager assigns accumulation Official Observers. The accumulation Official Observers are the first to scan their test ballots at each scanner station. The Hart Technician then writes their ballots (and their ballots only) to a vDrive.

The vDrive is identified by attaching an accumulation tag.

ASSIGNING ACCUMULATION OFFICIAL OBSERVERS

Hawaii	3
Maui	3
Kauai	2
Oahu	5

STEP 2 SCAN THE TEST BALLOTS

- Divide Official Observers into groups based on the number of scanner stations.
- Ask the Official Observers to remove any paper clips or rubber bands to batch their test deck.
- Distribute 2 sheets (1 for each vDrive) of the *Test vDrive Log* to each scanner station.

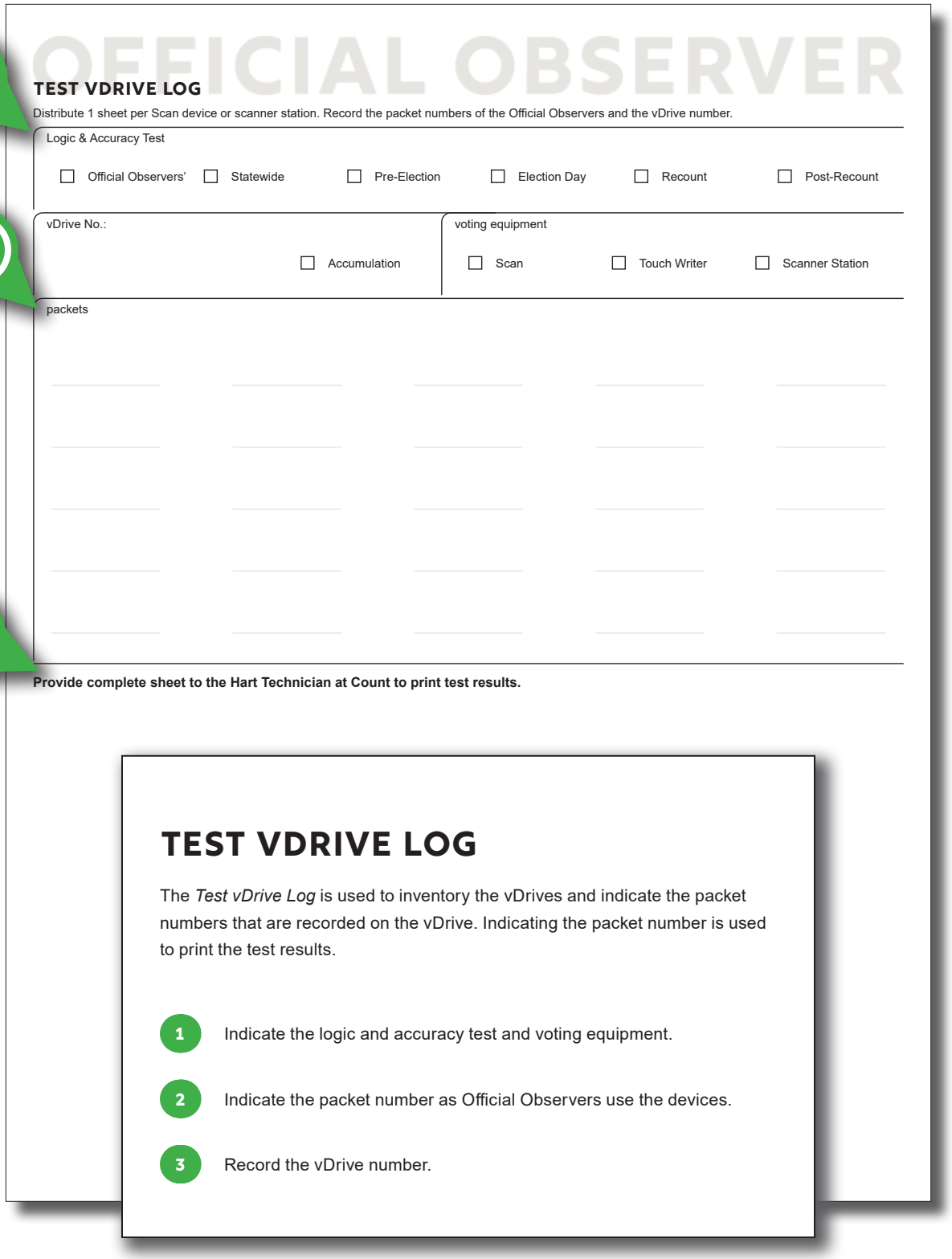
Scanner Stations

Hart Technicians operates the scanner stations.

- Print a zero *Configuration Report* for the Official Observers to certify. The certified report is provided to the Counting Center Manager to pack in the test zero report envelope.
- Collect the test decks of the Official Observers to batch and scan. Keep in mind the test decks are assigned and returned to each Official Observer.
- Scan batch(es) explaining each step taken to the Official Observers.
- After scanning, return the test deck to the Official Observer. The test ballots are identifiable by D/P.
- Official Observers store their test ballots in their test ballot packet.

STEP 3 WRITE BALLOTS TO A VDRIVE

- At each scanner station, ask an Official Observer to select a vDrive. Record the vDrive number on the *Test vDrive Log*. This will allow the Hart Technician operating Count to identify the packets associated with the vDrive when printing the test results. A vDrive is issued for each scanner station (not each Official Observer).
- Identify accumulation vDrives by attaching an accumulation tag.
- As each scanner station completes scanning, direct the Hart Technician to write ballots to the vDrive.
- With Official Observers, transfer the vDrive to the Hart Technician at the Count work area to print the test results. Test results are printed **in flow**.



TEST VDRIVE LOG

The *Test vDrive Log* is used to inventory the vDrives and indicate the packet numbers that are recorded on the vDrive. Indicating the packet number is used to print the test results.

1. Indicate the logic and accuracy test and voting equipment.
2. Indicate the packet number as Official Observers use the devices.
3. Record the vDrive number.

PRINT THE TEST RESULTS & RECONCILE

Before the reports can be printed, Official Observers verify that there are no votes in Count, the tabulation application. A Hart Technician prints a zero report for Official Observers to certify that the results for each contest and candidate are zero indicating that no votes are recorded.

Then, the test vDrives are read into Count to print the test results. The test results are printed by packet number to disseminate to the Official Observers. Official Observers reconcile their test results with their tally of expected results.

PERSONNEL

Counting Center Manager collects the zero report, disseminates the test results, and assists to resolve discrepancies when reconciling. As Official Observers reconcile, the Counting Center Manager collects and inventories the test ballot packets.

Hart InterCivic operates Count, the tabulation application to print the zero report, and then test results. Each Official Observer is printed test results based on their assigned test ballots. Test results are printed **in flow** as vDrives are transferred to the Count work area.

Official Observers certify that there are no votes in Count before compiling the results. Then, Official Observers receive their test results to reconcile with their tally of expected results or previous test results. After reconciling, the test ballot packet is provided to CCOPS to inventory and securely store.

SUPPLIES

- accumulation envelope
- Count USB envelope
- equipment transport container (ETC)
- pens, red
- *Test Ballot Inventory*
- *Test vDrive Log*
- test vDrives
- test zero report envelope

TASKS

1. Certify the zero report.
2. Distribute the test results.
3. Certify the test results.
4. Inventory the test ballots.

STEP 1 CERTIFY THE ZERO REPORT

Before tabulating the vDrives, the Hart Technician must print a zero report, indicating there are no votes in Count, for the Official Observers to certify.

- Provide the zero report to the Official Observers to verify that the results are zero for all contests.

- Direct the Official Observers to sign and date the first page of the zero report. Pack the report in the test zero report envelope.

STEP 2 DISTRIBUTE THE TEST RESULTS

- Provide the test vDrive and *Test vDrive Log* to the Hart Technician at the Count work area. The Hart Technician prints the test results by packet number. The test vDrives are held at the Count work area.

- Identify the Official Observer by packet number to provide the test results.

- Instruct each Official Observer to match the test results to their tally of expected results. Then, they sign and date the first page of the test results and pack the test ballots and certified test results into the test ballot packet.

- Ask the Hart Technician to print an extra copy of the test results for the accumulation vDrives to store in the accumulation envelope.

STEP 3 CERTIFY THE TEST RESULTS

The following procedures are conducted by the Official Observers.

- Match the test results to the tally of expected results. Confirm the number of ballots, and votes for candidates, blank (under) votes, and over votes in each contest.

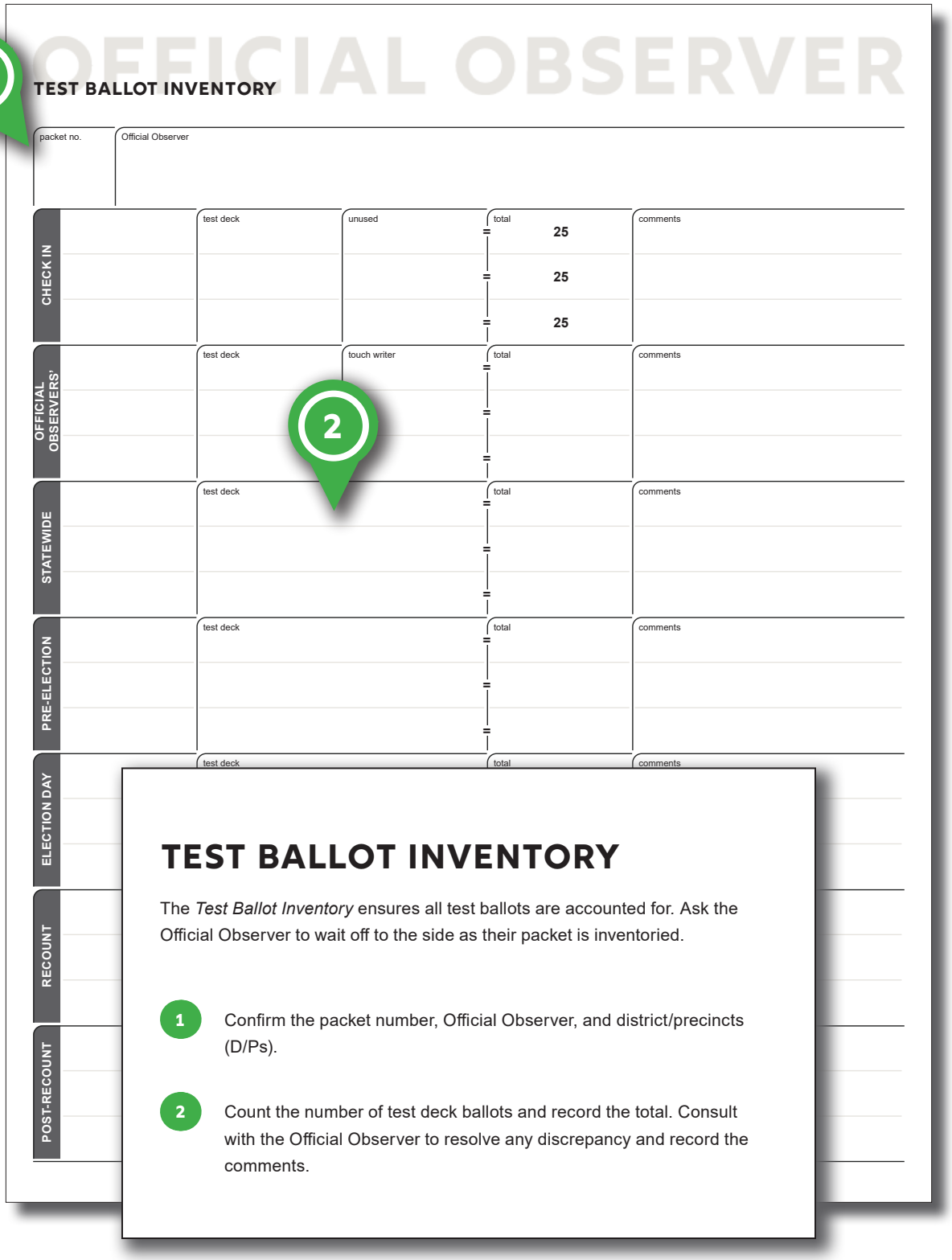
- Certify by signing and dating the first page of the test results.

- Pack the test ballots and certified test results into the test ballot packet and returned to Counting Center Manager to inventory.

STEP 4 INVENTORY THE TEST BALLOTS

- Complete “Statewide’” on the *Test Ballot Inventory*. Store inventoried test ballot packets in the ETC, lowest to highest.

- Explain the next phase of compiling the test results from the 4 counting centers to tabulate statewide results reports. Official Observers, excluding the accumulation Official Observers, may leave after their test ballots are inventoried.



TEST BALLOT INVENTORY

The *Test Ballot Inventory* ensures all test ballots are accounted for. Ask the Official Observer to wait off to the side as their packet is inventoried.

1. Confirm the packet number, Official Observer, and district/precincts (D/Ps).

2. Count the number of test deck ballots and record the total. Consult with the Official Observer to resolve any discrepancy and record the comments.

RELEASING THE TEST RESULTS

Before compiling the test results for each counting center, Official Observers verify that there are no votes in Count, the tabulation application. A Hart Technician prints a zero report for Official Observers to certify that the results for each contest and candidate are zero indicating that no votes are recorded in the system.

Releasing the test results mimics the release of Report 3 on Election Day. At the Neighbor Island Counting Centers, Hart Technicians use Transmit to send the vDrive data to the Oahu Counting Center. At the Oahu Counting Center, Hart Technicians use Relay to accept the Transmit transmissions. The vDrives are then read into Count, the tabulation application, to compile and print the results reports.

This accumulation test is a wide-area network test ensuring the accuracy and integrity of the tabulation of the results reports. The accumulation Official Observers work together to reconcile the results report with their test results. After reconciling, the test results are posted to the media webpage.

PERSONNEL

Computer Services (CS) is a section of the Office of Elections that posts the test results reports.

Counting Center Manager directs the Hart Technicians and updates the Oahu Counting Center as vDrives are transmitted and results received. The Counting Center Manager also assists with reconciliation, as necessary.

Hart InterCivic operates the Count work area. The Oahu Count work area notifies the neighbor island Hart Technicians as results are posted to print and provide to the Counting Center Manager and Official Observers.

Official Observers review and certify the results reports.

SUPPLIES

- accumulation envelope
- calculator
- Count USB envelope
- pens, red

TASKS

1. Certify the zero report.
2. Compile the accumulation vDrives
3. Distribute the county summary report.
4. Certify the county summary report.
5. Secure the accumulation vDrives.
6. Archive Count to USB.

STEP 1 CERTIFY THE ZERO REPORT

- With Official Observers, ask the Hart Technician to confirm the computer system time, as it appears on the report. Then, ask them to print the Accumulation zero report.

- Ask the Official Observers to verify that the results are zero for all contests indicating that there are no votes in Count before compiling their test results.

- Official Observers certify by signing and dating the first page of the report. Pack the zero report(s) in the certified reports envelope.

STEP 2 COMPILE THE ACCUMULATION VDRIVES

The accumulation vDrives, stored in the accumulation envelope, are held at the Count work area. Official Observers monitor the vDrives at all times.

EXPECTED NUMBER OF ACCUMULATION VDRIVES

	Scan	Central	Total
Hawaii	2	3	5
Maui	2	3	5
Kauai	1	2	3
Oahu	2	5	7

At the Neighbor Island Counting Centers, Hart Technicians read the vDrives into Transmit to send to the Oahu Counting Center. The Hart Technicians at each counting center confirm the vDrive(s) and the number of votes sent and received.

At the Oahu Counting Center, the Hart Technician receives the transmission via Relay and writes vDrive(s) to read into Count. The vDrives from the Oahu Counting Center are read directly into Count.

Tabulate vDrives in Count

At the Neighbor Island Counting Centers, after reading the vDrives into Transmit and confirming the transmission was successful, read the vDrives in Count to prepare for the local tally.

Results reports are publicly released by the Oahu Counting Center.

STEP 3 DISTRIBUTE THE COUNTY SUMMARY REPORT

At the Oahu Counting Center, Hart Technicians notify the Statewide Counting Center Manager when the county summary report is compiled. The Statewide Counting Center Manager confirms with CS, the Chief Election Officer, and the Spokesperson when the report is available to print.

CS posts the results reports to the media webpage. The test results reports are removed at 8:00 AM on the day before the election and replaced by the zero results reports.

Simultaneously, Oahu Hart Technicians notify the Neighbor Island Hart Technician to access the report to print. The Statewide Counting Center Manager also confirms receipt of the report with the Counting Center Manager.

Hart Technicians print the report for the 1) Official Observers and 2) the Counting Center Manager.

Reconcile the County Summary Report

Accumulation Observers work together to reconcile the report using their certified test results. The total turnout on the county summary report is the total number of test ballots counted of the accumulation Observers.

NOTE: *Copies of the accumulation test results are in the accumulation envelope.*

STEP 4 CERTIFY THE COUNTY SUMMARY REPORT

The Neighbor Island Counting Centers confirm the results were transmitted correctly by reconciling a local county summary report with the posted county summary report. The Counting Center Manager works with the Hart Technicians to read the accumulation vDrives into Count to print a local county summary report. Official Observers match the reports and certify the results.

- Instruct the Hart Technician to read the accumulation vDrives into Count and print a county summary report.

- Provide the Official Observers the local county summary report and the posted report to verify. The Official Observers certify by signing and dating the top-right corner on the first page of each report. The certified reports are packed in the accumulation envelope.

- Call the Oahu Counting Center and provide the following message:
  The County of _____ has reconciled the test results.

OAHU: *The Statewide Counting Center Manager requests printouts of the neighbor island county summary reports. The certified copy of the* Statewide Summary *is packed in the accumulation envelope.*

STEP 5 SECURE THE VDRIVES

- Store the accumulation vDrives in the accumulation envelope. Record the names of the accumulation Official Observers, D/P, the number of test ballots, and vDrive number.

- Pack the test vDrives in the test vDrive envelope and store in the ETC. Check the *Test vDrive Log* to confirm the number of vDrives.

STEP 6 ARCHIVE COUNT TO USB

After the test results are printed, ask the Hart Technician to archive the Count and Central task to the Voting System Archive USB. The USB is stored in the Count USB envelope.

PACK THE ETC

The test materials are securely stored in the equipment transport container (ETC). This includes the test ballot packets, which will be used for subsequent logic and accuracy tests, and the test vDrives.

PERSONNEL

Counting Center Manager inventories the test ballots and packs the ETC.

Hart Technicians archive Count and maintain the voting equipment.

Official Observers monitor the handling and security of sensitive election materials, like test ballots and test vDrives.

SUPPLIES

- accumulation envelope
- Count USB envelope
- equipment transport container (ETC)
- rubber fingers
- pens, red
- *Test Ballot Inventory*
- *Test vDrives Log*
- test vDrives envelope

TASKS

1. Inventory the test ballots.
2. Organize the Count work area.
3. Pack the ETC.
4. Call the Oahu Counting Center.

STEP 1 INVENTORY THE TEST BALLOTS

Test ballots are inventoried as each Official Observer returns their test ballot packet for secure storage in the ETC.

- Complete “Statewide’” on the *Test Ballot Inventory*.
- Store inventoried test ballot packets in the ETC, lowest to highest.

STEP 2 ORGANIZE THE COUNT WORK AREA

- Ask the Hart Technician to archive Count to USB. The USB is packed and secured in the Count USB envelope in the ETC.
- Pack the test vDrives in the test vDrives envelope to store in the ETC. Check the *Test vDrive Log* to confirm the number of vDrives.
- Pack the accumulation vDrives in the accumulation envelope. Record the names of the accumulation Official Observers, D/P, the number of test ballots, and vDrive number. Store the accumulation envelope in the ETC.

STEP 3 PACK THE ETC

Ensure the following are packed in the ETC:

- accumulation envelope
- certified reports envelope
- Count USB envelope
- test ballot packets
- test vDrive envelope
- test zero report envelope
- unused test ballot packets
- vDrives, blank

NOTE: *The blank vDrives used during counting are secured in the ETC.*

STEP 4 CALL THE OAHU COUNTING CENTER

- Call the Oahu Counting Center and provide the following message:
  The [County] has completed the Statewide Observers' Test and is securing the counting center.

- Proceed to secure the counting center. **See page 74.**

SECURE THE COUNTING CENTER

To secure the counting center, check that sensitive election materials in all work areas are sealed, including the equipment transport container (ETC), and lock the counting center.

PERSONNEL

Counting Center Manager secures the counting center.

County Elections Divisions assist and support the Counting Center Manager to operate the counting center on the neighbor islands. The County Elections Division serves as the key holder to their respective counting center.

Hart Technicians secure the voting equipment.

Official Observers monitor the handling and security of sensitive election materials, like ballots and vDrives.

SUPPLIES

- equipment transport container (ETC)
- padlock
- seal
- *Seal Certification*

TASK

1. Secure the ETC.
2. Organize the supply boxes.
3. Lock the counting center.

STEP 1 SECURE THE ETC

The Counting Center Manager seals the ETC with Official Observers.

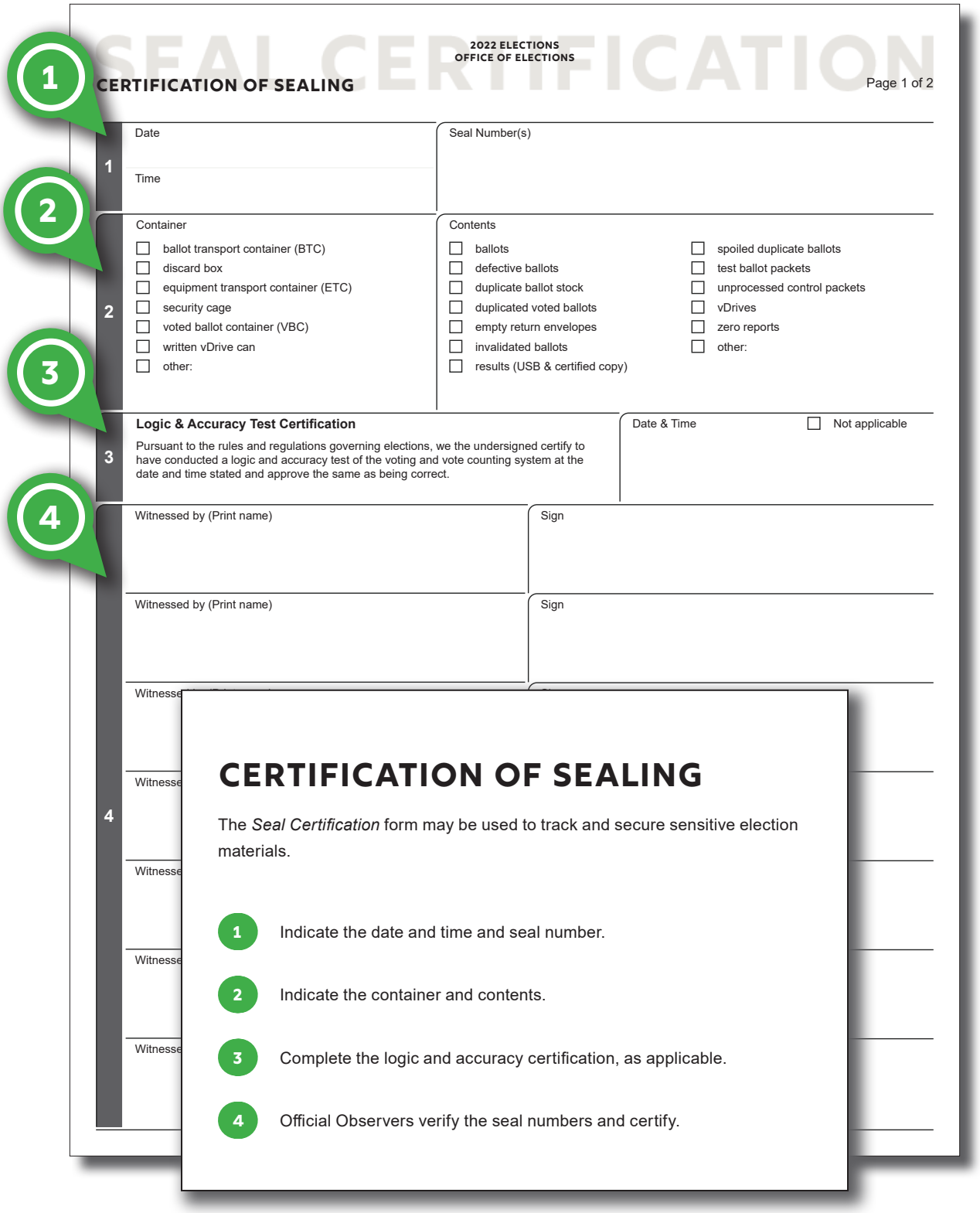
- Complete 2 *Seal Certification* forms. Place 1 copy of the *Seal Certification* in the container before closing. Copy 2 is stored on top of the container.
- Close the ETC and hook on the corresponding seal. Squeeze the seal shut and tug to ensure it is secured.
- Official Observers secure the ETC with the padlock.

STEP 2 ORGANIZE THE SUPPLY BOXES

Store the forms and supplies in the supply box following the inventory list. The remaining Official Observer election shirts are folded and stored in the Official Observer supply box.

STEP 3 LOCK THE COUNTING CENTER

When leaving the counting center, check that all access points are secured.



CERTIFICATION OF SEALING

The *Seal Certification* form may be used to track and secure sensitive election materials.

1. Indicate the date and time and seal number.
2. Indicate the container and contents.
3. Complete the logic and accuracy certification, as applicable.
4. Official Observers verify the seal numbers and certify.

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testing

COUNTING

reporting

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automatic recount

appendix

COUNTING CENTER MANAGER

The Counting Center Managers direct the operations of the counting center, ensuring that Teams are working **in flow**. They may assign tasks to volunteers and provide support and assistance in the work areas. The Counting Center Managers also track the progress of the counting center work areas and update the Statewide Counting Center Manager.

BE AWARE OF SENSITIVE ELECTION MATERIALS. All counting center operations related to handling sensitive election materials, like ballots and vDrives, are conducted in the presence of Official Observers. Official Observers serve as the “eyes and ears” of the public to monitor the processing, handling, and transfer of election material within the counting center. When not directly handled, sensitive election materials are securely stored.

OPENING THE COUNTING CENTER

The opening time may vary by day, and the schedule may be adjusted based on the number of ballots to open. The Counting Center Manager opens the counting center 1 hour before the first Team is scheduled to start. At the neighbor island counting centers, the Counting Center Managers coordinate with the County Elections Division to ensure the counting center is accessible at that time.

The counting center is a secure area; only authorized personnel are allowed in the counting center. Everyone in the counting center must wear their ID badge, including State and County Election Officials, Hart InterCivic, and Counting Center Officials.

On arrival, volunteers check in to receive their ID badges. The Counting Center Manager assists each Team to open their work area and ensure there are Official Observers present before sealed containers are opened for processing.

PERSONNEL

Counting Center Manager opens the counting center and directs volunteers.

County Elections Divisions assist and support the Counting Center Manager to operate the counting centers on the neighbor islands. The County Elections Division serves as the key holder to their respective counting center.

Statewide Counting Center Manager directs the operations of the 4 counting centers. Office of Elections staff is assigned to work at the Oahu Counting Center to support counting center operations.

SUPPLIES

- cut seals envelope
- ID badges
- pens, red
- transparent tape
- *Volunteer Time Log*
- wire cutter

TASKS

1. Identify the work areas.
2. Issue ID badges.
3. Unseal the ETC.

STEP 1 IDENTIFY THE WORK AREAS

Ensure the following work area are set up for operation:

- Ballot Opening
- Check In
- Counting Center Manager phone
- Duplication
- Equipment transport container (ETC)
- Manual Audit
- Count (Hart Technicians)
- Scanner stations (Hart Technicians)
- VBC Processing

STEP 2 ISSUE ID BADGES

The Counting Center Manager may assign a volunteer to check in volunteers and issue ID badges.

- Ask each volunteer to complete the *Volunteer Time Log*. The *Volunteer Time Log* is used to track payments.

- Issue ID badges to authorized personnel and directs them to their work area. If an ID badge is not printed, consult with the County Elections Division or Statewide Counting Center Manager to authorize access.

- Remind personnel to keep their badge on and return it before leaving.

- If the Official Observer is returning their test ballot packet for the first time, their packet needs to be inventoried. Direct them to the ETC to wait until their test ballot packet can be inventoried. **See Inventorying Test Ballots, As Necessary.**

NOTE: *Distribute election shirts to the Official Observers who have not received theirs.*

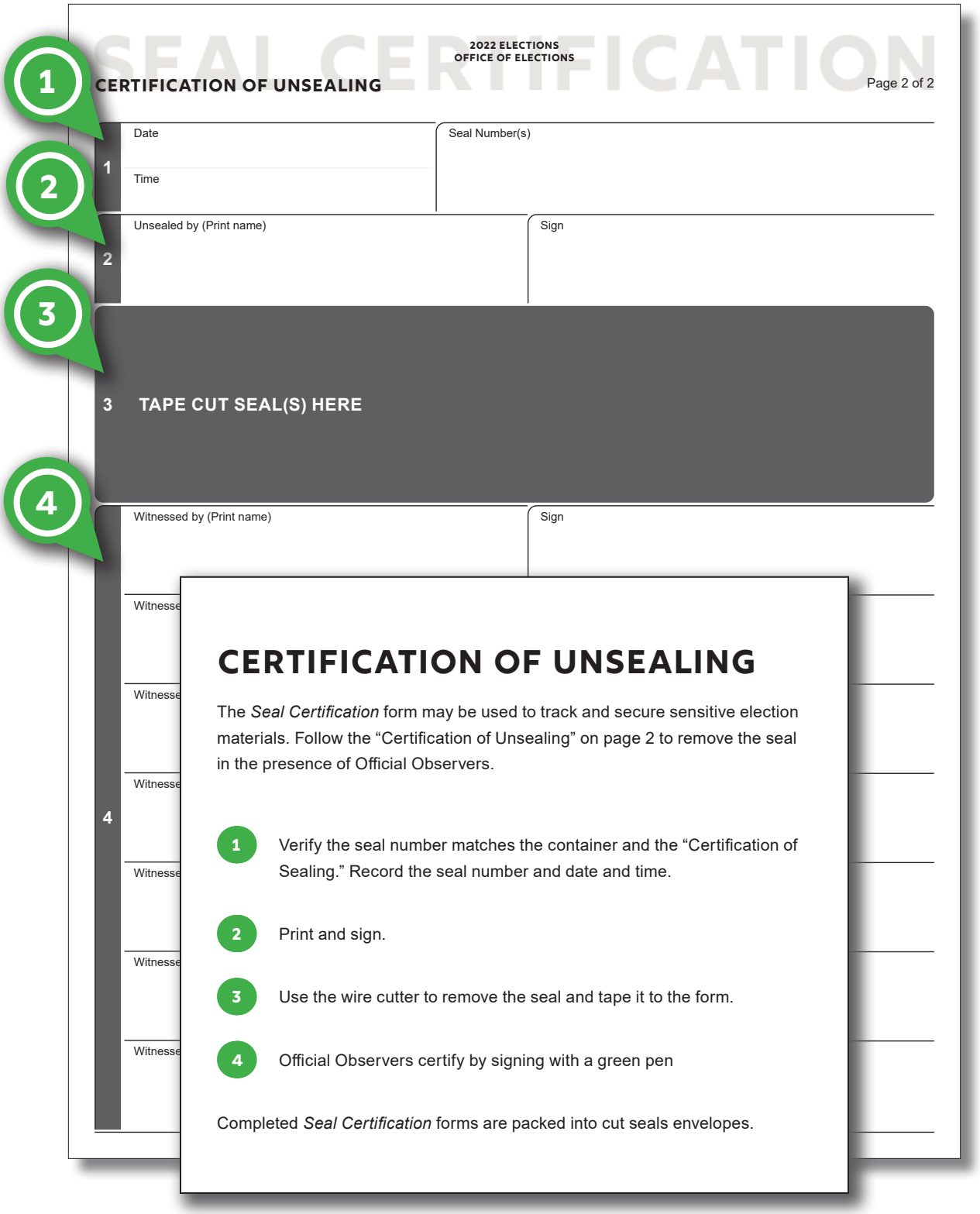
STEP 3 UNSEAL THE ETC

- Ask the Official Observers to remove the padlock from the ETC.

- Remove the seal by completing the “Certification of Unsealing” on the *Seal Certification* forms.

- On the first day of counting, conduct the Pre-Election Observers’ Test. **See page 89.**

OAHU: *The ETC of unused test ballot packets remains sealed.*


SEAL CERTIFICATION
2022 ELECTIONS
OFFICE OF ELECTIONS
CERTIFICATION OF UNSEALING
Page 2 of 2
1
Date
Time
Seal Number(s)
2
Unsealed by (Print name)
Sign
3
3 TAPE CUT SEAL(S) HERE
4
Witnessed by (Print name)
Sign
4
CERTIFICATION OF UNSEALING
The Seal Certification form may be used to track and secure sensitive election materials. Follow the "Certification of Unsealing" on page 2 to remove the seal in the presence of Official Observers.
1 Verify the seal number matches the container and the "Certification of Sealing." Record the seal number and date and time.
2 Print and sign.
3 Use the wire cutter to remove the seal and tape it to the form.
4 Official Observers certify by signing with a green pen
Completed Seal Certification forms are packed into cut seals envelopes.

Inventorying Test Ballots, As Necessary

Test ballots are inventoried to ensure the security and integrity of the election. Test ballot packets in the ETC have already been inventoried.

- Ask the Official Observer to date and initial the *Test Ballot Tracking* to confirm they are returning all of their test ballots. If they discarded spoiled ballots or removed their unused test ballots, record the discrepancy on the *Test Ballot Invento*ry. Test ballots must be returned before Election Day.

- Complete "Check In" on the *Test Ballot Inventory* by recording the number of test ballots - test deck and unused.

- Remove the unused test ballots and store them in the corresponding unused test ballot packet. Only unused test ballots are packed in the unused test ballot packet.

- Record the Official Observer's name on the unused test ballot packet, as necessary, using a red marker.

- Store the test ballot packet and unused test ballot packet in the ETC by packet number.

SECURING THE COUNTING CENTER

Sensitive election materials must be securely stored including:

- blank vDrives
- defective ballots
- duplicate ballot stock
- duplicated VBCs
- empty return envelopes
- equipment transport container (ETC)
- invalidated ballots
- scanned VBCs
- queued VBCs
- unopened return envelopes
- unprocessed control packets
- written vDrives

Part of the Team procedures is to secure the work area before leaving the counting center. The Counting Center Managers confirm the work area and sensitive election materials are secured.

PERSONNEL

Counting Center Manager secures the counting center.

County Elections Divisions assist and support the Counting Center Manager to operate the counting center on the neighbor islands. The County Elections Division serves as the key holder to their respective counting center.

Hart InterCivic supports and operates the voting equipment. When closing the counting center, Hart InterCivic archives then powers off the voting equipment.

Official Observers monitor the handling and security of sensitive election materials, like ballots and vDrives.

SUPPLIES

- equipment transport container (ETC)
- ID badges
- padlock
- pens, red
- *Volunteer Time Log*

TASKS

1. Close scanner stations.
2. Secure the work areas.
3. Collect ID badges.
4. Secure the ETC.
5. Organize the supply boxes.
6. Lock the counting center.

STEP 1 CLOSE SCANNER STATIONS

- Hart Technicians provide *Configuration Report(s)* to store in the Configuration Report folder in the VBC Processing supply box.

- County Elections Division and Statewide Counting Center Manager may request Central *Precinct Summary Report* for reconciliation.

STEP 2 SECURE THE WORK AREAS

Confirm that sensitive election materials in the work areas are sealed shut:

- Ballot Opening
- Duplication
- Manual Audit
- VBC Processing

STEP 3 COLLECT ID BADGES

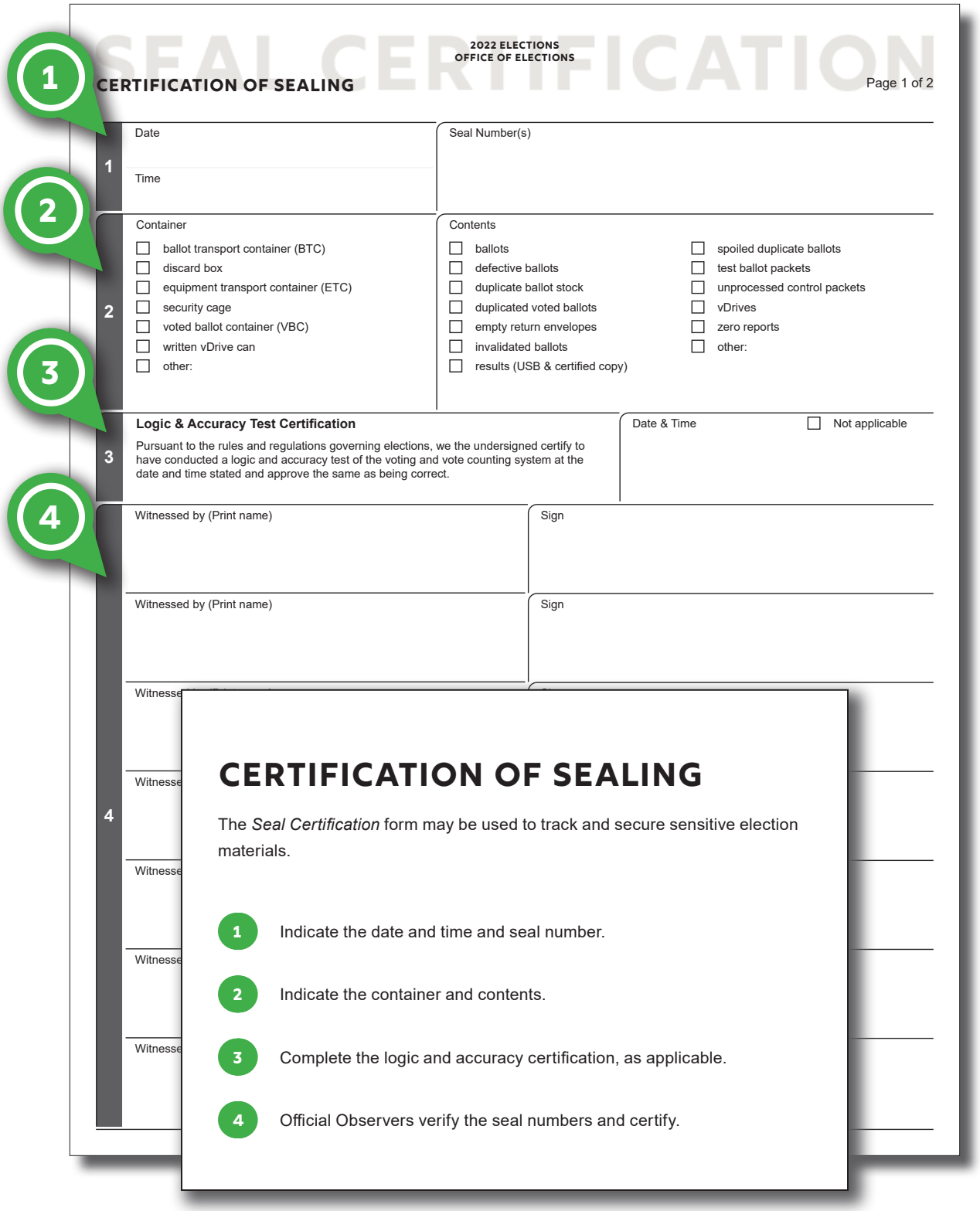
- Ensure each volunteer signs out on *the Volunteer Time* Log. Failure to do so will delay payment.
- Collect the badge of each volunteer. Organize alphabetically by last name.
- Official Observers may leave as work areas close. At least 2 Official Observers must remain to secure the ETC.

STEP 4 SECURE THE ETC

Pack the ETC and ensure the blank vDrives are secured in the ETC.

- Complete 2 copies of a *Seal Certification* form. Place 1 copy of the *form in the containe*r before sealing. Copy 2 is stored on top of the container.
- Close the ETC and hook on the corresponding seal. Squeeze the seal shut and tug to ensure it is secured.
- Official Observers secure the ETC with the padlock. Only the Official Observers know the combination of the padlock.

NOTE: *On Election Day, Ensure the certified reports envelope, Count USB envelope, and blank vDrives are secured in the ETC.*


SEAL CERTIFICATION
2022 ELECTIONS
OFFICE OF ELECTIONS
CERTIFICATION OF SEALING
Page 1 of 2
1
Date
Time
Seal Number(s)
2
Container
ballot transport container (BTC)
discard box
equipment transport container (ETC)
security cage
voted ballot container (VBC)
written vDrive can
other:
Contents
ballots
defective ballots
duplicate ballot stock
duplicated voted ballots
empty return envelopes
invalidated ballots
results (USB & certified copy)
spoiled duplicate ballots
test ballot packets
unprocessed control packets
vDrives
zero reports
other:
3
Logic & Accuracy Test Certification
Pursuant to the rules and regulations governing elections, we the undersigned certify to have conducted a logic and accuracy test of the voting and vote counting system at the date and time stated and approve the same as being correct.
Date & Time
Not applicable
4
Witnessed by (Print name)
Sign
Witnessed by (Print name)
Sign
CERTIFICATION OF SEALING
The Seal Certification form may be used to track and secure sensitive election materials.
1 Indicate the date and time and seal number.
2 Indicate the container and contents.
3 Complete the logic and accuracy certification, as applicable.
4 Official Observers verify the seal numbers and certify.

STEP 5 ORGANIZE THE SUPPLY BOXES

Store the forms and supplies in the supply box following the inventory list.

STEP 6 LOCK THE COUNTING CENTER

When leaving the counting center, check that all access points are secured.

PRE-ELECTION OBSERVERS' TEST

Official Observers test the logic and accuracy of the voting equipment and certify that the ballots are counted correctly. The Pre-Election Test is conducted by 1 Official Observer per scanner station.

- Count is the tabulation application to compile and print the results.
- Scanner stations use the Central application to count the voted ballots.
- vDrives are used to write ballots for tabulation.

NOTE: *Do not conduct a logic and accuracy test during counting without the approval of the Statewide Counting Center Manager.*

SCAN THE TEST BALLOTS

The scanner stations use the Central application to count voted ballots at the counting centers. For the Pre-Election Test, 1 Official Observer per scanner station scans their test ballots. The ballots are written to a vDrive to tabulate the test results. The Official Observers match the test results with their tally of expected results or previous test results.

PERSONNEL

Counting Center Manager administers the logic and accuracy test and works with the Official Observers to provide direction and answer any questions.

Hart InterCivic opens, operates, and writes ballots at the scanner stations. The scanner stations are set up for mail ballots.

Official Observers test and certify the logic and accuracy of the voting equipment by marking test ballots, creating a tally of expected results, and matching their results to the voting equipment results report.

SUPPLIES

- pens, green (Official Observers)
- pens, red (Counting Center Manager)
- *Test vDrive Log*
- test zero report envelope

TASKS

1. Call the Oahu Counting Center.
2. Scan the test ballots.
3. Write ballots to a vDrive.

STEP 1 CALL THE OAHU COUNTING CENTER

Provide the message: **The [County] is starting the Pre-Election Observers' Test.**

STEP 2 SCAN THE TEST BALLOTS

- Assign 1 Official Observer per scanner station and provide the Official Observer their test ballot packet.

- Ask the Official Observers to remove any paper clips or rubber bands to batch their test deck.

Scanner Stations

Hart Technicians operates the scanner stations.

- Print a zero *Configuration Report* for the Official Observers to certify. The certified report is provided to the Counting Center Manager to pack in the test zero report envelope.

- Scan the test deck then return it to the Official Observer.

- Official Observers store their test ballots in their test ballot packet.

STEP 3 WRITE BALLOTS TO A VDRIVE

- At each scanner station, ask the Official Observer to select a vDrive. Record the vDrive number on the *Test vDrive Log*.

- After scanning, the Hart Technicians writes the test ballots to the vDrive.

- With Official Observers, transfer the test vDrive to the Hart Technician at the Count work area to print the test results. Test results are printed **in flow**.

PRINT THE TEST RESULTS & RECONCILE

Before the reports can be printed, Official Observers verify that there are no votes in Count, the tabulation application. A Hart Technician prints a zero report for Official Observers to certify that the results for each contest and candidate are zero indicating that no votes are recorded.

Then, the test vDrives are read into Count to print the test results. The test results are printed by packet number to disseminate to the Official Observers. Official Observers reconcile their test results with their tally of expected results.

PERSONNEL

Counting Center Manager collects the zero report, disseminates the test results, and assists to resolve discrepancies when reconciling. As Official Observers reconcile, the Counting Center Manager collects and inventories the test ballot packets.

Hart InterCivic operates Count, the tabulation application to print the zero report, and then test results. Each Official Observer is printed a *Tally Report* based on their assigned test ballots. Test results are printed **in flow** as vDrives are transferred to the Count work area.

Official Observers certify that there are no votes in Count before compiling the results. Then, Official Observers receive their test results to reconcile with their tally of expected results. After reconciling, the test ballot packet is provided to CCOPS to inventory and securely store.

SUPPLIES

- Count USB envelope
- equipment transport container (ETC)
- pens, red
- rubber fingers
- *Test Ballot Inventory*
- test vDrives envelope
- *Test vDrive Log*
- test zero report envelope

TASKS

1. Certify the zero report.
2. Distribute the test results.
3. Certify the test results.

STEP 1 CERTIFY THE ZERO REPORT

Before tabulating the vDrives, the Hart Technician must print a zero report, indicating there are no votes in Count, for the Official Observers to certify.

- Provide the zero report to the Official Observers to verify that the results are zero for all contests.

- Direct the Official Observers to sign and date the first page of the zero report. Pack the report in the test zero report envelope.

STEP 2 DISTRIBUTE THE TEST RESULTS

- Provide the test vDrive and *Test vDrive Log* to the Hart Technician at the Count work area. The Hart Technician prints the test results by packet number. The test vDrives are held at the Count work area.

- Identify the Official Observer by packet number to provide the test results.

- Instruct each Official Observer to match the test results to their tally of expected results. Then, they sign and date the first page of the test results and pack the test ballots and certified test results into the test ballot packet.

STEP 3 CERTIFY THE TEST RESULTS

The following procedures are conducted by the Official Observers.

- Match the test results to the tally of expected results. Confirm the number of ballots, and votes for candidates, blank (under) votes, and over votes in each contest.

- Certify by signing and dating the first page of the test results.

- Pack the test ballots and certified test results into the test ballot packet and returned to the Counting Center Manager to inventory.

PACK THE ETC

The test materials are securely stored in the equipment transport container (ETC). This includes the test ballot packets, test vDrives, blank vDrives, and USB backup are secured in the ETC.

PERSONNEL

Counting Center Manager inventories the test ballots and packs the ETC.

Hart Technicians archive Count and maintain the voting equipment.

Official Observers monitor the handling and security of sensitive election materials, like test ballots and test vDrives.

SUPPLIES

- Count USB envelope
- equipment transport container (ETC)
- rubber fingers
- pens, green (Official Observers)
- pens, red (Counting Center Manager)
- *Test Ballot Inventory*
- test vDrives envelope
- *Test vDrives Log*

TASKS

1. Inventory the test ballots.
2. Organize the Count work area.
3. Pack the ETC.
4. Lock the ETC.

STEP 1 INVENTORY THE TEST BALLOTS

Test ballots are inventoried as each Official Observer returns their test ballot packet for secure storage in the ETC.

- Complete "Pre-Election'" on the *Test Ballot Inventory*.
- Store inventoried test ballot packets in the ETC, lowest to highest.

STEP 2 ORGANIZE THE COUNT WORK AREA

- Ask the Hart Technician to archive Count to USB. The USB is packed and secured in the Count USB envelope in the ETC.
- Pack the test vDrives in the test vDrives envelope to store in the ETC. Check the *Test vDrive Log* to confirm the number of vDrives.

STEP 3 PACK THE ETC

Ensure the following are packed in the ETC:

- accumulation envelope
- certified reports envelope
- Count USB envelope

- test ballot packets
- test vDrive envelope
- test zero report envelope
- unused test ballot packets
- vDrives, blank

NOTE: *The blank vDrives used during counting are secured in the ETC.*

STEP 4 LOCK THE ETC

When the counting center is open, the ETC may be secured using the padlock when not directly monitored by Official Observers.

- Complete the “Logic and Accuracy Certification” on 2 copies o*f a Seal Certifica*tion form. Each Official Observer who participated in the test signs both copies. The *Seal Certification* forms are stored on the lid of the ETC.

- Call the Oahu Counting Center and provide the following message:
  The [County] has completed the Pre-Election Observers’ Test.

BALLOT OPENING

Return envelopes are securely transferred from the County Elections Divisions to the Ballot Opening Team at the state-operated counting center to open and prepare ballots for scanning. The Ballot Opening Team works in sub-groups to process ballots **in flow,** including using the automatic envelope opener, opening the return envelopes, and removing the ballot.

The Team slices open the return envelopes using an automatic envelope opener. Ballots are then removed in a multi-steps to prevent a voter's identity from being connected to their ballot.

First, the secrecy sleeve is taken out of the return envelope without removing the ballot. When handling the return envelope, the voter's information is faced down to ensure their secrecy. The empty return envelopes are collected, checked, packed, and secured. Then, once the return envelopes are cleared, the ballots are removed from the secrecy sleeves, unfolded, and packed into voted ballot containers (VBCs) to transfer to the VBC Processing Team for scanning.

The Ballot Opening Team also identifies defective ballots that cannot be scanned because they are damaged or not tabulation-ready. These ballots are inventoried and transferred to the Duplication Team to remake one-for-one duplicates. The Ballot Opening Team must also track and record issues that invalidate the ballot like if the return envelope or secrecy sleeve is empty or contains more than 1 ballot.

BE AWARE OF SENSITIVE ELECTION MATERIALS. All counting center operations related to handling sensitive election materials, like ballots, are conducted in the presence of Official Observers. Official Observers serve as the “eyes and ears” of the public to monitor the processing, handling, and transfer of election material within the counting center. When not directly handled, sensitive election materials are securely stored.

TEAM PROCESSES

- Receiving Return Envelopes, page 100
- Opening the Return Envelopes, page 105
- Removing the Ballot, page 108
- Curing Defective Ballots, page 111
- Invalidating a Ballot, page 117
- Secure the Work Area, page 120

RECEIVING RETURN ENVELOPES

As voters submit their ballots, the County Elections Division validates the signature on the return envelope to accept the ballot for counting. Valid return envelopes are securely stored and transferred to the counting center. Return envelopes are checked in to the counting center by the Ballot Opening Team.

The County Elections Division also transfers Alternate format ballots (AFBs). An AFB is a record of a voter's selections that must be remade onto a tabulation-ready ballot. The Ballot Opening Team receives and inventories the AFBs to transfer to the Duplication Team to make one-for-one duplicates.

PERSONNEL

Ballot Opening Team receives and opens valid return envelopes to prepare the ballots for scanning. The Team works in sub-groups to process ballots **in flow**. Members are also designated to 1) prepare defective ballots (e.g., AFBs or damaged ballots) for duplication and 2) track invalid ballots.

Counting Center Manager works with the Team to assign sub-groups and tasks.

Official Observers monitor the handling and transfer of ballots. At the Ballot Opening work area, this includes unsealed containers of return envelopes as they are waiting to be processed and transferring voted ballot containers (VBCs) to the VBC Processing Team to scan. Official Observers also confirm that the return envelopes and secrecy sleeves are empty, and no ballot is accidentally thrown away.

SUPPLIES

- anti-fatigue mat
- automatic envelope opener
- compressed air
- cut seals envelope
- defective stamp
- empty return envelope containers
- pens, green (Official Observers)
- pens, red
- transparent tape
- wire cutter

TASKS

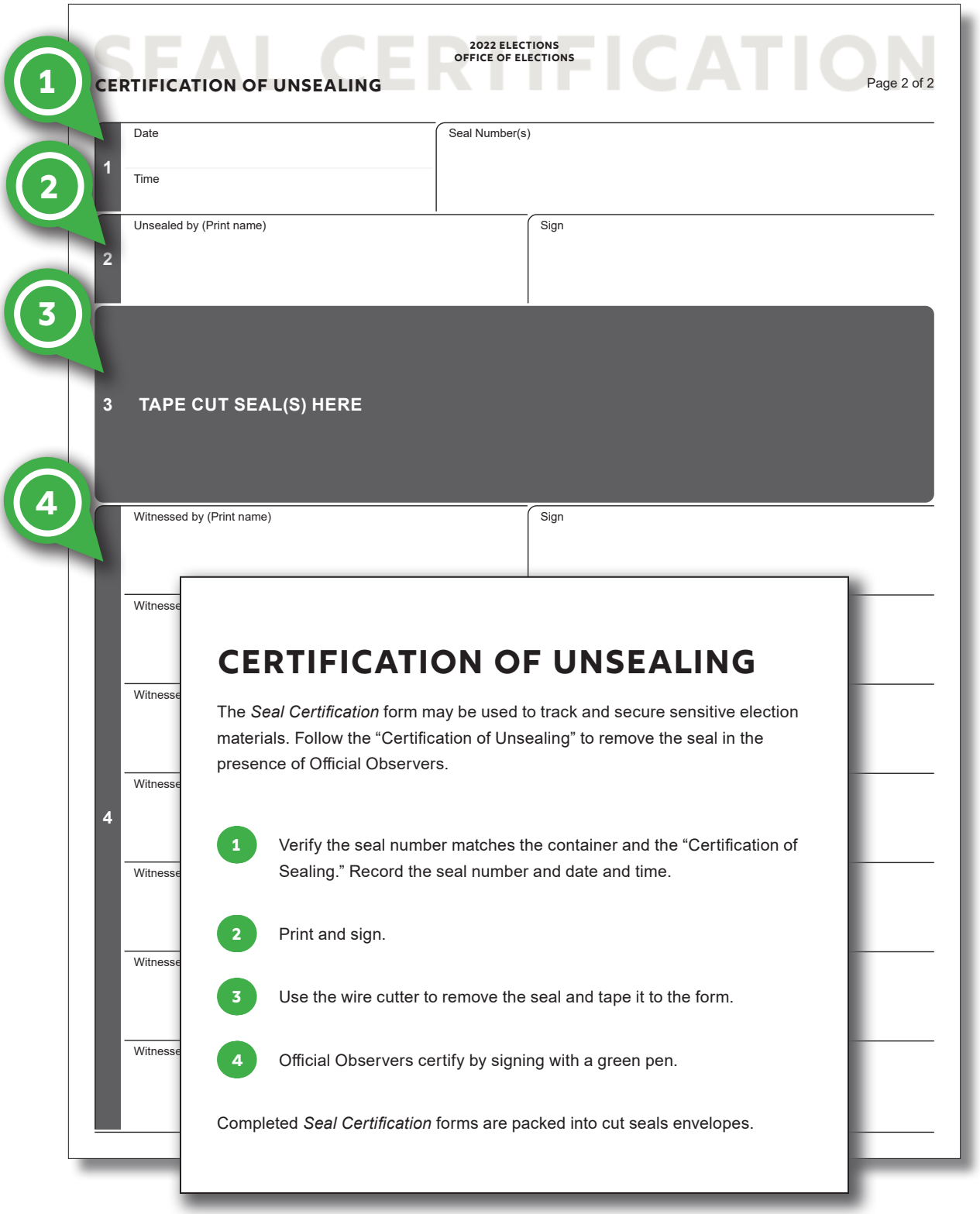
1. Unseal the containers.
2. Sort the return envelopes.
3. Slice open the return envelopes.
4. Inventory the AFBs.

STEP 1 UNSEAL THE CONTAINERS

With Official Observers, verify the seals on the container matches the *Seal Certification* form provided by the County Elections Division. Complete the "Certification of Unsealing."

STEP 2 SORT THE RETURN ENVELOPES

Keep sorted return envelopes together and organized as they are processed. The sorting assists in reconciling the number of voted ballots and makes the potential recounts more efficient.


SEAL CERTIFICATION
2022 ELECTIONS
OFFICE OF ELECTIONS
CERTIFICATION OF UNSEALING
Page 2 of 2
1
Date
Time
Seal Number(s)
2
Unsealed by (Print name)
Sign
3
3 TAPE CUT SEAL(S) HERE
4
Witnessed by (Print name)
Sign
4
CERTIFICATION OF UNSEALING
The Seal Certification form may be used to track and secure sensitive election materials. Follow the "Certification of Unsealing" to remove the seal in the presence of Official Observers.
1 Verify the seal number matches the container and the "Certification of Sealing." Record the seal number and date and time.
2 Print and sign.
3 Use the wire cutter to remove the seal and tape it to the form.
4 Official Observers certify by signing with a green pen.
Completed Seal Certification forms are packed into cut seals envelopes.

STEP 3 SLICE OPEN THE RETURN ENVELOPES

Between 2 to 4 members operate the automatic envelope opener. If return envelopes are sorted, work with 1 container at a time.

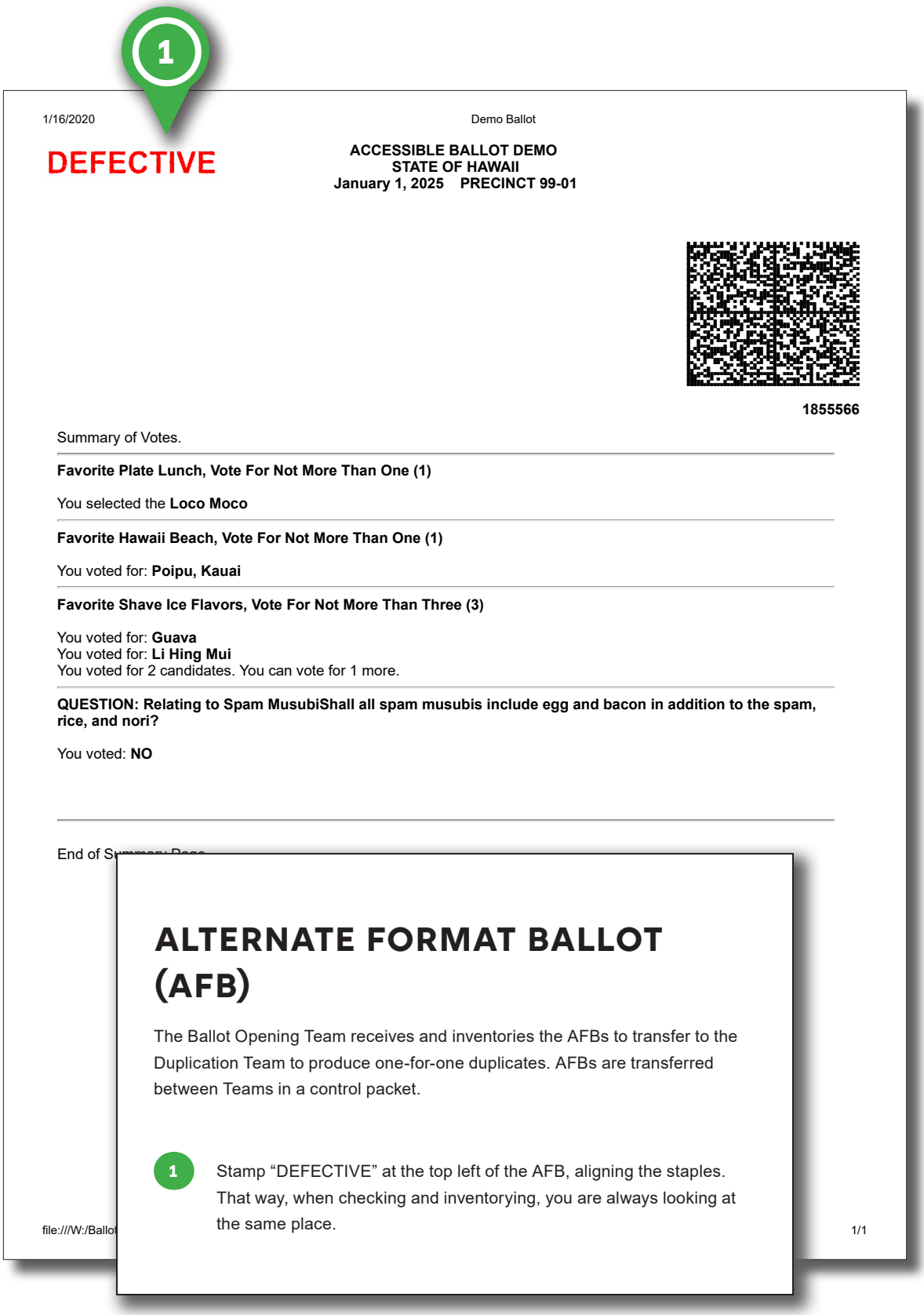
- Grab a stack of return envelopes. Tap the stack on the table to seat the contents ensuring the ballots are not accidentally cut as it is run through the automatic envelope opener.
- Load the return envelopes into the hopper and turn on.
- Collect the cut envelopes.
- Organize the return envelopes to distribute to sub-group opening return envelopes. **See Opening the Return Envelopes on page 105.**

Cleaning the automatic Envelope Opener

The automatic envelope opener alerts the user or stops when the discard tray needs to be emptied. When not in use, clean the envelope opener by wiping the dust and spraying the sensors with compressed air. Follow the instructions on the compressed air as improper use may damage the sensors on the automatic letter opener. After cleaning, reconnect the discard tray to the letter opener as it will not operate if it is not in place.

STEP 4 INVENTORY THE AFBS

- Remove the AFB waiver and pack them into an empty return envelope container. The AFB waiver is comparable to the return envelope and should be handled as such.
- AFB must be transferred to the Duplication Team to remake. Designate a member to collect and process defective ballots. As the designated member stamp each AFB using the red DEFECTIVE stamp and **see Curing Defective Ballots on page 111**.



ALTERNATE FORMAT BALLOT (AFB)

The Ballot Opening Team receives and inventories the AFBs to transfer to the Duplication Team to produce one-for-one duplicates. AFBs are transferred between Teams in a control packet.

1 Stamp “DEFECTIVE” at the top left of the AFB, aligning the staples. That way, when checking and inventorying, you are always looking at the same place.

OPENING THE RETURN ENVELOPES

As return envelopes are sliced open, they are distributed to sub-groups tasked with removing the content. Return envelopes are handled so that the voter's information is faced down. Once the content is removed, the ballot can no longer be tied to a voter. The emptied return envelopes are collected, checked, packed, and secured.

PERSONNEL

Ballot Opening Team receives and opens valid return envelopes to prepare the ballots for scanning. The Team works in sub-groups to process ballots **in flow.** Members are also designated to 1) prepare defective ballots (e.g., AFBs or damaged ballots) for duplication and 2) track invalid ballots.

Counting Center Manager works with the Team to assign sub-groups and tasks.

Official Observers monitor the handling and transfer of ballots. At the Ballot Opening work area, this includes unsealed containers of return envelopes as they are waiting to be processed and transferring voted ballot containers (VBCs) to the VBC Processing Team to scan. Official Observers also confirm that the return envelopes and secrecy sleeves are emptied and no ballot is accidentally thrown away.

SUPPLIES

- empty return envelope containers
- handheld letter openers

TASKS

1 ▪ Distribute the cut open return envelopes.

2 ▪ Remove the content.

3 ▪ Collect the return envelopes.

STEP 1 DISTRIBUTE THE CUT RETURN ENVELOPES

As return envelopes are cut open, Ballot Opening members distribute containers to sub-groups to remove the content (i.e., secrecy sleeve concealing the ballot).

NOTE: *If the automatic letter opener is inoperable, use handheld letter openers.*

STEP 2 REMOVE THE CONTENT

- Remove the secrecy sleeve from the return envelope.
- Accumulate the secrecy sleeves in a stack. **Do not remove the ballot from the secrecy sleeve at this time**. If the voter did not use the secrecy sleeve, keep the ballot with the stack of secrecy sleeves.
- In a separate stack, accumulate the emptied return envelope.
- If the return envelope is empty or contains more than 1 ballot, it is invalid. Designate a member to collect and process invalid ballots. As the designated member, **see Invalidating a Ballot on page 117**.

STEP 3 COLLECT THE RETURN ENVELOPES

A sub-group is assign to collect the empty return envelopes to pack and secure.

- Orient the return envelopes to align the hole, and check that no ballot is accidentally left in the envelope. Manually check the envelope if there is no hole.
- Neatly pack the empty return envelopes in an empty return envelope container.
- Official Observers ensure that a Ballot Opening member clears the empty return envelopes from the work area before removing the ballot from the secrecy sleeve.

NOTE: *If enough Official Observers are watching the Ballot Opening Team, they may also assist with checking that the return envelopes are empty.*

REMOVING THE BALLOT

The Ballot Opening members must clear the empty return envelopes from the work area before removing the ballot from the secrecy sleeves! Voters use the optional secrecy sleeve to conceal their votes as their ballot is opened. Once the emptied return envelopes are cleared from the work area, Ballot Opening members remove the ballot from the secrecy sleeve.

Unfolded ballots are packed into voted ballot containers (VBCs) to transfer to the VBC Processing Team for scanning. Ballot Opening members may notice that the ballot is damaged. For example, if a ballot is torn in half, a Ballot Opening member tapes the pieces back together and prepares it for duplication.

NOTE: *If the ballots were sorted, ensure the grouping is kept organized.*

PERSONNEL

Ballot Opening Team receives and opens valid return envelopes to prepare the ballots for scanning. The Team works in sub-groups to process ballots **in flow.** Members are also designated to 1) prepare defective ballots (e.g., AFBs or damaged ballots) for duplication and 2) track invalid ballots.

Counting Center Manager works with the Team to assign sub-groups and tasks.

Official Observers monitor the handling and transfer of ballots. At the Ballot Opening work area, this includes unsealed containers of return envelopes as they are waiting to be processed and VBCs transferred to the VBC Processing Team to scan. Official Observers also confirm that the return envelopes and secrecy sleeves are empty so no ballot is accidentally thrown away.

VBC Processing Team receives VBCs from the Ballot Opening Team to log and queue for scanning, and then secure.

SUPPLIES

- mail VBCs
- markers, red
- trash bags, clear

TASKS

1. Remove the ballot from the secrecy sleeve.
2. Collect empty secrecy sleeves.
3. Pack VBCs.

STEP 1 REMOVE THE BALLOT FROM THE SECRECY SLEEVE

If the ballots are sorted, be sure that sub-groups work with 1 grouping at a time.

- Take the ballot out of the secrecy sleeve, unfold it, and place it in a stack.
- If a ballot is damaged (e.g., torn in half), it must be transferred to the Duplication Team. Designate a member to collect and process damaged ballots. As the designated member, **see Curing Defective Ballots on page 111**.
- If the secrecy sleeve is empty or it contains more than 1 ballot, the ballot is invalidated. Designate a member to collect and process invalid ballots. As the designated member, **see Invalidating a Ballot on page 117**.

STEP 2 COLLECT EMPTY SECRECY SLEEVES

A sub-group collects the emptied secrecy sleeves to check that no ballot is accidentally left inside. Voters sometimes fold the ballot into the secrecy sleeve.

- Orient the secrecy sleeve to align the hole. Verify that no ballot is accidentally left in a return envelope by checking that no ballot is visible from the opening and feel that no extra paper is folded into the secrecy sleeve.

- Discard the empty secrecy sleeve into a clear trash bag.

- Official Observers ensure that a Ballot Opening member clears the emptied secrecy sleeves from the work area.

NOTE: *If enough Official Observers are watching the Ballot Opening Team, they may also assist with checking that the secrecy sleeves are empty.*

STEP 3 PACK VBCS

If the ballots are sorted, flip through the stacks of ballots to check the grouping is correct. Record the sort on the container label on the VBC with a red marker.

- Collect stacks of voted ballots in VBCs.

- Smooth the creases in the ballots by reversing the folds and rolling small stacks of ballots to flatten them out.

- Close the VBC and transfer it to the VBC Processing Team. Official Observers accompany VBCs during the transfer between counting center work areas.

- Notify the Counting Center Manager and VBC Processing Team when the last VBC has been transferred.

CURING DEFECTIVE BALLOTS

Defective ballots are not tabulation-ready and must be remade for the votes to count. A defective ballot may be damaged or the voter received an Alternate format ballot (AFB). The Ballot Opening Team prepares AFBs and damaged ballots to transfer to the Duplication Team to remake one-for-one duplicates.

Defective ballots are inventoried and transferred in numbered control packets to ensure no ballots are added or removed in between Teams. Official Observers accompany the control packets as they are transferred between work areas.

PERSONNEL

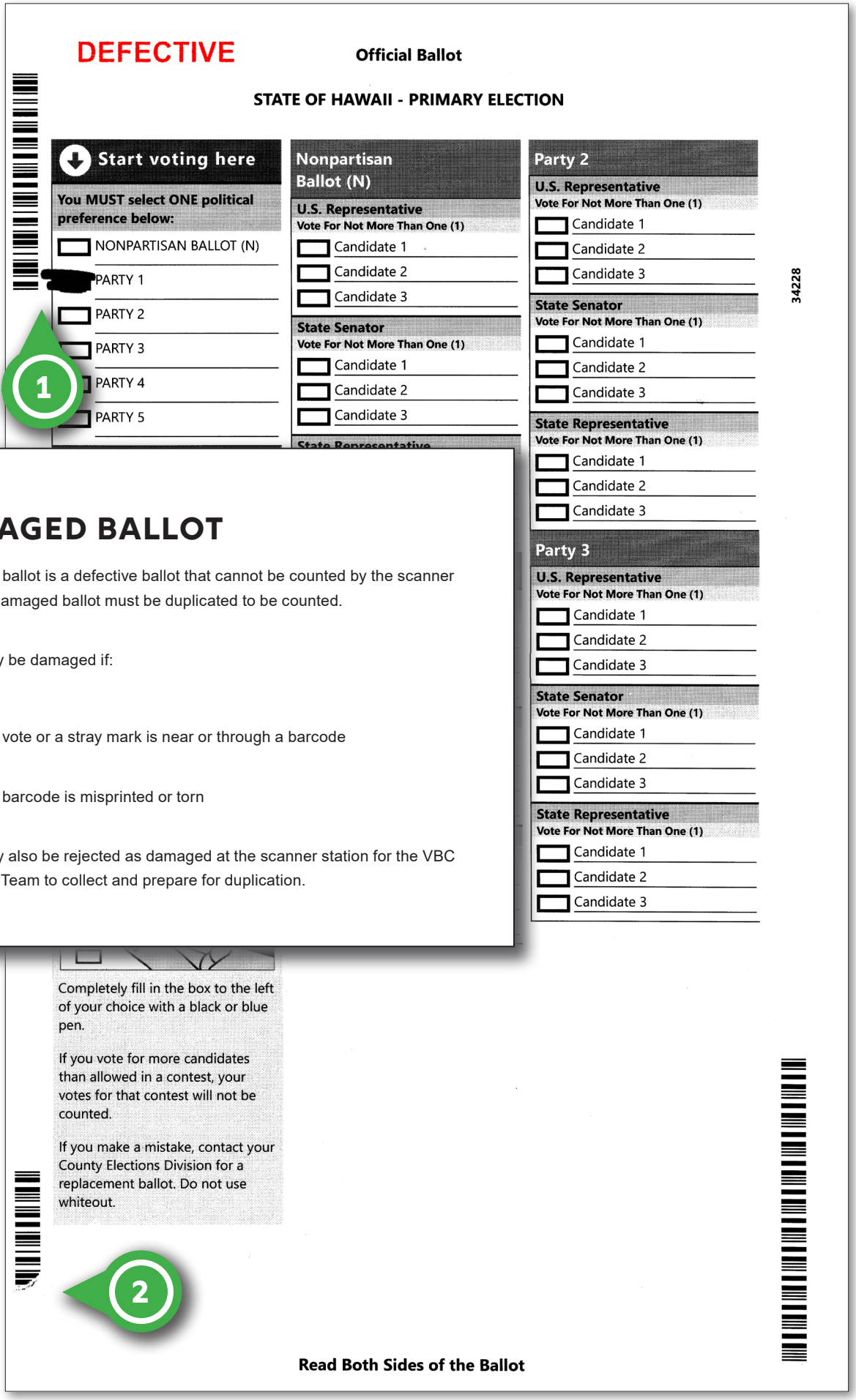
Ballot Opening Team designates a member to prepare defective ballots (e.g., AFBs or damaged ballots) for the Duplication Team.

Duplication Team remakes one-for-one duplicates of defective ballots.

Counting Center Manager works with the Team to assign sub-groups and tasks.

Official Observers monitor the handling and transfer of ballots like accompanying control packets between work areas.

VBC Processing Team receives completed control packets from the Ballot Opening Team to secure the defective ballots and prepare the duplicated ballots for scanning. The empty control packet is returned to the Ballot Opening Team.



DAMAGED BALLOT

A damaged ballot is a defective ballot that cannot be counted by the scanner as-is. The damaged ballot must be duplicated to be counted.

A ballot may be damaged if:

1. the vote or a stray mark is near or through a barcode
2. the barcode is misprinted or torn

A ballot may also be rejected as damaged at the scanner station for the VBC Processing Team to collect and prepare for duplication.

SUPPLIES

- control packet
- *Control Packet Time Log*
- defective stamp
- pens, red
- transparent tape

TASKS

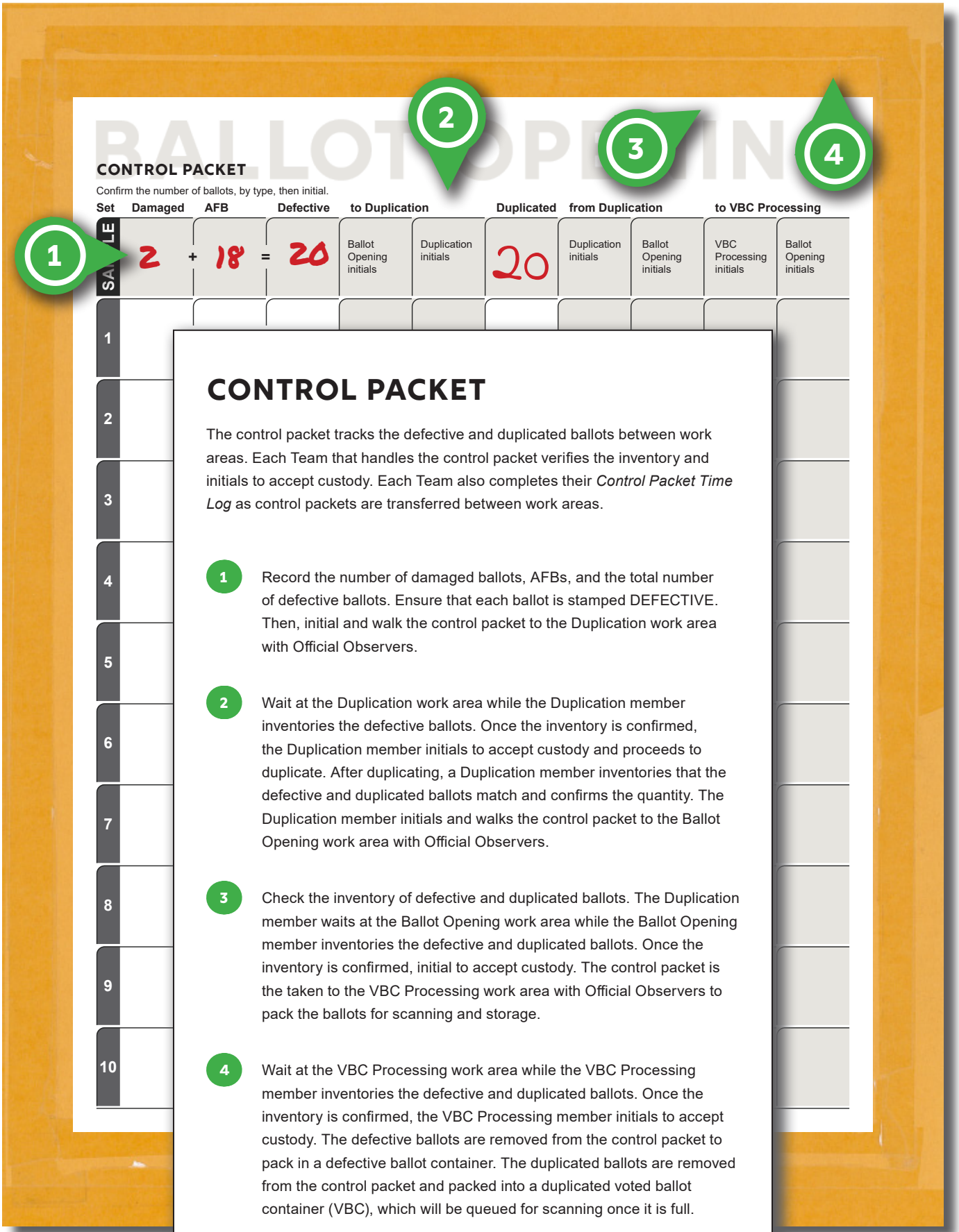
1. Prepare a defective ballots.
2. Prepare a control packet.
3. Check in the completed control packet.
4. Transfer the completed control packet.

STEP 1 PREPARE DEFECTIVE BALLOTS

- Designate a member to prepare defective ballots for the Duplication Team.
- Use transparent tape, as necessary, to repair damaged ballots.
- Stamp the top left on the front of each damaged ballot with the red DEFECTIVE stamp. Avoid stamping near the barcodes.

STEP 2 PREPARE A CONTROL PACKET

- When there are approximately 10 defective ballots, prepare the control packet by recording the number of defective ballots and initialing.
- Complete the *Control Packet Time Log*. Walk the control packet to the Duplication work area accompanied by Official Observers.



CONTROL PACKET

The control packet tracks the defective and duplicated ballots between work areas. Each Team that handles the control packet verifies the inventory and initials to accept custody. Each Team also completes their *Control Packet Time Log* as control packets are transferred between work areas.

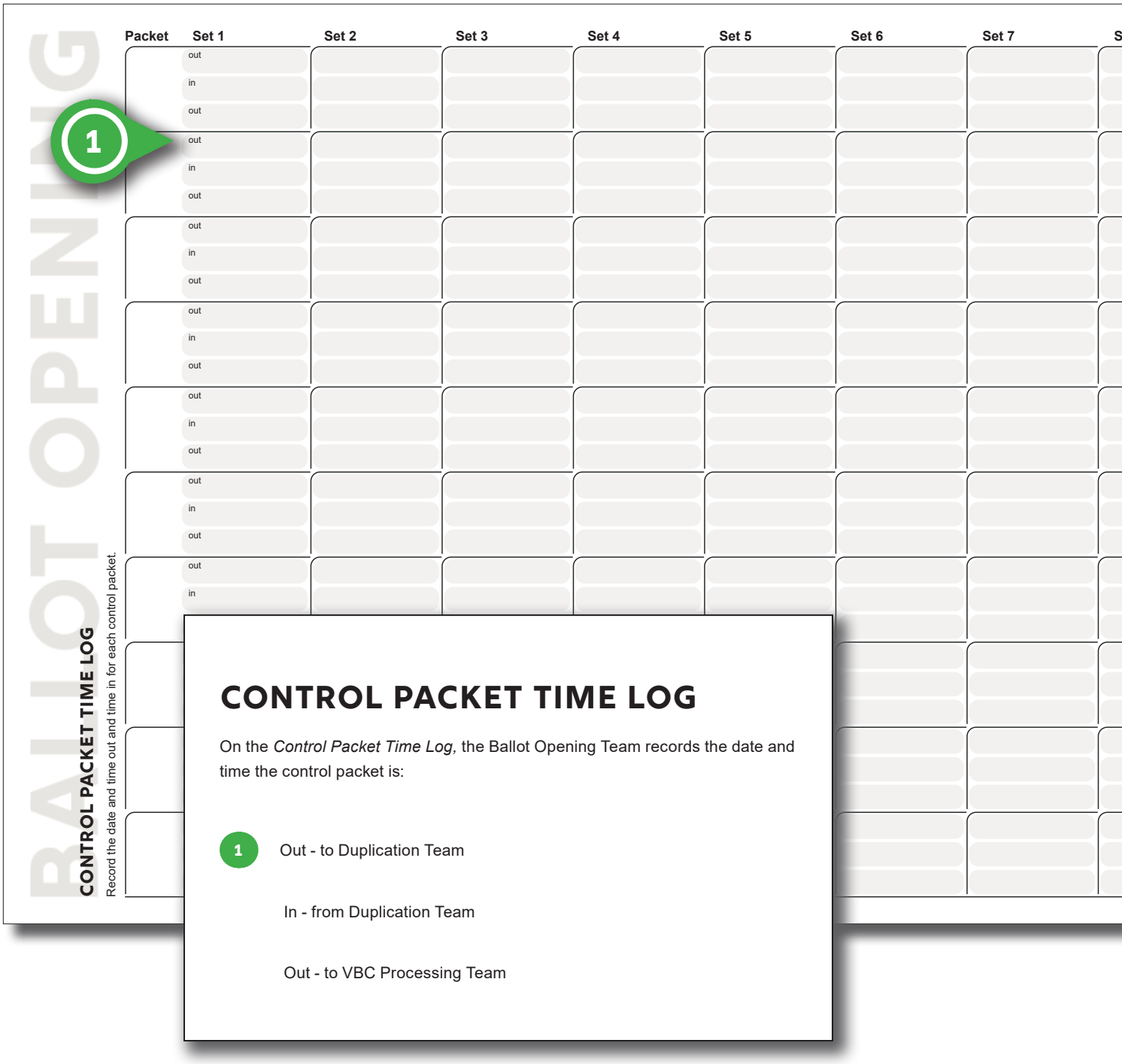
1. Record the number of damaged ballots, AFBs, and the total number of defective ballots. Ensure that each ballot is stamped DEFECTIVE. Then, initial and walk the control packet to the Duplication work area with Official Observers.

2. Wait at the Duplication work area while the Duplication member inventories the defective ballots. Once the inventory is confirmed, the Duplication member initials to accept custody and proceeds to duplicate. After duplicating, a Duplication member inventories that the defective and duplicated ballots match and confirms the quantity. The Duplication member initials and walks the control packet to the Ballot Opening work area with Official Observers.

3. Check the inventory of defective and duplicated ballots. The Duplication member waits at the Ballot Opening work area while the Ballot Opening member inventories the defective and duplicated ballots. Once the inventory is confirmed, initial to accept custody. The control packet is the taken to the VBC Processing work area with Official Observers to pack the ballots for scanning and storage.

4. Wait at the VBC Processing work area while the VBC Processing member inventories the defective and duplicated ballots. Once the inventory is confirmed, the VBC Processing member initials to accept custody. The defective ballots are removed from the control packet to pack in a defective ballot container. The duplicated ballots are removed from the control packet and packed into a duplicated voted ballot container (VBC), which will be queued for scanning once it is full.

The VBC Processing member returns the empty control packet. The control packet may be used multiple times as indicated by the set number.



CONTROL PACKET TIME LOG

On the *Control Packet Time Log,* the Ballot Opening Team records the date and time the control packet is:

1 Out - to Duplication Team

In - from Duplication Team

Out - to VBC Processing Team

- Wait while the Duplication member inventories the control packet.

NOTE: *The Duplication Team may not be scheduled on every day of counting. The Ballot Opening Team may prepare multiple control packets and securely store them. Remember to forward the unprocessed control packets when the Duplication Team is working!*

Duplication Team

The Duplication Team remakes one-for-one duplicates of defective ballots. They will then transfer the completed control packet back to the Ballot Opening Team. **See Step 3 Check in the Completed Control Packet.**

STEP 3 CHECK IN THE COMPLETED CONTROL PACKET

- Work with 1 control packet at a time. Confirm that each defective and matches the duplicate is stamped with a control number and the inventory.

- Initial the control packet to confirm the ballot inventory. If the inventory is incorrect, return the control packet to the Duplication Team to correct.

- Complete the *Control Packet Time Log*.

STEP 4 TRANSFER THE COMPLETED CONTROL PACKET

- Record the time “Out” on the *Control Packet Time Log*. Walk the control packet to the VBC Processing work area with Official Observers.

- Wait while the VBC Processing member inventories the control packet. They initial the control packet to accept custody.

- Notify the VBC Processing Team when the Ballot Opening Team has transferred the last control packet.

INVALIDATING A BALLOT

A ballot may be invalidated at the counting center if:

- The return envelope appears to have been tampered with;
- The return envelope or secrecy sleeve is empty;
- There is more than 1 ballot in a return envelope or secrecy sleeve;
- The ballot is from the wrong election; or
- The ballot is damaged beyond repair.

A Ballot Opening member is assigned to track invalid ballots. Invalidated ballots are assigned a control number and tracked on the *Invalid Ballot Log*. The *Invalid Ballot Log* is used to compile an over/under report comparing the number of ballots validated by the County Elections Division with the results reports.

PERSONNEL

Ballot Opening Team assigns a member to track invalid ballots.

Counting Center Manager works with the Team to assign sub-groups and tasks.

Official Observers monitor the handling and transfer of ballots. At the Ballot Opening work area, this includes unsealed containers of return envelopes as they are waiting to be processed and transferring voted ballot containers (VBCs) to the VBC Processing Team to scan. Official Observers also confirm that the return envelopes and secrecy sleeves are empty, and no ballot is accidentally thrown away.

SUPPLIES

- automatic numbering machine
- invalid ballot container
- *Invalid Ballot Log*

- invalid stamp, red
- pens, red
- scratch paper
- stamp ink, red
- stapler

TASKS

1 ▪ Stamp the ballot invalid.

2 ▪ Assign a control number.

STEP 1 STAMP THE BALLOT INVALID

- Staple the ballot materials together. The ballot materials include the return envelope, secrecy sleeve, or ballot, depending on the invalid condition.

- Stamp the ballot materials INVALID.

STEP 2 ASSIGN A CONTROL NUMBER

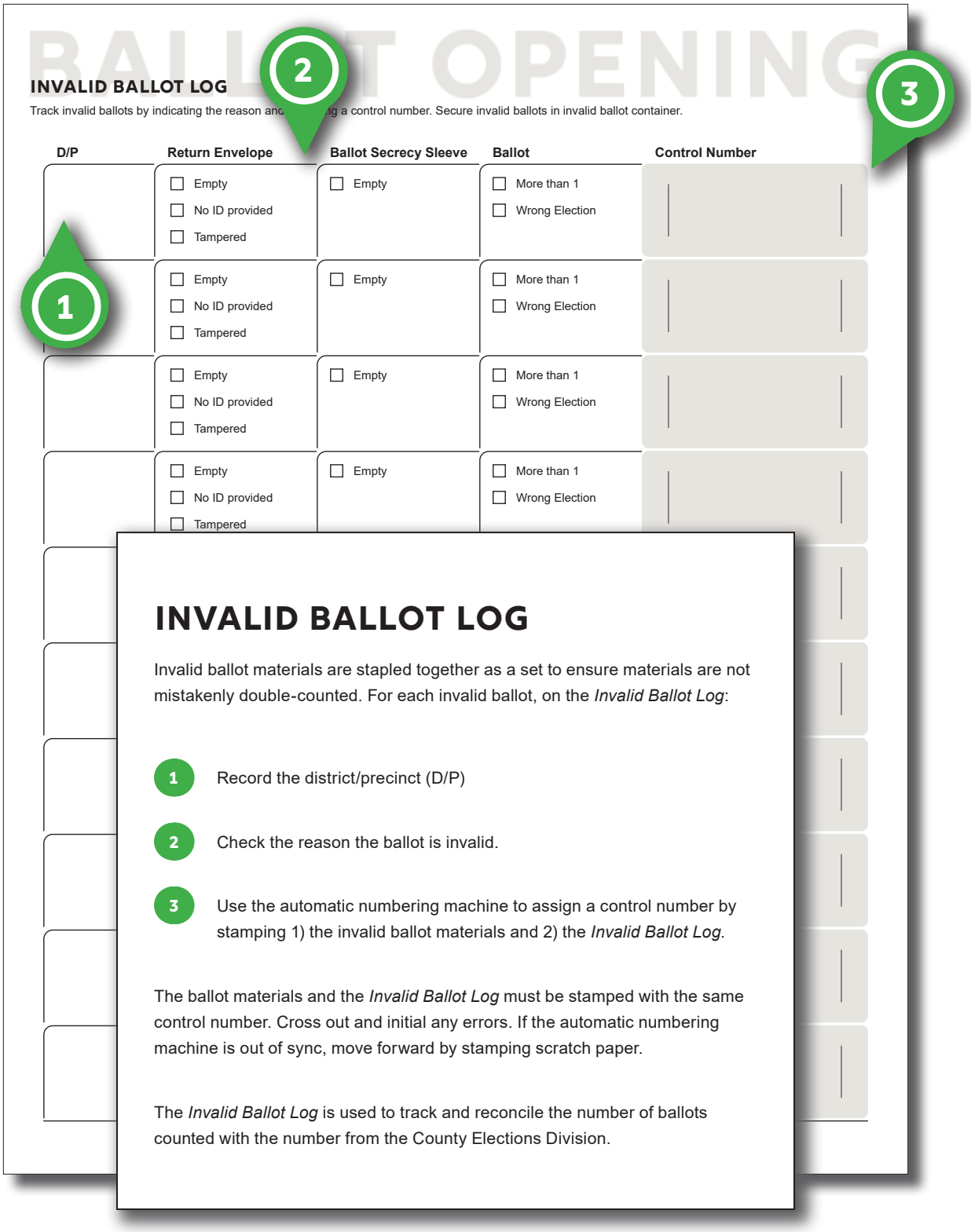
- Complete the *Invalid Ballot Log*.

- Using the automatic number machine, stamp the ballot materials to assign the control number.

- Store invalid ballot materials in the invalid ballot container. To secure the invalid ballot container, **see Secure the Work Area on page 120**.

Setting up the automatic numbering machine

Set the automatic numbering machine to “2” to duplicate the control number. Then, test that it is legibly stamping 2 copies of the same number on scratch paper. Re-ink the stamp pad as necessary using provided red ink. The stamp can be re-inked by pouring a small amount of ink onto the dry pad and allowing it to soak in before using it.


BALLOT OPENING
INVALID BALLOT LOG
Track invalid ballots by indicating the reason and ...ng a control number. Secure invalid ballots in invalid ballot container.
D/P
Return Envelope
Ballot Secrecy Sleeve
Ballot
Control Number
Empty
No ID provided
Tampered
Empty
More than 1
Wrong Election
1
2
3
INVALID BALLOT LOG
Invalid ballot materials are stapled together as a set to ensure materials are not mistakenly double-counted. For each invalid ballot, on the Invalid Ballot Log:
1 Record the district/precinct (D/P)
2 Check the reason the ballot is invalid.
3 Use the automatic numbering machine to assign a control number by stamping 1) the invalid ballot materials and 2) the Invalid Ballot Log.
The ballot materials and the Invalid Ballot Log must be stamped with the same control number. Cross out and initial any errors. If the automatic numbering machine is out of sync, move forward by stamping scratch paper.
The Invalid Ballot Log is used to track and reconcile the number of ballots counted with the number from the County Elections Division.

SECURE THE WORK AREA

Before Election Day, the Ballot Opening Team must process any secrecy sleeves before closing the counting center. **See Removing the Ballot on page 108.** Return envelopes that have not been opened or the content has not been removed may be secured during the scheduled counting days.

On Election Day, all ballots must be opened and transferred to the VBC Processing Team before closing the Ballot Opening work area.

The workflow and hours of counting are dependent on the counting center work areas. The Ballot Opening Team must also wait to receive any outstanding control packets from the Duplication Team, as indicated on the *Control Packet Time Log*, before their tasks are complete.

PERSONNEL

Ballot Opening Team notifies the Counting Center Manager and VBC Processing Team once the last voted ballot container (VBC) has been transferred. Then, the Team secures the sensitive election materials at the work area, like the empty return envelope containers and the invalid ballot container.

Counting Center Manager works with the Team to assign sub-groups and tasks. The Counting Center Manager also estimates the time required for the work areas to complete their assigned tasks.

Official Observers monitor the handling and transport of ballots. When securing the work area, Official Observers verify and sign the *Seal Certification* forms.

SUPPLIES

- *Control Packet Time Log*
- empty return envelope containers
- *Empty Return Envelope Seal Certification*
- invalid ballot container
- *Invalid Ballot Log*
- pens, green (Official Observers)
- pens, red
- seal
- *Seal Certification*
- unprocessed control packet container

TASKS

1. Check for outstanding control packets.
2. Secure unopened return envelopes.
3. Secure invalid ballot container.
4. Secure empty return envelope containers.
5. Pack the Team supply box.
6. Return badge and check out.

STEP 1 CHECK FOR OUTSTANDING CONTROL PACKETS

Review the *Control Packet Time Log* to identify any outstanding control packets at the Duplication work area. The Ballot Opening Team must receive the outstanding control packets from the Duplication Team and transfer the control packet to the VBC Processing Team before securing the work area. **See Curing Defective Ballots on page 111.**

Secure Unprocessed Control Packets

Before Election Day, unprocessed control packets that have not been transferred to the Duplication Team may be secured in the designated container.

- Complete 2 copies of a *Seal Certification* form. Place 1 copy of the *form in the containe*r before sealing. Copy 2 is stored on top of the container.

- Insert the sealing hook through the holes of the container. Hook the corresponding seal into the eye of the sealing hook and pull through. Squeeze the seal shut and tug to ensure it is secured.

STEP 2 SECURE THE UNOPENED RETURN ENVELOPES

Before Election Day, the unopened return envelopes may be secured if the Ballot Opening Team is unable to complete the task within the estimated schedule.

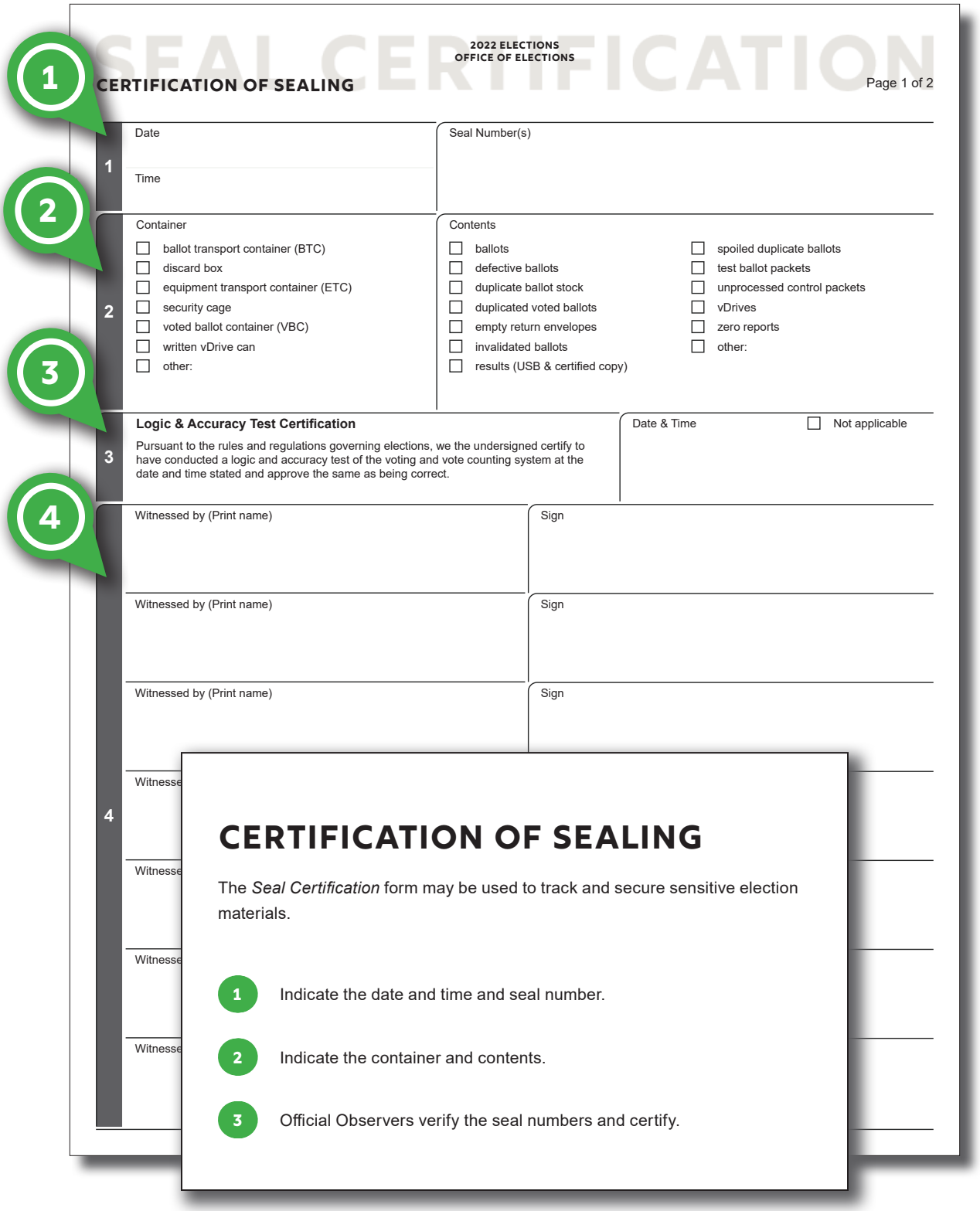
- Complete 2 copies of a *Seal Certification* form. Place 1 copy of the *form in the containe*r before sealing. Copy 2 is stored on top of the container.

- Insert the sealing hook through the holes of the container. Hook the corresponding seal into the eye of the sealing hook and pull through. Squeeze the seal shut and tug to ensure it is secured.

STEP 3 SECURE THE INVALID BALLOT CONTAINER

- Verify that the number of invalid ballots matches the *Invalid Ballot Log* by control number.

- Complete 2 copies of a *Seal Certification* form. Place 1 copy of the *form in the containe*r before sealing. Copy 2 is stored on top of the container.



CERTIFICATION OF SEALING

The *Seal Certification* form may be used to track and secure sensitive election materials.

1. Indicate the date and time and seal number.
2. Indicate the container and contents.
3. Official Observers verify the seal numbers and certify.

- Insert the sealing hook through the holes of the container. Hook the corresponding seal into the eye of the sealing hook and pull through. Squeeze the seal shut and tug to ensure it is secured.

NOTE: *The invalid ballot container is reused for each day of counting. Follow the* Seal Certification *form to unseal.*

STEP 4 SECURE THE EMPTY RETURN ENVELOPE CONTAINERS

- Complete the *Empty Return Envelope Seal Certification* form by verifying the container number and recording the seal number and date and time.

- Official Observers certify by printing and signing with a green pen.

- Insert the sealing hook through the holes of the empty return envelope container. Hook the corresponding seal through the eye of the sealing hook and pull through. Squeeze the seal shut and tug to ensure it is secured.

STEP 5 PACK THE TEAM SUPPLY BOX

Store the forms and supplies in the supply box following the inventory list. Then, notify the Counting Center Manager that the work area has been secured.

STEP 6 RETURN BADGE AND CHECK OUT

- Return the ID badge to the Check In work area. ID badges are organized alphabetically by last name.

- Sign out on the *Volunteer Time Log* by recording the time out.

EMPTY RETURN ENVELOPE SEAL CERTIFICATION

As empty return envelopes are collected, a Ballot Opening member packs them to securely store. When securing the Ballot Opening work area, the containers of empty return envelopes are sealed shut.

1. Verify the container number and record the seal number and date and time.

2. Official Observers certify by signing using a green pen.

VBC PROCESSING

The VBC Processing Team tracks, handles, and secures voted ballot containers (VBCs) and vDrives. VBCs are used to store and secure the ballots that have been opened for scanning. At the VBC Processing work area, members manage the flow of VBCs to and from the scanner stations operated by Hart InterCivic, the voting equipment vendor. Scanned ballots are written to a vDrive for tabulation. As VBCs and vDrives are processed, they are logged and securely stored.

On Election Day, the written vDrives are compiled to print the results reports. The Team will also receive VBCs and vDrives from the voter service centers.

BE AWARE OF SENSITIVE ELECTION MATERIALS. Counting center operations are conducted in the presence of Official Observers. Official Observers serve as the “eyes and ears” of the public to monitor the processing, handling, and transfer of election material within the counting center. When not directly handled, sensitive election materials, like ballots and vDrives, are securely stored.

TEAM PROCESSES

- Logging VBCs & vDrives, page 127
- Curing Defective Ballots, page 134
- Receive Materials from Voter Service Centers, page 141
- Transfer Audit VBCs, page 147
- Secure the Work Area, page 150

LOGGING VBCS & VDRIVES

Each voted ballot container (VBC) is tracked on the *VBC Time Log*. The VBC Processing Team transfers 1 VBC at a time to each scanner station operated by Hart Technicians. Hold the checked in VBCs in queue at the VBC Processing work area until a scanner station is available.

Hart Technicians write ballots to vDrives for tabulation. The VBC Processing Team logs and secures the written vDrives on the *vDrive Log*. The vDrives are compiled on Election Day to release the results reports.

PERSONNEL

Counting Center Manager ensures VBCs are processed **in flow** and estimates the time required to scan the queued VBCs. The Counting Center Manager also oversees assigning the audit VBCs for the Election Day audit.

Hart Technicians operates and maintains the voting equipment.

Official Observers monitor the handling and transfer of ballots.

SUPPLIES

- audit labels
- audit tags
- calculator
- pens, red
- scale
- *VBC Time Log*

- vDrive, blank
- *vDrive Log*
- written vDrive can

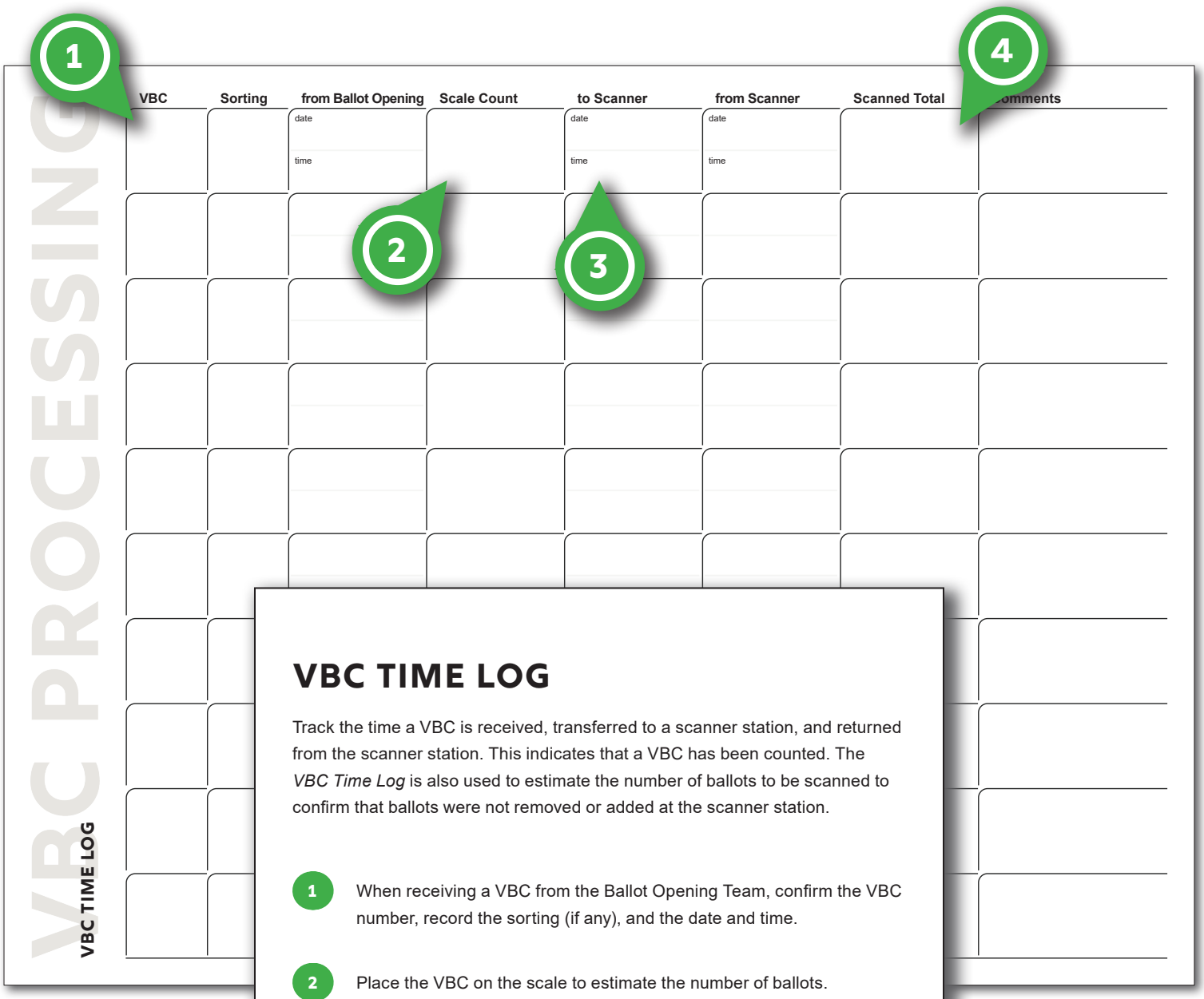
TASKS

1. Calibrate the scale.
2. Check in the VBC.
3. Scan the ballots.
4. Retrieve the scanned VBC.
5. Writing ballots to vDrives.
6. Track written vDrives.

STEP 1 CALIBRATE THE SCALE

The scale estimates the number of ballots packed in a VBC to confirm all ballots are counted, and no ballots are added or removed. Calibrate the scale, as necessary, and when opening the VBC Processing work area.

- Twist the feet and align the level to balance the scale; tilting and jostling the scale impacts the count's accuracy.
- Place an empty VBC on the scale and press "Zero/Tare." The scale should read "0" indicating the weight of the VBC is not included.
- Hand-count 50 ballots to use to set and confirm the scale count.
- The scale prompts the member to "Add 5." Hand-count 5 ballots to add to the VBC and then wait while the scale calculates, then add 1 ballot. Check that the scale increments to 6.
- Add the remaining hand-count of ballots and ensure the scale reads 50.



VBC TIME LOG

Track the time a VBC is received, transferred to a scanner station, and returned from the scanner station. This indicates that a VBC has been counted. The *VBC Time Log* is also used to estimate the number of ballots to be scanned to confirm that ballots were not removed or added at the scanner station.

1. When receiving a VBC from the Ballot Opening Team, confirm the VBC number, record the sorting (if any), and the date and time.
2. Place the VBC on the scale to estimate the number of ballots.
3. Transfer the VBC to a scanner station, if available, recording the date and time. If a scanner station is not available, hold the VBC in queue at the VBC Processing work area. Record the date and time it is transferred to a scanner station.
4. When returned from a scanner station, record the date and time and the number of ballots scanned.

STEP 2 CHECK IN THE VBC

When receiving a VBC, place it on the scale and fill out the *VBC Time Log*.

Assign Audit VBCs

Audits ensure the accuracy and integrity of the results. **On the first day of counting, assign audit VBCs.** Notify the Counting Center Manager when assigning audit VBCs and writing the audit vDrives. The first VBC per scanner station is assigned:

NUMBER OF SCANNER STATIONS

	Audit VBCs	Audit vDrives
Hawaii	3	3
Maui	3	3
Kauai	2	2
Oahu	5	5

Identify the audit VBC by adhering an audit label above the container number and record “Audit” in the comments on the *VBC Time Log.* When selecting the audit vDrive, attach an audit tag so that it is easily identifiable. Once written, the audit vDrive is stored in the written vDrive can.

STEP 3 SCAN THE BALLOTS

Record the date and time the VBC is transferred on the *VBC Time Log* when a scanner station is available. Walk the VBC to the scanner station.

- Notify the Hart Technician of audit VBCs. Instruct the Hart Technician to write ballots to a vDrive immediately after scanning.

- If a scanner station is not immediately available, hold the VBCs in the queue at the VBC Processing work area. Hart Technicians work with 1 VBC at a time.

Scanner Stations

Hart Technicians scan the ballots and write ballots to vDrives. **Hart Technicians may not leave a VBC at the scanner station unattended.**

When scanning ballots, Hart Technicians load batches of approximately 200 ballots into the scanner hopper. Each batch is named based on the container number and any sorting. Before transferring the VBC back to the VBC Processing Team, the Hart Technician confirms all ballots were resolved and completes the “scanned” label on the flap of the container.

If the scanner rejects a ballot, the Hart Technician will examine it to confirm that it is defective. A typical scenario for a ballot to be rejected by the scanner is a stray pen mark near a barcode. The Hart Technician removes the ballot from the batch and places it in the defective tray.

The VBC Processing Team collects ballots in the defective tray at each scanner station to prepare for duplication. **See Curing Defective Ballots on page 134.**

STEP 4 RETRIEVE THE SCANNED VBC

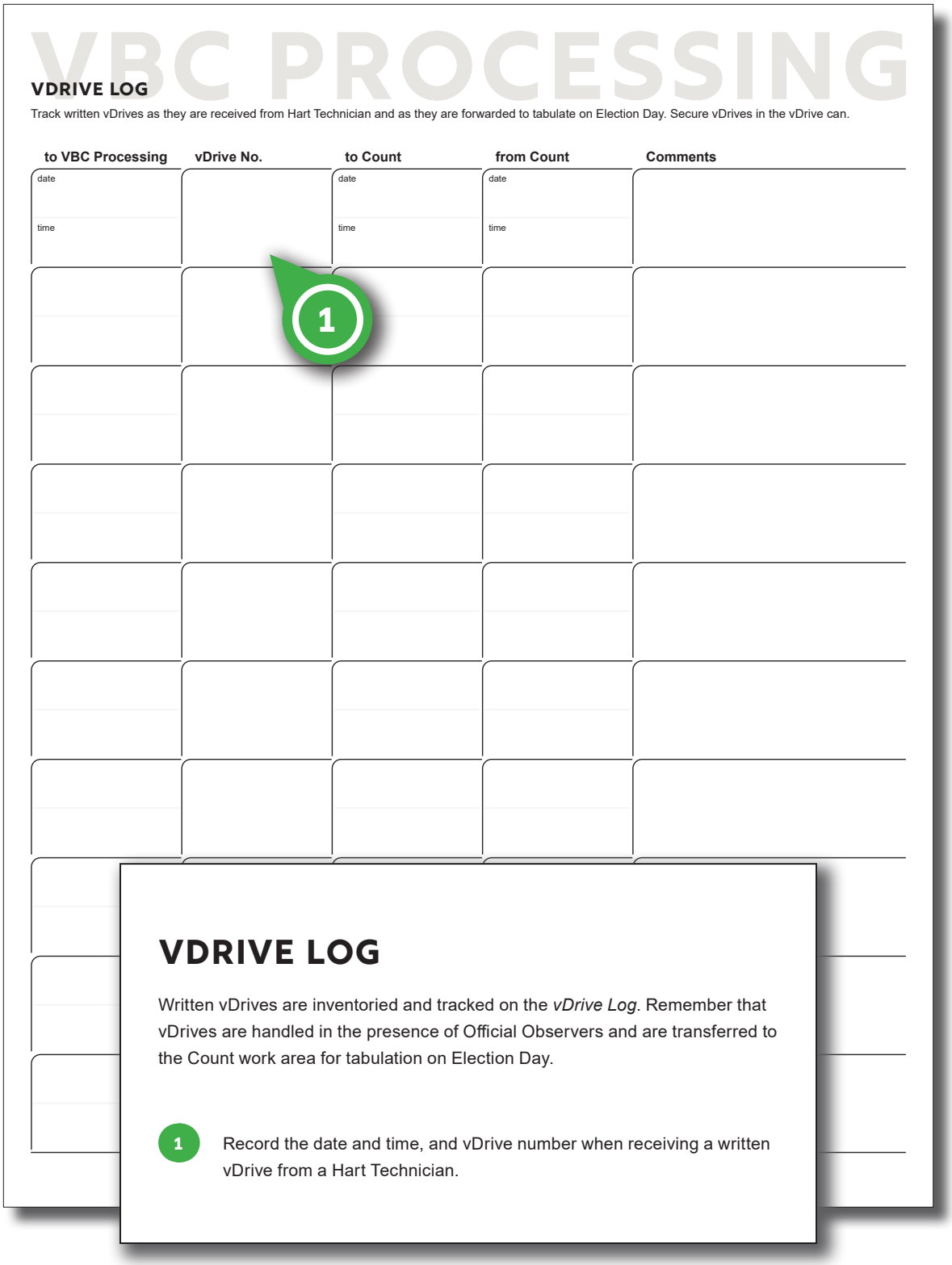
The Hart Technicians raise their hands when they are ready to scan another. The VBC Processing Team checks out the next VBC in the queue on the *VBC Time Log* to deliver to the scanner station as they pick up the completed VBC.

- Complete the *VBC Time Log*. As necessary, remind the Hart Technicians to complete the “scanned” label.

- Confirm that the “Scanned Total” approximately equals the “Scale Count” recorded on the *VBC Time Log*. Do not re-weigh the VBC as batch reports are added at the scanner station.

- Keep uncounted VBCs separated from the scanned VBCs. Scanned VBCs are identifiable by the completed “scanned” label and a color-coded sticker applied by the Hart Technicians indicating the scanner station. To securely store the scanned VBCs, **see Secure the Work Area on page 150**.

NOTE: *If there is a significant discrepancy (±25 ballots), re-calibrate the scale, check the number of ballots scanned are recorded correctly, and alert the Counting Center Manager. The Counting Center Manager notifies the Statewide Counting Center Manager of repeated discrepancies.*


VBC PROCESSING
VDRIVE LOG
Track written vDrives as they are received from Hart Technician and as they are forwarded to tabulate on Election Day. Secure vDrives in the vDrive can.
to VBC Processing
vDrive No.
to Count
from Count
Comments
date
time
1
VDRIVE LOG
Written vDrives are inventoried and tracked on the vDrive Log. Remember that vDrives are handled in the presence of Official Observers and are transferred to the Count work area for tabulation on Election Day.
1
Record the date and time, and vDrive number when receiving a written vDrive from a Hart Technician.

STEP 5 WRITING BALLOTS TO VDRIVES

Hart Technicians write ballots to vDrives. Blank vDrives are stored in the ETC.

- Ask the Official Observers to select blank vDrives to write.
- Official Observers monitor the vDrives at all times. The blank vDrives may be locked in the ETC when not directly monitored by Official Observers.

STEP 6 TRACK WRITTEN VDRIVES

After writing ballots to vDrives, Hart Technicians provide them to the VBC Processing Team to track on the *vDrive Log* and secure.

- To add written vDrives, open the secured can following the “Certification of Unsealing” on the corresponding *Seal Certification* form.
- Secure the written vDrive can when closing the work area. **See Secure the Work Area on page 150.**

CURING DEFECTIVE BALLOTS

A defective ballot is a valid ballot that is not tabulation-ready (e.g., damaged) and must be remade to be counted. The VBC Processing Team collects defective ballots that the scanner stations have rejected.

Defective ballots are inventoried and transferred in numbered control packets to ensure no ballots are added or removed between Teams. Official Observers accompany the control packets as they are transferred between work areas. Additionally, control packets are tracked on the *Control Packet Time Log*.

PERSONNEL

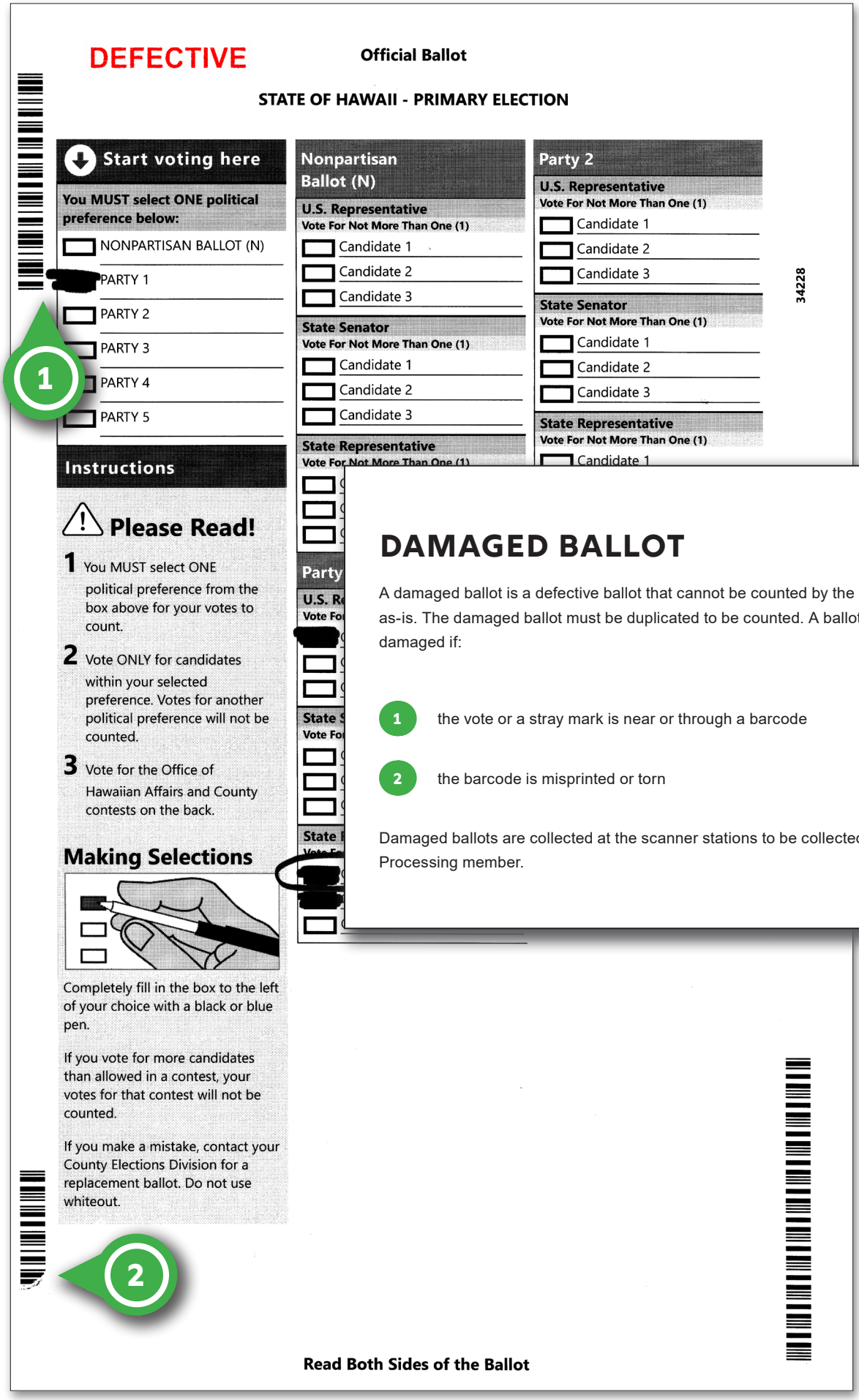
Ballot Opening Team transfers completed control packets to the VBC Processing Team to scan the duplicated ballots and store the defective ballots.

Counting Center Manager works with the Team to assign sub-groups and tasks.

Duplication Team remakes one-for-one duplicates of defective ballots.

Official Observers monitor the handling and transfer of ballots like accompanying control packets between work areas.

VBC Processing Team collects defective ballots from the scanner stations to prepare for duplication. The VBC Processing Team also receives the completed control packets from the Duplication Team and Ballot Opening Team to secure the defective ballots and queue the duplicated ballots for scanning.



DAMAGED BALLOT

A damaged ballot is a defective ballot that cannot be counted by the scanner as-is. The damaged ballot must be duplicated to be counted. A ballot may be damaged if:

1. the vote or a stray mark is near or through a barcode
2. the barcode is misprinted or torn

Damaged ballots are collected at the scanner stations to be collected by a VBC Processing member.

SUPPLIES

- control packet
- *Control Packet Time Log*
- defective ballot container
- defective stamp
- duplicated voted ballot container (VBC)
- pens, red
- seal
- *Seal Certification*
- sealing hook

TASKS

1. Prepare defective ballots.
2. Prepare a control packet.
3. Check in the completed control packet.
4. Queue duplicated VBC to scan.

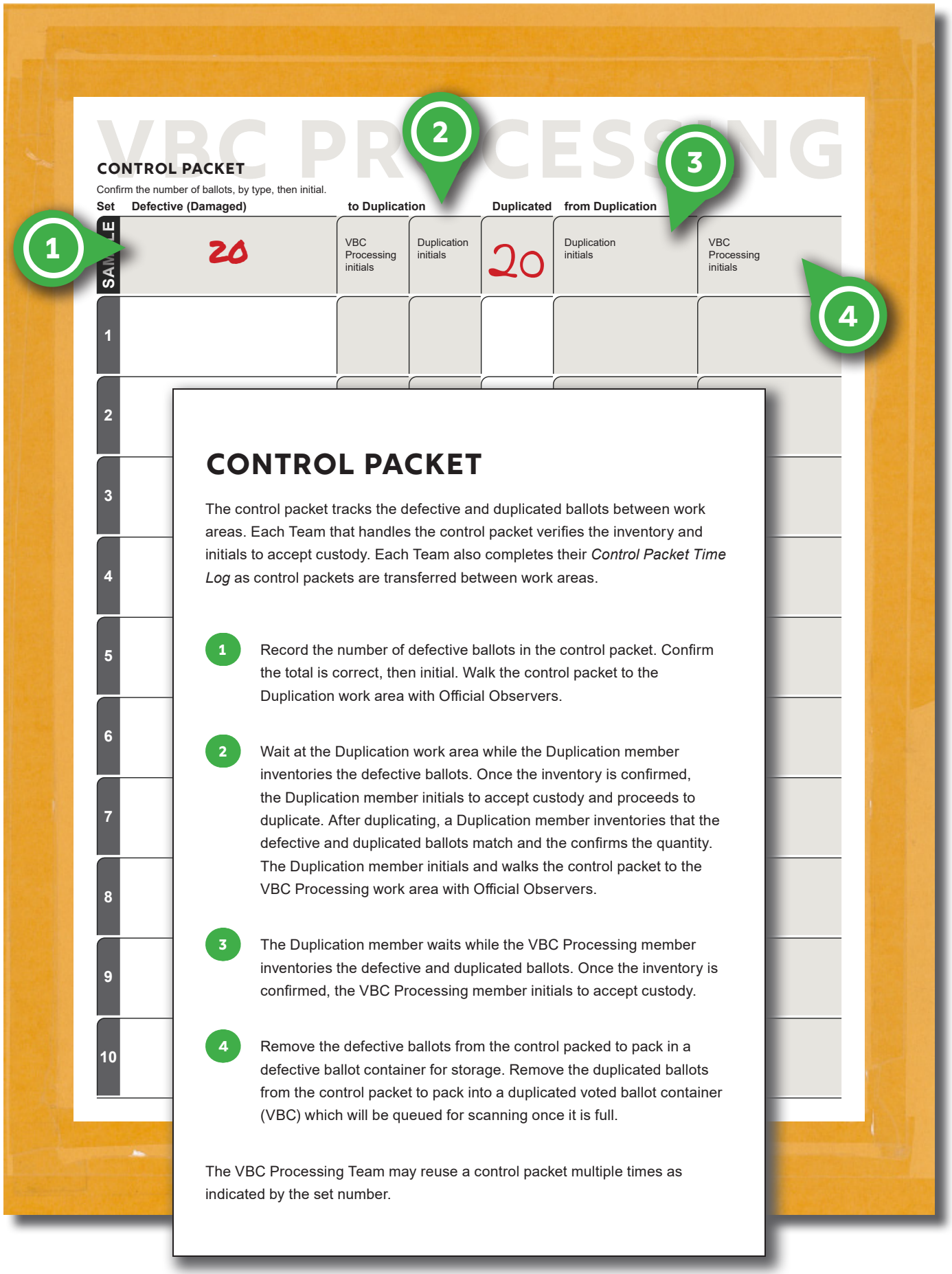
STEP 1 PREPARE DEFECTIVE BALLOTS

- Designate a VBC Processing member to collect damaged ballots from the defective trays and prepare defective ballots for the Duplication Team.

- Stamp the top left on the front of each damaged ballot with the red DEFECTIVE stamp. Avoid stamping near the barcodes.

STEP 2 PREPARE A CONTROL PACKET

- When there are approximately 10 defective ballots, prepare the control packet by recording the number of defective ballots and initialing.



CONTROL PACKET

The control packet tracks the defective and duplicated ballots between work areas. Each Team that handles the control packet verifies the inventory and initials to accept custody. Each Team also completes their *Control Packet Time Log* as control packets are transferred between work areas.

1. Record the number of defective ballots in the control packet. Confirm the total is correct, then initial. Walk the control packet to the Duplication work area with Official Observers.

2. Wait at the Duplication work area while the Duplication member inventories the defective ballots. Once the inventory is confirmed, the Duplication member initials to accept custody and proceeds to duplicate. After duplicating, a Duplication member inventories that the defective and duplicated ballots match and the confirms the quantity. The Duplication member initials and walks the control packet to the VBC Processing work area with Official Observers.

3. The Duplication member waits while the VBC Processing member inventories the defective and duplicated ballots. Once the inventory is confirmed, the VBC Processing member initials to accept custody.

4. Remove the defective ballots from the control packed to pack in a defective ballot container for storage. Remove the duplicated ballots from the control packet to pack into a duplicated voted ballot container (VBC) which will be queued for scanning once it is full.

The VBC Processing Team may reuse a control packet multiple times as indicated by the set number.

- Complete the *Control Packet Time Log*. Walk the control packet to the Duplication work area accompanied by Official Observers.

- Wait while the Duplication member inventories the control packet. They initial the control packet to accept custody.

NOTE: *The VBC Processing Team may prepare multiple and securely store the unprocessed control packets. Remember to forward the unprocessed control packets when the Duplication Team is working!*

Duplication Team

The Duplication Team remakes one-for-one duplicates of defective ballots. They will then transfer the completed control packet back to the VBC Processing Team. **See Step 3 Check in the Completed Control Packet.**

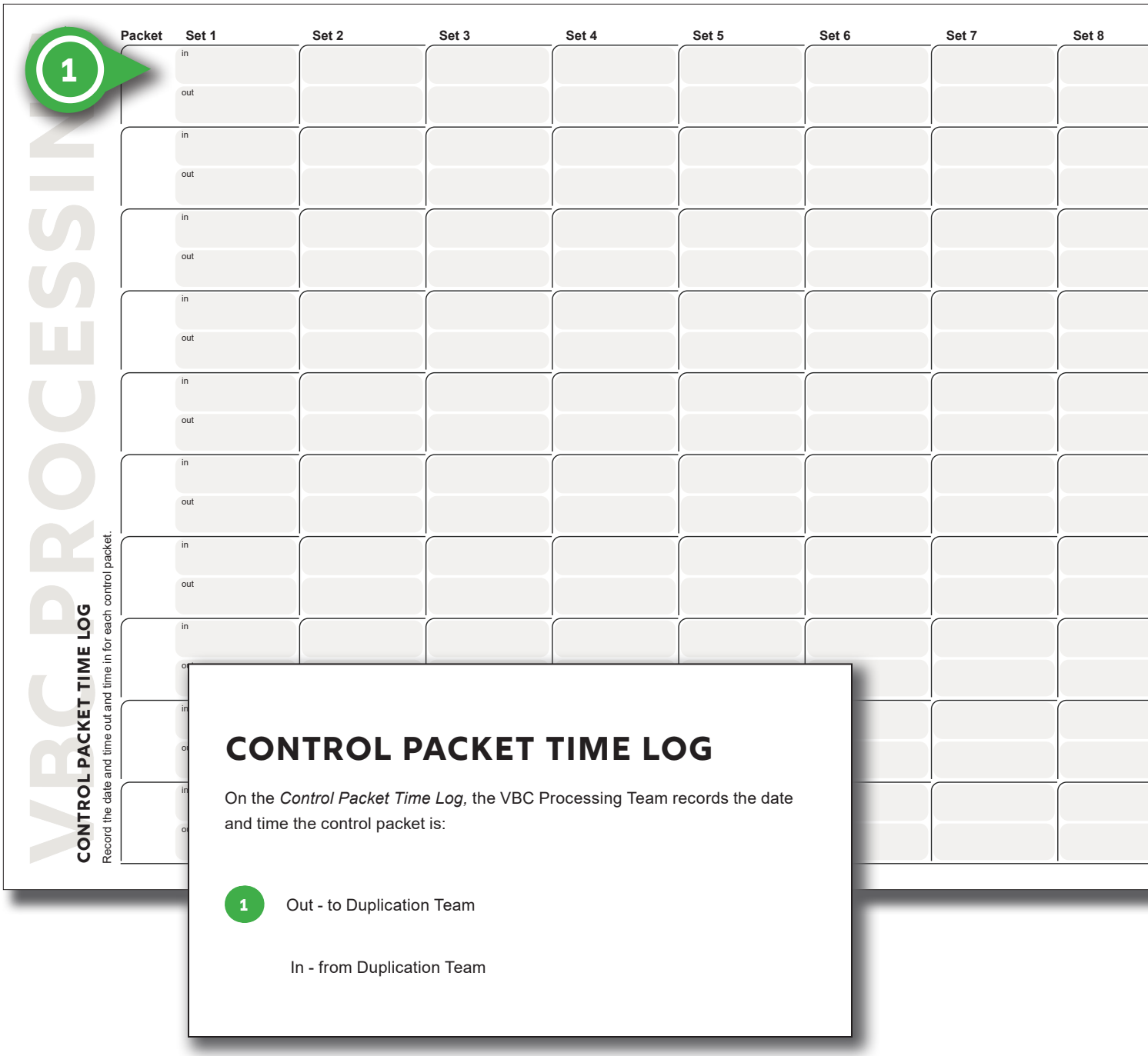
STEP 3 CHECK IN THE COMPLETED CONTROL PACKET

The VBC Processing Team receives completed control packets from the Duplication Team and Ballot Opening Team. The Duplication or Ballot Opening member waits while the VBC Processing Team inventories the control packet to accept custody.

- Work with 1 control packet at a time. Confirm each defective and corresponding duplicate is stamped with a control number and the inventory matches.

- Initial the control packet to confirm the ballot inventory. If the inventory is incorrect, return the control packet to the Duplication Team or Ballot Opening Team to resolve the discrepancy.

- Complete the *Control Packet Time Log*. For control packets received from the Ballot Opening Team, return the empty control packet.


VBC PROCESSING
CONTROL PACKET TIME LOG
Record the date and time out and time in for each control packet.
1
Packet
Set 1
Set 2
Set 3
Set 4
Set 5
Set 6
Set 7
Set 8
in
out
CONTROL PACKET TIME LOG
On the Control Packet Time Log, the VBC Processing Team records the date and time the control packet is:
1
Out - to Duplication Team
In - from Duplication Team

- Remove the defective ballots to store in a defective ballot container. Defective ballot containers start at container 1d. Use the corresponding duplicated VBC (e.g., VBC 1d) to pack the duplicated ballots.

NOTE: *The Ballot Opening Team notifies the VBC Processing Team and Counting Center Manager when the last control packet has been transferred.*

STEP 4 QUEUE THE DUPLICATED VBC TO SCAN

When the duplicated VBC is full or once all control packets have been received, queue the VBC for scanning. **See Logging VBCs & vDrives on page 127.**

Secure the defective ballot container

Once the duplicated VBC is queued for scanning, seal the corresponding defective ballot container.

- Complete 2 copies of a *Seal Certification* form. Place 1 copy of the *form in the containe*r before sealing. Copy 2 is stored on top of the container.

- Insert the sealing hook through the holes of the container. Hook the corresponding seal into the eye of the sealing hook and pull through. Squeeze the seal shut and tug to ensure it is secured.

RECEIVE MATERIALS FROM VOTER SERVICE CENTERS

On Election Day, the voter service centers close at 7:00 PM or after the last voter in line at that time finishes voting. Then, the voting equipment and voted ballot containers (VBCs) are transferred to the counting center for the VBC Processing Team to check in and store. Checking in the Scan devices is the priority to ensure the voter service center results are reported.

PERSONNEL

Counting Center Manager works with the County Elections Divisions to ensure the voting equipment and VBCs are received at the counting center.

County Elections Divisions operate the voter service centers providing accessible in-person voting and voter registration.

Hart InterCivic operates and maintains the voting equipment.

Official Observers monitor the handling and transfer of ballots.

Statewide Counting Center Manager confirms that the Scan vDrives are included in the results reports.

VBC Processing Team tracks election materials from the voter service centers.

SUPPLIES

- cut seals envelope
- pens, green (Official Observers)
- pens, red
- *Scan Seal Certification*
- *Touch Writer Seal Certification*
- *vDrive Log*
- *Voter Service Center VBC Log*
- wire cutter

TASKS

1. Collect Scan vDrives.
2. Store Touch Writer vDrives.
3. Store Print vDrives.
4. Check in the VBCs.

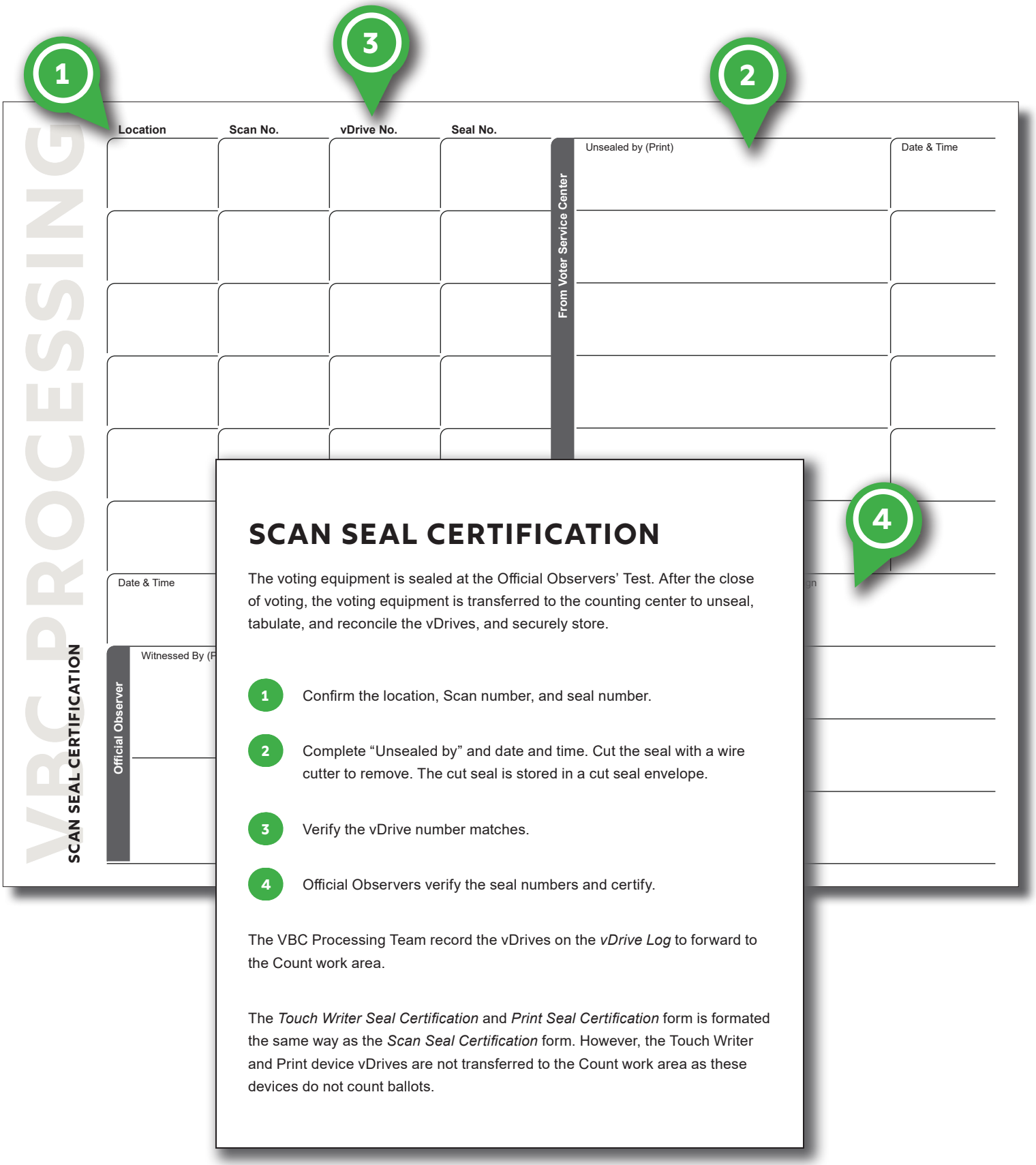
STEP 1 COLLECT SCAN VDRIVES

Complete the *Scan Seal Certification* form to unseal the vDrive compartment.

Before Election Day

Complete the *vDrive Log* by recording the time “to VBC Processing”, vDrive number. Store the Scan vDrive in the written vDrive can.

NOTE: *If necessary, the Scan device may be redeployed by inserting a blank vDrive and securing with Official Observers. Use a blank page of the* Scan Seal Certification *form to reseal.*



SCAN SEAL CERTIFICATION

The voting equipment is sealed at the Official Observers' Test. After the close of voting, the voting equipment is transferred to the counting center to unseal, tabulate, and reconcile the vDrives, and securely store.

1. Confirm the location, Scan number, and seal number.
2. Complete "Unsealed by" and date and time. Cut the seal with a wire cutter to remove. The cut seal is stored in a cut seal envelope.
3. Verify the vDrive number matches.
4. Official Observers verify the seal numbers and certify.

The VBC Processing Team record the vDrives on the *vDrive Log* to forward to the Count work area.

The *Touch Writer Seal Certification* and *Print Seal Certification* form is formated the same way as the *Scan Seal Certification* form. However, the Touch Writer and Print device vDrives are not transferred to the Count work area as these devices do not count ballots.

On Election Day

Complete the *vDrive Log* to transfer the vDrives to the Count work area by recording the time “to VBC Processing”, vDrive number, and time “to Count.”

STEP 2 STORE TOUCH WRITER VDRIVES

- Complete the *Touch Writer Seal Certification* form and remove the vDrive.
- On the *vDrive Log*, record the date and time, and vDrive number. Store the Touch Writer vDrives in the written vDrive can. Touch Writer vDrives are not transferred to the Count work area as no votes are recorded.

NOTE: *Before Election Day, the Touch Writer may be redeployed by inserting a blank vDrive and securing with Official Observers.*

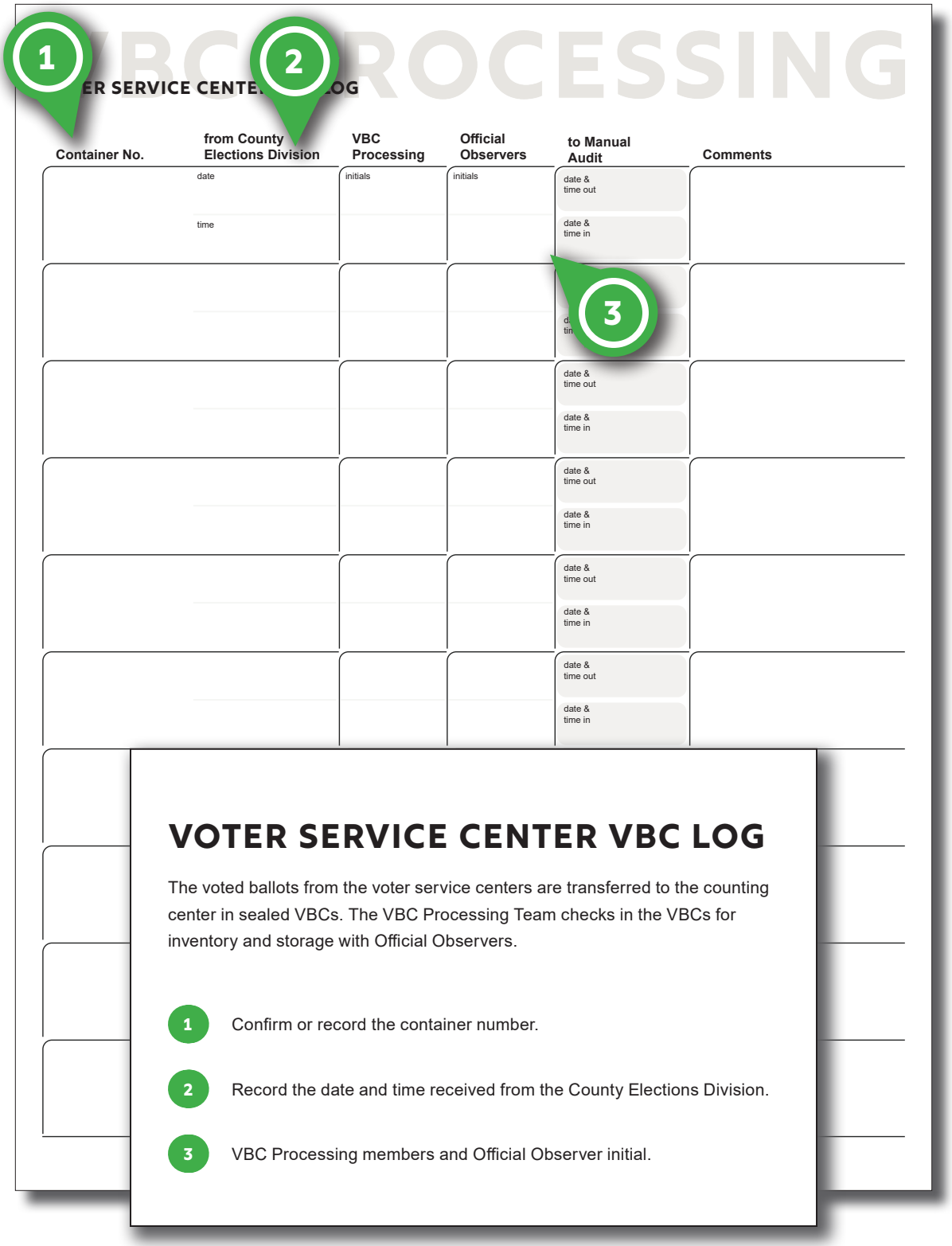
STEP 3 STORE PRINT VDRIVES

- Complete the *Print Seal Certification* form and remove the vDrive.
- On the *vDrive Log*, record the date and time, and vDrive number. Store the Print vDrives in the written vDrive can. Print vDrives are not transferred to the Count work area as no votes are recorded.

STEP 4 CHECK IN THE VBCS

Complete the *Voter Service Center VBC Log* for each VBC.

DO NOT UNSEAL THE VOTER SERVICE CENTER VBCs. Store the sealed voter service center VBCs with the sealed scanned VBCs. If an automatic recount is required, ballots from the voter service centers must be re-scanned.



VOTER SERVICE CENTER VBC LOG

The voted ballots from the voter service centers are transferred to the counting center in sealed VBCs. The VBC Processing Team checks in the VBCs for inventory and storage with Official Observers.

1. Confirm or record the container number.
2. Record the date and time received from the County Elections Division.
3. VBC Processing members and Official Observer initial.

Receiving uncounted voted ballots

Uncounted voted ballots may be identified by the County Elections Division. Notify the Counting Center Manager and confirm with the County Elections Division before scanning.

- Record the VBC on the *VBC Time Log* and queue for scanning.

- Notify the Hart Technician at the scanner station to change the Voting Type to “in-person.” Failure to do so would result in these ballots being counted as “mail” ballots impacting the reporting and reconciliation of voted ballots.

TRANSFER AUDIT VBCS

On the first day of counting, voted ballot containers (VBCs) are assigned to audit on Election Day. To start the audit, a Manual Audit member retrieves the audit VBCs from the VBC Processing Team. After the audit, the audit VBCs are repacked and returned to the VBC Processing Team. Official Observers accompany the audit VBCs between work areas.

PERSONNEL

Counting Center Manager coordinates with Hart InterCivic to print cumulative contest reports for each audit vDrive.

Hart InterCivic prints a cumulative contest report for each audit vDrive.

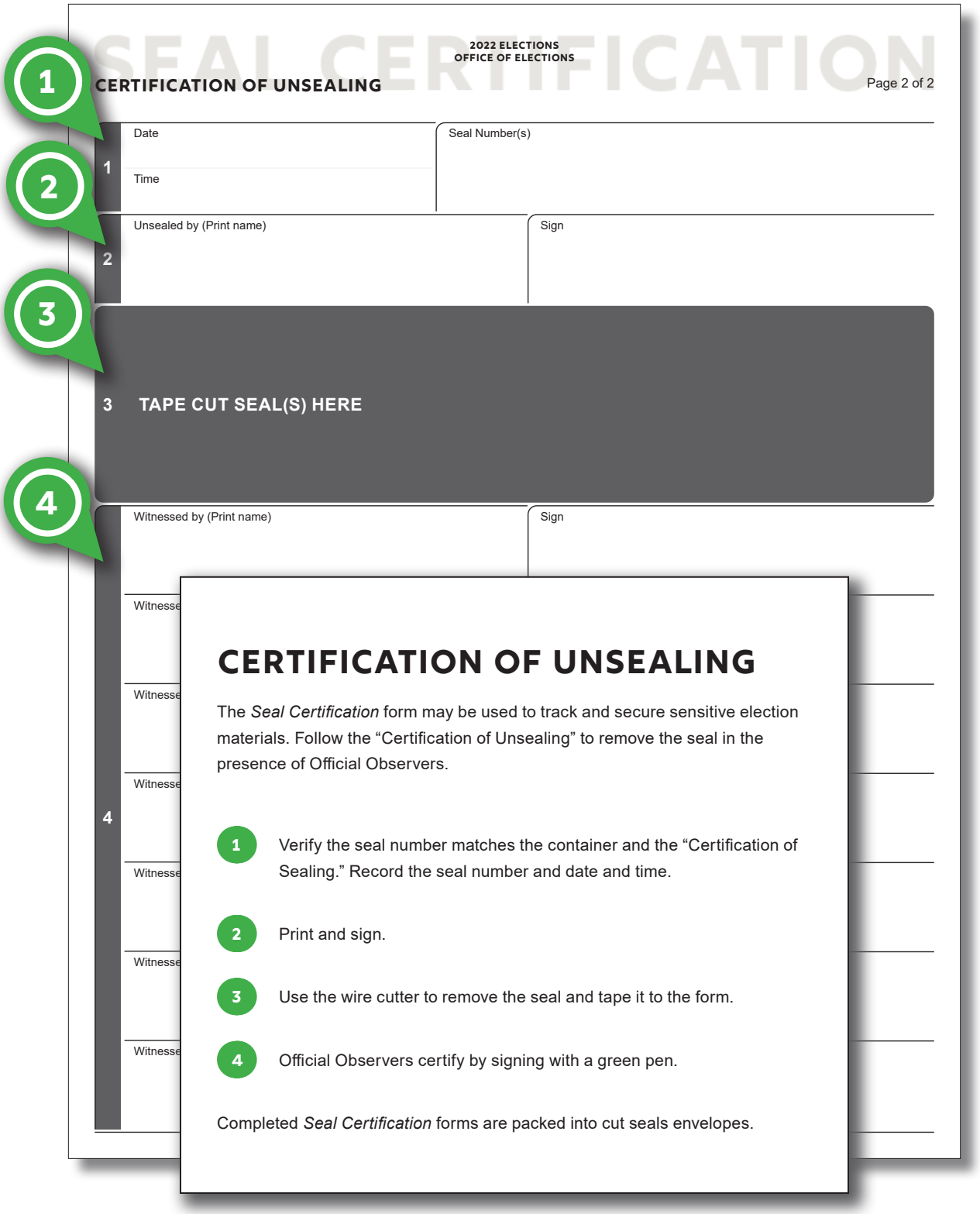
Manual Audit Team conducts a hand-count of ballots to compare with the results. Members retrieve the audit VBCs from the VBC Processing Team.

Official Observers monitor the handling and transfer of ballots. The Official Observers may also participate in the manual audit.

VBC Processing Team tracks, logs, and secures the VBCs and vDrives.

SUPPLIES

- audit VBCs
- *Audit VBC Seal Certification* folder
- pens, red
- *Seal Certification*
- transparent tape
- *VBC Seal Certification*
- wire cutter


SEAL CERTIFICATION
2022 ELECTIONS
OFFICE OF ELECTIONS
CERTIFICATION OF UNSEALING
Page 2 of 2
1
Date
Time
Seal Number(s)
2
Unsealed by (Print name)
Sign
3
3 TAPE CUT SEAL(S) HERE
4
Witnessed by (Print name)
Sign
4
CERTIFICATION OF UNSEALING
The Seal Certification form may be used to track and secure sensitive election materials. Follow the "Certification of Unsealing" to remove the seal in the presence of Official Observers.
1 Verify the seal number matches the container and the "Certification of Sealing." Record the seal number and date and time.
2 Print and sign.
3 Use the wire cutter to remove the seal and tape it to the form.
4 Official Observers certify by signing with a green pen.
Completed Seal Certification forms are packed into cut seals envelopes.

TASKS

1 ▪ Check out the audit VBCs.

2 ▪ Check in the audit VBCs.

STEP 1 CHECK OUT THE AUDIT VBCS

A Manual Audit member, with Official Observers, retrieves the audit VBCs from the VBC Processing Team.

- The Manual Audit member identifies themselves and requests the audit VBCs. The VBC Processing member completes the *VBC Seal Certification.*

- To unseal the audit VBC, complete "Certification of Unsealing" on a *Seal Certification*. Tape the *Seal Certification* form to the lid of the audit VBC.

OAHU: *The audit VBCs are secured in security cages. The VBCs are not secured individually until the post-election audit is completed.*

STEP 2 CHECK IN THE AUDIT VBCS

After certifying the audit, a Manual Audit member, with Official Observers, return the audit VBCs to the VBC Processing Team.

- The Manual Audit member identifies themselves and that they are returning the audit VBCs. The VBC Processing member completes the *VBC Seal Certification*.

- To seal the audit VBCs, complete "Certification of Sealing" on the *Seal Certification* form taped to the lid of the container. The completed *Seal Certification* forms are stored in the Audit VBC Seal Certification folder.

OAHU: *The audit VBCs are secured in security cages. The VBCs are not secured individually until the post-election audit is completed.*

SECURE THE WORK AREA

When closing the work area, the VBC Processing Team seals sensitive election materials such as the voted ballots containers (VBCs), written vDrive can, and defective ballot containers.

Before Election Day, VBCs queued for scanning may be secured to scan on a subsequent day of counting. Remember that ballots received before Election Day should be included in Report 1 released at the close of voting.

On Election Day, all VBCs must be counted and secured before closing the work area.

The VBC Processing Team works with the Counting Center Manager to approximate the number of ballots to scan throughout the day and the estimated end time. The workflow and hours depend on the Ballot Opening Team and the control packets with the Duplication Team.

PERSONNEL

Ballot Opening Team notifies the Counting Center Manager and VBC Processing Team once the last VBC and control packet has been transferred.

Counting Center Manager tracks operations of the work areas.

Hart InterCivic writes vDrives at the scanner stations and tallies the results at the Count work area. Hart Technicians give the written and tabulated vDrives to the VBC Processing Team for secure storage.

Official Observers monitor the handling and transport of ballots.

VBC Processing Team may secure the work area after the outstanding control packets are checked in, and the VBCs are returned from the scanner stations.

SUPPLIES

- *Control Packet Time Log*
- pens, green (Official Observers)
- pens, red
- seal
- *Seal Certification*
- unprocessed control packet container
- *VBC Seal Certification*
- written vDrive can

TASKS

1. Check for outstanding control packets.
2. Secure the queued VBCs.
3. Secure the written vDrives.
4. Secure the scanned VBCs.
5. Pack the Team supply box.
6. Return badge and check out.

STEP 1 CHECK FOR OUTSTANDING CONTROL PACKETS

The VBC Processing Team must receive outstanding control packets from the Duplication Team and Ballot Opening Team before closing the work area. **See Curing Defective Ballots on page 134.**

Secure Unprocessed Control Packets

Before Election Day, unprocessed control packets that have not been transferred to the Duplication Team may be secured in the designated container.

- Complete 2 copies of a *Seal Certification* form. Place 1 copy of the *form in the containe*r before sealing. Copy 2 is stored on top of the container.

- Insert the sealing hook through the holes of the container. Hook the corresponding seal into the eye of the sealing hook and pull through. Squeeze the seal shut and tug to ensure it is secured.

STEP 2 SECURE THE QUEUED VBCS

Before Election Day, the queued VBCs, if any, may be secured if scanning cannot be completed in the estimated schedule. On Election Day, all VBCs must be scanned before closing the work area.

- Complete 2 copies of a *Seal Certification* form. Place 1 copy of the *form in the containe*r before sealing. Copy 2 is stored on top of the container.

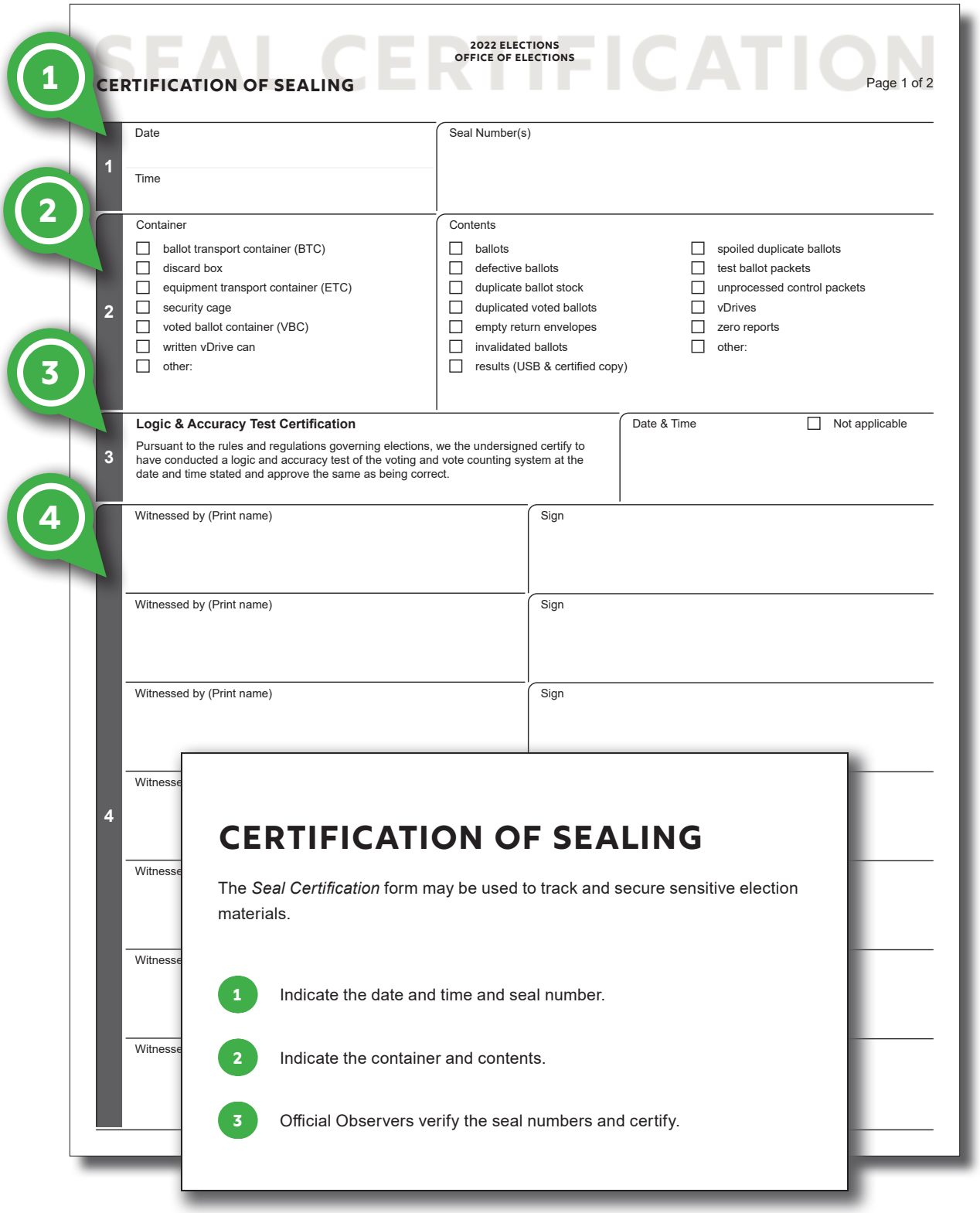
- Insert the sealing hook through the holes of the VBC. Hook the corresponding seal into the eye of the sealing hook and pull through. Squeeze the seal shut and tug to ensure it is secured.

OAHU: *The queued VBCs are stored in security cages. The VBCs are secured individually once the post-election audit is completed.*

STEP 3 SECURE THE WRITTEN VDRIVES

Hart Technicians at the scanner stations write ballots to vDrives. The written vDrives are inventoried and secured by the VBC Processing Team.

- Verify that the number of vDrives matches the *vDrive Log* and store them in the written vDrive can.



CERTIFICATION OF SEALING

The *Seal Certification* form may be used to track and secure sensitive election materials.

1. Indicate the date and time and seal number.
2. Indicate the container and contents.
3. Official Observers verify the seal numbers and certify.

- Complete 2 copies of a *Seal Certification* form. Place 1 copy of the *form in the containe*r before sealing. Copy 2 is stored on top of the container.

- Latch the vDrive can and hook on the corresponding seal. Squeeze the seal shut and tug to ensure it is secured.

STEP 4 SECURE SCANNED VBCS

- Complete the *VBC Seal Certification* form for each scanned VBC.

- Insert the sealing hook through the holes of the VBC. Hook the corresponding seal through the eye of the sealing hook and pull through. Squeeze the seal shut and tug to ensure it is secured.

OAHU: *The scanned VBCs are secured in separate security cages. The VBCs are secured individually once the post-election audit is completed.*

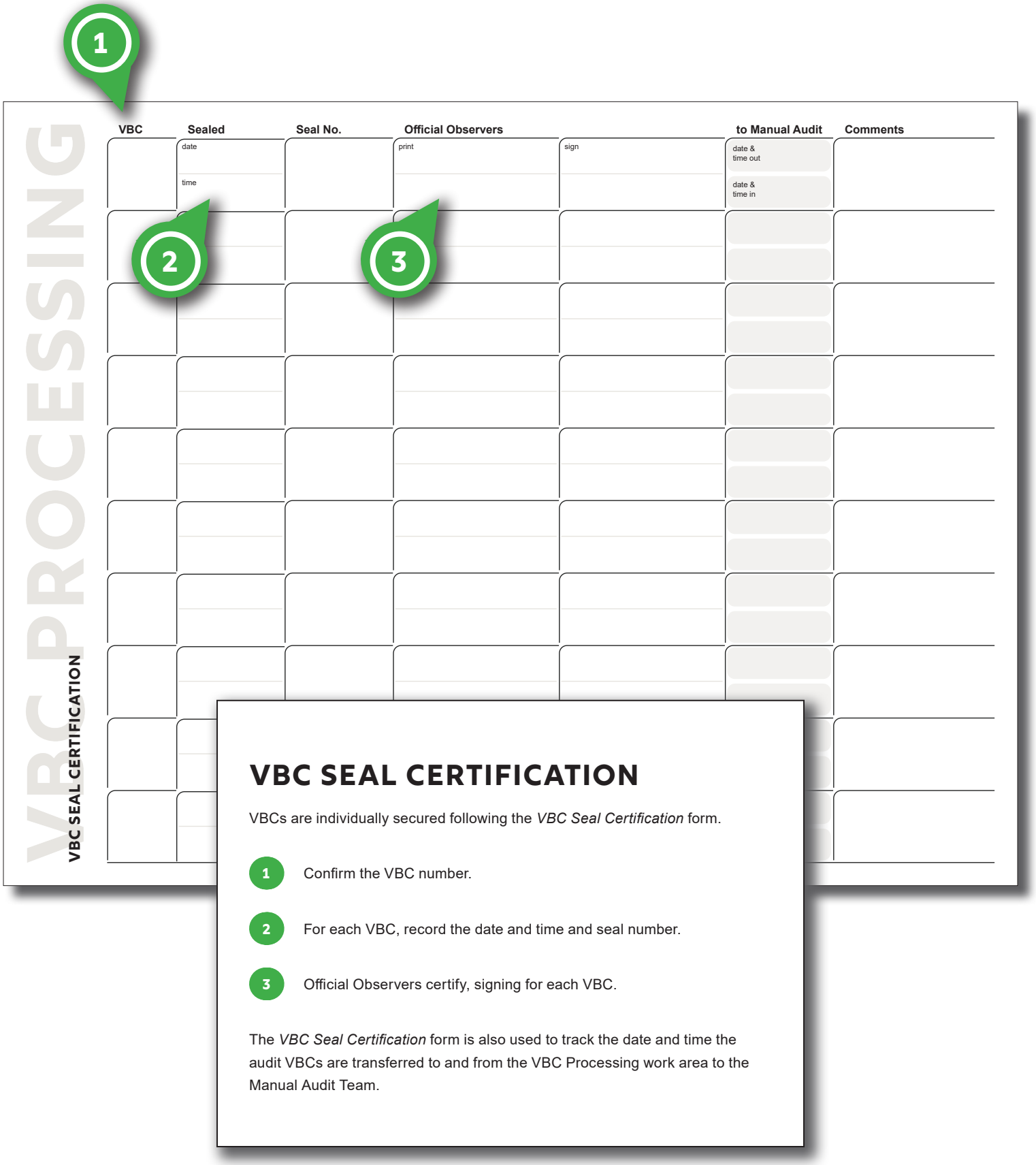
STEP 5 PACK THE TEAM SUPPLY BOX

Store the forms and supplies in the supply box following the inventory list. Then, notify the Counting Center Manager that the work area has been secured.

STEP 6 RETURN BADGE AND CHECK OUT

- Return the ID badge to the Check In work area. ID badges are organized alphabetically by last name.

- Sign out on the *Volunteer Time Log* by recording the time out.



VBC SEAL CERTIFICATION

VBCs are individually secured following the *VBC Seal Certification* form.

1. Confirm the VBC number.
2. For each VBC, record the date and time and seal number.
3. Official Observers certify, signing for each VBC.

The *VBC Seal Certification* form is also used to track the date and time the audit VBCs are transferred to and from the VBC Processing work area to the Manual Audit Team.

DUPLICATION

The Duplication Team remakes one-for-one duplicates of defective ballots. A defective ballot cannot be read at the scanner stations because it is damaged or the voter received an Alternate format ballot (AFB). The defective ballots must be remade on a tabulation-ready ballot for the votes to count.

An AFB is sent to UOCAVA voters, special needs voters, and any voter who needs a replacement within 5 days of Election Day. These voters receive the AFB by email to vote using a compatible personal device like a computer or tablet. After marking their ballot, they return it to their County Elections Division to validate, securely store, and transfer to the Counting Center. At the counting center, the AFBs are received by the Ballot Opening Team to prepare for the Duplication Team.

Damaged ballots, like if a ballot is torn into pieces or a stray pen mark is too close to a barcode on the ballot, may not be readable at a scanner station. A damaged ballot may be identified by the Ballot Opening Team or VBC Processing Team.

BE AWARE OF SENSITIVE ELECTION MATERIALS. All counting center operations related to handling sensitive election materials, like ballots and vDrives, are conducted in the presence of Official Observers. Official Observers serve as the “eyes and ears” of the public to monitor the processing, handling, and transfer of election material within the counting center. When not directly handled, sensitive election materials are securely stored.

TEAM PROCESSES

- Receive Control Packets, page 158
- Duplicating Defective Ballots Electronically, page 163
- Duplicating Defective Ballots by Hand, page 167
- Tracking the Ballots, page 173
- Return the Control Packet, page 176
- Securing the Work Area, page 178

RECEIVE CONTROL PACKETS

Ballots are transferred between the counting center work areas in a control packet to track the custody and inventory of the defective ballots and then, duplicated ballots. Control packets are transferred to the Duplication Team by the Ballot Opening Team and VBC Processing Team with Official Observers.

The Duplication Team divides into sub-groups to complete assigned tasks **in flow**. The sub-groups of Duplication members work with 1 control packet at a time ensuring the accuracy of the ballot inventory.

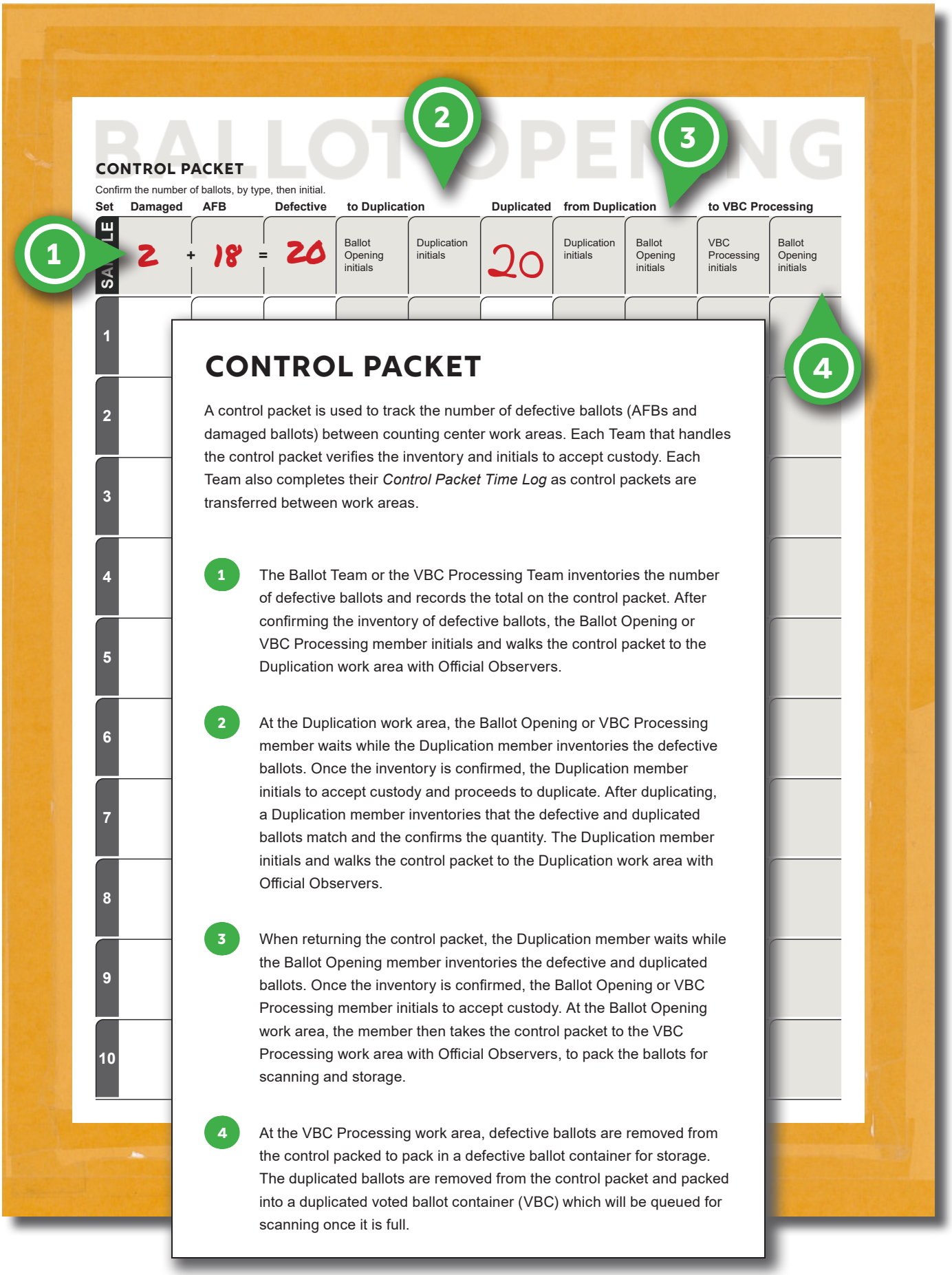
PERSONNEL

Ballot Opening Team receives Alternate format ballots (AFBs) from the County Elections Division. As ballots are opened and removed from the envelopes, the Ballot Opening Team may find a ballot is damaged and also need to be duplicated. The Team prepares control packets to transfer to the Duplication Team by stamping each ballot “Defective” and recording the number of ballots transferred.

Counting Center Manager works with the Team to assign sub-groups and tasks.

Duplication Team remakes one-for-one duplicates of defective ballots. When receiving a control packet, the Duplication Team confirms the inventory of defective ballots and records the time received. The Duplication Team divides into sub-groups to complete the tasks of the Team **in flow**.

Official Observers monitor the handling and transfer of ballots like accompanying control packets between counting center work areas.



CONTROL PACKET

A control packet is used to track the number of defective ballots (AFBs and damaged ballots) between counting center work areas. Each Team that handles the control packet verifies the inventory and initials to accept custody. Each Team also completes their *Control Packet Time Log* as control packets are transferred between work areas.

1. The Ballot Team or the VBC Processing Team inventories the number of defective ballots and records the total on the control packet. After confirming the inventory of defective ballots, the Ballot Opening or VBC Processing member initials and walks the control packet to the Duplication work area with Official Observers.

2. At the Duplication work area, the Ballot Opening or VBC Processing member waits while the Duplication member inventories the defective ballots. Once the inventory is confirmed, the Duplication member initials to accept custody and proceeds to duplicate. After duplicating, a Duplication member inventories that the defective and duplicated ballots match and the confirms the quantity. The Duplication member initials and walks the control packet to the Duplication work area with Official Observers.

3. When returning the control packet, the Duplication member waits while the Ballot Opening member inventories the defective and duplicated ballots. Once the inventory is confirmed, the Ballot Opening or VBC Processing member initials to accept custody. At the Ballot Opening work area, the member then takes the control packet to the VBC Processing work area with Official Observers, to pack the ballots for scanning and storage.

4. At the VBC Processing work area, defective ballots are removed from the control packed to pack in a defective ballot container for storage. The duplicated ballots are removed from the control packet and packed into a duplicated voted ballot container (VBC) which will be queued for scanning once it is full.

VBC Processing Team collects the damaged ballots rejected by the scanner stations. Each damaged ballot is stamped “Defective” and the number of ballots is recorded on the control packet to transfer to the Duplication Team.

SUPPLIES

- control packet check inbox
- *Control Packet Time Log*
- pens, red
- transparent tape

TASKS

1. Inventory the control packet.
2. Check in the control packet.

STEP 1 INVENTORY THE CONTROL PACKET

The Duplication Team receives control packets from the Ballot Opening Team and VBC Processing Team. The Ballot Opening member or the VBC Processing member waits while the Duplication member inventories the control packet to accept custody.

- Work with 1 control packet at a time. Confirm that each ballot is stamped defective and the number of defective ballots matches the number recorded on the control packet.

- Initial the control packet to confirm the defective ballot inventory. If the inventory is incorrect, return the control packet to the originating Team to correct.

- Use transparent tape, as necessary, to repair damaged ballots.

CONTROL PACKET TIME LOG

On the *Control Packet Time Log,* the Duplication Team records the date and time the control packet is:

1 In - to Duplication Team

Out - from Duplication Team

The Ballot Opening Team and VBC Processing Team may reuse a control packet multiple times as indicated by the set number.

STEP 2 CHECK IN THE CONTROL PACKET

Record the time “In” on the *Control Packet Time Log*. Then, determine if the defective ballots should be duplicated electronically or by hand.

When a control packet has been checked in and in queue for duplication, store it in the control packet check inbox.

- AFBs can be duplicated electronically to print a tabulation-ready ballot. **See Duplicating Defective Ballots Electronically on page 163.**

- A damaged ballot, or an AFB with a barcode that cannot be scanned or with selections made in pen, must be duplicated by hand. **See Duplicating Defective Ballots by Hand on page 167.**

DUPLICATING DEFECTIVE BALLOTS ELECTRONICALLY

On the alternate format ballot (AFB), voters mark their votes electronically. The voter confirms their selections which are also stored in a 2D barcode printed on the ballot. The voted AFB is submitted to the County Elections Division to validate which are then transferred to the state-operated counting center and accepted by the Ballot Opening Team.

When the AFBs reach the Duplication Team, the control packet will be inventoried and the ballots duplicated electronically. The Duplication Team uses a barcode reader to scan the 2D barcode to print a tabulation-ready ballot. Official Observers confirm that votes on the tabulation-ready ballot match the selections provided by the voter.

The Duplication Team divides into sub-groups to complete their assigned tasks **in flow**. As the tasks are assigned, a sub-group of Duplication members works with 1 control packet at a time.

If an AFB barcode fails or if the votes do not match, the ballot is manually duplicated. Only votes that can be confirmed on the AFB are valid for duplication. **See Duplicating Defective Ballots by Hand on page 167.**

PERSONNEL

Counting Center Manager works with the Team to assign sub-groups and tasks.

Duplication Team remakes one-for-one duplicates of defective ballots. members operate the ballot-on-demand application.

Hart InterCivic sets up and supports ballot-on-demand. This includes preparing the application to print AFB tabulation-ready ballots.

Official Observers monitor the handling of ballots. At the Duplication Team, Official Observers review each duplicated ballot to ensure it corresponds to the original defective. If there is a discrepancy, Official Observers must agree on the determination.

SUPPLIES

- marker, red
- paper clips
- pens, green (Official Observers)
- stapler

VOTING EQUIPMENT

Hart Technicians set up and maintain the ballot-on-demand application to duplicate defective ballots electronically or print a blank duplicate ballot.

- blank ballot stock
- laptop with barcode scanner
- Build workstation with printer
- USB

TASKS

1. Sort AFBs.
2. Scan the barcode.
3. Print the tabulation-ready ballot.
4. Confirm the votes match.

STEP 1 SORT AFBS

Review the barcode on the AFB and sort into 3 piles:

- Good (will scan)
- Questionable (might scan)
- Bad, will not scan or missing barcode. These AFBs must be manually duplicated. **See Duplicating Defective Ballots by Hand on page 167.**

STEP 2 SCAN THE BARCODE

- A Hart Technician sets up and prepares the laptop to accept AFBs and provides a USB. Consult with a Hart Technician as necessary.
- On the laptop, use the barcode reader to scan the barcode on the AFB. The barcode reader should beep when it has successfully scanned the barcode. If it does not initially beep, try moving the barcode reader at different angles and/or distances from the paper. If the barcode does not work, prepare a blank duplicate ballot to remake the ballot manually. **See Duplicating Defective Ballots by Hand on page 167.**
- Keep the AFBs in scanned order as that will be the order the tabulation-ready ballots are printed.
- Once all AFBs for the batch are scanned, export the file to the USB.

STEP 3 PRINT THE TABULATION-READY BALLOT

- Insert the USB into the Build workstation and import the file.
- Select print marked ballots.
- Keep the AFBs and tabulation-ready ballots in print order to review and confirm the votes match.

STEP 4 CONFIRM THE VOTES MATCH

Official Observers confirm the votes on the defective ballot match the duplicate (tabulation-ready) ballot. If a vote does not match, the ballot must be re-duplicated. The Official Observer notifies a Duplication member to spoil the ballot. **See Spoiling a Duplicated Ballot.**

Once confirmed, Official Observers, using a green pen, initial next to “Official Ballot” on the front of both the defective and duplicated ballot. Do not initial or make any marks near a voting position or barcode.

Keep the defective and duplicate ballot paper clipped together and with the corresponding control packet. Once the defective ballots of the control packet have been duplicated, a control number is assigned for ballot tracking. **See Tracking the Ballots on page 173.**

Spoiling a Duplicated Ballot

If a Duplication member makes an error or the Official Observer identifies an error, the ballot is spoiled and re-duplicated.

- Use a red marker to strike through the barcodes and record “Spoiled” across the face of the ballot. Marking the barcodes ensures that a spoiled ballot cannot be accidentally read at the scanner station.

- Staple the spoiled ballot to the defective ballot.

- Proceed to manually duplicate the defective. **See Duplicating Defective Ballots by Hand on page 167.**

DUPLICATING DEFECTIVE BALLOTS BY HAND

The Duplication Team divides into sub-groups to complete their assigned tasks **in flow**. As the tasks are assigned, the sub-groups of Duplication members work with 1 control packet at a time.

When duplicating a ballot, Official Observers may assist by indicating how a mark would have been read by the voting equipment. Official Observers are familiar with the voting equipment through the logic and accuracy tests and their observation of the scanner stations. Their role is to objectively indicate based on their familiarity with the voting equipment, how the mark would be read. This guides how the mark is duplicated onto the duplicate ballot.

NOTE: *There may be some Federal Write-In Absentee Ballots (FWABs), which need to be duplicated by hand. Votes should only be made on the duplicated ballot for those names that appear written on the FWAB.*

PERSONNEL

Counting Center Manager works with the Team to assign sub-groups and tasks.

Duplication Team remakes one-for-one duplicates of defective ballots.

Hart InterCivic sets up and supports ballot-on-demand.

Official Observers monitor the handling of ballots. At the Duplication work area, Official Observers review each duplicated ballot to ensure it matches the original defective ballot.

SUPPLIES

The Duplication Team is the only work area that is provided black pens. Black pens are optimal for duplicating defective ballots to be scanned. However, the Duplication Team forms should be completed using a red pen.

Additionally, containers of duplicate ballot stock for each district/precinct (D/P) are provided. If the duplicate ballot stock is depleted, a blank ballot can be printed using the Build workstation.

- cut seals envelope
- duplicate ballot stock container
- marker, red
- paper clips
- pens, black
- pens, green (Official Observers)
- transparent tape
- wire cutter

VOTING EQUIPMENT

Hart Technicians set up and maintain the components of the voting system required to duplicate defective ballots electronically or print a blank duplicate ballot.

- blank ballot stock
- Build workstation with printer

TASKS

1. Retrieve a blank duplicate ballot.
2. Mark the duplicate ballot.
3. Confirm the votes match.

STEP 1 RETRIEVE A BLANK DUPLICATE BALLOT

A blank duplicate ballot can be pulled from the duplicate ballot stock or printed using the ballot-on-demand application.

Using Duplicate Ballot Stock

- To unseal the duplicate ballot stock container, complete the "Certification of Unsealing" on the corresponding *Seal Certification* form. Store the completed *Seal Certification* form in a Cut Seals envelope. Official Observers monitor the duplicate ballot stock container when it is not sealed.

- Identify the D/P of the defective ballot and pull a corresponding blank ballot from the duplicate ballot stock. Paper clip the blank duplicate ballot to the defective ballot.

Printing Blank Duplicate

Identify the D/P of the defective ballot and print a ballot of the corresponding D/P using the ballot-on-demand application. Paper clip the blank duplicate ballot to the defective ballot.

STEP 2 MARK THE DUPLICATE BALLOT

Mark the votes on the defective ballot onto the duplicate ballot by completely darkening the voting position. Duplication members mark over votes as they appear on the defective ballot. Official Observers may assist by indicating how a mark would have been read by the voting equipment.

NOTE: *A stray mark near a barcode or voting position may require the ballot to be re-duplicated.*

DEFECTIVE

Official Ballot

STATE OF HAWAII - PRIMARY ELECTION

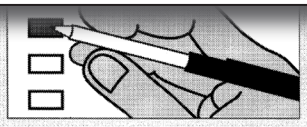
Start voting here

You MUST select ONE political preference below:

- NONPARTISAN BALLOT (N)
- PARTY 1
- PARTY 2
- PARTY 3
- PARTY 4
- PARTY 5

1

Instructions



Completely fill in the box to the left of your choice with a black or blue pen.

If you vote for more candidates than allowed in a contest, your votes for that contest will not be counted.

If you make a mistake, contact your County Elections Division for a replacement ballot. Do not use whiteout.

2

Nonpartisan Ballot (N)

U.S. Representative
Vote For Not More Than One (1)
- Candidate 1
- Candidate 2
- Candidate 3

State Senator
Vote For Not More Than One (1)
- Candidate 1
- Candidate 2
- Candidate 3

State Representative
Vote For Not More Than One (1)
- Candidate 1
- Candidate 2
- Candidate 3

Party 2

U.S. Representative
Vote For Not More Than One (1)
- Candidate 1
- Candidate 2
- Candidate 3

State Senator
Vote For Not More Than One (1)
- Candidate 1
- Candidate 2
- Candidate 3

State Representative
Vote For Not More Than One (1)
- Candidate 1
- Candidate 2
- Candidate 3

Party 3

U.S. Representative
Vote For Not More Than One (1)
- Candidate 1
- Candidate 2
- Candidate 3

State Senator
Vote For Not More Than One (1)
- Candidate 1
- Candidate 2
- Candidate 3

State Representative
Vote For Not More Than One (1)
- Candidate 1
- Candidate 2
- Candidate 3

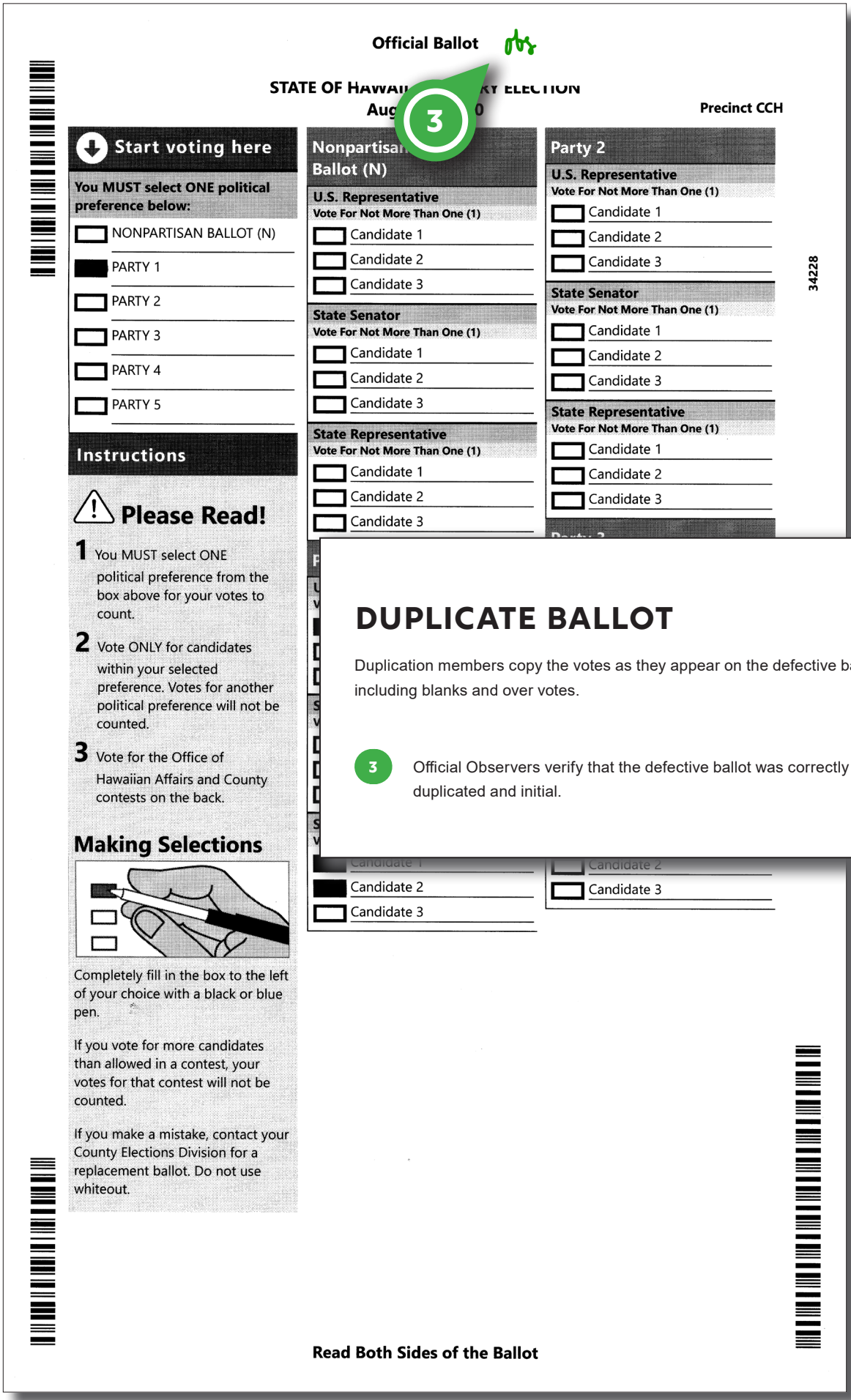
34228

Read Both Sides of the Ballot

DAMAGED BALLOT

A damaged ballot is a defective ballot that cannot be counted by the scanner as-is. The damaged ballot must be duplicated to be counted. A ballot may be damaged if:

1. the vote or a stray mark is near or through a barcode
2. the barcode is misprinted or torn



DUPLICATE BALLOT

Duplication members copy the votes as they appear on the defective ballot including blanks and over votes.

3 Official Observers verify that the defective ballot was correctly duplicated and initial.

Spoiling a duplicated Ballot

If a Duplication member makes an error or the Official Observer identifies an error, the ballot is spoiled and re-duplicated.

- Use a red marker to strike through the barcodes and record “Spoiled” across the face of the ballot. Marking the barcodes ensures that a spoiled ballot cannot be accidentally read by the scanner station.

- Staple the spoiled ballot to the defective ballot.

- Retrieve another blank duplicate ballot. **See Step 1 Retrieve a Blank Duplicate Ballot.**

STEP 3 CONFIRM THE VOTES MATCH

Official Observers confirm the votes on the defective ballot match the duplicate (tabulation-ready) ballot. If a vote does not match, the ballot must be re-duplicated. The Official Observer notifies a Duplication member to spoil the ballot. **See Spoiling a duplicated Ballot.**

Once confirmed, Official Observers, using a green pen, initial next to “Official Ballot” on the front of both the defective and duplicated ballot. Do not initial or make any marks near a voting position or barcode.

Keep the defective and duplicate ballot paper clipped together with the corresponding control packet. Then proceed to assign a control number for ballot tracking. **See Tracking the Ballots on page 173.**

TRACKING THE BALLOTS

Defective ballot and the corresponding duplicate is stamped with a control number. Only duplicated ballots stamped with a control number are valid. After the Duplication Team completes the ballot tracking - inventory is confirmed, and the control packet is completed to return to the originating Team, Ballot Opening or VBC Processing.

PERSONNEL

Counting Center Manager works with the Team to assign sub-groups and tasks.

Duplication Team remakes one-for-one duplicates of defective ballots. The Team assigns a control number to each defective and paired duplicate.

Official Observers monitor the handling of ballots.

SUPPLIES

- automatic numbering machine
- *Ballot Tracking Log*
- pens, red

TASKS

1. Assign a control number.
2. Organize the defective and duplicated ballots.

STEP 1 ASSIGN A CONTROL NUMBER

- Record the district/precinct (D/P) and check the defective type. A damaged ballot is a defective ballot that may have been mismarked, misprinted, or destroyed. An AFB is a defective ballot that the voter used to provide a record of their vote to produce a tabulation-ready ballot.

- Check “Spoiled Duplicate” if a spoiled ballot is stapled to the defective ballot.

- Use the automatic numbering machine to assign the control number. The defective ballot, the duplicated ballot, and the *Ballot Tracking Log* must all be stamped with the same control number to be valid. Cross out and initial any errors. If the automatic numbering machine is out of sync, move forward by stamping scratch paper.

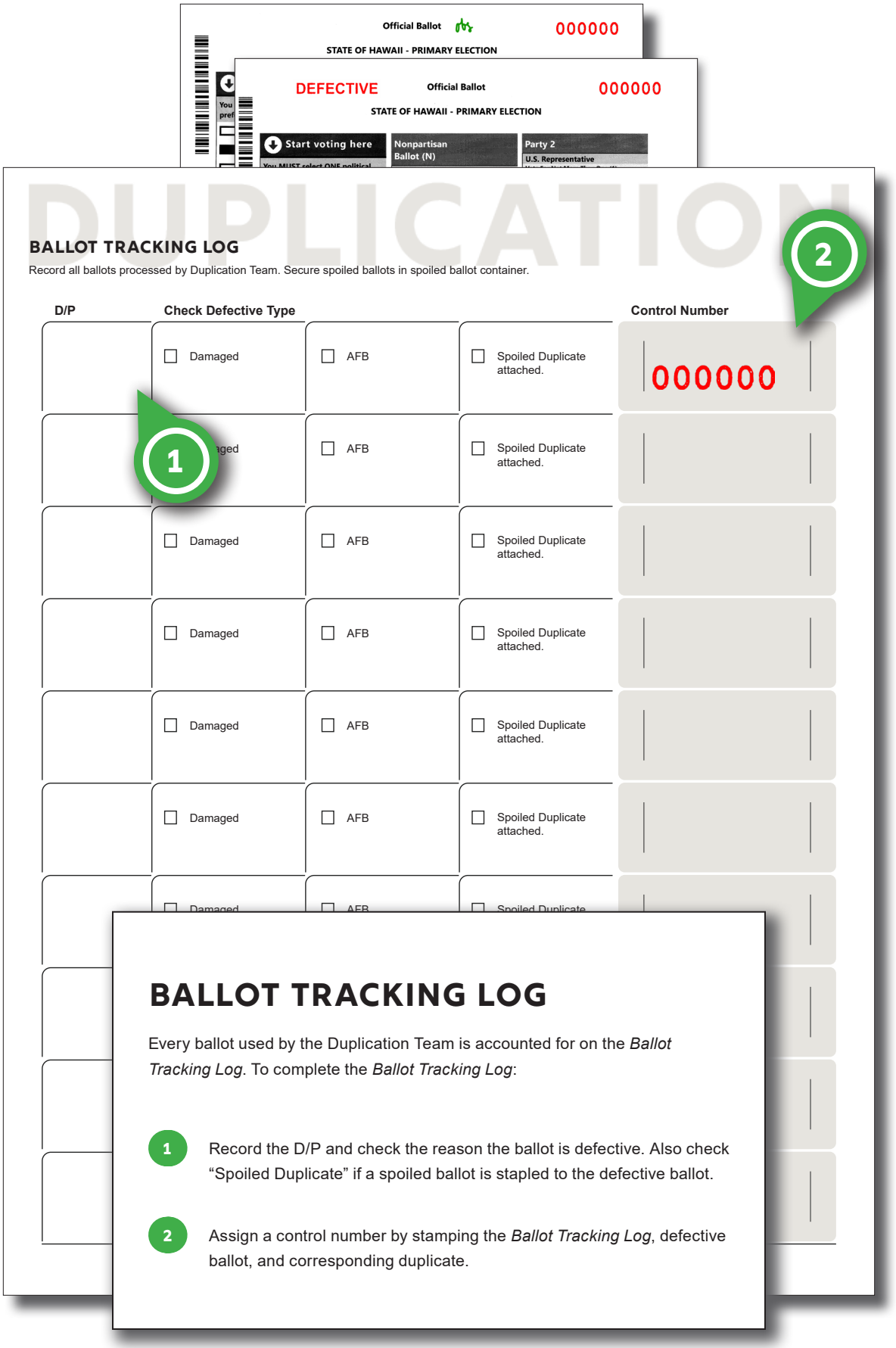
Setting up the automatic numbering machine

Set the clip on the automatic numbering machine to “3” to work in triplicate. Then, test that it is legibly stamping 3 copies of the same number on scratch paper. Re-ink the stamp pad as necessary by pouring a small amount of ink onto the dry pad and allowing it to soak in before using it.

NOTE: *If working in sub-groups and using multiple automatic numbering machines, ensure the numbers will not overlap (e.g., 000001 and 50001).*

STEP 2 ORGANIZE THE DEFECTIVE AND DUPLICATED BALLOTS

Remove the paper clip and separate the ballot into stacks of defective and duplicated ballots. Keep each stack in order by control number. These ballots are inventoried and packed into the control packet, with duplicated ballots in one pocket and defective ballots in a separate pocket as labeled.



BALLOT TRACKING LOG

Every ballot used by the Duplication Team is accounted for on the *Ballot Tracking Log*. To complete the *Ballot Tracking Log*:

1. Record the D/P and check the reason the ballot is defective. Also check "Spoiled Duplicate" if a spoiled ballot is stapled to the defective ballot.

2. Assign a control number by stamping the *Ballot Tracking Log*, defective ballot, and corresponding duplicate.

RETURN THE CONTROL PACKET

Ballots are transferred between counting center work areas in a control packet to track the custody and inventory of the defective and duplicated ballots. The Duplication Team returns completed control packets (defective ballots that have been duplicated) to the originating Team - either Ballot Opening Team or VBC Processing Team with Official Observers.

On the control packet, the number of defective ballots and duplicated ballots is recorded and verified. A Ballot Opening or VBC Processing member accepting custody initials the control packet. If there is a discrepancy in the inventory of ballots, the Duplication Team must resolve the issue. Additionally, Teams track custody of the control packets on the *Control Packet Time Log*.

PERSONNEL

Ballot Opening Team receives their completed control packets from the Duplication Team to check in and inventory.

Counting Center Manager works with the Team to assign sub-groups and tasks.

Duplication Team creates one-for-one duplicates of defective ballots and maintains an inventory of the ballots. When returning a control packet, the Duplication Team confirms the inventory and records the time returned.

Official Observers monitor the handling and transfer of ballots like accompanying control packets between counting center work areas.

VBC Processing Team received their completed control packet from the Duplication Team to check in and inventory. Then the VBC Processing Team secures the defective ballots and queues the duplicated ballots to be scanned.

SUPPLIES

- *Control Packet Time Log*
- pens, red

TASKS

1 ▪ Inventory the completed control packet.

2 ▪ Transfer the completed control packet.

STEP 1 INVENTORY THE COMPLETED CONTROL PACKET

- Work with 1 control packet at a time. The content of the control packet remains intact to track the inventory of defective and duplicated ballots.

- Confirm that each defective and corresponding duplicate is stamped with a control number. Then, verify the number of defective ballots matches the control packet.

- Count the number of duplicated ballots and record the total on the control packet. The number of ballots duplicated must match the number of defective ballots. Resolve any discrepancies by matching the control number and district/precincts (D/Ps). Initial the control packet.

STEP 2 TRANSFER THE COMPLETED CONTROL PACKET

- Record the time “Out” on the *Control Packet Time Log*. With Official Observers, return the control packet to the originating Team noted on the control packet.

- Wait while the Ballot Opening or VBC Processing member inventories the control packet. They initial the control packet to accept custody.

SECURING THE WORK AREA

The workflow and hours processing of voted ballots is dependent on the counting center work areas. The Duplication Team is dependent on both the Ballot Opening Team and VBC Processing Team. Once the Ballot Opening Team finishes opening and packing the ballots, the Duplication Team will no longer receive control packets from this work area. Similarly, the Ballot Opening Team waits to receive any outstanding control packets from the Duplication Team, as indicated on their *Control Packet Time Log*, before closing their work area.

The Duplication Team works at the counting center in parallel with the VBC Processing Team. After the voted ballot containers (VBCs) are scanned, the VBC Processing members do a final sweep of defective ballots from each scanner station. These ballots are transferred to the Duplication Team and the final ballots are scanned before both Teams can close their work areas.

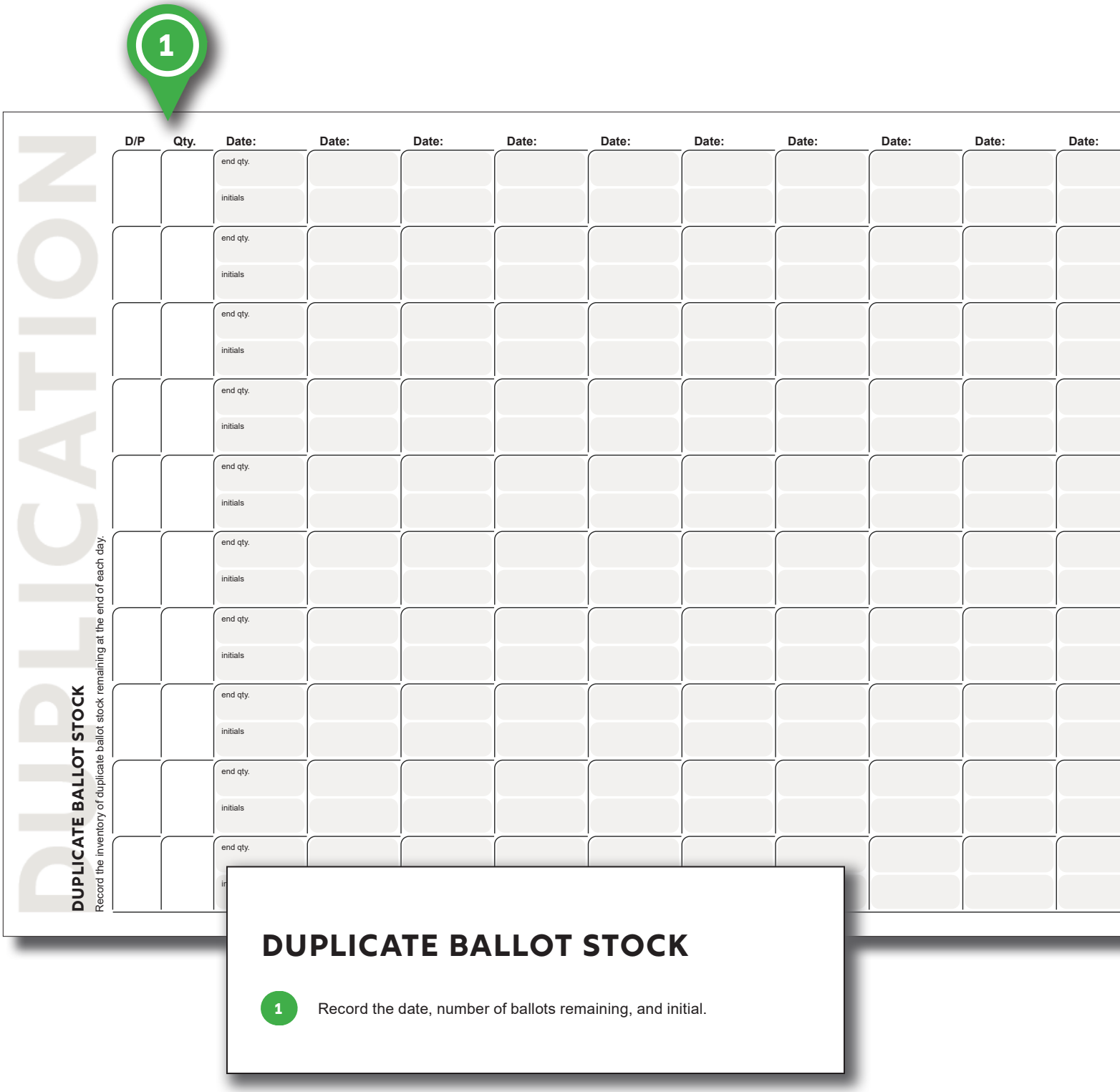
PERSONNEL

Counting Center Manager notifies the Duplication Team when the Ballot Opening Team and VBC Processing Team have completed their assigned tasks.

Duplication Team secures the work area once their tasks have been completed. This includes sealing the duplicate ballot stock.

Hart InterCivic secures the ballot-on-demand application.

Official Observers monitor the handling and transport of ballots. When securing the work area, Official Observers sign the *Seal Certification* forms.



DUPLICATE BALLOT STOCK

1 Record the date, number of ballots remaining, and initial.

SUPPLIES

- *Duplicate Ballot Stock*
- duplicate ballot stock container
- pens, green (Official Observers)
- pens, red
- seal
- *Seal Certification*
- sealing hook

TASKS

1 ▪ Secure the duplicate ballot stock container.

2 ▪ Pack the Team supply box.

3 ▪ Return badge and check out.

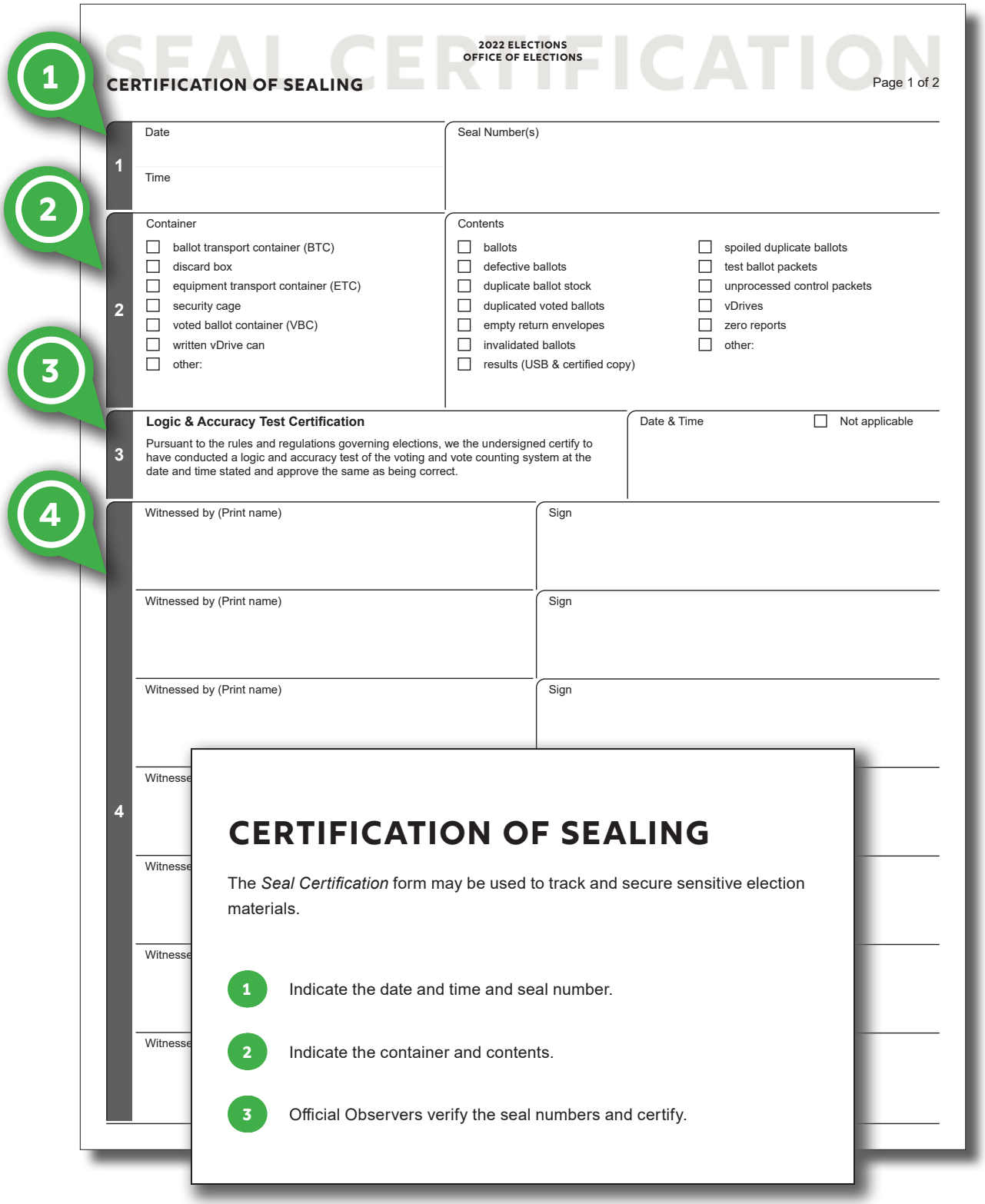
STEP 1 SECURE THE DUPLICATE BALLOT STOCK CONTAINER

- For each district/precinct (D/P), count the number of ballots remaining in the duplicate ballot stock container. Record the date, quantity remaining, and initial.

- Complete 2 copies of a *Seal Certification* form. Place 1 copy of the *form in the containe*r before sealing. Copy 2 is stored on top of the container.

- Insert the sealing hook through the holes of the container. Hook the corresponding seal into the eye of the sealing hook and pull through. Squeeze the seal shut and tug to ensure it is secured.

NOTE: *The number of duplicated and spoiled ballots is tallied on the* Ballot Tracking Log.



CERTIFICATION OF SEALING

The *Seal Certification* form may be used to track and secure sensitive election materials.

1. Indicate the date and time and seal number.
2. Indicate the container and contents.
3. Official Observers verify the seal numbers and certify.

STEP 2 PACK THE TEAM SUPPLY BOX

Store the forms and supplies in the supply box following the inventory list. Then, notify the Counting Center Manager that the work area has been secured.

STEP 3 RETURN BADGE AND CHECK OUT

- Return the ID badges to the Check In work area. ID badges are organized alphabetically by last name.

- Sign out on the *Volunteer Time Log* by recording the time out.

overview

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counting

REPORTING

auditing

automatic recount

appendix

ELECTION DAY RESULTS REPORTS

Results are released starting after the close of voting at 7:00 PM on Election Day or after the last voter in line at that time has cast their ballot, whichever is later.

The results reports are compiled with the written vDrives at the counting center (mail turnout) and the voter service centers (in-person turnout). Hart Technicians at the Neighbor Island Counting Centers send the vDrives using Transmit, the transmission application. At the Oahu Counting Center, Hart Technicians accept the transmissions using Relay and compile the results reports using Count, the tabulation application.

BE AWARE OF SENSITIVE ELECTION MATERIALS. All counting center operations related to handling sensitive election materials, like ballots and vDrives, are conducted in the presence of Official Observers. Official Observers serve as the “eyes and ears” of the public to monitor the processing, handling, and transfer of election material within the counting center. When not directly handled, sensitive election materials are securely stored.

The results reports are publicly distributed online at **elections.hawaii.gov**. Paper copies of the *Statewide Summary* report are only distributed to the counting center work areas and the Official Observer Chairperson as volunteers may not use electronic mobile devices within the counting center.

The Oahu Counting Center notifies the media, Neighbor Island Counting Centers, and County Elections Divisions when the results reports are released. The following results reports are available:

- *Statewide Summary* cumulatively reports the results of all contests. This report is also available as a text file.
- *County of Hawaii Summary* reports the results of contests for Hawaii island.
- *County of Maui Summary* reports the results of contests for Maui, Molokai, and Lanai.
- *County of Kauai Summary* reports the results of contests for Kauai and Niihau.
- *City & County of Honolulu Summary* reports the results of contests for Oahu.
- *Statewide Precinct Detail* is the results for each district/precinct (D/P) by voting method, mail and in-person. This report is also available as a text file.

NOTE: *During reporting, counting center work areas continue opening and scanning ballots.*

READING THE RESULTS REPORTS

The results reports indicate the report number, scope, print date and time, contests, and registration and turnout. Summary reports are cumulative for the county or state. The *Statewide Precinct Detail* reports by D/P and voting type (mail or in-person). All D/Ps statewide are reported including those with zero registered voters.

For each contest, the votes for each candidate, blank votes, and over votes are reported. Adding those votes together equals the turnout (the number of ballots counted). The percentage reported in each contest block is based on the number of ballots counted. However, the winner of a contest may exclude blank votes and over votes in the calculation.

The Registration & Turnout block is cumulative to the scope of the report - statewide, countywide, or district/precinct. Statistics related to the number of registered voters and turnout are reported here. This includes turnout by political preference in the Primary Election.

The number of registered voters reported is captured on the voter registration deadline. The number of registered voters is fluid as voters may register to vote at any time using the online voter registration system or register and vote in-person at a voter service center.

The turnout for mail and voter service centers is based on the voting equipment used to count the ballots. Any ballot counted using at a scanner station the counting center is reported as “Mail turnout.” Scan voting equipment may be used at a voter service center for a voter to deposit and count their ballot. This would be reported as “In-Person turnout.”

REPORT 1

The first release of results reports is made available after all County Election Divisions confirm that the voter service centers are closed. The results reports include the ballots received before Election Day. No results from in-person voting at the voter service centers are included in the first report.

REPORT 2

The second release of results is scheduled for 10:00 PM on Election Day. This release adds the in-person voting at the voter service centers and any mail ballots that were scanned between Report 1 and Report 2.

REPORT 3

County Summary Reports: A county summary report is released as each counting center finishes scanning all ballots received. This report includes the ballots that the County Elections Division collected by the close of voting, 7:00 PM. Only the county

summary report is released as it becomes available. For example, the County of Kauai may finish processing and their *County of Kauai Summary* report will be released, but the *City & County of Honolulu Summary* report is not updated until the Oahu Counting Center finishes processing. The *Statewide Summary* and *Precinct Detail* reports are updated once all counting centers have finished scanning the ballots.

Statewide Election Day Final: After all counting centers have finished scanning ballots, updated *Statewide Summary* and *Precinct Detail* reports are compiled and released. During the 2020 Elections, Election Day final reports were produced at 11:38 AM the day following Primary Election Day and 7:27 AM the day following General Election Day.

The results reports released on Election Day are the preliminary results. Ballots may be counted by the contest for cause deadline. This would include ballots that required additional review by the County Elections Divisions, ballots that voters corrected the signature on their return envelope, or after the audit and reconciliation of voted ballots.

RELEASING REPORT 1

Before tabulating the results reports, Official Observers verify that there are no votes in Count, the tabulation application, to ensure the accuracy and integrity of the election. A Hart Technician prints a zero report for Official Observers to certify that the results for each contest and candidate are zero indicating that no votes are recorded in the system.

The first release of results reports is posted after 7:00 PM once the County Elections Divisions confirm that the voter service centers have closed. The first results reports include the ballots received and scanned before Election Day. The Statewide Counting Center Manager, Counting Center Managers, and Hart Technicians at each location coordinate the transmission of the vDrives to the Oahu Counting Center.

Each Counting Center Manager updates the Statewide Counting Center Manager on Election Day of how many ballots have been received from the County Election Division, opened, and scanned. The goal of counting center operations is to include all the ballot received at the counting center in Report 1. The counting center work areas continue to receive and scan ballots to include in subsequent reports.

PERSONNEL

Computer Services (CS) posts the results reports.

Counting Center Manager tracks the number of ballots received, waiting to be scanned, and reporting. The Counting Center Manager also ensures a zero report is printed, certified, and stored, and coordinates the printing of the audit reports.

County Election Division contacts the Oahu Counting Center as each of their voter service centers close. This includes the County of Hawaii, County of Maui, County of Kauai, and City & County of Honolulu.

Hart InterCivic operates the Count work area to compile and print the results reports. Hart Technicians at the Neighbor Island Counting Centers communicate with the Oahu Counting Center when transmitting vDrives and when the results reports are available to print and disseminate within the counting center.

Manual Audit Team conducts a hand-count of audit ballots to compare to the audit results. Team members retrieve the audit voted ballot containers (VBCs) from the VBC Processing Team.

Office of Elections Spokesperson updates the media on the status of the results reports and works with the Chief Election Officer to coordinate appearances and interviews with the media.

Official Observers monitor the handling and transport of voting materials within the counting center. The Official Observers review and certify the results reports.

Statewide Counting Center Manager coordinates the release of results.

VBC Processing Team works with the Counting Center Manager to transfer the vDrives to the Count work area.

SUPPLIES

The forms and supplies are in the equipment transport container (ETC) and at the VBC Processing work area.

- certified results envelope
- pens, green (Official Observers)
- pens, red
- *vDrive Log*
- written vDrive can

AT THE COUNT WORK AREA

At the Neighbor Island Counting Centers, Hart Technicians use Transmit to send the vDrive data to the Oahu Counting Center.

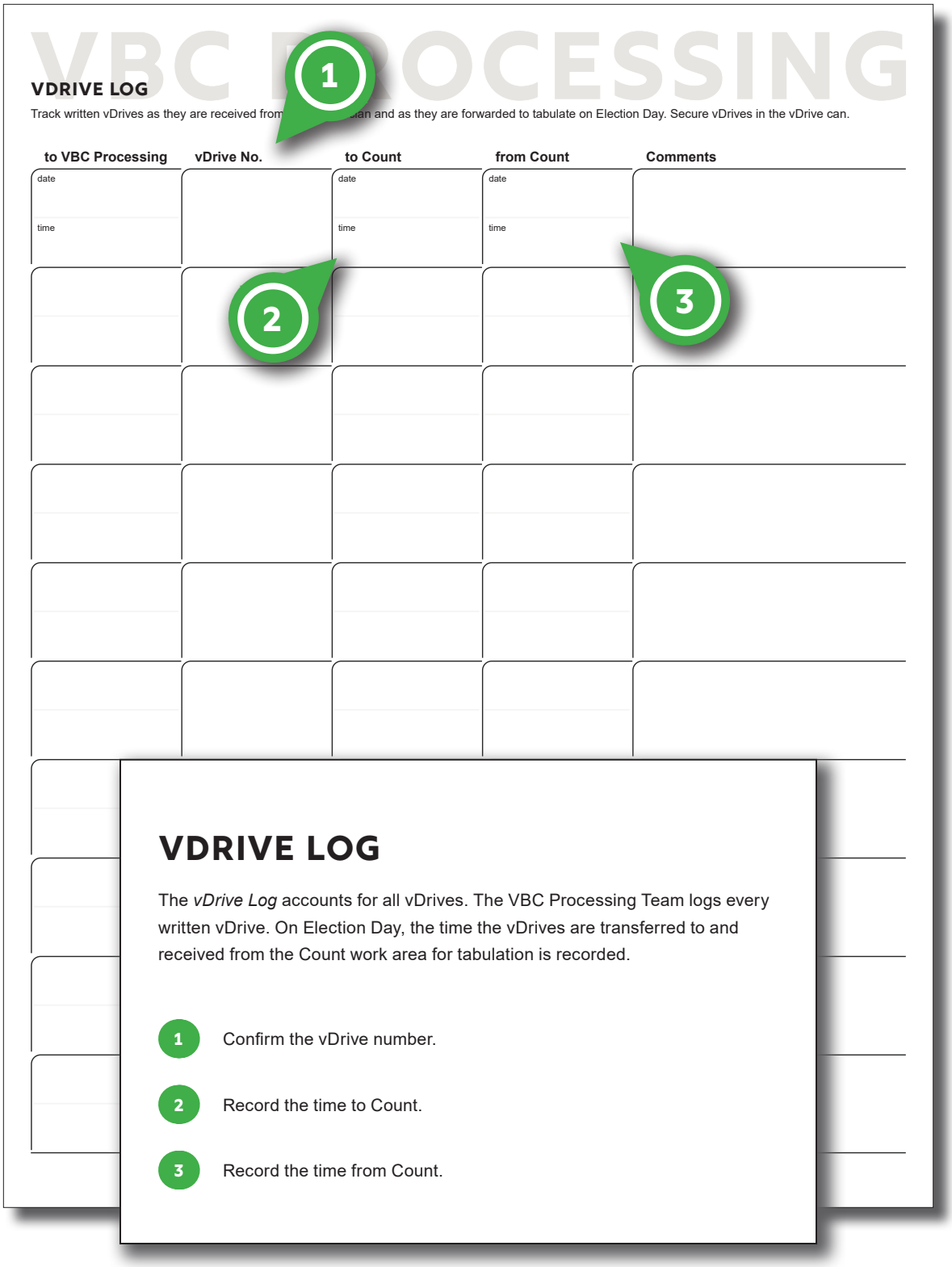
At the Oahu Counting Center, Hart Technicians use Relay to accept the Transmit transmissions. The vDrives are then read into Count, the tabulation application, to compile and print the results reports.

TASKS

1. Certify the zero report.
2. Retrieve the vDrives.
3. Pause scanning to write vDrives.
4. Compile the vDrives.
5. Distribute the results reports.
6. Print the audit reports.

STEP 1 CERTIFY THE ZERO REPORT

- Escort Official Observers to the Count work area.
- Ask the Hart Technician to confirm the computer system time, as it appears on the report. Then, ask them to print the zero report (county summary report).
- Ask the Official Observers to verify that the results are zero for all contests indicating that there are no votes in Count before compiling their test results.
- Official Observers certify by signing and dating the first page of the report. Pack the zero report(s) in the certified reports envelope.


VBC PROCESSING
VDRIVE LOG
Track written vDrives as they are received from
and as they are forwarded to tabulate on Election Day. Secure vDrives in the vDrive can.
to VBC Processing
vDrive No.
to Count
from Count
Comments
date
time
1
2
3
VDRIVE LOG
The vDrive Log accounts for all vDrives. The VBC Processing Team logs every written vDrive. On Election Day, the time the vDrives are transferred to and received from the Count work area for tabulation is recorded.
1 Confirm the vDrive number.
2 Record the time to Count.
3 Record the time from Count.

STEP 2 RETRIEVE THE VDRIVES

Written vDrives are tracked on the *vDrive Log* and securely stored in the vDrive can. The written vDrives must be transferred to the Count work area to appear on Report 1. Official Observers monitor the transfer of vDrives from the VBC Processing work area to the Count work area.

- On the *vDrive Log*, ask a VBC Processing member to complete “to Count” for each vDrive. The Counting Center Manager transfers the vDrives to the Count work area with Official Observers.

- Hold the read vDrives at the Count work area as they will be used to print a local tally report after Report 3. Official Observers monitor the vDrives at the Count work area at all times.

STEP 3 PAUSE SCANNING TO WRITE VDRIVES

If there are still ballots to be scanned approximately 1 hour before the close of voting, the Counting Center Manager:

- Notifies the Statewide Counting Center Manager.

- Notifies the VBC Processing Team to hold the remaining voted ballot containers (VBCs) in the queue.

- Asks the Hart Technicians to finish their open VBCs and write vDrives. Official Observers choose blank vDrives for the Hart Technicians to write.

- Ensure the written vDrives are tracked and transferred, following the *vDrive Log*, to the Count work area in time to transmit for Report 1.

After writing the vDrives, the VBC Processing Team continues to transfer VBCs to the scanner stations.

STEP 4 COMPILE THE VDRIVES

At the Neighbor Island Counting Centers, Hart Technicians read the vDrives into Transmit to send to the Oahu Counting Center. The Hart Technicians at each counting center confirm the vDrive(s) and the number of votes sent and received.

At the Oahu Counting Center, the Hart Technician receives the transmission via Relay and writes vDrive(s) to read into Count. The transmissions from each counting center must be completed promptly to ensure the results from all Counties are reported. The vDrives from the Oahu Counting Center are read directly into Count. Count compiles the results reports to print.

Tabulate vDrives in Count

For the Neighbor Island Counting Centers, after reading the vDrives into Transmit and confirming the transmission was successful, read the vDrives in Count:

- To print the audit reports. **See Step 6 Print the audit reports on page 195.**
- To prepare for the local tally. **See Step 4 Certify Report 3 on page 205.**

Results reports are publicly released by the Oahu Counting Center.

STEP 5 DISTRIBUTE THE RESULTS REPORTS

At the Oahu Counting Center, Hart Technicians notify the Statewide Counting Center Manager when the results reports are compiled. The Statewide Counting Center Manager confirms with CS, the Chief Election Officer, and the Spokesperson when the reports are available to print.

The Statewide Counting Center Manager waits for confirmation from the County Elections Divisions that each voter service center has closed before releasing Report 1. As an additional check, Hart Technicians notify the Statewide Counting Center Manager of Relay transmissions from the Scan devices indicating that a voter service center has closed.

CS posts the results reports to the media webpage and **elections.hawaii.gov**. Then, the Spokesperson signals to the media that the results report is available.

Simultaneously, Oahu Hart Technicians notify the Neighbor Island Hart Technicians to access the report to print. The Statewide Counting Center Manager also confirms receipt of Report 1 with the Counting Center Managers.

Neighbor Island Counting Centers

Hart Technicians print the *Statewide Summary* for internal distribution to:

1. County Clerk
2. Counting Center Manager
3. Official Observers
4. Ballot Opening Team
5. Duplication Team
6. Manual Audit Team
7. VBC Processing Team

Oahu Counting Center

CS prints the *Statewide Summary* for internal distribution to:

1. Statewide Counting Center Manager
2. Counting Center Manager
3. Official Observers
4. Ballot Opening Team
5. Duplication Team
6. Manual Audit Team
7. VBC Processing Team

STEP 6 PRINT THE AUDIT REPORTS

Identify the audit vDrives. An audit tag should be attached to the vDrive or review the vDrive Log as necessary to confirm.

NUMBER OF AUDIT VDRIVES	
Hawaii	3
Maui	3
Kauai	2
Oahu	5

Ask the Hart Technician to print an audit report for **each** audit vDrive (1 vDrive = 1 report). The audit report is cumulative by contest for each vDrive.

The Manual Audit Team uses the audit report to match their tally of expected results. Do not release the audit report to the Manual Audit Team until they have created their tally of expected results.

RELEASE REPORT 2

In-person voting from the voter service centers are reported starting in Report 2. When the Scan voting equipment at the voter service center is close, the data from the vDrive is remotely transmitted to the Oahu Counting Center. Then, the voting equipment and voted ballot containers (VBCs) are transferred from the voter service centers to the counting center.

PERSONNEL

Computer Services (CS) posts the results reports.

Counting Center Manager tracks the number of ballots received, waiting to be scanned, and reporting.

County Election Division contacts the Oahu Counting Center as each of their voter service centers close. This includes the County of Hawaii, County of Maui, County of Kauai, and City & County of Honolulu.

Hart InterCivic operates the Count work area to compile and print the results reports. Hart Technicians at the Neighbor Island Counting Centers communicate with the Oahu Counting Center when transmitting vDrives and when the results reports are available to print and disseminate within the counting center.

Office of Elections Spokesperson updates the media of the status of the results reports and works with the Chief Election Officer to coordinate appearances and interviews with the media.

Official Observers monitor the handling and transport of voting materials within the counting center. The Official Observers review and certify the results reports.

Statewide Counting Center Manager coordinates the release of results.

VBC Processing Team works with the Counting Center Manager to transfer the vDrives to the Count work area.

SUPPLIES

The forms and supplies are in the equipment transport container (ETC) and at the VBC Processing work area.

- pens, green (Official Observers)
- pens, red
- *vDrive Log*
- written vDrive can

AT THE COUNT WORK AREA

At the Neighbor Island Counting Centers, Hart Technicians use Transmit to send the vDrive data to the Oahu Counting Center.

At the Oahu Counting Center, Hart Technicians use Relay to accept the Transmit transmissions. The vDrives are then read into Count, the tabulation application, to compile and print the results reports.

TASKS

1. Pause scanning to write vDrives.
2. Retrieve the vDrives.
3. Compile the vDrives.
4. Distribute the results reports.

STEP 1 PAUSE SCANNER STATIONS TO WRITE VDRIVES

If there are still ballots to be scanned when preparing Report 2, the Counting Center Manager:

- Notifies the Statewide Counting Center Manager.
- Notifies the VBC Processing Team to hold the remaining VBCs in the queue.
- Asks the Hart Technicians to finish their open VBCs and write vDrives. Official Observers choose blank vDrives for the Hart Technicians to install.
- Ensure the vDrives are tracked and transferred, following the *vDrive Log*, to the Count work area in time to transmit for Report 2.

After writing the vDrives, scanning resumes. The VBC Processing Team continues to transfer VBCs to the scanner stations.

STEP 2 RETRIEVE THE VDRIVES

The VBC Processing Team checks in the voting equipment from the voter service centers. The vDrives from the voter service center Scan devices must be transferred to the Count work area. Official Observers monitor the transfer of vDrives from the VBC Processing work area to the Count work area.

- On the *vDrive Log*, ask a VBC Processing member to complete “to Count” for each vDrive. The Counting Center Manager transfers the vDrives to the Count work area.
- Hold the read vDrives at the Count work area as they will be used to print a local tally report after Report 3. Official Observers monitor the vDrives at the Count work area at all times.

STEP 3 COMPILE THE VDRIVES

At the Neighbor Island Counting Centers, Hart Technicians read the vDrives into Transmit to send to the Oahu Counting Center. The Hart Technicians at each counting center confirm the vDrive(s) and the number of votes sent and received.

As the vDrives from the voter service centers may have been transmitted to the Oahu Counting Center when closing the voter service center, confirm that the vDrives have already been received with the Oahu Hart Technicians or Statewide Counting Center Manager.

At the Oahu Counting Center, the Hart Technician receives the transmission via Relay and writes vDrive(s) to read into Count. The vDrives from the Oahu Counting Center are read directly into Count.

Tabulate vDrives in Count

For the Neighbor Island Counting Centers, after reading the vDrives into Transmit and confirming the transmission was successful, read the vDrives in Count to prepare for the local tally. **See Step 4 Certify Report 3 on page 205.**

Results reports are publicly released by the Oahu Counting Center.

STEP 4 DISTRIBUTE THE RESULTS REPORTS

At the Oahu Counting Center, Hart Technicians notify the Statewide Counting Center Manager when the results reports are compiled. The Statewide Counting Center Manager confirms with CS, the Chief Election Officer, and the Spokesperson when the reports are available to print.

CS posts the results reports to the media webpage and **elections.hawaii.gov**. Then, the Spokesperson signals to the media that the results report is available.

Simultaneously, Oahu Hart Technicians notify the Neighbor Island Hart Technicians to access the report to print. The Statewide Counting Center Manager also confirms receipt of Report 2 with the Counting Center Managers.

Neighbor Island Counting Centers

Hart Technicians print the *Statewide Summary* for internal distribution to:

1. County Clerk
2. Counting Center Manager
3. Official Observers
4. Ballot Opening Team
5. Duplication Team
6. Manual Audit Team
7. VBC Processing Team

Oahu Counting Center

CS prints the *Statewide Summary* for internal distribution to:

1. Statewide Counting Center Manager
2. Counting Center Manager
3. Official Observers
4. Ballot Opening Team
5. Duplication Team
6. Manual Audit Team
7. VBC Processing Team

RELEASE REPORT 3

The third release of the results reports is not scheduled and happens in phases as each counting center finishes scanning ballots. Report 3 is the final Election Day results report and includes the ballots collected by the County Elections Divisions by the close of voting (7:00 PM). The county summary report is posted, for the specific County only, shortly after the counting center finishes scanning ballots. Then, the Official Observers certify Report 3.

Once all counting centers have finished scanning the ballots, the *Statewide Summary* and *Precinct Detail* reports are compiled and posted. Automatic recounts are calculated based on the results of Report 3.

PERSONNEL

Ballot Operations (BOPS) contacts the County Elections Divisions and impacted candidates and political parties if an automatic recount is triggered. The candidates and parties are notified by email of the dates, times, and location of the automatic recount and that they will be allowed to watch from a public viewing area. The impacted candidates are not considered Official Observers.

Computer Services (CS) posts the results reports.

Counting Center Manager tracks the number of ballots received, waiting to be scanned, and reporting.

County Elections Divisions work with Office of Elections regarding automatic recounts for county contests. The Office of Elections notifies the City & County of Honolulu Elections Divisions of the dates and times of an automatic recount for City contests.

Hart InterCivic operates the Count work area to compile and print the results reports. Hart Technicians at the Neighbor Island Counting Centers communicate with

the Oahu Counting Center when transmitting vDrives and when the results reports are available to print and disseminate within the counting center.

Office of Elections Spokesperson updates the media of the status of the results reports and works with the Chief Election Officer to coordinate appearances and interviews with the media.

Official Observers monitor the handling and transport of voting materials within the counting center. The Official Observers review and certify the results reports.

Statewide Counting Center Manager coordinates the release of results and reconciles the results reports with the statewide voter registration system.

VBC Processing Team works with the Counting Center Manager to transfer the vDrives to the Count work area.

SUPPLIES

The forms and supplies are in the equipment transport container (ETC) and at the VBC Processing work area.

- certified results envelope
- pens, green (Official Observers)
- pens, red
- *vDrive Log*
- written vDrive can

AT THE COUNT WORK AREA

At the Neighbor Island Counting Centers, Hart Technicians use Transmit to send the vDrive data to the Oahu Counting Center.

At the Oahu Counting Center, Hart Technicians use Relay to accept the Transmit transmissions. The vDrives are then read into Count, the tabulation application, to compile and print the results reports.

TASKS

1. Scan the remaining ballots.
2. Compile the vDrives.
3. Distribute the county summary report.
4. Certify Report 3.
5. Secure the vDrives.
6. Determine if there is an automatic recount.
7. Distribute the statewide results reports.

STEP 1 SCAN THE REMAINING BALLOTS

Following Report 2, continue scanning until all remaining ballots have been counted. The County Elections Divisions will do a final transfer of validated return envelopes that were collected by 7:00 PM.

The vDrives written for Report 3 must be transferred to the Count work area. Official Observers monitor the transfer of vDrives from the VBC Processing work area to the Count work area.

- On the *vDrive Log*, ask a VBC Processing member to complete "to Count" for each vDrive. The Counting Center Manager transfers the vDrives to the Count work area.

- Hold the read vDrives at the Count work area as they will be used to print a local tally report. **See Step 4 Certify Report 3 on page 205.** Official Observers monitor the vDrives at the Count work area at all times.

NOTE: *If ballots are still being counted at 5:30 AM, the Counting Center Manager instructs the Hart Technicians to write vDrives. At 6:00 AM resume scanning.*

STEP 2 COMPILE THE VDRIVES

At the Neighbor Island Counting Centers, Hart Technicians read the vDrives into Transmit to send to the Oahu Counting Center. The Hart Technicians at each counting center confirm the vDrive(s) and the number of votes sent and received.

At the Oahu Counting Center, the Hart Technician receives the transmission via Relay and writes vDrive(s) to read into Count. The vDrives from the Oahu Counting Center are read directly into Count.

Tabulate vDrives in Count

For the Neighbor Island Counting Centers, after reading the vDrives into Transmit and confirming the transmission was successful, read the vDrives in Count to prepare for the local tally. **See Step 4 Certify Report 3 on page 205.**

Results reports are publicly released by the Oahu Counting Center.

STEP 3 DISTRIBUTE THE COUNTY SUMMARY REPORT

At the Oahu Counting Center, Hart Technicians notify the Statewide Counting Center Manager when the county summary report is compiled. The Statewide Counting Center Manager confirms with CS, the Chief Election Officer, and the Spokesperson when the report is available to print.

CS posts the results reports to the media webpage and **elections.hawaii.gov**. The Spokesperson may signal to the media that the results report is available.

Simultaneously, Oahu Hart Technicians notify the Neighbor Island Hart Technician to access the report to print. The Statewide Counting Center Manager also confirms receipt of Report 3 with the Counting Center Manager.

Neighbor Island Counting Centers

Hart Technicians print the county summary report for internal distribution to:

1. County Clerk
2. Counting Center Manager
3. Official Observers
4. certified reports envelope
5. Remaining Counting center work areas

Oahu Counting Center

CS prints the *City & County of Honolulu Summary* report for distribution to:

1. Statewide Counting Center Manager
2. Counting Center Manager
3. Official Observers
4. Certified Reports envelope
5. Remaining Counting center work areas

OAHU: *The Statewide Counting Center Manager requests the* Precinct Detail *report as each counting center finishes to reconcile turnout with the statewide voter registration system.*

STEP 4 CERTIFY REPORT 3

The Neighbor Island Counting Centers confirm the results were transmitted correctly by reconciling a local county summary report with the posted Report 3, county summary report. The Counting Center Manager works with the Hart Technicians to read the vDrives into Count to print a local county summary report. Official Observers match the reports and certify.

- Instruct the Hart Technician to read all vDrives into Count and print a county summary report.

- Provide the Official Observers the local county summary report and Report 3 to match. The Official Observers sign and date of the first page of the report. The certified report is packed in the certified reports envelope and stored in the ETC.

- Call the Oahu Counting Center and provide the following message:
  The [County] has reconciled the results and is preparing for the Election Day Observers' Test.

- After reconciling, the Counting Center Manager directs the Official Observers and Hart Technicians to conduct the Post-Election Test. **See Election Day Observers' Test on page 208.**

NOTE: *If the results reports and local tally do not reconcile, review the* vDrive Log *to re-inventory and add up the number of votes written to the vDrives.*

STEP 5 SECURE THE VDRIVES

After the vDrives are read into Count for the local tally, they are returned to the VBC Processing Team to securely store. The Counting Center Manager transfers the vDrives between work areas with Official Observers.

The VBC Processing Team checks in the vDrives by recording the time "from Count" on the *vDrive Log*. Ensure that the vDrives listed on the *vDrive Log* are accounted for and securely store in the vDrive can.

STEP 6 DETERMINE IF THERE IS AN AUTOMATIC RECOUNT

The Oahu Counting Center calculates if the vote difference between candidates who would have qualified to appear on the General Election ballot or would be elected is equal to or less than 100 votes or 0.25% of the total number of votes cast for the contest, whichever is greater. If this occurs, an automatic recount is triggered.

- The Statewide Counting Center Manager notifies the County Elections Division and Counting Center Manager of the impacted contests and candidates and confirms the dates and times of the automatic recount. The discussion should include assigning staff to confirm or cancel the automatic recount dates and times with the scheduled Counting Center Officials and Official Observers.

- Ballot Operations contacts the impacted candidates and political parties by email to inform them of the dates, times, and location of the automatic recount. Impacted candidates may watch the automatic recount, space allowing, in a designated area. They do not serve as Official Observers.

NOTE: *The* Statewide Summary Report *is required for statewide contests.*

STEP 7 DISTRIBUTE THE STATEWIDE RESULTS REPORTS

At the Oahu Counting Center, Hart Technicians notify the Statewide Counting Center Manager when the results reports are compiled. The Statewide Counting Center Manager confirms with CS, the Chief Election Officer, and the Spokesperson when the reports are available to print.

CS posts the results reports to the media webpage and **elections.hawaii.gov**. Then, the Spokesperson signals to the media that the results report is available. The *Statewide Summary* and *Precinct Detail* are posted.

Neighbor Island Counting Centers

If the Neighbor Island Counting Centers are open, Oahu Hart Technicians notify the neighbor island Hart Technician to access the report to print. Hart Technicians print the *Statewide Summary* for internal distribution to:

1. County Clerk
2. Counting Center Manager
3. Official Observers

Oahu Counting Center

CS prints the *Statewide Summary* for internal distribution to:

1. Statewide Counting Center Manager
2. Counting Center Manager
3. Official Observers
4. Certified Reports envelope

ELECTION DAY OBSERVERS' TEST

Official Observers test the logic and accuracy of the voting equipment and certify that the ballots are counted correctly. The Election Day Test is conducted by 1 Official Observer per scanner station following the certification of Report 3.

- Count is the tabulation application to compile and print the results.
- Scanner stations use the Central application to count the voted ballots.
- vDrives are used to write ballots for tabulation.

SCAN THE TEST BALLOTS

Test ballots are counted using the scanner stations. For the Election Day Test, 1 Official Observer per scanner station scans their test ballots. The test ballots are written to a vDrive to tabulate the test results. The Official Observers match the test results with their tally of expected results or previous test results.

PERSONNEL

Counting Center Manager administers the logic and accuracy test and work with the Official Observers to provide direction and answer any questions.

Hart InterCivic opens, operates, and writes ballots at the scanner stations. The scanner stations are set up for mail ballots.

Official Observers test and certify the logic and accuracy of the voting equipment by marking test ballots, creating a tally of expected results, and matching their results to the voting equipment results report.

SUPPLIES

- pens, green (Official Observers)
- pens, red (Counting Center Manager)
- *Test vDrive Log*
- test zero report envelope

TASKS

1. Scan the test ballots.
2. Write ballots to a vDrive.

STEP 1 SCAN THE TEST BALLOTS

- Assign 1 Official Observer per scanner station and provide the Official Observer their test ballot packet.

- Ask the Official Observers to remove any paper clips or rubber bands to batch their test deck.

Scanner Stations

Hart Technicians operates the scanner stations.

- Print a zero *Configuration Report* for the Official Observers to certify. The certified report is provided to the Counting Center Manager to pack in the test zero report envelope.

- Scan the test deck then return it to the Official Observer.

- Official Observers store their test ballots in their test ballot packet.

STEP 2 WRITE BALLOTS TO A VDRIVE

- At each scanner station, ask the Official Observer to select a vDrive. Record the vDrive number on the *Test vDrive Log*.

- As each scanner station completes scanning, direct the Hart Technician to write ballots to the vDrive.

- With Official Observers, transfer the vDrive to the Hart Technician at the Count work area to print the test results. Test results are printed **in flow**.

PRINT THE TEST RESULTS & RECONCILE

Before the reports can be printed, Official Observers verify that there are no votes in Count, the tabulation application. A Hart Technician prints a zero report for Official Observers to certify that the results for each contest and candidate are zero indicating that no votes are recorded.

Then, the test vDrives are read into Count to print the test results. The test results are printed by packet number to disseminate to the Official Observers. Official Observers reconcile their test results with their tally of expected results.

PERSONNEL

Counting Center Manager collects the zero report, disseminates the test results, and assists to resolve discrepancies when reconciling. As Official Observers reconcile, the Counting Center Manager collects and inventories the test ballot packets.

Hart InterCivic operates Count, the tabulation application to print the zero report, and then test results. Each Official Observer is printed test results based on their assigned test ballots. Test results are printed **in flow** as vDrives are transferred to the Count work area.

Official Observers certify that there are no votes in Count before compiling the results. Then, Official Observers receive their test results to reconcile with their tally of expected results. After reconciling, the test ballot packet is provided to the Counting Center Manager to inventory and securely store.

SUPPLIES

- Count USB envelope
- equipment transport container (ETC)
- pens, red
- rubber fingers
- *Test Ballot Inventory*
- test vDrives envelope
- *Test vDrive Log*
- test zero report envelope

TASKS

1. Certify the zero report.
2. Distribute the test results.
3. Certify the test results.

STEP 1 CERTIFY THE ZERO REPORT

Before tabulating the vDrives, the Hart Technician must print a zero report, indicating there are no votes in Count, for the Official Observers to certify.

- Provide the zero report to the Official Observers to verify that the results are zero for all contests.

- Direct the Official Observers to sign and date the first page of the zero report. Pack the report in the test zero report envelope.

STEP 2 DISTRIBUTE THE TEST RESULTS

- Provide the test vDrive and *Test vDrive Log* to the Hart Technician at the Count work area. The Hart Technician prints the test results by packet number. The test vDrives are held at the Count work area.

- Identify the Official Observer by packet number to provide the test results.

- Instruct each Official Observer to match the test results to their tally of expected results. Then, they sign and date the first page of the test results and pack the test ballots and certified test results into the test ballot packet.

STEP 3 CERTIFY THE TEST RESULTS

The following procedures are conducted by the Official Observers.

- Match the test results to the tally of expected results. Confirm the number of ballots, and votes for candidates, blank (under) votes, and over votes in each contest.

- Certify by signing and dating the first page of the test results.

- Pack the test ballots and certified test results into the test ballot packet and returned to Counting Center Manager to inventory.

PACK THE ETC

The test materials are securely stored in the equipment transport container (ETC). This includes the test ballot packets, test vDrives, blank vDrives, and USB backup are secured in the ETC.

PERSONNEL

Counting Center Manager inventories the test ballots and packs the ETC.

Hart Technicians archive Count and maintain the voting equipment.

Official Observers monitor the handling and security of sensitive election materials, like test ballots and test vDrives.

SUPPLIES

- Count USB envelope
- equipment transport container (ETC)
- rubber fingers
- pens, green (Official Observers)
- pens, red (Counting Center Manager)
- *Test Ballot Inventory*
- test vDrives envelope

TASKS

1. Inventory the test ballots.
2. Organize the Count work area.
3. Pack the ETC.
4. Call the Oahu Counting Center.

STEP 1 INVENTORY THE TEST BALLOTS

Test ballots are inventoried as each Official Observer returns their test ballot packet for secure storage in the ETC.

- Complete “Election Day’” on the *Test Ballot Inventory*.
- Store inventoried test ballot packets in the ETC, lowest to highest.

STEP 2 ORGANIZE THE COUNT WORK AREA

- Ask the Hart Technician to archive Count to USB. The USB is packed and secured in the Count USB envelope in the ETC.
- Pack the test vDrives in the test vDrives envelope to store in the ETC. Check the Test vDrive Log to confirm the number of vDrives.

STEP 3 PACK THE ETC

Ensure the following are packed in the ETC:

- accumulation envelope
- certified reports envelope
- Count USB envelope

- Cut seal envelope
- test ballot packets
- test vDrive envelope
- test zero report envelope
- unused test ballot packets
- vDrives, blank

NOTE: *The blank vDrives used during counting are secured in the ETC.*

STEP 4 CALL THE OAHU COUNTING CENTER

- Call the Oahu Counting Center and provide the following message:
  The [County] has completed the Election Day Observers' Test and is securing the counting center.

- Proceed to secure the counting center. **See Securing the Counting Center on page 84.**

POST-ELECTION COUNT

A post-Election count is scheduled at each counting center no sooner than 5 business days after the election. Voters have up to 5 business days following Election Day to fix an issue with their signature on their return envelope and have their ballot counted.

The post-Election count is conducted by the Statewide Counting Center Manager and Office of Elections staff at each counting center. Official Observers monitor the handling of ballots and vDrives and certify Report 4. The post-Election count is scheduled on the same day as the post-election audit.

PROCESSES

- Open the Counting Center, page 218
- Release Report 4, page 221
- Secure the Counting Center, page 225

OPEN THE COUNTING CENTER

On arrival, volunteers to check in to receive their ID badge. Official Observers must be present before sealed containers are opened for processing.

PERSONNEL

Counting Center Operations (CCOPS) includes the Office of Elections staff and Counting Center Manager. CCOPS conducts the post-election count and audit.

County Elections Divisions transfer cured return envelopes to CCOPS. At the Neighbor Island Counting Centers, the County Elections Division serves as the key holder.

Hart InterCivic, the voting equipment vendor, provides support and operates the voting equipment. Hart is responsible for preventative maintenance, acceptance testing, and positioning the voting equipment. Hart operates the scanner stations and Count work area.

SUPPLIES

- pens, red
- transparent tape
- *Volunteer Time Log*
- wire cutter

TASKS

1. Identify work areas.
2. Issue ID badges.
3. Unseal the ETC.
4. Process cured ballots.
5. Conduct the post-election manual audit.

STEP 1 IDENTIFY WORK AREAS

- Ballot Opening
- Check In
- Duplication
- Equipment transport container (ETC)
- Manual Audit
- Count (Hart Technicians)
- Scanner stations (Hart Technicians)
- VBC Processing

STEP 2 ISSUE ID BADGES

- Ask each volunteers to sign the *Volunteer Time Log*. By printing their name, date, and time in. The *Volunteer Time Log* is used to track payments.

- Issue badge to each volunteers. Badges identify authorized personnel and the designated work area.

- Remind volunteers to wear their badge at all times when working in the counting center and to return it when they are leaving.

STEP 3 UNSEAL THE ETC

- Ask the Official Observers to remove the padlock from the ETC.
- Remove the seal by completing the "Certification of Unsealing*" on the Seal Certification* forms.

OAHU: *The ETC of unused test ballot packets remains sealed.*

STEP 4 PROCESS CURED BALLOTS

Cured return envelopes are handled and processed following counting center procedures:

- **See Ballot Opening on page 98.**
- **See Duplication on page 156.**
- **See VBC Processing on page 126.**

STEP 5 CONDUCT THE POST-ELECTION MANUAL AUDIT

The post-election manual audit is conducted on the same day as the post-election count. **See Post-Election Audit on page 246.**

RELEASE REPORT 4

Report 4 is released on the day of the post-Election count and includes cured ballots - where a voter has had the opportunity to correct their signature on their ballot and provisional ballots. After all counting centers have completed the post-Election count, the final *Statewide Summary* and *Precinct Detail* are released.

PERSONNEL

Computer Services (CS) posts the results reports.

Counting Center Operations (CCOPS) includes the Office of Elections staff and Counting Center Manager. CCOPS conducts the post-election count and audit.

Hart InterCivic operates the Count work area to compile and print the results reports. Hart Technicians at the Neighbor Island Counting Centers communicate with the Oahu Counting Center when transmitting vDrives and when the results reports are available to print and disseminate within the counting center.

Official Observers monitor the handling and transport of voting materials within the counting center. The Official Observers review and certify the results reports.

Statewide Counting Center Manager coordinates the release of results and reconciles the results reports with the statewide voter registration system.

SUPPLIES

- certified results envelope
- pens, red
- *vDrive Log*
- written vDrive can

AT THE COUNT WORK AREA

At the Neighbor Island Counting Centers, Hart Technicians use Transmit to send the vDrive data to the Oahu Counting Center.

At the Oahu Counting Center, Hart Technicians use Relay to accept the Transmit transmissions. The vDrives are then read into Count, the tabulation application, to compile and print the results reports.

TASKS

1. Retrieve the vDrives.
2. Compile the vDrives.
3. Distribute the county summary report.
4. Certify Report 4.
5. Secure the vDrives.
6. Distribute the statewide results reports.
7. Archive Count.

STEP 1 RETRIEVE THE VDRIVES

Written vDrives are tracked on the *vDrive Log* and securely stored in the vDrive can. The written vDrive (for the post-election count only) is transferred to the Count work area with Official Observers.

On the *vDrive Log*, complete “to Count” and walk the vDrive(s) to the vDrives to the Count work area with Official Observers.

STEP 2 COMPILE THE VDRIVES

Hart Technicians read the vDrives into Transmit to send to the Oahu Counting Center. The Hart Technicians at each counting center confirm the vDrive(s) and the number of votes sent and received.

At the Oahu Counting Center, the Hart Technician writes vDrive(s) of the Relay transmission to read into Count. The vDrives from the Oahu Counting Center are read directly into Count. Count compiles the results reports to print.

STEP 3 DISTRIBUTE THE COUNTY SUMMARY REPORT

At the Oahu Counting Center, Hart Technicians notify the Statewide Counting Center Manager when the county summary report is compiled. The Statewide Counting Center Manager confirms with CS when the report is available to post. CS posts the results reports to **elections.hawaii.gov**.

Hart Technicians print the county summary report for internal distribution to:

1. Neighbor Island County Clerk
2. Statewide Counting Center Manager
3. Official Observers
4. Certified Reports envelope

NOTE: *The Statewide Counting Center Manager requests the* Precinct Detail *report to reconcile turnout with the statewide voter registration system.*

STEP 4 CERTIFY REPORT 4

The Official Observers sign and date the first page of the report. Pack the certified reports in the certified reports envelope in the equipment transport container (ETC).

STEP 5 SECURE THE VDRIVES

- The vDrives are returned to the VBC Processing work area with Official Observers to securely store.

- Check in the vDrive(s) by recording the time “from Count” on the *vDrive Log*. Ensure that the vDrives listed on the *vDrive Log* are accounted for and securely store in the written vDrive can.

STEP 6 DISTRIBUTE THE STATEWIDE RESULTS REPORTS

At the Oahu Counting Center, Hart Technicians notify the Statewide Counting Center Manager when the results reports are compiled. The Statewide Counting Center Manager confirms with CS when the reports are available to post. CS posts the results reports to **elections.hawaii.gov**. At the last post-election count, the *Statewide Summary* and *Statewide Precinct Detail* will be released.

Hart Technicians print the county summary for internal distribution to:

1. Neighbor Island County Clerk
2. Statewide Counting Center Manager
3. Official Observers
4. Certified Reports envelope

STEP 7 ARCHIVE COUNT

Ask the Hart Technician to archive the Count and Central task to the Voting System Archive USB. The USB is stored in the Count USB envelope in the ETC.

SECURE THE COUNTING CENTER

The counting center is secured by sealing the voted ballot containers (VBCs), written vDrive can, and other sensitive election materials.

PERSONNEL

Counting Center Operations (CCOPS) including the Statewide Counting Center Manager and Office of Elections staff conduct the post-election count and manual audit. This includes processing return envelopes validated by the County Elections Division, directing ballot scanning, and coordinating posting the results reports.

Hart InterCivic operates the scanner stations to scan ballots as well as the Count work area to compile and print the results reports. Hart Technicians at the Neighbor Island Counting Centers communicate with the Oahu Counting Center when transmitting vDrives and when the results reports are available to print and disseminate within the counting center.

Official Observers monitor the handling and transport of voting materials within the counting center. The Official Observers review and certify the results reports.

SUPPLIES

- certified reports envelope
- equipment transport container (ETC)
- pens, red
- *vDrive Log*
- written vDrive can

TASKS

1 ▪ Collect the Team forms.

2 ▪ Pack and seal the ETC.

STEP 1 COLLECT THE TEAM FORMS

Collect the Team forms to transfer to the Office of Elections.

STEP 2 PACK AND SEAL THE ETC

- Ensure the Certified Reports envelope and USB backup are packed in the ETC. Any remaining blank vDrives are returned to the Hart Technicians.

- Complete 2 *Seal Certification* forms. Indicate the container, content, seal number, date and time, and logic and accuracy certification. Official Observers certify by signing with a green pen.

- Place 1 copy of the *Seal Certification* in the container before closing. Copy 2 is stored on top of the container.

- Latch the container, so that it cannot be opened, and secure using the corresponding seal.

Reset the padlock

The padlock is reset to **0000** for use in future elections.

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AUDITING

automatic recount

appendix

ELECTION DAY AUDIT

Election audits ensure that integrity of the results reports. The Election Day audit is conducted on a sample of ballots to confirm that the voting equipment is counting ballots accurately and the results are tabulated correctly. Preparations for the Election Day audit begin on the first day of counting.

As ballots are opened and packed into voted ballot containers (VBCs), they are transferred to the VBC Processing Team to be scanned. The VBC Processing Team designates the first VBC transferred to each scanner station for the Election Day audit. After scanning, the ballots are written to a vDrive. On Election Day, these audit vDrives are tabulated to print an audit report for the audit VBC.

NUMBER OF AUDIT VDRIVES

Hawaii	3
Maui	3
Kauai	2
Oahu	5

The Manual Audit Team hand-counts the ballots in each audit VBC to create a tally of expected results. The Team may begin tallying the expected results at any time on Election Day including before the results are released. However, the audit report, to compare and reconcile the results, is not released until voting closes.

BE AWARE OF SENSITIVE ELECTION MATERIALS. All counting center operations related to handling sensitive election materials, like ballots and vDrives, are conducted in the presence of Official Observers. Official Observers serve as the “eyes and ears” of the public to monitor the processing, handling, and transfer of election material within the counting center. When not directly handled, sensitive election materials are securely stored.

TEAM PROCESSES

- Retrieve Audit VBCs, page 230
- Count the Ballots, page 235
- Reconcile the Audit, page 240
- Secure the Work Area, page 244

RETRIEVE AUDIT VBCS

To start the audit, the Manual Audit Team with Official Observers, retrieve the audit voted ballot containers (VBCs) from the VBC Processing Team.

NUMBER OF AUDIT VBCS	
Hawaii	3
Maui	3
Kauai	2
Oahu	5

The Manual Audit Team works in sub-groups, based on the number of audit VBCs. Each sub-group works with 1 audit VBC at a time and selects 1 contest to audit.

PERSONNEL

Counting Center Manager coordinates the printing of the audit report with Hart InterCivic for each audit vDrive.

Hart InterCivic prints the audit reports for each audit vDrive.

Manual Audit Team retrieves the audit VBCs from the VBC Processing Team.

Official Observers monitor the handling and transfer of ballots like audit VBCs between counting center work areas. The Official Observers may conduct the audit.

VBC Processing Team stores and secures VBCs. At the start of counting, the VBC Processing Team designates the audit VBCs and ensures that a vDrive is created for each container. The audit VBCs and audit vDrives are securely stored.

SUPPLIES

- *Audit Tally*
- pens, red
- *Results of Votes Cast*

TASKS

1 ▪ Check out the audit VBCs.

2 ▪ Select a contest to audit.

STEP 1 CHECK OUT THE AUDIT VBCS

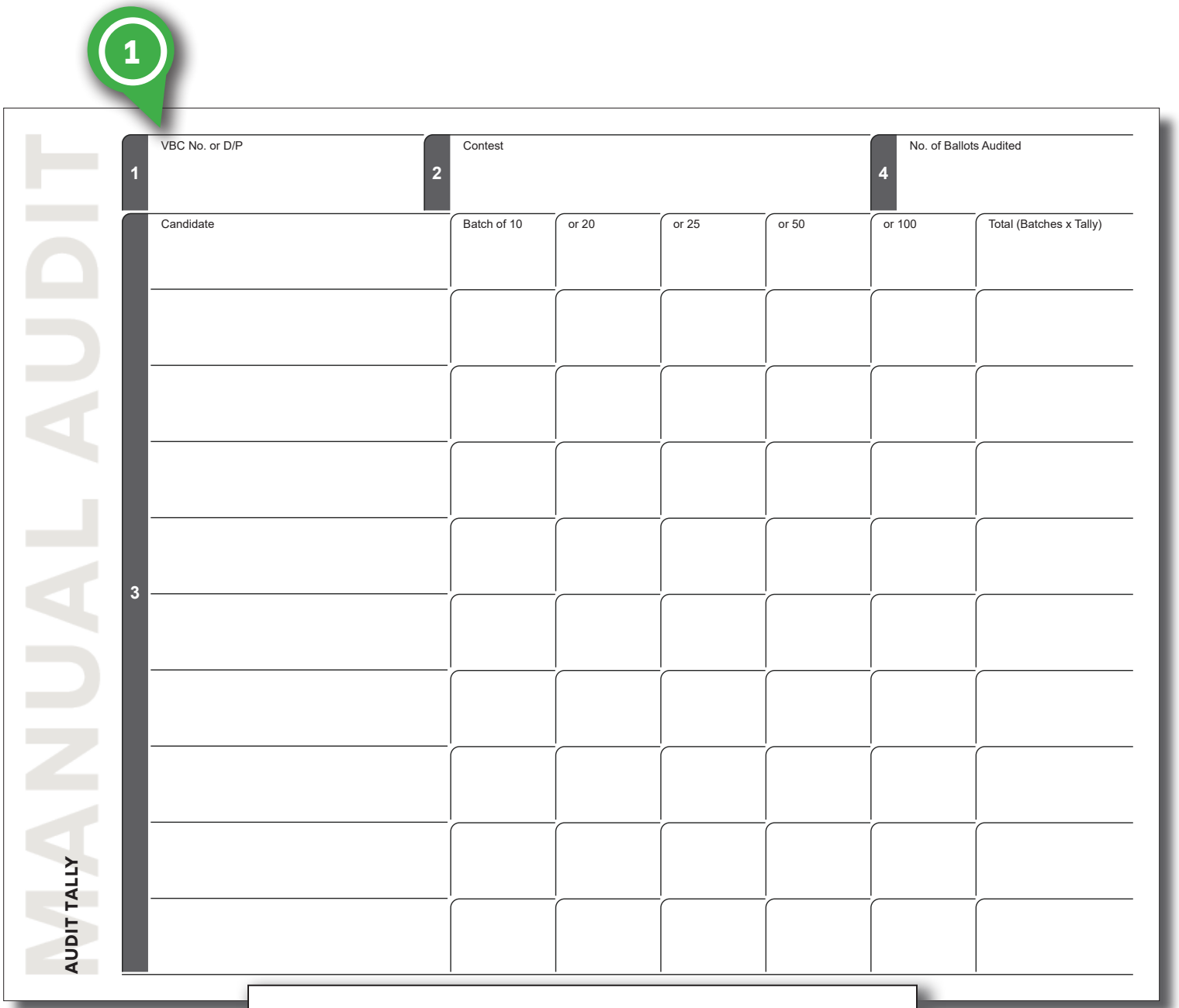
A Manual Audit member with Official Observers, goes to the VBC Processing work area to check out the audit VBCs.

- The member Identifies themselves as a Manual Audit member and requests the audit VBCs. The VBC Processing member completes their *VBC Seal Certification* by recording the date and time in the first block under "Manual Audit."

- The VBC Processing member then completes page 2, "Certification of Unsealing," on a *Seal Certification* form for each audit VBC. Ensure the *Seal Certification* form is taped to the lid of the audit VBC.

- Return to the Manual Audit work area with the audit VBCs.

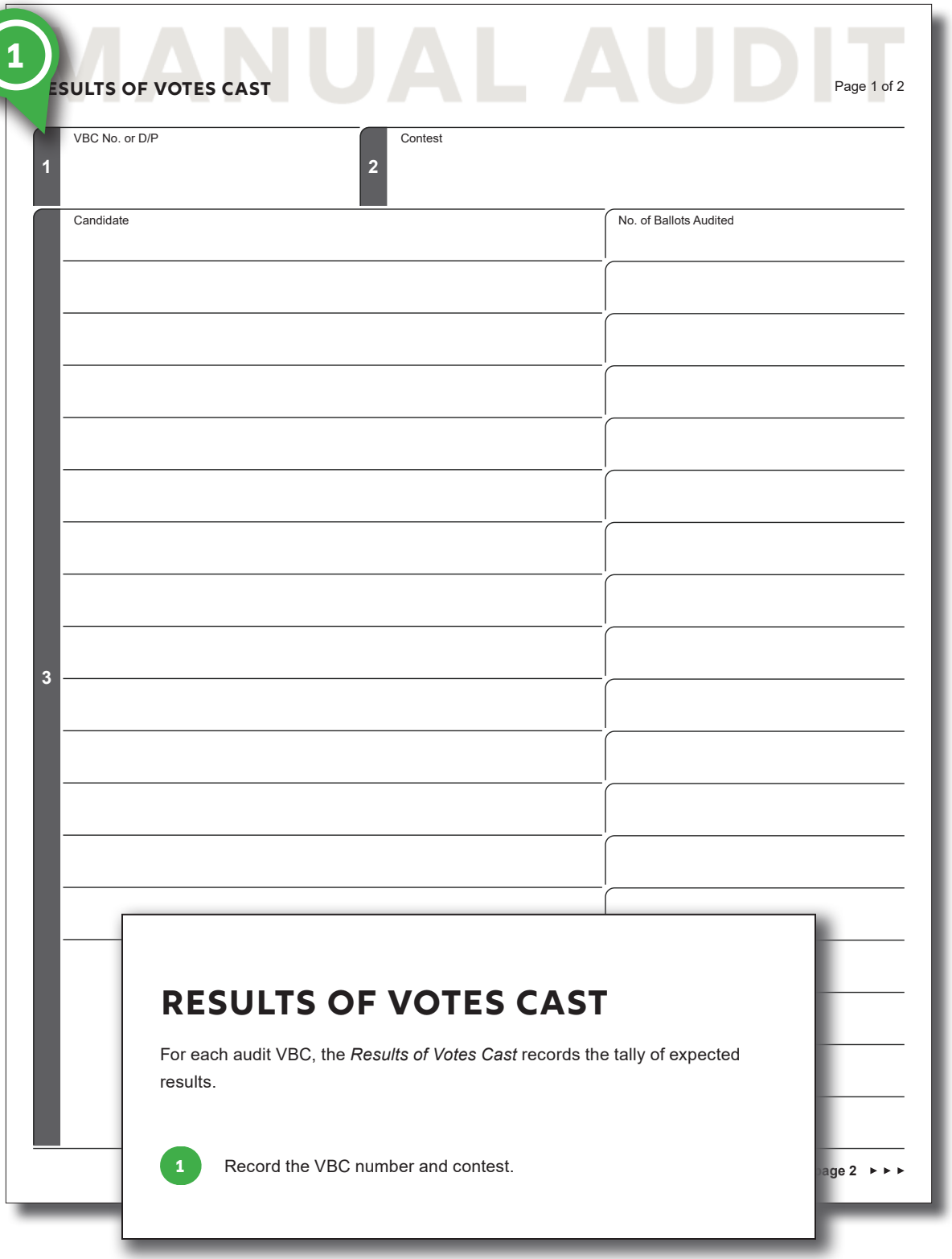
OAHU: *The audit VBCs are secured in security cages. The VBCs are not secured individually until the post-election audit is completed.*



AUDIT TALLY

For each audit VBC, an *Audit Tally* may be used to assist Manual Audit members to create their tally of expected results.

1 Record the VBC number and contest.



RESULTS OF VOTES CAST

For each audit VBC, the *Results of Votes Cast* records the tally of expected results.

1 Record the VBC number and contest.

STEP 2 SELECT A CONTEST TO AUDIT

A different contest should be selected for each audit VBC. As a VBC may contain ballots of multiple district/precincts (D/P), it is recommended that the Manual Audit Team selects a statewide contest that appears on each ballot in the VBC, like Office of Hawaiian Affairs Trustee.

- Divide into sub-groups based on the number of audit VBCs. Distribute an audit VBC to each sub-group.

- For each sub-group, pre-fill an *Audit Tally* and *Results of Votes Cast* for each audit VBC by recording the "VBC No." and "Contest." The *Results of Votes Cast* is used to record the Manual Audit's tally and certify the audit. The *Audit Tally* is an **optional** worksheet to assist with the hand-count.

COUNT THE BALLOTS

Sub-groups work with 1 audit voted ballot container (VBC) at a time. Manual Audit members sort the ballots into stacks for each candidate, blank votes, and over votes. Then, count the number of ballots for each voting position to create batches. These totals are recorded on the *Results of Votes Cast*.

PERSONNEL

Counting Center Manager works with the Team to assign sub-groups and tasks.

Manual Audit Team counts the ballots and creates a tally of expected results for each audit VBC.

Official Observers monitor the handling and transfer of ballots. The Official Observers may conduct the audit.

SUPPLIES

- *Audit Tally*
- pencils
- pens, red
- *Results of Votes Cast*

TASKS

1. Sort the ballots.
2. Batch the ballots.
3. Tally expected results.

STEP 1 SORT THE BALLOTS

Within the audit VBC, the ballots are rubber-banded to a corresponding batch report. Remove the rubber bands and store the reports in the VBC. These batches may be separated and mixed to conduct the audit.

Review the ballots and sort them into stacks by voting position. The number of stacks depends on the number of candidates. The following is an example of the stacks for sorting the ballots:

- A, Candidate
- B, Candidate
- C, Candidate
- Blank votes
- Over votes
- Questionable marks

Select a Party Contest

In the Primary Election, to audit a partisan federal or state contest, first sort the ballots into stacks based on the votes of the Select A Party contest.

- Party of the selected audit contest (e.g., Governor [N])
- Blank votes
- Over votes
- Other political affiliations selected

Then separate and organize the ballots that are marked with the corresponding party, blank votes, and over votes into piles of the audit contest.

STEP 2 BATCH THE BALLOTS

- Determine the number of ballots the Team will use for batching the ballots. On the *Audit Tally*, the suggested batch sizes are 10 ballots, 20 ballots, 25 ballots,

50 ballots, or 100 ballots. Keep in mind that small batches of 10 may be easier to resolve if any discrepancies arise.

- For each stack of ballots, count the ballots into batches (e.g., 10 ballots). These batches can then be stacked together in alternating directions to save space at the work area. Batching the voted ballots by 10 helps when recounting ballots to resolve a discrepancy.

STEP 3 TALLY EXPECTED RESULTS

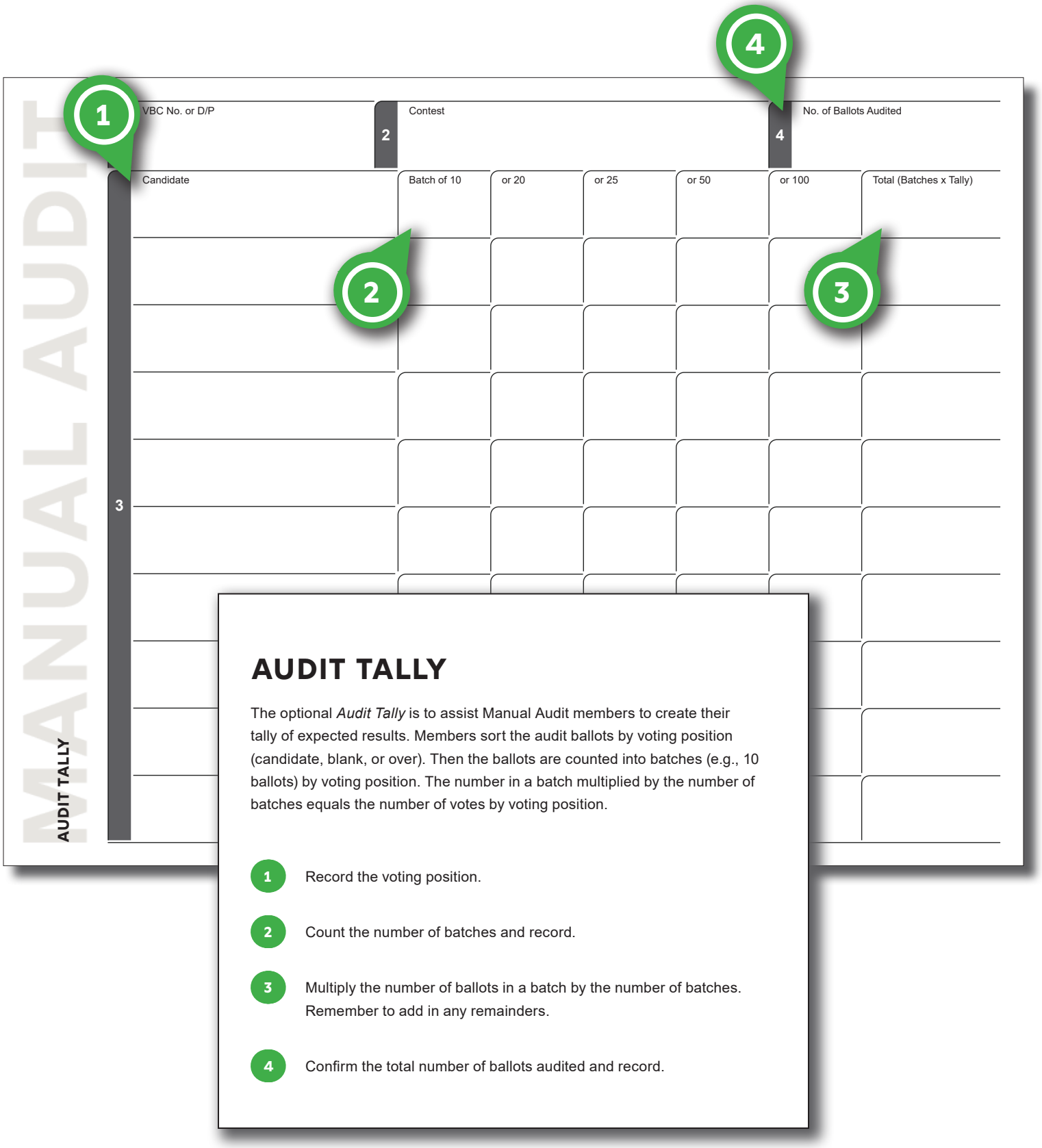
- Using a red pen or pencil, record the candidates of the selected audit contest on the *Audit Tally* and *Results of Votes Cast*. List the candidates alphabetically, in the same order they appear on the ballot.

- On the *Audit Tally*, record the number of batches and multiply by the size of the batch. Remember to add any remaining ballots. Record the total for each voting position and add to total the number of ballots audited.

- Record the total number of ballots for each voting position on the *Results of Votes Cast*.

- Total the number of ballots audited and record on the *Results of Votes Cast*.

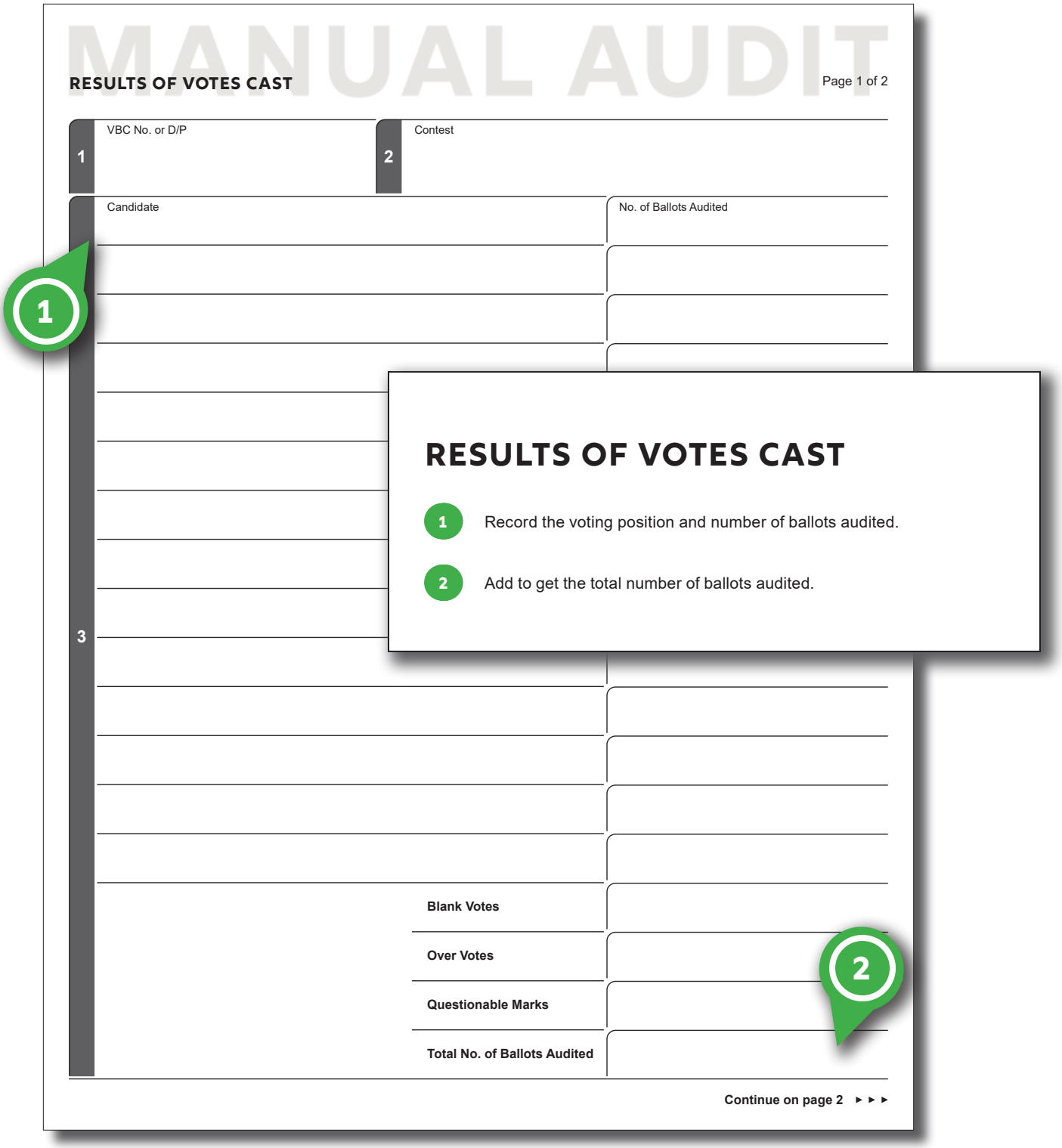
- Keep the ballots in their stacks while reconciling the audit results.



AUDIT TALLY

The optional *Audit Tally* is to assist Manual Audit members to create their tally of expected results. Members sort the audit ballots by voting position (candidate, blank, or over). Then the ballots are counted into batches (e.g., 10 ballots) by voting position. The number in a batch multiplied by the number of batches equals the number of votes by voting position.

1. Record the voting position.
2. Count the number of batches and record.
3. Multiply the number of ballots in a batch by the number of batches. Remember to add in any remainders.
4. Confirm the total number of ballots audited and record.


MANUAL AUDIT
RESULTS OF VOTES CAST
Page 1 of 2
1
VBC No. or D/P
2
Contest
Candidate
No. of Ballots Audited
3
Blank Votes
Over Votes
Questionable Marks
Total No. of Ballots Audited
Continue on page 2 ►►►
1
2
RESULTS OF VOTES CAST
1 Record the voting position and number of ballots audited.
2 Add to get the total number of ballots audited.

RECONCILE THE AUDIT

After counting the ballots, match the *Results of Votes Cast* to the audit report printed by the voting equipment. To reconcile, ensure the number of ballots counted matches the number of ballots in the voted ballot container (VBC) and the audit report. Also, match the number of votes for each candidate, blank votes, and over votes.

If there is a discrepancy, review and recount the stacks of ballots. Manual Audit sub-groups may re-form to resolve a discrepancy. Additionally, consult with the Official Observers or Counting Center Manager as necessary.

Small differences of a few unexplained votes can occur, but such differences should be verified by at least 2 recounts. The Manual Audit Team and Official Observers are responsible for thoroughness and confidence in the audit. If the Team and Official Observers are not comfortable with the audit, continue to resolve a discrepancy to ensure the accuracy and integrity of the election.

PERSONNEL

Counting Center Manager works with the Team to assign sub-groups and tasks. They may also assist the Manual Audit Team with resolving any discrepancy.

Manual Audit Team confirms the audit report matches their tally of expected results including the number of ballots audited and marks for each voting position.

Official Observers monitor the handling and transfer of ballots. The Official Observers may conduct the audit. If there is a questionable mark, Official Observers work with the Counting Center Manager to resolve the discrepancy.

SUPPLIES

- pens, green (Official Observers)
- pens, red
- *Results of Votes Cast*

TASKS

1. Receive the audit report.
2. Confirm the number of ballots audited.
3. Match the votes for each voting position.
4. Certify the audit.

STEP 1 RECEIVE THE AUDIT REPORT

After releasing Report 1, the Counting Center Manager coordinates the printing of the audit reports from Count with a Hart Technician. The audit reports, 1 per audit VBC, are cumulative for each contest.

STEP 2 CONFIRM THE NUMBER OF BALLOTS AUDITED

Verify the number of ballots audited matches the audit report. If there is a discrepancy, review and recount the stacks of ballots by voting position and verify the count based on the batch reports stored in the audit VBC. Record corrections on the *Results of Votes Cast*.

STEP 3 MATCH THE VOTES FOR EACH VOTING POSITION

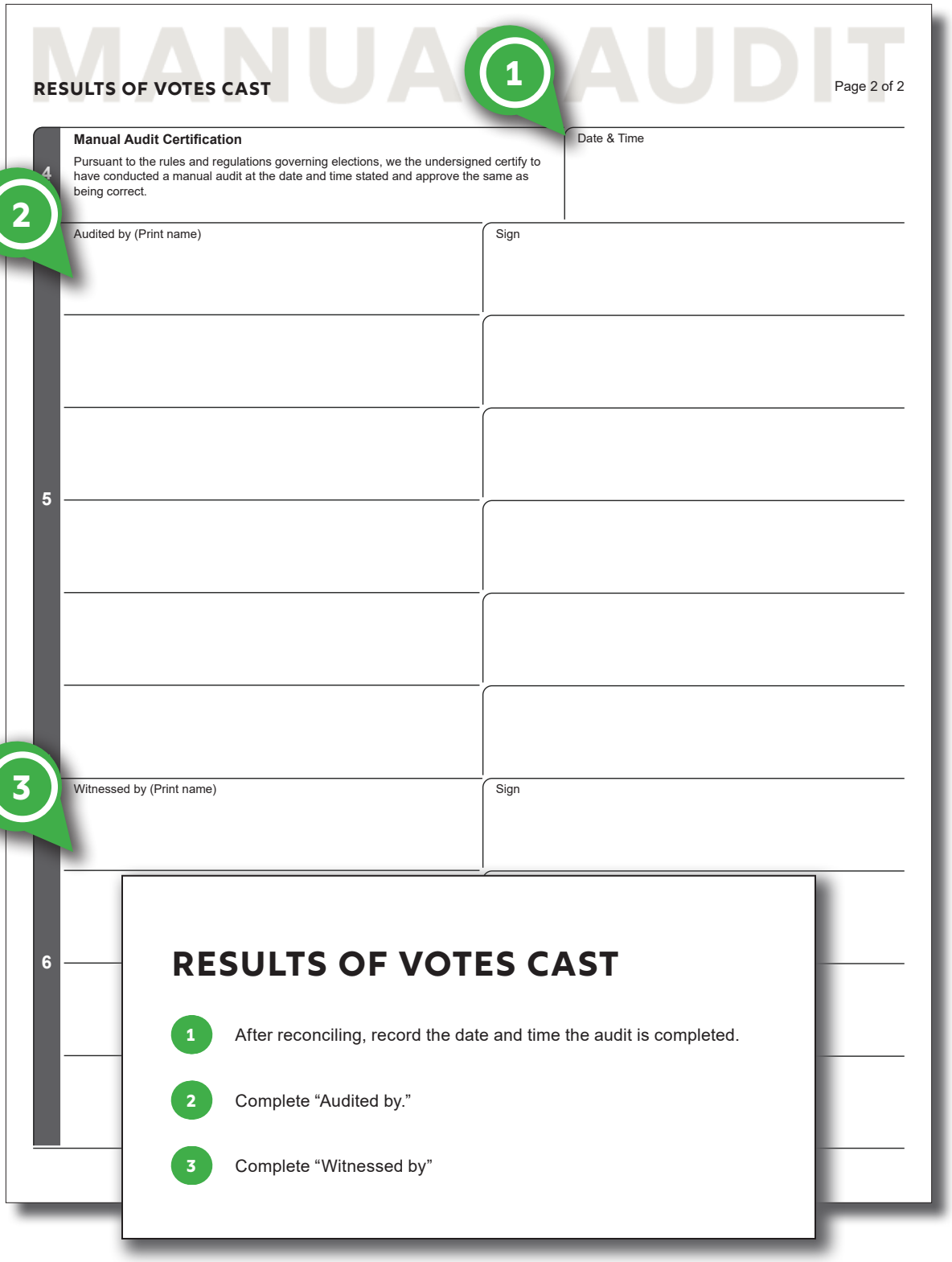
- Confirm that the number of votes for each voting position matches the audit report. If there is a discrepancy, recount the stacks of ballots by voting position. Record corrections on the *Results of Votes Cast*.

- Questionable marks are resolved to reconcile the results of the audit. As part of the reconciliation process, identify the voting position of the contest counted. If Official Observers and the Counting Center Manager disagree about how the vote was counted, record it as a questionable mark on the *Results of Votes Cast*.

STEP 4 CERTIFY THE AUDIT

Once the tally of expected results is matched with the audit report, complete the "Manual Audit Certification" on page 2 of the *Results of Votes Cast*, recording the date and time the audit is completed.

Using a red pen, each sub-group member prints and signs their name.


MANUAL AUDIT
RESULTS OF VOTES CAST
Page 2 of 2
1
Manual Audit Certification
Pursuant to the rules and regulations governing elections, we the undersigned certify to have conducted a manual audit at the date and time stated and approve the same as being correct.
Date & Time
4
2
Audited by (Print name)
Sign
5
3
Witnessed by (Print name)
Sign
6
RESULTS OF VOTES CAST
1 After reconciling, record the date and time the audit is completed.
2 Complete “Audited by.”
3 Complete “Witnessed by”

SECURE THE WORK AREA

After certifying the audit, the audit voted ballot containers (VBCs) are repacked and returned to the VBC Processing Team. The Official Observers monitor the handling and custody of the audit VBCs.

PERSONNEL

Manual Audit Team counts a sample of voted ballots and reconciles their tally of expected results with the voting equipment printout. After certifying the audit, Manual Audit Team return the audit VBCs to the VBC Processing Team.

Official Observers monitor the handling and transfer of ballots like the audit VBCs, between counting center work areas.

VBC Processing Team secures stores VBCs. After the audit, the Manual Audit Team returns the audit VBCs to the VBC Processing Team.

SUPPLIES

- audit VBC
- pens, red

TASKS

1. Check in the audit VBCs.
2. Pack the Team supply box.
3. Return badge and check out.

STEP 1 CHECK IN THE AUDIT VBCS

A Manual Audit member, with Official Observers, proceed to the VBC Processing work area to return the audit VBCs.

The member identifies themselves as a Manual Audit member and that they are returning the audit VBCs. The VBC Processing member completes the *VBC Seal Certification* by recording the date and time in the second block under "Manual Audit."

OAHU: *The audit VBCs are secured in security cages. The VBCs are not secured individually until the post-election audit is completed.*

STEP 2 PACK THE TEAM SUPPLY BOX

- Pack all copies of the *Audit Tally* & *Results of Votes Cast* in the form folder. Similarly, store the audit reports in the audit reports folder.
- Store the forms and supplies following the inventory list in the supply box.
- Notify the Counting Center Manager that the work area has been secured.

STEP 3 RETURN BADGE AND CHECK OUT

- Return the ID badges to the Check In work area. ID badges are organized alphabetically by last name.
- Sign out on the *Volunteer Time Log* by recording the time out.

POST-ELECTION AUDIT

Election audits verify the accuracy and integrity of the results reports. An audit is not a recount. Instead, the audit confirms the voting equipment accurately counted and reported the votes.

The post-election audit is conducted on at least 10% of district/precincts (D/Ps) to confirm that the voting equipment is counting ballots accurately and the results are tabulated correctly. The D/Ps for auditing are randomly selected then 1 contest is selected for each D/P.

AUDIT	
Hawaii	5
Maui	4
Kauai	2
Oahu	16

Collectively, the audit must meet the following conditions:

- At least 1 from a small D/P of 2,000 or fewer registered voters
- At least 1 from a medium D/P of 2,001 to 3,999 registered voters
- At least 1 from a large D/P of 4,000 or more registered voters
- At least 1 from an urban D/P (Congressional District I)
- At least 1 from a rural D/P (Congressional District II)
- At least half of the audit D/P are randomly selected.

The post-election audit compares that the ballots counted at the scanner stations match the tabulation of the results reports. The Manual Audit Team, with Official Observers, review each batch to confirm it was counted as marked. The voting equipment displays the ballot and how it was counted. Election Officials and Official Observers confirm the results reports and certify the audit.

BE AWARE OF SENSITIVE ELECTION MATERIALS. All counting center operations related to handling sensitive election materials, like ballots and vDrives, are conducted in the presence of Official Observers. Official Observers serve as the "eyes and ears" of the public to monitor the processing, handling, and transfer of election material within the counting center. When not directly handled, sensitive election materials are securely stored.

PROCESSES

- Review Batches, page 248
- Audit the Voter Service Center Ballots, page 257
- Reconcile the Audit, page 261
- Secure the Work Area, page 265

REVIEW BATCHES

At least half of the audit district/precincts (D/Ps) are randomly selected with the Official Observers. The audit D/Ps may also be selected by the Official Observers or the Statewide Counting Manager. Similarly, the audit contest may be determined by the Manual Audit Team, Official Observers, or Statewide Counting Center Manager.

The Manual Audit Team works in sub-groups based on the number of scanner stations. After selecting the audit D/Ps, the Manual Audit Team reviews each of the ballots and creates a tally of expected results. Each sub-group works with 1 audit D/P at a time. At the scanner station, Manual Audit members and Official Observers view each ballot to confirm that the mark made by the voter matches the count by the voting equipment. Each properly counted ballot is tallied.

PERSONNEL

Hart InterCivic sets up and provide instructions for use of the scanner stations.

Manual Audit Team hand counts ballots to compare with result reports printed by the voting equipment.

Official Observers monitor the handling of ballots. The Official Observers may conduct the audit.

Statewide Counting Center Manager directs of the post-election audit with assistance from the Office of Elections staff who work to conduct the audit.

SUPPLIES

- *Ballot Review Log*
- *Batch Audit Log*
- *Batch Audit Tally*
- D/P cards
- *D/P Checklist*
- pencils
- pens, green (Official Observers)
- pens, red
- *Results of Votes Cast*

AT VBC PROCESSING

- *Seal Certification*
- transparent tape
- *VBC Seal Certification*
- voted ballot containers (VBC)
- wire cutter

TASKS

1. Select audit D/P.
2. Identify the batches.
3. Review the audit ballots.
4. Review questionable marks.
5. Tally expected results.

STEP 1 SELECT AUDIT D/P

- With the D/P cards faced down, shuffle the cards and randomly choose. Then select a contest for each audit D/P.

- Pre-fill the *Batch Audit Tally*, *Ballot Review Log*, and *Results of Votes Cast* for each audit D/P by recording the "D/P" and "Contest." When filling out the *Batch Audit Tally*, prepare at least 10 copies for each sub-group as 1 page is used for each audit batch.

- Distribute pencils and pages of the *Batch Audit Tally*, *Ballot Review Log*, and *Results of Votes Cast* to each sub-group.

STEP 2 IDENTIFY THE BATCHES

At the Central workstation, complete the *Batch Audit Log* by recording the D/P, contest, candidates, and batch IDs.

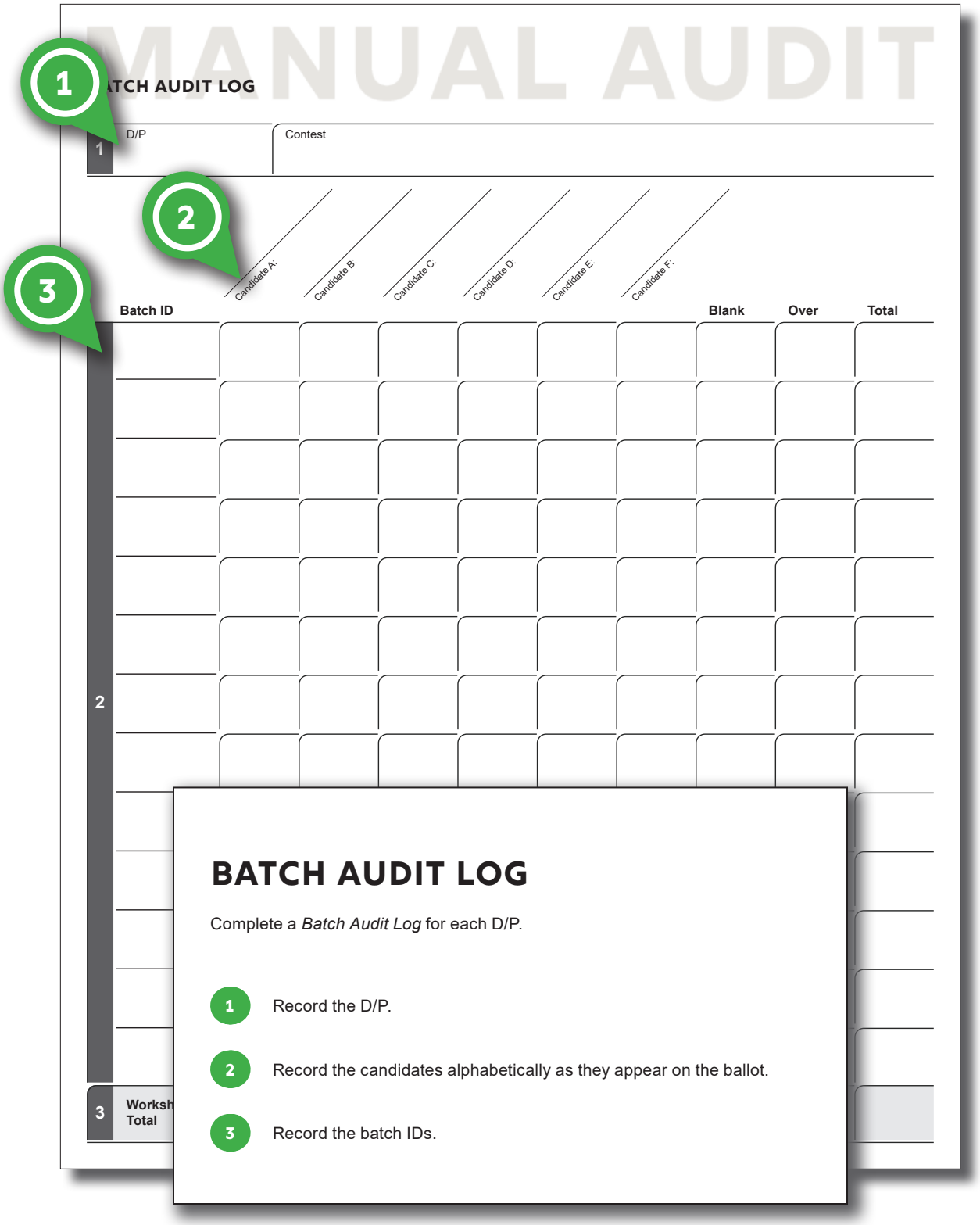
STEP 3 REVIEW AUDIT BALLOTS

The post-election audit may be conducted by reviewing the ballot image at each scanner station. At the scanner station, the Statewide Counting Center Manager and/or Hart Technicians provide technical support.

One member operates the scanner station, while another member tallies and completes the *Batch Audit Tally*. Official Observers confirm the vote and the tally.

- Record the "Batch ID" and candidates on the *Batch Audit Tally*. List the candidates alphabetically, in the same order they appear on the ballot.

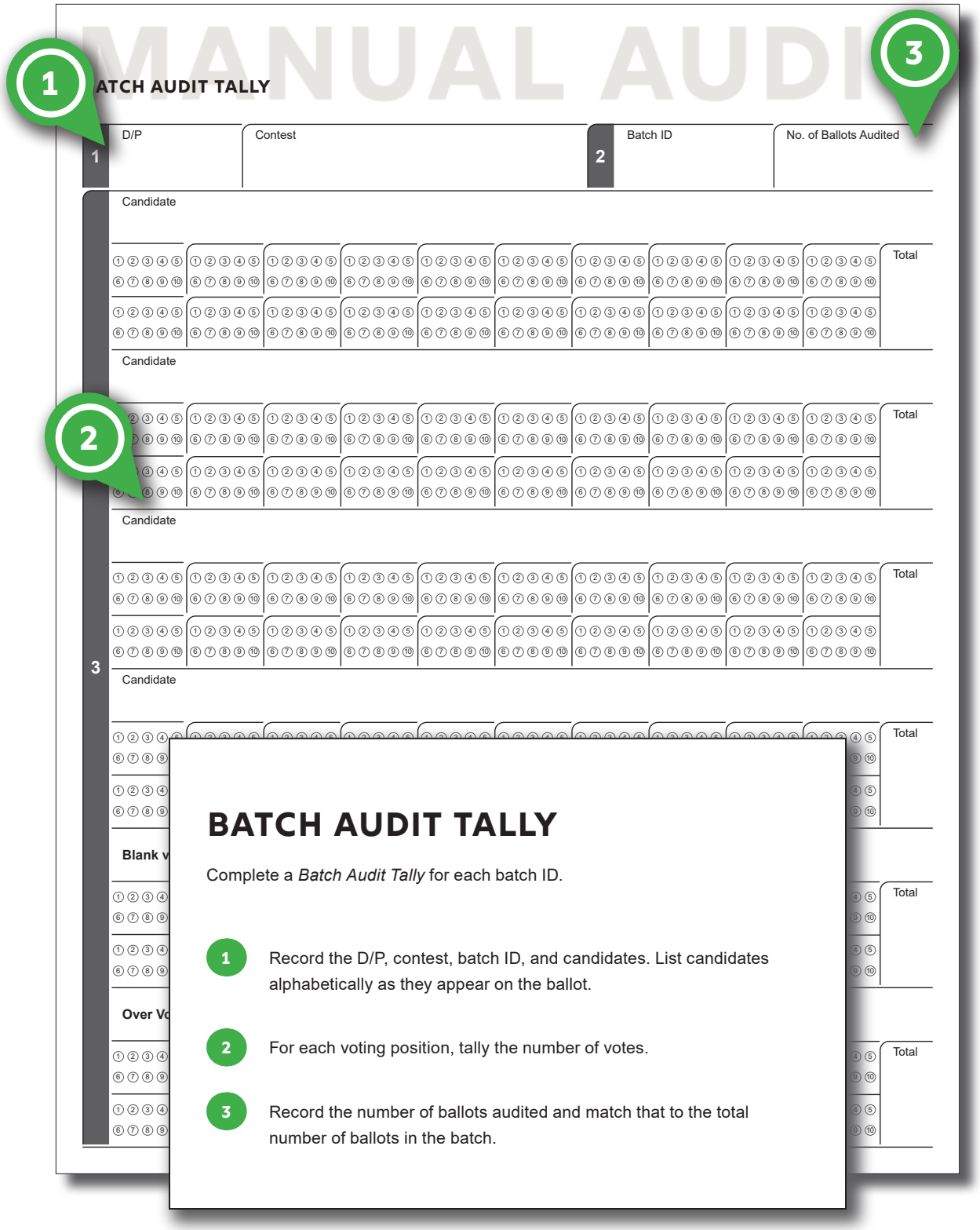
- Open the batch to review the first ballot. To better view, double-click on the contest to zoom in and display the voting disposition counted by the voting equipment, as necessary.

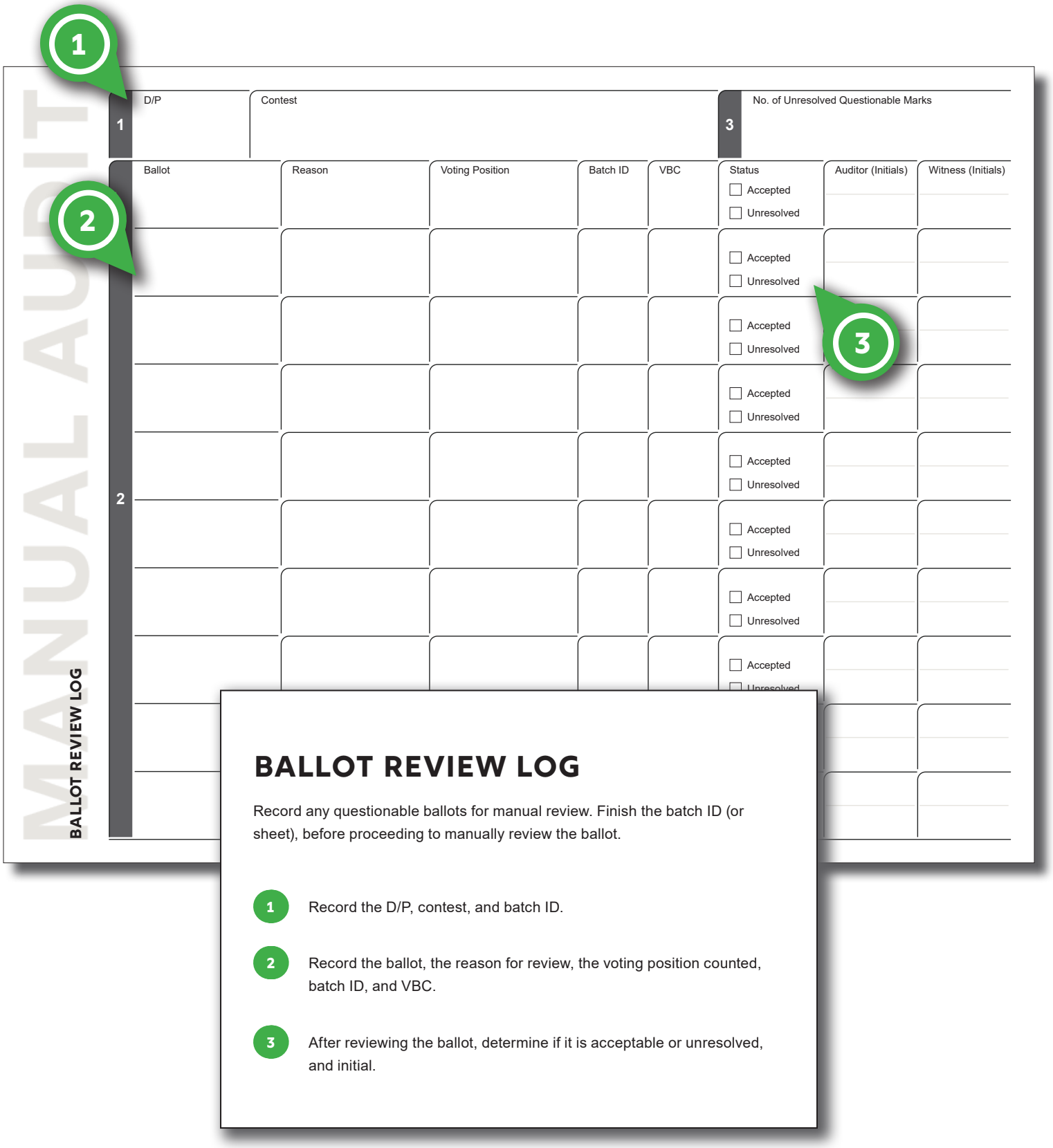


BATCH AUDIT LOG

Complete a *Batch Audit Log* for each D/P.

1. Record the D/P.
2. Record the candidates alphabetically as they appear on the ballot.
3. Record the batch IDs.


MANUAL AUDI
1
ATCH AUDIT TALLY
D/P
Contest
2
Batch ID
No. of Ballots Audited
3
Candidate
Total
Candidate
Total
2
Candidate
Total
3
Candidate
Total
Blank v
Total
Over Vo
Total
BATCH AUDIT TALLY
Complete a Batch Audit Tally for each batch ID.
1
Record the D/P, contest, batch ID, and candidates. List candidates alphabetically as they appear on the ballot.
2
For each voting position, tally the number of votes.
3
Record the number of ballots audited and match that to the total number of ballots in the batch.



BALLOT REVIEW LOG

Record any questionable ballots for manual review. Finish the batch ID (or sheet), before proceeding to manually review the ballot.

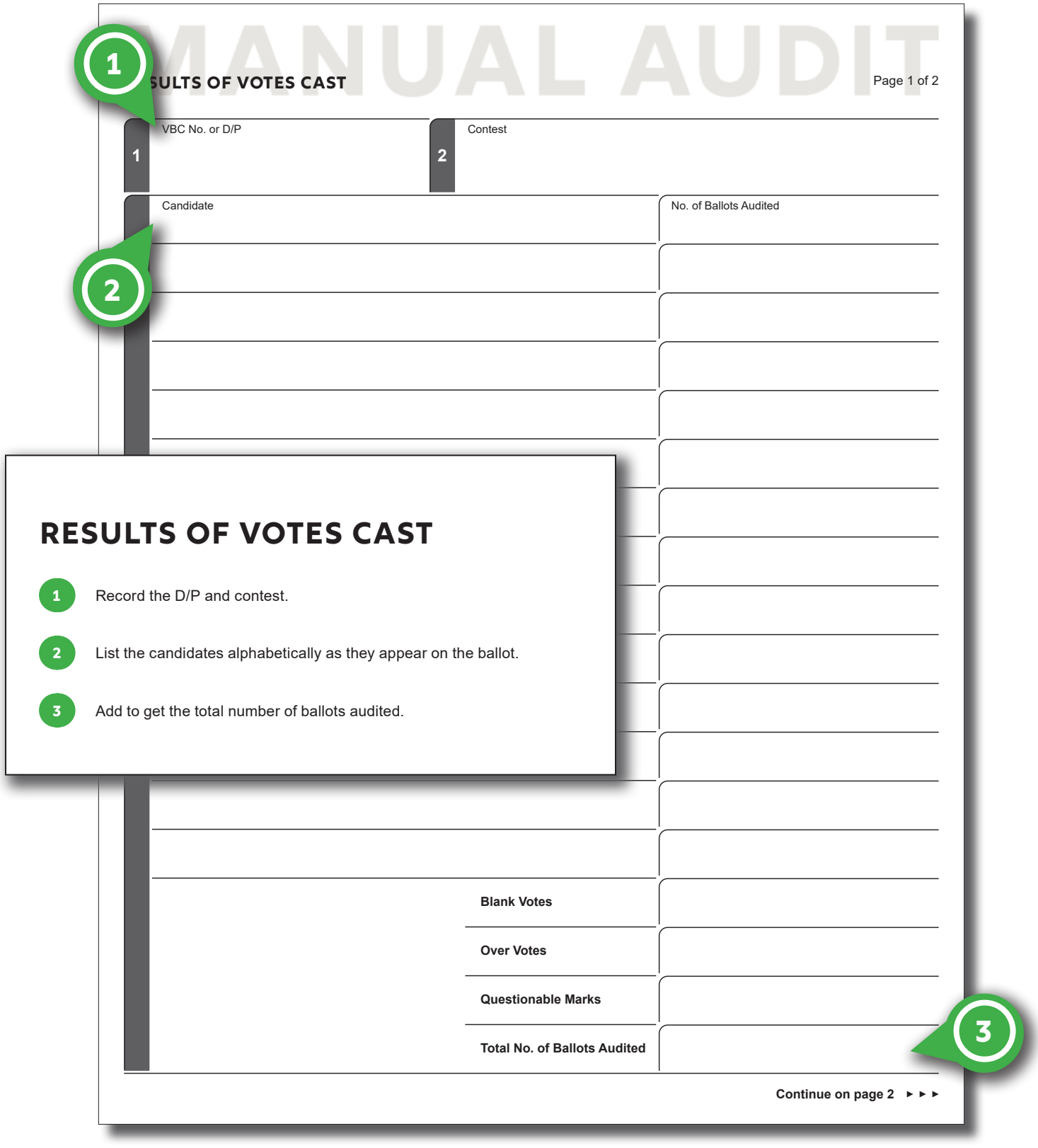
1. Record the D/P, contest, and batch ID.
2. Record the ballot, the reason for review, the voting position counted, batch ID, and VBC.
3. After reviewing the ballot, determine if it is acceptable or unresolved, and initial.

- Tally the count for each voting position in marks of 10.
- Close the ballot and proceed to the next.
- At the end of a batch, confirm that the tally matches the total number of ballots in the batch.
- Repeat for all ballots within the batch and all batches.

STEP 4 REVIEW QUESTIONABLE MARKS

To physically review the ballot, complete the *Ballot Review Log*. The Statewide Counting Center Manager and Office of Elections staff assist with reviewing the physical ballot.

- Record the ballot ID, which will be used to locate the VBC, the reason for review, the voting position counted (candidate, blank, or over), and the batch ID.
- At the scanner station, search using the ballot ID. After identifying the batch ID, the notes identify the VBC number. Record the VBC number on the *Ballot Review Log*.
- With Official Observers, proceed to the VBC Processing work area. The VBCs are tracked, secured, and stored according to the *VBC Seal Certification*. Complete the *VBC Seal Certification* by recording the date and time in the first block under “Manual Audit.”
- Complete page 2, “Certification of Unsealing,” on a *Seal Certification* for each VBC. Ensure the corresponding *Seal Certification* form is taped to the lid of the correct VBC. The form will be used to secure the VBC after reviewing the ballot.
- In the VBC, the batches are bundled and rubber-banded with the batch report. Identify the batch and find the ballot for review. The batch report lists the ballots.



RESULTS OF VOTES CAST

1. Record the D/P and contest.
2. List the candidates alphabetically as they appear on the ballot.
3. Add to get the total number of ballots audited.

- After reviewing the ballot, indicate if the ballot should be accepted or unresolved if the Official Observers cannot agree on the disposition. The Statewide Counting Center Manager may also be consulted. Then, initial. The the number of unresolved questionable marks for each audit D/P will counted and recorded on the *Results of Votes Cast*.

STEP 5 TALLY THE EXPECTED RESULTS

After all batches have been reviewed, tally the expected results by adding the tally for each voting position and *Batch Audit Tally*. Additionally, each sub-group must account for any ballots recorded on the *Ballot Review Log* that may not have been included on the *Batch Audit Tally*.

- Record the candidates on the *Results of Votes Cast*. List the candidates alphabetically, in the same order they appear on the ballot.

- Record the final tally of expected results by voting position on the *Results of Votes Cast*.

AUDIT THE VOTER SERVICE CENTER BALLOTS

All in-person ballots, counted at the voter service centers, may be audited. Keep in mind that they are not readily separable by district/precinct. As such, select a statewide or county contest which would appear on every ballot.

PERSONNEL

Manual Audit Team counts ballots to compare with reports printed by the voting equipment.

Official Observers monitor the handling of ballots. The Official Observers may conduct the audit.

Statewide Counting Center Manager directs of the post-election audit with assistance from the Office of Elections staff who work to conduct the audit.

SUPPLIES

- *Audit Tally*
- pencils
- pens, green (Official Observers)
- pens, red
- *Results of Votes Cast*

AT VBC PROCESSING

- *Seal Certification*
- transparent tape
- voter service center voted ballot containers (VBC)
- *Voter Service Center VBC Log*
- wire cutter

TASKS

1. Unseal the voter service center VBCs.
2. Select a contest to audit.
3. Sort the ballots.
4. Batch the ballots.
5. Tally expected results.

STEP 1 UNSEAL THE VOTER SERVICE CENTER VBCS

- At the VBC Processing work area and with Official Observers, complete the *Voter Service Center VBC Log* recording the date and time out for each VBC.
- Completes page 2, "Certification of Unsealing," on a *Seal Certification* form for each VBC. Tape the *Seal Certification* form to the lid of the VBC.
- Return to the Manual Audit work area with the VBCs.

OAHU: *The audit VBCs are secured in security cages. The VBCs are not secured individually until the post-election audit is completed.*

STEP 2 SELECT A CONTEST TO AUDIT

Voter service center ballots are not organized by D/P, so it is recommended that the Manual Audit Team selects a statewide or countywide contest that appears on each ballot in the VBC, like Office of Hawaiian Affairs Trustee.

- Manual Audit members may work individually with 1 VBC at a time.

- Pre-fill an *Audit Tally* and *Results of Votes Cast* for each audit VBC by recording the "VBC No." and "Contest." The *Results of Votes Cast* is used to record the Manual Audit's tally and certify the audit. The *Audit Tally* is an **optional** worksheet to assist with the hand-count.

STEP 3 SORT THE BALLOTS

Review the ballots and sort them into stacks by voting position. The number of stacks depends on the number of candidates. The following is an example of the stacks for sorting the ballots:

- Candidate A
- Candidate B
- Candidate C
- Blank votes
- Over votes
- Questionable marks

Select a Party Contest

In the Primary Election, to audit a partisan federal or state contest, first sort the ballots into stacks based on the votes of the Select A Party contest.

- Party of the selected audit contest (e.g., Governor [N])
- Blank votes
- Over votes
- Other political affiliations selected

Then separate and organize the ballots that are marked with the corresponding party, blank votes, and over votes into piles of the audit contest.

STEP 4 BATCH THE BALLOTS

- Determine the number of ballots to use for batching the ballots. On the *Audit Tally*, the suggested batch sizes are 10 ballots, 20 ballots, 25 ballots, 50 ballots, or 100 ballots. Keep in mind that small batches of 10 may be easier to resolve if any discrepancies arise.

- For each stack of ballots, count the ballots into batches (e.g., 10 ballots). These batches can then be stacked together in alternating directions to save space at the work area. Batching the voted ballots by 10 helps when recounting ballots to resolve a discrepancy.

STEP 5 TALLY EXPECTED RESULTS

- Using a red pen or pencil, record the candidates of the selected audit contest on the *Audit Tally* and *Results of Votes Cast*. List the candidates alphabetically, in the same order they appear on the ballot.

- On the *Audit Tally*, record the number of batches and multiply by the size of the batch. Remember to add any remaining ballots. Record the total for each voting position and add to the total the number of ballots audited.

- Record the total number of ballots for each voting position on the *Results of Votes Cast*.

- Total the number of ballots audited and record on the *Results of Votes Cast*.

RECONCILE THE AUDIT

After counting the ballots, match the tally of expected results (*Results of Votes Cast*) to the results reports printed by the voting equipment. Ensure the number of ballots counted matches the turnout on the *Statewide Precinct Detail* report. Also, match the number of votes for each candidate, blank votes, and over votes.

If there is a discrepancy, review and recount the stacks of ballots. Manual Audit sub-groups may re-form to resolve a discrepancy. Additionally, consult with the Official Observers or Counting Center Manager as necessary.

Small differences of a few unexplained votes can occur, but such differences should be verified by at least 2 recounts. The Manual Audit Team and Official Observers are responsible for thoroughness and confidence in the audit. If the Team and Official Observers are not comfortable with the audit, continue to resolve a discrepancy to ensure the accuracy and integrity of the audit. If there are any questionable marks, the ballot can be identified in its voted ballot container (VBC) for further review.

Once the audit results are confirmed, complete the “Manual Audit Certification” on the *Results of Votes Cast*.

PERSONNEL

Manual Audit Team reconciles their tally of expected results with the results reports printed by the voting equipment.

Official Observers monitor the handling of ballots and they may conduct the audit.

Statewide Counting Center Manager directs of the post-election audit with assistance from the Office of Elections staff who work to conduct the audit.

SUPPLIES

- *Ballot Review Log*
- *Batch Audit Tally*
- pens, green (Official Observers)
- pens, red
- *Results of Votes Cast*

TASKS

1. Print the results reports.
2. Confirm the number of ballots counted and votes.
3. Certify the audit.

STEP 1 PRINT THE RESULTS REPORT

- Visit **elections.hawaii.gov/election-results** to view the latest *Statewide Precinct Detail* report. Print the "Mail" results page for each audit D/P. This ensures that the publicly available results are reporting correctly.

- Distribute the pages of the *Statewide Precinct Detail* to the corresponding sub-groups at the scanner stations.

- Print the in-person results from Count.

STEP 2 CONFIRM THE NUMBER OF BALLOTS AND VOTES

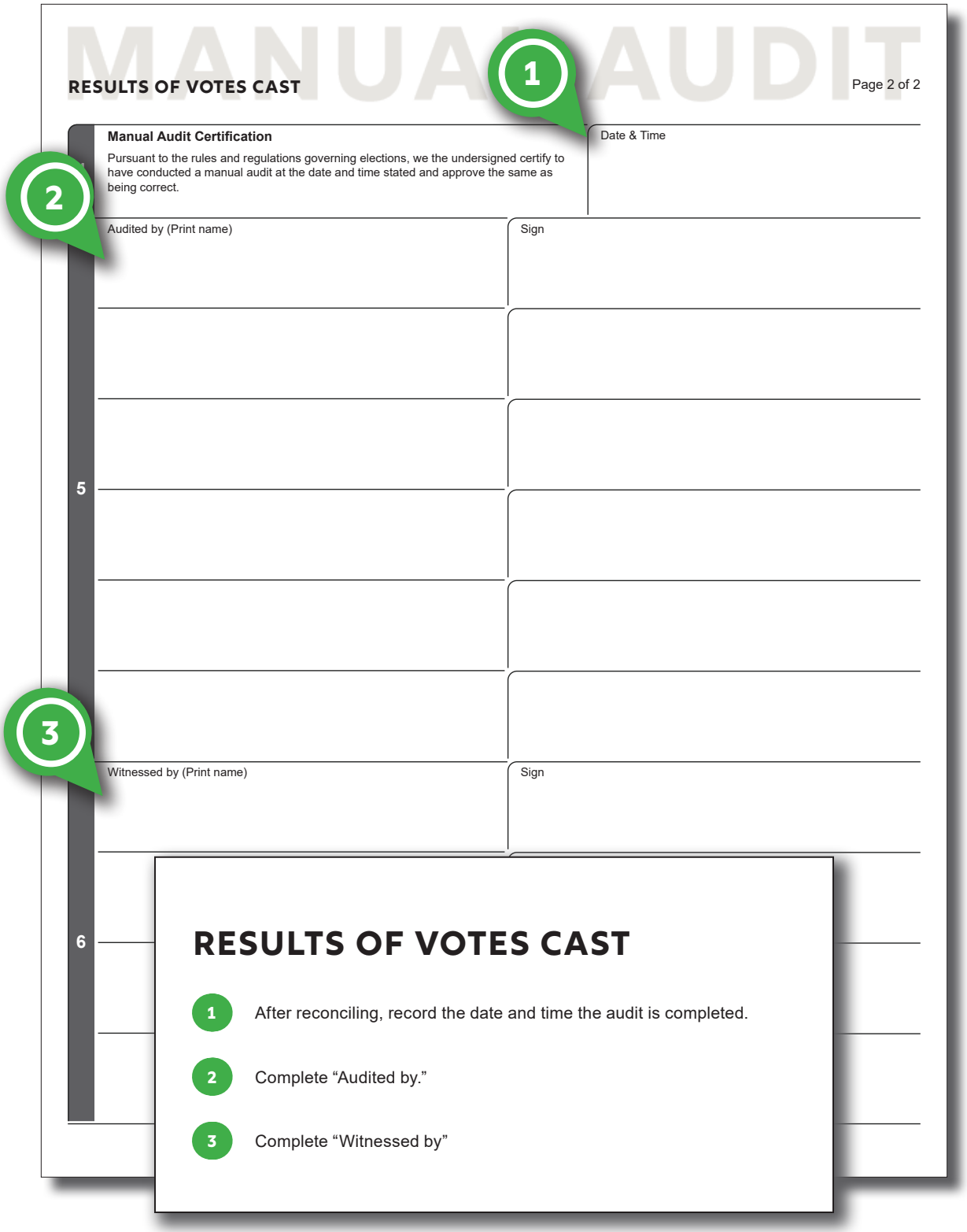
Verify that the number of ballots audited matches the turnout on the results reports. If there is a discrepancy, review that the tally of expected results matches the batches at the scanner stations. The Statewide Counting Center Manager may work with a

Hart Technician to confirm that 1) all batches have been saved to a vDrive, and 2) all vDrives have been compiled and transmitted to print the results reports.

STEP 3 CERTIFY THE AUDIT

Once the tally of expected results is matched with the results report, complete the "Manual Audit Certification" on page 2 of the *Results of Votes Cast*, recording the date and time the audit is completed.

Using a red pen, each sub-group member prints and signs their name.


MANUAL AUDIT
RESULTS OF VOTES CAST
Page 2 of 2
1
Date & Time
2
Manual Audit Certification
Pursuant to the rules and regulations governing elections, we the undersigned certify to have conducted a manual audit at the date and time stated and approve the same as being correct.
Audited by (Print name)
Sign
5
3
Witnessed by (Print name)
Sign
6
RESULTS OF VOTES CAST
1 After reconciling, record the date and time the audit is completed.
2 Complete “Audited by.”
3 Complete “Witnessed by”

SECURE THE WORK AREA

After certifying the post-election audit, sensitive election materials are securely stored. Any voted ballot containers (VBCs) opened for the audit are re-secured and stored at the VBC Processing work area. The Official Observers monitor the handling and custody of the VBCs.

PERSONNEL

Manual Audit Team secures sensitive election materials.

Official Observers monitor the handling and transfer of ballots, like the VBCs.

Statewide Counting Center Manager directs of the post-election audit with assistance from the Office of Elections staff who work to conduct the audit.

SUPPLIES

- pens, red
- *Seal Certification*
- *VBC Seal Certification*

TASKS

1. Secure the VBCs.
2. Pack the Team supply box.
3. Return badge and check out.

STEP 1 SECURE THE VBCS

- Complete the *VBC Seal Certification* by recording the date and time in the second block under "Manual Audit."

- Complete page 1, "Certification of Sealing," on a *Seal Certification* form to secure each VBC. The Official Observers print and sign each *Seal Certification* form. The completed *Seal Certification* forms are stored in the VBC Processing Team's Audit VBC Seal Certification folder.

Oahu Counting Center

The VBCs are individually secured at this time. Complete the *VBC Seal Certification* form and seal each VBC.

STEP 2 PACK THE TEAM SUPPLY BOX

- Pack all copies of the *Batch Audit Tally, Ballot Review Log,* and *Results of Votes Cast* in the respective form folders.

- Notify the Statewide Counting Center Manager that the work area has been secured.

STEP 3 RETURN BADGE AND CHECK OUT

- Return the ID badges to the Check In work area.

- Sign out on the *Volunteer Time Log* by recording the time out.

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AUTOMATIC RECOUNT

appendix

An automatic recount is triggered if the difference between 2 candidates who would qualify to appear on the General Election ballot or would be elected is equal to or less than 100 votes or 0.25% of the total number of votes cast for the contest, whichever is greater. State and County Election Officials review results Report 3 to determine if any contest requires an automatic recount. The automatic recount must be completed no later than 72 hours after the close of voting.

To conduct an automatic recount, the Official Observers will first test the scanner stations while the VBC Processing Team identifies the voted ballot containers (VBCs) to be recounted. After the test, VBCs are transferred to the scanner stations to rescan. The automatic recount procedures are similar to the tracking and inventorying by the VBC Processing Team throughout counting.

After the VBCs are counted, the vDrives are tabulated to print a tally report. The results are reported for impacted candidates only.

As reference, in the 2020 Primary Election an automatic recount was triggered for State Representative, District 13 (D), State Representative, District 30 (R), and County of Kauai Councilmember.

PROCESSES

- Open the Counting Center, page 269
- Recount Observers' Test, page 272
- Rescan the Ballots, page 281
- Post-Recount Observers' Test, page 301

OPEN THE COUNTING CENTER

For an automatic recount, the Counting Center Manager continues to open the counting center 1 hour before the Official Observers and VBC Processing Team are scheduled to start. The Counting Center Manager coordinates with the neighbor island County Elections Divisions to ensure the counting center is accessible at that time.

On arrival, volunteers check in to receive their ID badges. The Counting Center Manager assists each Team to open their work area and ensuring there are Official Observers present before sealed containers are opened for processing.

BE AWARE OF SENSITIVE ELECTION MATERIALS. All counting center operations related to handling sensitive election materials, like ballots and vDrives, are conducted in the presence of Official Observers. Official Observers serve as the “eyes and ears” of the public to monitor the processing, handling, and transfer of election material within the counting center. When not directly handled, sensitive election materials are securely stored.

PERSONNEL

Counting Center Manager opens the counting center including checking in and directing volunteers. Keep in mind that the recount cannot begin until Official Observers are present in the work area.

County Elections Divisions assist and support the Counting Center Manager to operate the counting center on the neighbor islands. The County Elections Division serves as the key holder to their respective counting center.

Hart InterCivic, the voting equipment vendor, operates the scanner stations and Count work area.

Statewide Counting Center Manager directs the operations of the 4 counting centers. Office of Elections staff is assigned to work at the counting centers.

SUPPLIES

- equipment transport container (ETC)
- ID badges
- pens, red
- transparent tape
- *Volunteer Time Log*
- wire cutter

TASKS

1. Identify work areas.
2. Issue ID badges.
3. Call the Oahu Counting Center.
4. Unseal the ETC.

STEP 1 IDENTIFY WORK AREAS

- Check In
- Counting Center Manager phone
- Equipment transport container (ETC)
- Count (Hart Technicians)

- Scanner stations (Hart Technicians)
- VBC Processing

STEP 2 ISSUE ID BADGES

Authorized personnel must check in to be issued their ID badges. This includes members, Official Observers, and Hart Technicians.

- Ask each volunteer to sign the *Volunteer Time Log* by printing their name, date, and time in. The *Volunteer Time Log* is used to track payments.

- Issue ID badge to each volunteer. ID badges identify authorized personnel and the designated work area. Only authorized personnel are allowed in the counting center. If an ID badge is not printed, consult with the neighbor island County Elections Division or Statewide Counting Center Manager to authorize access.

- Remind personnel to wear their badge at all times when working in the counting center and to return it before leaving.

STEP 3 CALL THE OAHU COUNTING CENTER

Call the Oahu Counting Center and provide the following message:
The [County] is starting the Recount Observers' Test.

STEP 4 UNSEAL THE ETC

- Ask the Official Observers to remove the padlock from the ETC.

- Remove the seal by completing the "Certification of Unsealing*" on the Seal Certification* forms.

OAHU: *The ETC of unused test ballot packets remains sealed.*

RECOUNT OBSERVERS' TEST

Official Observers test the logic and accuracy of the voting equipment and certify that the ballots are counted correctly. The Recount Observers' Test is conducted by 1 Official Observer per scanner station.

- Count is the tabulation application to compile and print the results.
- Scanner stations use the Central application to count the voted ballots.
- vDrives are used to write ballots for tabulation.

NOTE: *Do not conduct a logic and accuracy test during the a recount without the approval of the Statewide Counting Center Manager.*

SCAN THE TEST BALLOTS

Test ballots are counted at the scanner stations. For the Recount Observers' Test, 1 Official Observer per scanner station scans their test ballots. The ballots are written to a vDrive to tabulate the test results. The Official Observers match the test results with their tally of expected results or previous test results.

PERSONNEL

Counting Center Manager administers the logic and accuracy test and work with the Official Observers to provide direction and answer any questions.

Hart InterCivic opens, operates, and writes ballots at the scanner stations. The scanner stations are set up for mail ballots.

Official Observers test and certify the logic and accuracy of the voting equipment by marking test ballots, creating a tally of expected results, and matching their results to the voting equipment results report.

SUPPLIES

- pens, green (Official Observers)
- pens, red (Counting Center Manager)
- *Test vDrive Log*
- test zero report envelope

TASKS

1. Scan the test ballots.
2. Write ballots to a vDrive.

STEP 1 SCAN THE TEST BALLOTS

- Assign 1 Official Observer per scanner station and provide the Official Observer their test ballot packet.

- Ask the Official Observers to remove any paper clips or rubber bands to batch their test deck.

Scanner Stations

Hart Technicians operates the scanner stations.

- Print a zero *Configuration Report* for the Official Observers to certify. The certified report is provided to the Counting Center Manager to pack in the test zero report envelope.

- Scan the test deck then return it to the Official Observer.

- Official Observers store their test ballots in their test ballot packet.

STEP 2 WRITE BALLOTS TO A VDRIVE

- At each scanner station, ask the Official Observer to select a vDrive. Record the vDrive number on the *Test vDrive Log*.

- As each scanner station completes scanning, direct the Hart Technician to write ballots to the vDrive.

- With Official Observers, transfer the vDrive to the Hart Technician at the Count work area to print the test results. Test results are printed **in flow**.

PRINT THE TEST RESULTS & RECONCILE

Before the reports can be printed, Official Observers verify that there are no votes in Count, the tabulation application. A Hart Technician prints a zero report for Official Observers to certify that the results for each contest and candidate are zero indicating that no votes are recorded.

Then, the test vDrives are read into Count to print the test results. The test results are printed by packet number to disseminate to the Official Observers. Official Observers reconcile their test results with their tally of expected results.

PERSONNEL

Counting Center Manager collects the zero report, disseminates the test results, and assists to resolve discrepancies when reconciling. As Official Observers reconcile, the Counting Center Manager collects and inventories the test ballot packets.

Hart InterCivic operates Count, the tabulation application to print the zero report, and then test results. Each Official Observer is printed test results based on their assigned test ballots. Test results are printed **in flow** as vDrives are transferred to the Count work area.

Official Observers certify that there are no votes in Count before compiling the results. Then, Official Observers receive their test results to reconcile with their tally of expected results. After reconciling, the test ballot packet is provided to the Counting Center Manager to inventory and securely store.

SUPPLIES

- Count USB envelope
- equipment transport container (ETC)
- pens, red
- rubber fingers
- *Test Ballot Inventory*
- test vDrives envelope
- *Test vDrive Log*
- test zero report envelope

TASKS

1. Certify the zero report.
2. Distribute the test results.
3. Certify the test results.

STEP 1 CERTIFY THE ZERO REPORT

Before tabulating the vDrives, the Hart Technician must print a zero report, indicating there are no votes in Count, for the Official Observers to certify.

- Provide the zero report to the Official Observers to verify that the results are zero for all contests.

- Direct the Official Observers to sign and date the first page of the zero report. Pack the report in the test zero report envelope.

STEP 2 DISTRIBUTE THE TEST RESULTS

- Provide the test vDrive and *Test vDrive Log* to the Hart Technician at the Count work area. The Hart Technician prints the test results by packet number. The test vDrives are held at the Count work area.

- Identify the Official Observer by packet number to provide the test results.

- Instruct each Official Observer to match the test results to their tally of expected results. Then, they sign and date the first page of the test results and pack the test ballots and certified test results into the test ballot packet.

STEP 3 CERTIFY THE TEST RESULTS

The following procedures are conducted by the Official Observers.

- Match the test results to the tally of expected results. Confirm the number of ballots, and votes for candidates, blank (under) votes, and over votes in each contest.

- Certify by signing and dating the first page of the test results.

- Pack the test ballots and certified test results into the test ballot packet and returned to the Counting Center Manager to inventory.

PACK THE ETC

The test materials are securely stored in the equipment transport container (ETC). This includes the test ballot packets, test vDrives, blank vDrives, and USB backup are secured in the ETC.

PERSONNEL

Counting Center Manager inventories the test ballots and packs the ETC.

Hart Technicians archive Count and maintain the voting equipment.

Official Observers monitor the handling and security of sensitive election materials, like test ballots and test vDrives.

SUPPLIES

- Count USB envelope
- equipment transport container (ETC)
- rubber fingers
- pens, green (Official Observers)
- pens, red (Counting Center Manager)
- *Test Ballot Inventory*
- test vDrives envelope

TASKS

1. Inventory the test ballots.
2. Organize the Count work area.
3. Pack the ETC.
4. Lock the ETC.

STEP 1 INVENTORY THE TEST BALLOTS

Test ballots are inventoried as each Official Observer returns their test ballot packet for secure storage in the ETC.

- Complete "Recount'" on the *Test Ballot Inventory*.
- Store inventoried test ballot packets in the ETC, lowest to highest.

STEP 2 ORGANIZE THE COUNT WORK AREA

- Ask the Hart Technician to archive Count to USB. The USB is packed and secured in the Count USB envelope in the ETC.
- Pack the test vDrives in the test vDrives envelope to store in the ETC. Check the *Test vDrive Log* to confirm the number of vDrives.

STEP 3 PACK THE ETC

Ensure the following are packed in the ETC:

- accumulation envelope
- certified reports envelope
- Count USB envelope
- test ballot packets
- test vDrive envelope
- test zero report envelope
- unused test ballot packets
- vDrives, blank

NOTE: *The blank vDrives used during counting are secured in the ETC.*

STEP 4 LOCK THE ETC

When the counting center is open, the ETC may be secured using the padlock when not directly monitored by Official Observers.

- Complete the “Logic and Accuracy Certification” on 2 copies o*f a Seal Certifica*tion form. Each Official Observer who participated in the test signs both copies. The *Seal Certification* forms are stored on the lid of the ETC.

- Call the Oahu Counting Center and provide the following message:
  The [County] has completed the Recount Observers’ Test and reset Count.

RESCAN THE BALLOTS

The VBC Processing Team handles the voted ballot containers (VBCs) for the recount. With a compressed time frame, just 72 hours, to conduct an automatic recount, the dates are scheduled then the members are notified of any change or cancellation.

After rescanning the ballots, vDrives are written to tabulate. As the automatic recount is only related to a specific contest, only the results for the impacted candidates are reported.

NOTE: *The VBC Processing Team and Counting Center Manager take on the tasks of the Duplication Team to cure defective ballots. Any ballot rejected by a scanner must be duplicated to count.*

LOGGING RECOUNT VBCS & VDRIVES

As the Recount Observers' Test is conducted, the VBC Processing Team identifies the voted ballot containers (VBCs) to be recounted. This includes the mail VBCs, duplicated VBCs, and voter service center VBCs. Each voted ballot container (VBC) is tracked on the *Recount VBC Time Log*.

At the scanner stations, Hart Technicians write the rescanned ballots to a vDrive to tabulate. The Hart Technicians provide the vDrives to the VBC Processing Team to track on the *Recount vDrive Log*.

PERSONNEL

Counting Center Manager ensures VBCs are being processed **in flow** and estimates the time required to process VBCs.

Hart InterCivic operates and maintains the voting equipment.

Official Observers monitor the handling of ballots at the VBC Processing work area and the scanner stations.

Statewide Counting Center Manager provides support to the Counting Center Managers, operates the Oahu Counting Center with Office of Elections staff, and coordinates the compilation of the recount results.

SUPPLIES

Recount forms are packed in the Manager Supply Box.

- calculator
- cut seals envelope
- equipment transport container (ETC)
- pens, green (Official Observers)
- pens, red
- recount labels
- *Recount VBC Time Log*
- *Recount vDrive Log*
- *VBC Time Log*
- vDrives, blank
- wire cutters

NOTE: *Do not mark up the VBC Processing Team's VBC Time Log.*

TASKS

1 ▪ Identify the recount VBCs.

2 ▪ Log the recount VBCs.

3 ▪ Retrieve the scanned recount VBC.

4 ▪ Track written vDrives.

STEP 1 IDENTIFY THE RECOUNT VBCS

The recount VBCs can be identified by batches using the Central voting equipment. The Counting Center Manager may ask a Hart Technician to filter batches by contest and print the batch list report.

At a scanner station, review the ballot images. Add a filter by selecting the recount contest as the ballot criteria. Then print the batch list.

- Adhere a "Recount" label to each VBC that will be rescanned.

1

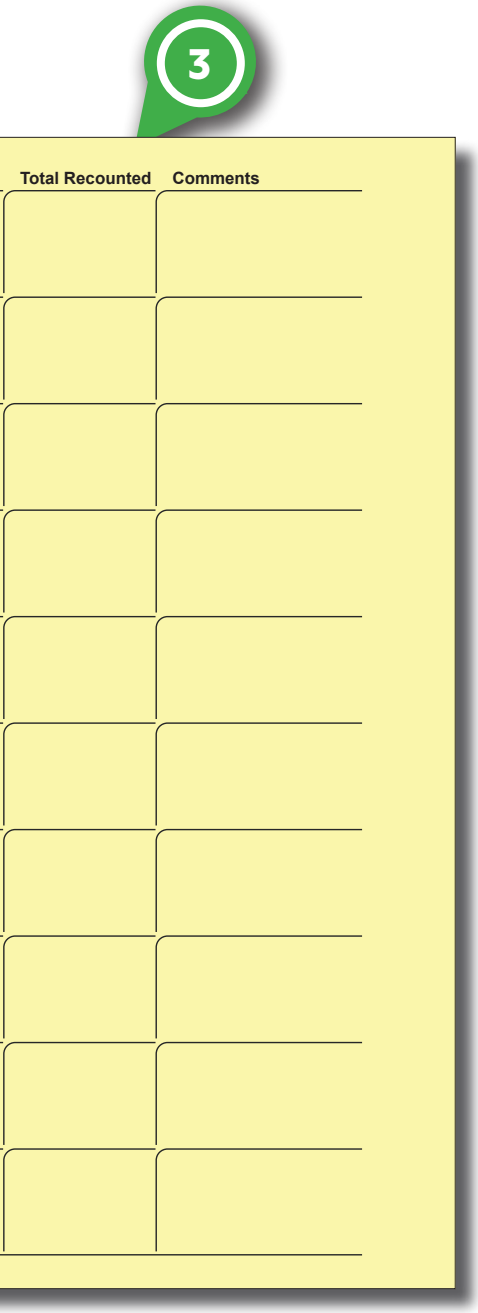
2

RECOUNT

VBC TIME LOG

Remember to include duplicated and voter service center ballots in the automatic recount.

VBC	Unsealed	Seal No.	Counted	Official Observers		to Scanner	from Scanner
	date time			print	sign	date time	date time



RECOUNT VBC TIME LOG

Track recount VBCs on the *Recount VBC Time Log*.

1. Record the VBC number and unseal
2. Transfer the VBC to a scanner station, if available, recording the date and time. If a scanner station is not available, hold the recount VBC in queue at the VBC Processing work area. Record the date and time it is transferred to a scanner station.
3. When returned from a scanner station, record the date and time and the number of ballots scanned.

- On the *Recount VBC Time Log*, record the VBC number, date and time, seal number, and the scanned total.

- Ask Official Observers to verify the seal and sign using a green pen. Then, cut the seal on the VBC. Cut seals are stored in a cut seals envelope.

STEP 2 LOG THE RECOUNT VBCS

Hart Technicians at the scanner stations work with 1 VBC at a time. When a scanner station is available, record the date and time the VBC is transferred on the *Recount VBC Time Log.* A VBC Processing member walks the VBC to the scanner station.

If a scanner station is not immediately available, hold the VBCs in the queue at the VBC Processing work area.

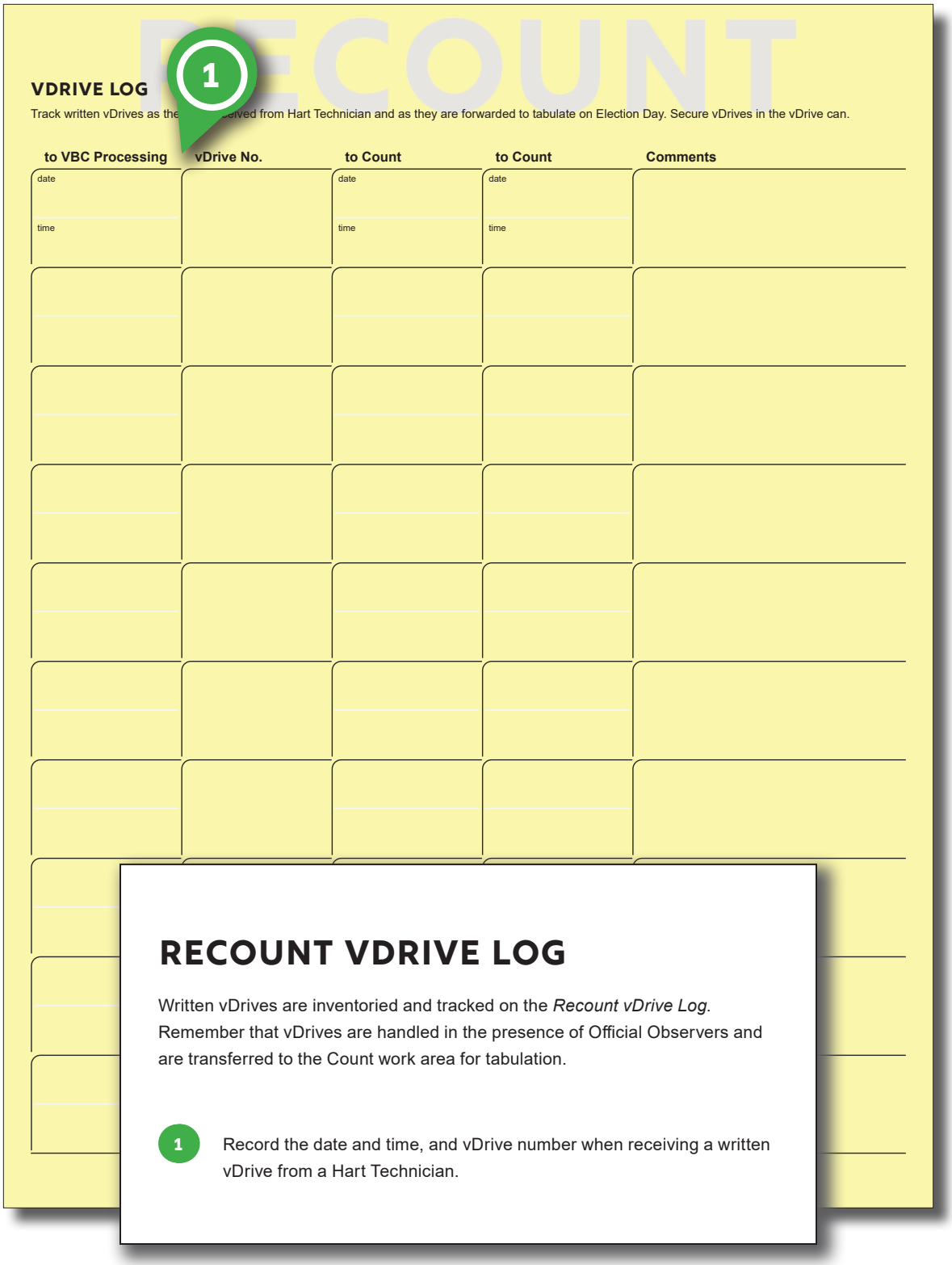
STEP 3 RETRIEVE THE SCANNED VBC

The Hart Technicians raise their hands when they are ready to scan another VBC. The VBC Processing Team checks out the next VBC in the queue on the *Recount VBC Time Log* to deliver to the scanner station as they pick up the completed VBC.

- Record the time “from Scanner” and the “Total Recounted” on the *Recount VBC Time Log*. At the scanner station, Hart Technicians record the number of ballots scanned based on the batch reports. The number of defective ballots indicates that a ballot was removed and placed in the defective tray at the scanner station to be collected for duplication.

- Confirm that the “Total Recounted” equals the original “Counted.”

- Keep queued recount VBCs separated from the scanned recount VBCs. Scanned recount VBCs are identifiable by the completed “Recount” label. To securely store, the scanned recount VBCs **see Secure the Work Area on page 298**.



RECOUNT VDRIVE LOG

Written vDrives are inventoried and tracked on the *Recount vDrive Log*. Remember that vDrives are handled in the presence of Official Observers and are transferred to the Count work area for tabulation.

1 Record the date and time, and vDrive number when receiving a written vDrive from a Hart Technician.

STEP 4 WRITING BALLOTS TO VDRIVES

- Ask the Official Observers to remove the blank vDrives from the ETC and to select.

- Official Observers monitor the vDrives at all times while the counting center is opened. The ETC may be secured with the padlock while the counting center is operating. The blank vDrives may be secure in the ETC when not directly monitored by Official Observers.

STEP 5 TRACK WRITTEN VDRIVES

After writing ballots to vDrives, Hart Technicians provide them to the VBC Processing Team to inventory on the *Recount vDrive Log* and secure.

For each written vDrive, record the date and time, vDrive number, and the number of ballots. The vDrives are securely stored in the written vDrives can.

- To add written vDrives, open the secured vDrive can following the “Certification of Unsealing” on the corresponding *Seal Certification* form.

- Secure the written vDrive can when closing the counting center. **See Secure the Work Area on page 298.**

CURE DEFECTIVE BALLOTS

A ballot may be accidentally damaged during scanning or storage causing it to be rejected by the scanner. The Hart Technician places this ballot in the defective tray to be collected by the VBC Processing Team. During an automatic recount, members of the VBC Processing Team (rather than a designated Duplication Team) create one-for-one duplicates of defective ballots.

PERSONNEL

Counting Center Manager may work with the Team to create sub-groups and assign tasks and assist with the conduct of the recount.

Official Observers monitor the handling and transfer of ballots and vDrives. Official Observers also verify the duplication of defective ballots.

VBC Processing Team prepares recount voted ballot containers (VBCs) to be rescanned. As ballots are scanned, they may be rejected as a defective (e.g., damaged) ballot. The VBC Processing Team collects defective ballots from the scanner stations to duplicate.

SUPPLIES

- control packet
- cut seals envelope
- defective ballot container
- duplicated voted ballot container (VBC)
- marker, red
- paper clips
- pens, red

- scratch paper
- *Seal Certification*
- sealing hook
- transparent tape
- wire cutter

DUPLICATION TEAM SUPPLY BOX

- automatic numbering machine
- ballot-on-demand application
- pens, black

TASKS

1. Prepare a control packet.
2. Print a blank duplicate ballot.
3. Transcribe the votes onto the duplicate ballot.
4. Confirm the votes match.
5. Assign a control number.
6. Organize the ballots.
7. Queue duplicate ballots to scan.

STEP 1 PREPARE CONTROL PACKET

Designate a member to collect damaged ballots from the defectives tray at each scanner station. This member prepares the control packet(s) which are used to track the number of defective ballots and ballots duplicated.

- Stamp the top left on the front of each damaged ballot with the red defective stamp. Avoid stamping near the barcodes.

- Collect the defective ballots in a control packet. When full or as the recount is concluding, record the number of defective ballots and initial the control packet.

STEP 2 PRINT A BLANK DUPLICATE BALLOT

Identify the D/P of the defective ballot and print a blank ballot using the ballot-on-demand application. If pulling multiple blank ballots for the control packet, paper clip the blank duplicate ballot to the defective ballot.

STEP 3 TRANSCRIBE THE VOTES ONTO THE DUPLICATE BALLOT

Mark the votes on the defective ballot onto the duplicate ballot by completely darkening the voting position. Mark over votes as they appear on the defective ballot. Official Observers may assist by indicating how a mark would have been read by the voting equipment.

NOTE: *A stray mark near a barcode or voting position may require the ballot to be re-duplicated.*

Spoiling a Duplicated Ballot

If an error is made while marking the ballot or the Official Observer identifies an error, the ballot is spoiled and re-duplicated.

- Use a red marker to strike through the barcodes and record “Spoiled” across the face of the ballot. Marking the barcodes ensures that a spoiled ballot cannot be accidentally read by the scanner station.

- Staple the spoiled ballot to the defective ballot.

- Retrieve another blank duplicate ballot. **See Step 2 Print a blank duplicate ballot.**

STEP 4 CONFIRM THE VOTES MATCH

Official Observers confirm the votes on the defective ballot match the duplicate (tabulation-ready) ballot. If a vote does not match, the ballot must be re-duplicated. **See Spoiling a Duplicated Ballot.**

Once confirmed, Official Observers, using a green pen, initial next to “Official Ballot” on the front of both the defective and duplicated ballot. Do not initial or make any marks near a voting position or barcode.

Keep the defective and duplicate ballot paper clipped together with the corresponding control packet.

STEP 5 ASSIGN A CONTROL NUMBER

- On the *Recount Ballot Tracking Log*, record the district/precinct (D/P) and check “damaged.”

- Use the automatic numbering machine to assign the control number. The defective ballot, the duplicated ballot, and the *Recount Ballot Tracking Log* must all be stamped with the same control number to be valid. Cross out and initial any errors. If the automatic numbering machine is out of sync, move forward by stamping scratch paper.

Setting up the automatic numbering machine

Set the clip on the automatic numbering machine to “3” to work in triplicate. Then, test that it is legibly stamping 3 copies of the same number on scratch paper. Re-ink the stamp pad as necessary by pouring a small amount of ink onto the dry pad and allowing it to soak in before using it.

STEP 6 ORGANIZE THE BALLOTS

- Remove the paper clip and separate the ballot into stacks of defective and duplicated ballots. Keep each stack in order by control number. These ballots

are inventoried and recorded on the control packet for confirmation.

- Pack the defective ballots to store in a defective ballot container. The provided defective ballot containers start at container 1d. Use the corresponding duplicated VBC (e.g., VBC 1d) to pack the duplicated ballots.

STEP 7 QUEUE THE DUPLICATED VBC TO SCAN

After all control packets have been received, queue the VBC to transfer to a scanner station. To complete the *Recount VBC Time Log* and transfer to a scanner station, **see Logging Recount VBCs & vDrives on page 282.**

Once the duplicated VBC is transferred to a scanner station, the defective ballot container is sealed.

- Complete 2 copies of a *Seal Certification* form indicating the date and time, seal number, container, and contents. Official Observers certify by signing with a green pen.

- Place 1 copy of the *form in the contai*ner before sealing. Copy 2 is stored on top of the container.

- Insert the sealing hook through the holes of the container. Hook the corresponding seal into the eye of the sealing hook and pull through. Squeeze the seal shut and tug to ensure it is secured.

TABULATING THE RECOUNT

The results of the recount are tabulated using Count, the tabulation application. Only the results for the impacted candidates are reported. The voting equipment cannot isolate the recount to a specific contest.

PERSONNEL

Counting Center Manager oversees the automatic recount.

Computer Services (CS) posts the results reports.

Hart InterCivic operates the scanner stations to scan ballots as well as the Count work area to compile the results reports.

Official Observers monitor the handling and transfer of ballots and vDrives and certify the recount.

SUPPLIES

- certified reports envelope
- Count USB envelope
- pens, red
- *Recount Tally & Certification*
- *Recount vDrive Log*
- written vDrive can

TASKS

1. Retrieve the vDrives.
2. Certify the recount.
3. Disseminate the recount results.
4. Secure the vDrives.
5. Archive Count to USB.

STEP 1 RETRIEVE THE VDRIVES

Written vDrives are tracked on the *Recount vDrive Log* and securely stored in the written vDrive can.

On the *Recount vDrive Log*, complete “to Count” and walk the vDrives to the Count work area. Official Observers accompany the vDrives and monitor the vDrives at the Count work area at all times.

The recount vDrives are read directly into Count to compile the results and print.

STEP 2 CERTIFY THE RECOUNT

The Counting Center Manager and Official Observers review the recount results and compare it to Report 3, *Statewide Summary* report posted at **elections.hawaii.gov**. Discrepancies may occur as marginal marks may not be read by the scanner the same way.

The Hart Technician prints the recount results for internal distribution to:

1. Neighbor Island County Clerk
2. Counting Center Manager
3. Official Observers
4. Certified Reports envelope

The Official Observers sign and date of the first page of the recount results. The report is packed in the certified reports envelope. Also ask the Official Observers to complete the *Recount Tally & Certification*.

Neighbor Island Hart Technicians send the recount results to the Oahu Hart Technicians and the Statewide Counting Center Manager to review.

STEP 3 DISSEMINATE THE RECOUNT RESULTS REPORT

The Statewide Counting Center Manager completes the recount results to release publicly. Only the results of the impacted candidates for each contest are released. The Statewide Counting Center Manager confirms with CS when the report is available to post. CS confirms the *Recount Results* report with the *Tally Report*, then posts the Recount Results report to **elections.hawaii.gov**.

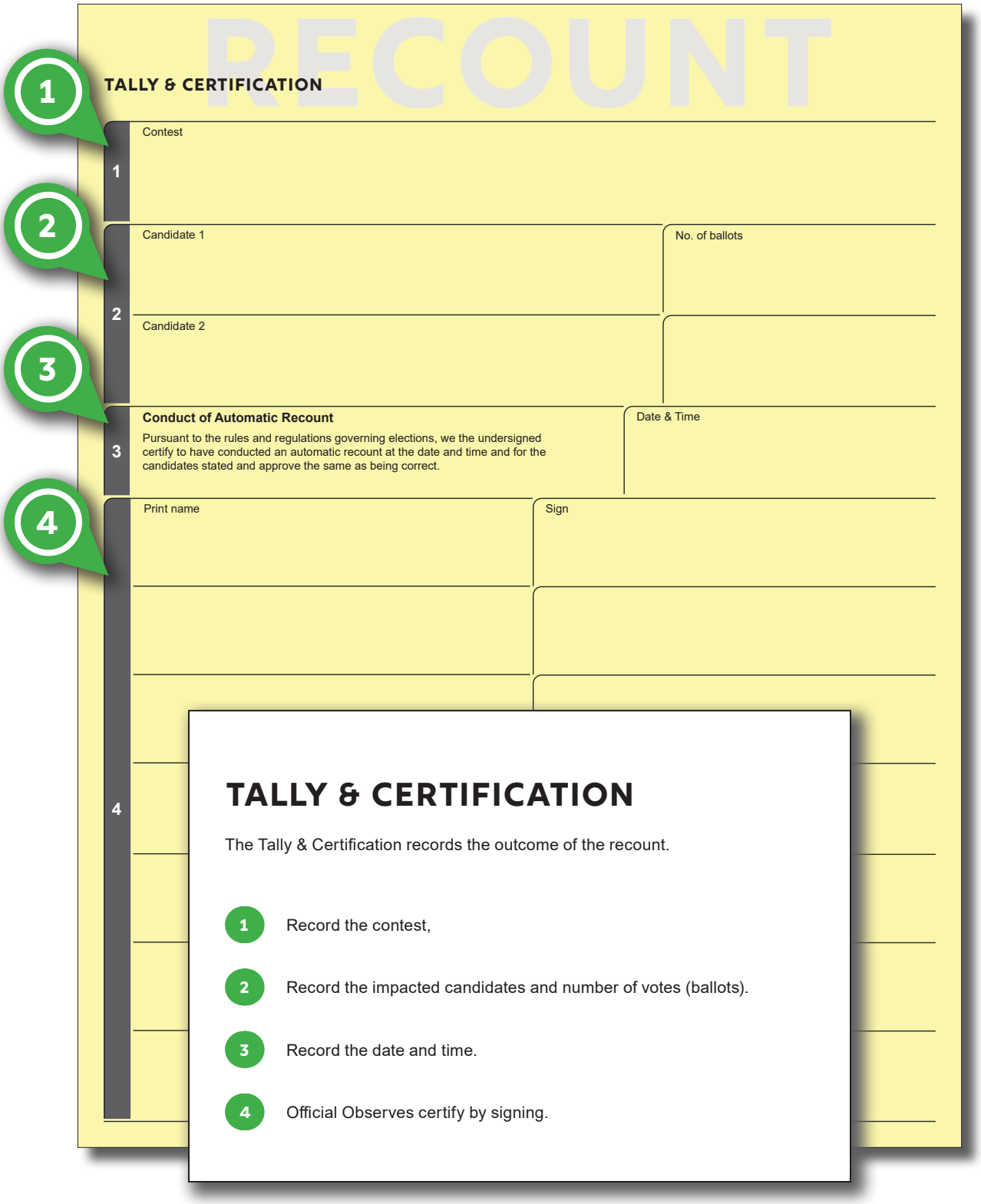
STEP 4 SECURE THE VDRIVES

The vDrives are returned to the VBC Processing work area to securely store. The Counting Center Manager transfers the vDrives between work areas accompanied by Official Observers.

Check in the vDrive(s) by recording the time “from Count” on the *vDrive Log*. Ensure that the vDrives listed on the *vDrive Log* are accounted for and securely store in the written vDrive can.

STEP 5 ARCHIVE COUNT TO USB

Ask the Hart Technician to save a copy of the Count database to the USB that is stored in the Count USB envelope.


RECOUNT
TALLY & CERTIFICATION
1
Contest
2
Candidate 1
No. of ballots
Candidate 2
3
Conduct of Automatic Recount
Pursuant to the rules and regulations governing elections, we the undersigned certify to have conducted an automatic recount at the date and time and for the candidates stated and approve the same as being correct.
Date & Time
4
Print name
Sign
TALLY & CERTIFICATION
The Tally & Certification records the outcome of the recount.
1 Record the contest,
2 Record the impacted candidates and number of votes (ballots).
3 Record the date and time.
4 Official Observes certify by signing.

SECURE THE WORK AREA

To secure the work area, the VBC Processing Team seals the voted ballot containers (VBCs), vDrive can, as well as other voting materials like the defective ballot container. All voted ballots, in the queue or scanned, must be secured. Likewise, the vDrives - written and blank also must be secured.

PERSONNEL

Counting Center Manager oversees the conduct of the automatic recount.

Official Observers monitor the handling and transport of ballots.

VBC Processing Team handles and secures the recount VBCs and vDrives.

SUPPLIES

- defective ballot container
- marker, red
- pens, green (Official Observers)
- pens, red
- seal
- *Seal Certification*
- security cages
- sticker envelope, clear
- unprocessed control packet container
- written vDrive can

TASKS

1. Check for defective ballots.
2. Secure queued VBCs if any.
3. Secure scanned VBCs.
4. Secure the written vDrives
5. Pack the supplies.

STEP 1 CHECK FOR DEFECTIVE BALLOTS

The VBC Processing Team must collect defective ballots and scan the duplicated ballots before leaving the recount is complete. **See Cure Defective Ballots on page 289.**

STEP 2 SECURE THE QUEUED VBCS, IF ANY

The queued recount VBCs, if any, may be secured if the VBC Processing Team is unable to complete the tasks within the estimated schedule. On the final day of the recount (3 days following the election), all VBCs must be scanned before the Team tasks are complete.

- Complete 2 copies of a *Seal Certification* form. Place 1 copy of the *form in the containe*r before sealing. Copy 2 is stored on top of the container.

- Insert the sealing hook through the holes of the VBC. Hook the corresponding seal into the eye of the sealing hook and pull through. Squeeze the seal shut and tug to ensure it is secured.

OAHU: *The queued recount VBCs are secured in security cages. The VBCs are not secured individually until the post-election audit is completed.*

STEP 3 SECURE SCANNED VBCS

- Complete the *Recount VBC Seal Certification* by verifying the container number and recording the seal number, date, and time. Official Observers certify by signing with a green pen.

- Insert the sealing hook through the holes of the VBC. Hook the corresponding seal through the eye of the sealing hook and pull through. Squeeze the seal shut and tug to ensure it is secured.

OAHU: *The scanned recount VBCs are secured in separate security cages. The VBCs are not secured individually until the post-election audit is completed.*

STEP 4 SECURE THE WRITTEN VDRIVES

- Verify that the number of vDrives matches the *Recount vDrive Log* and that the corresponding reports are stored in the vDrive can.

- Complete 2 copies of a *Seal Certification* form. Place 1 copy of the *form in the containe*r before sealing. Copy 2 is stored on top of the container.

- Latch the written vDrive can and hook on the corresponding seal. Squeeze the seal shut and tug to ensure it is secured.

STEP 5 PACK THE SUPPLIES

Store the forms and supplies following the inventory list.

STEP 6 RETURN BADGE AND CHECK OUT

- Return the ID badges to the Check In work area. ID badges are organized alphabetically by last name.

- Sign out on the *Volunteer Time Log* by recording the time out.

POST-RECOUNT OBSERVERS' TEST

Official Observers test the logic and accuracy of the voting equipment and certify that the ballots are counted correctly. The Post-Recount Test is conducted by 1 Official Observer per scanner station following the certification of the recount.

- Count is the tabulation application to compile and print the results.
- Scanner stations use the Central application to count the voted ballots.
- vDrives are used to write ballots for tabulation.

SCAN THE TEST BALLOTS

Test ballots are counted at the scanner stations. For the Post-Recount Test, 1 Official Observer per scanner station scans their test ballots. The ballots are written to a vDrive to tabulate the test results. The Official Observers match the test results with their tally of expected results or previous test results.

PERSONNEL

Counting Center Manager administers the logic and accuracy test and work with the Official Observers to provide direction and answer any questions.

Hart InterCivic opens, operates, and writes ballots at the scanner stations. The scanner stations are set up for mail ballots.

Official Observers test and certify the logic and accuracy of the voting equipment by marking test ballots, creating a tally of expected results, and matching their results to the voting equipment results report.

SUPPLIES

- pens, green (Official Observers)
- pens, red (Counting Center Manager)
- *Test vDrive Log*
- test zero report envelope

TASKS

1. Call the Oahu Counting Center.
2. Scan the test ballots.
3. Write ballots to a vDrive.

STEP 1 CALL THE OAHU COUNTING CENTER

Provide the message: **The [County] is starting the Post-Recount Observers' Test.**

STEP 2 SCAN THE TEST BALLOTS

- Assign 1 Official Observer per scanner station and provide the Official Observer their test ballot packet.

- Ask the Official Observers to remove any paper clips or rubber bands to batch their test deck.

Scanner Stations

Hart Technicians operates the scanner stations.

- Print a zero *Configuration Report* for the Official Observers to certify. The certified report is provided to the Counting Center Manager to pack in the test zero report envelope.

- Scan the test deck then return it to the Official Observer. Official Observers store their test ballots in their test ballot packet.

STEP 3 WRITE BALLOTS TO A VDRIVE

- At each scanner station, ask the Official Observer to select a vDrive. Record the vDrive number on the *Test vDrive Log*.

- As each scanner station completes scanning, direct the Hart Technician to write ballots to the vDrive.

- With Official Observers, transfer the vDrive to the Hart Technician at the Count work area to print the test results. Test results are printed **in flow**.

PRINT THE TEST RESULTS & RECONCILE

Before the reports can be printed, Official Observers verify that there are no votes in Count, the tabulation application. A Hart Technician prints a zero report for Official Observers to certify that the results for each contest and candidate are zero indicating that no votes are recorded.

Then, the test vDrives are read into Count to print the test results. The test results are printed by packet number to disseminate to the Official Observers. Official Observers reconcile their test results with their tally of expected results.

PERSONNEL

Counting Center Manager collects the zero report, disseminates the test results, and assists to resolve discrepancies when reconciling. As Official Observers reconcile, the Counting Center Manager collects and inventories the test ballot packets.

Hart InterCivic operates Count, the tabulation application to print the zero report, and then test results. Each Official Observer is printed test results based on their assigned test ballots. Test results are printed **in flow** as vDrives are transferred to the Count work area.

Official Observers certify that there are no votes in Count before compiling the results. Then, Official Observers receive their test results to reconcile with their tally of expected results. After reconciling, the test ballot packet is provided to the Counting Center Manager to inventory and securely store.

SUPPLIES

- Count USB envelope
- equipment transport container (ETC)
- pens, red
- rubber fingers
- *Test Ballot Inventory*
- test vDrives envelope
- *Test vDrive Log*
- test zero report envelope

TASKS

1. Certify the zero report.
2. Distribute the test results.
3. Certify the test results.

STEP 1 CERTIFY THE ZERO REPORT

Before tabulating the vDrives, the Hart Technician must print a zero report, indicating there are no votes in Count, for the Official Observers to certify.

- Provide the zero report to the Official Observers to verify that the results are zero for all contests.

- Direct the Official Observers to sign and date the first page of the zero report. Pack the report in the test zero report envelope.

STEP 2 DISTRIBUTE THE TEST RESULTS

- Provide the test vDrive and *Test vDrive Log* to the Hart Technician at the Count work area. The Hart Technician prints the test results by packet number. The test vDrives are held at the Count work area.

- Identify the Official Observer by packet number to provide the test results.

- Instruct each Official Observer to match the test results to their tally of expected results. Then, they sign and date the first page of the test results and pack the test ballots and certified test results into the test ballot packet.

STEP 3 CERTIFY THE TEST RESULTS

The following procedures are conducted by the Official Observers.

- Match the test results to the tally of expected results. Confirm the number of ballots, and votes for candidates, blank (under) votes, and over votes in each contest.

- Certify by signing and dating the first page of the test results.

- Pack the test ballots and certified test results into the test ballot packet and returned to Counting Center Manager to inventory.

PACK THE ETC

The test materials are securely stored in the equipment transport container (ETC). This includes the test ballot packets, test vDrives, blank vDrives, and USB backup are secured in the ETC.

PERSONNEL

Counting Center Manager inventories the test ballots and packs the ETC.

Hart Technicians archive Count and maintain the voting equipment.

Official Observers monitor the handling and security of sensitive election materials, like test ballots and test vDrives.

SUPPLIES

- Count USB envelope
- equipment transport container (ETC)
- rubber fingers
- pens, green (Official Observers)
- pens, red (Counting Center Manager)
- *Test Ballot Inventory*
- test vDrives envelope

TASKS

1 ▪ Inventory the test ballots.

2 ▪ Organize the Count work area.

3 ▪ Pack the ETC.

4 ▪ Call the Oahu Counting Center.

STEP 1 INVENTORY THE TEST BALLOTS

Test ballots are inventoried as each Official Observer returns their test ballot packet for secure storage in the ETC.

- Complete "Post-Recount'" on the *Test Ballot Inventory*.
- Store inventoried test ballot packets in the ETC, lowest to highest.

STEP 2 ORGANIZE THE COUNT WORK AREA

- Ask the Hart Technician to archive Count to USB. The USB is packed and secured in the Count USB envelope in the ETC.
- Pack the test vDrives in the test vDrives envelope to store in the ETC. Check the *Test vDrive Log* to confirm the number of vDrives.

STEP 3 PACK THE ETC

Ensure the following are packed in the ETC:

- accumulation envelope
- certified reports envelope
- Count USB envelope
- test ballot packets
- test vDrive envelope
- test zero report envelope

- unused test ballot packets
- vDrives, blank

NOTE: *The blank vDrives used during counting are secured in the ETC.*

STEP 4 CALL THE OAHU COUNTING CENTER

- Call the Oahu Counting Center and provide the following message:
  The [County] has completed the Post-Recount Observers' Test and is securing the counting center.

- Secure the counting center.

overview

testing

counting

reporting

auditing

automatic recount

APPENDIX

GLOSSARY

A

acceptance testing

Examination of voting equipment and testing of basic functionality upon delivery including validation that the delivered system is, in fact, the certified system purchased.

accumulation envelope

The accumulation envelope is used to store the accumulation vDrives used for the Statewide Observers' Test. The accumulation envelope is securely stored in the equipment transport container (ETC).

accumulation Official Observers

Accumulation Official Observers are designated at the Official Observers' Test and the Statewide Observers' Test. Their test ballots are written to individual vDrives that are sent to the Oahu Counting Center to compile and report statewide test results. The Accumulation Official Observers work together to reconcile their compiled test results.

accumulation Test

This accumulation test is a wide-area network test ensuring the accuracy and integrity of the tabulation of the results reports.

accumulation vDrive

Each accumulation Official Observer selects a vDrive to write their test ballots for tabulation. These vDrives, associated with an accumulation Official Observer, are tagged for the accumulation test at the Statewide Observers' Test and stored in the accumulation envelope.

AFB

See alternate format ballot.

affirmation statement

The affirmation statement is on the return envelopes which the voter certifies that they are a resident of the district/ precinct in which they are registered and entitled to vote.

air gap

A physical separation that describes how voting system components relate to each other and manage data. A variety of methods can support a physical 'air gap,' primarily the absence of any network connection between components. These air gaps act as a physical firewall for all data and access ensuring integrity and security.

alternate format ballot (AFB)

An alternate format ballot (AFB) may be sent to uniformed and overseas voters, special needs voters, and any voter who needs a replacement within 5 days of Election Day. These voters receive the AFB by email to vote using a compatible personal device like a computer or tablet. After marking their ballot, they return it to their County Elections Division to validate, securely store, and transfer to the Counting Center. At the counting center, the AFBs are received and inventoried by the Ballot Opening Team to prepare for the Duplication Team.

audio ballot

A ballot in which a set of contests is presented to the voter in spoken, rather than written, form.

audio-tactile interface (ATI)

Voter interface designed to facilitate accessible voting. Audio is used to convey information to the voter and sensitive tactile controls allow the voter to communicate ballot selections to the voting system.

audit log

A report containing recorded information that allows election officials to view the steps that occurred on the equipment and software in order to verify or reconstruct the user actions taken, without compromising ballot or voter privacy.

Audit Tally

A worksheet provided to the Manual Audit Team to assist with developing a tally of expected results.

B

ballot

A ballot is a written or printed, or partly written and partly printed paper or papers containing the names of persons to be voted for, the office to be filled, and the questions or issues to be voted on. A ballot may consist of one or more cards or pieces of paper or one face of a card or piece of paper or a portion of the face of a card or piece of paper, depending on the number of offices, candidates to be elected thereto, questions or issues to be voted on, and the voting system in use. It shall also include the face of the mechanical voting machine when arranged with cardboard or other material within the ballot frames, containing the names of the candidates and questions to be voted on.

ballot box

A ballot box is used to collect and securely store voted ballots. The Scan device is secured onto a ballot box.

ballot count

A number that indicates how many ballots have been processed on that device for the current election. A device's ballot count is reset to zero when elections staff load a new election on that device.

ballot marking device (BMD)

An electronic machine at which a voter can make selections and then print a marked ballot, which the voter takes to a scanning device to be cast. No vote records are stored on the ballot marking device itself.

Ballot Opening

The Ballot Opening Team opens and packs voted ballots for scanning.

Ballot Operations (BOPS)

Ballot Operations is a section of the State of Hawaii, Office of Elections responsible for candidate filing and the printing and inventory of ballots.

ballot position

The order on the ballot in which a candidate's name appears. For example, candidate B may have the 2nd position on the ballot, meaning that there is 1 candidate's name ahead of candidate B for that contest.

Ballot Production Services (BPS)

The Hart InterCivic Ballot Production Service (BPS) is a fee-based service that provides ballot programming and ballot printing service for customers who use Hart InterCivic voting devices.

ballot question

A ballot question is any state constitutional amendment, county charter amendment, initiative, or referendum issue that has qualified for placement on the ballot.

ballot style

A ballot style is a grouping of certain precincts with an identical contest configuration. Every precinct's (or split precinct's) ballot is linked to 1 ballot style and there may be several precincts with the same ballot style. In Verity, the ballot style information is carried on the vDrive.

ballot text

Informational text embedded in the ballot that does not have the properties of a contest and cannot be voted. Ballot text is often used to identify a section of the ballot.

ballot transport container (BTC)

A secure storage container The duplicate ballot stock at the Duplication work area and the invalidated ballots at the Ballot Opening work area are secured in BTCs.

Batch Summary Report

Contains the following information for each batch: batch ID, voting method, date and time batch was scanned, workstation where the batch was scanned, number of scanned ballots, number of deleted ballots, total number of ballots, number of resolved ballots, number of unresolved ballots, number of ballots written to vDrive, and batch notes

blank Vote

A contest that is not marked or not detectable by the voting equipment. No vote is recorded for a voting position and is instead reported as "Blank" on the results reports.

BMD

See ballot marking device.

BOPS

See Ballot Operations.

BTC

See ballot transport container.

Build

Build is a Verity application to open an election, proof data, configure device settings, print ballots, and write vDrives and Verity Keys. In Build, Hart Technicians perform the final steps to prepare the ballot for the election.

C

candidate

A candidate is an individual who has qualified for placement on the ballot.

canvass

Compilation of election returns and validation of the outcome that forms the basis of the official results by a political subdivision.

cast vote record (CVR)

An anonymous record of the contest options that a voter selected on his/her cast ballot (otherwise known as the voter's choice set). In the Verity voting system, Cast vote records are stored in electronic format.

CCOPS

See Counting Center Operations.

Central

Central is the application and network of scanners used to count voted ballots at the counting center. The application is designed to manage central ballot scanning operations. In Central, Hart Technicians scan and review ballots, and write cast vote records to vDrive for tabulation in Count.

certified reports envelope

The certified reports envelope is used to store the copies signed by the Official Observers of Report 3 on Election Day and Report 4 following the post-election count.

chief election officer

The chief election officer is appointed by the State of Hawaii, Elections Commission to supervise state elections.

Clerk's Office

See County Elections Division.

CMOS battery

Coin battery within a Verity device tablet that maintains the system clock functions while the device is turned off.

Computer Services (CS)

Computer Services (CS) is a section of the State of Hawaii, Office of Elections responsible for providing technical support and infrastructure. This section also posts the results reports for the public and media.

Configuration Report

Contains the following election information: task status, election ID, total number of batches scanned and written to vDrives, public (election count), private (lifetime count), sheet count; may be used as a zero report.

contest

A choice to be made on the ballot; a race. Contest types can include offices, issues, referendums, amendments, propositions, etc.

control packet

A control packet is used to transfer defective/duplicated ballots between counting center work areas (Ballot Opening, Duplication, and VBC Processing). As control packets are transferred, they are accompanied by Official Observers.

An unprocessed control packet is waiting at the originating Team (Ballot Opening or VBC Processing) to be transferred to the Duplication Team. Unprocessed control packets may be secured at the originating work area. All control packets must be processed by Election Day to report in the results.

A completed control packet has been transferred to the VBC Processing Team to remove the defective ballots for storage and duplicated ballots to be counted. The completed control packet may be re-used.

Count

Count is the tabulation application used to compile and print the results reports by reading the vDrives.

Count work area

The Count work area is operated by Hart InterCivic to tabulate and print the result reports. At the neighbor island counting centers, the Count work area includes the Count and Transmit workstations. At the Oahu Counting Centers the Count work area includes the Count and Relay workstations.

counting center

The counting center is the facility and surrounding premises designated by the chief election officer where ballots or other electronic voting system votes are processed, counted, and tabulated. The counting center is a secure area and no person shall be permitted in the counting center without the written authorization of the chief election officer.

Counting Center Manager

A Counting Center Manager directs operations at each counting center and reports to the Statewide Counting Center Manager.

Counting Center Officials

Counting Center Officials are responsible for 1) developing an audit trail to account for all ballots; 2) conducting operations in accordance with federal laws, Hawaii Revised Statutes (HRS) and Hawaii Administrative Rules (HAR); and 3) maintaining the integrity of the electoral system by conducting operations with the highest professional and ethical standards.

Counting Center Operations (CCOPS)

Counting Center Operations is a section of the State of Hawaii, Office of Elections responsible for processing, tabulating, and disseminating election results in an accurate an timely manner statewide.

County

County refers to the County of Hawaii, County of Maui, County of Kauai, and/or City & County of Honolulu. For the purposes of elections, the County of Kalawao shall be included in the County of Maui.

County Elections Division

The County Election Division is a is part of the Office of the County Clerk in each of the 4 Counties. The County Elections Division is responsible for voter registration, mailing and receipt of ballots, and voter service centers. County of Hawaii serves the island of Hawaii, County of Maui serves the islands of Maui, Lanai, and Molokai, County of Kauai serves the islands of Kauai and Niihau, and City and County of Honolulu serves the island of Oahu.

county summary report

A county summary report is the cumulative results which is released for each county.

credentials

Authentication information that enables users to access software functions. Credentials typically include user IDs and passwords.

CS

See Computer Services (CS).

cumulative voting

A method of voting exclusive to multi-member district election (e.g. county board) in which each voter may cast as many votes as there are seats to be filled and may cast two or more of those votes for a single candidate.

cured ballot

A cured ballot is a return envelope that was received by the County Elections Divisions by the close of voting on Election Day with a deficiency, like missing the signature, then was corrected, or cured within 5 business days following the election.

cut seals envelope

A cut seals envelope is used to store seals that have been removed following seal certification procedures.

CVR

See cast vote record.

D

D/P

See district/precinct (D/P).

damaged ballot

A paper ballot that has been torn or otherwise damaged to the extent that it cannot be read using a ballot scanning device.

damaged contest

A contest where the option box cannot be read by the scanner. This may be caused by an obstruction (white-out, tape, etc.) that obscures an option box.

Data

Data is a Verity application where Hart Technicians enter, import and manage election data, jurisdiction data, and translations, and record and import audio. Verity Data designates the ballot template, view ballot preview, and lock the election data so that it may be opened in Build.

defective ballot

A defective ballot cannot be read at a scanner station because it is damaged or the voter received an Alternate format ballot (AFB). In other words, a defective ballot is a valid ballot that is not tabulation-ready and must be remade for the votes to count.

deficient ballot envelope

A deficient ballot envelope is a return envelope where the voter did not sign or the signature did not match. A deficient ballot envelope may be remedied by the voter within 5 business days of the election to cure the ballot for counting.

digital scan

A process where ballots are scanned and the electronic, or digital, images of the ballot are captured in whole (as opposed to optical scan, where the image is not captured, but light reflected off of or absorbed by marked surfaces is used to collect vote data).

digital signature

An asymmetric key operation where the private key is used to digitally sign an electronic document and the public key is used to verify the signature. Digital signatures provide data authentication and integrity protection.

direct record electronic (DRE)

The term for an electronic machine at which a voter can view, vote, and cast a ballot.

discard box

A sealable cardboard box used to securely store empty return envelopes. These boxes are stored for 22 months then discarded. A discard box is 14” H x 20 W x 20 D with a hinged cover and hand holds.

district

A district is a representative district.

district/precinct (D/P)

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

duplex

Two-sided. In Verity ballots are printed and scanned on both sides of the ballot sheet. Verity Scan and Verity Central scan both sides of the ballot sheet.

duplicate ballot stock

Duplicate ballot stock is stock of pre-printed ballots for each D/P provided to the Duplication Team to use to create duplicate tabulation-ready ballots. The duplicate ballot stock must be inventoried to ensure the accuracy and integrity of the election.

Duplication

The Duplication Team is responsible for tracking and marking one-for-one duplicates of defective ballots onto tabulation-ready ballots.

E

election

An election is a primary, special primary, general, special general, special, or county election unless otherwise stated.

Election Day registration

See same-day registration (SDR).

Election Day Test

The Election Day Test is a logic and accuracy test conducted by Official Observers after all ballots have been counted and reported on Election Day.

election ID

An identification code assigned to an election by Verity Data and Build that is unique for every election. The election ID is used internally by the software applications.

Election Support Services (ESS)

Election Support Services (ESS) is a section of the State of Hawaii, Office of Elections responsible for logistics and business services.

emergency ballot slot

A special receptacle in the Verity ballot box (emergency ballot bag), with its own unique access door, that can be used to securely store unscanned voted ballots.

empty return envelope container

Empty return envelopes are securely stored in a discard box. Before leaving the counting center, the Ballot Opening Team secures these containers.

encryption

Process of obscuring information by changing plain text into cipher text for the purpose of security or privacy. See also cryptographic key.

equipment transport container (ETC)

The equipment transport container (ETC) is a storage box for the Official Observers test ballot packets, blank vDrives, certified results, and other sensitive election materials.

ESS

See Election Support Services (ESS).

ETC

See equipment transport container (ETC).

F

facsimile ballot

Facsimile ballots are replicas of a ballots by D/P. It may be used by a voter to preview the ballot before they receive or mark it. Facsimile ballots are also distributed to Official Observers as a tool to create a tally of expected results for their test ballots.

federal election

A federal election is a presidential, U.S. senatorial, or congressional election.

federal write-in absentee ballot (FWAB)

A federal write-in absentee ballot (FWAB) is available to uniformed and overseas citizen absentee voters who do not receive their ballot. These voters may print an FWAB and write in their votes for the contests they are eligible to vote for. FWABs must be received by the County Elections Division by the close of voting. The FWABs are transferred to the counting center and must be duplicated onto a tabulation-ready ballot.

functionality test

Testing of hardware functionality (e.g., testing to see that an access button responds correctly when pressed). Functionality tests are built into the Verity voting devices.

FWAB

See federal write-in absentee ballot (FWAB).

G

General Election

Election in which voters, regardless of party affiliation, are permitted to select candidates to fill public office and vote on ballot issues. General Elections are held on the first Tuesday after the first Monday in November, in every even-numbered year.

H

HAR

Hawaii Administrative Rules

Hart InterCivic

Hart InterCivic is the voting system vendor which is responsible for the setup, maintenance, operation, and breakdown of the voting equipment.

Hart Technician

A Hart Technician is an employee of Hart InterCivic. Hart Technicians operate the voting equipment including the scanner stations and Count work area at the counting center.

hash testing

A test run to check that installed software has not been altered since its initial installation. The installed software is compared against a 'trusted build' of the software that has been certified by a regulatory agency.

HAVA

Help America Vote Act of 2002

HRS

Hawaii Revised Statutes

I

invalid ballot

An invalid ballot does not meet the requirement for the ballot to be counted. Invalid ballot scenarios include 2 ballots in the return envelope or secrecy sleeve, or the return envelope or secrecy sleeve is empty. The Ballot Opening Team handles invalid ballots.

invalid vote

An instance where A) a voter in an open primary has voted for a candidate for an opposing party after first declaring affiliation with another party, or B) a voter has made a selection in a dependent contest without making the proper selection(s) in the determining contest.

K

key management

Activities involving the handling of cryptographic keys and other related security parameters (e.g., access to the physical keys and passwords) during the entire life cycle of the keys, including the creation, inventory and storage, re-writing, and use of the keys throughout an election cycle.

L

LAT

See logic and accuracy test (LAT).

lifetime count

A number, shown on the Verity device touchscreens, that indicates how many ballots have been voted on the device over its lifetime. The lifetime count cannot be reset.

logic and accuracy test (LAT)

A test to check the accuracy of the voting system tabulation. An LAT is accomplished by submitting test ballots for which the results are already known (i.e., a 'test deck') through the ballot counting system and comparing the results with the expected results. If an error occurs (i.e., the actual test deck count does not match the expected count), then the problem is investigated and corrected.

M

mail ballot packet

A mail ballot packet is sent to every voter and contains a ballot, secrecy sleeve, and pre-addressed postage-paid return envelope.

Manual Audit

The Manual Audit Team conducts a hand-count of voted ballots to confirm the accuracy and integrity of the results. On Election Day, the Manual Audit Team audits a sample of voted ballots. Following the election, the Manual Audit Team audits 10% of district/precincts (D/P).

mark

A mark is made by a voter, with a prescribed marking device, in the manner instructed by the chief election officer, within the voting position area next to a candidate's name or a ballot question, indicating the voter's choice or vote.

A "mark"in a non-voting context also is a signature of an illiterate or physically disabled voter.

multi-party voting

Multi-party voting may occur in a primary election when the voter indicates a political preference in the select-a-party contest but then votes for candidates of a different political preference or if the voter over votes the select-a-party contest.

multi-seat contest

Contest in which multiple candidates can run, up to specified number of seats. Voters may vote for no more than the specified number of valid choices.

N

Non-Disclosure of Election Results & Personnel Payroll

Volunteers must submit a **Non-Disclosure of Election Results & Personnel/Payroll** form. This form is used to process payment after working in the counting center.

nonpartisan office

An elected office for which candidates run without a political party affiliation.

O

OE

See Office of Elections (OE).

Office of Elections (OE)

The Office of Elections (OE) provides secure, accessible, and convenient election services to all citizens statewide. The Office of Elections is responsible for the printing and counting of ballots and voter education.

Official Observer

Official Observers are designated by the chief election officer or clerk to monitor operations at the counting center.

Official Observers' Test

The Official Observers' Test is a logic and accuracy test (LAT) conducted by the Official Observers of the in-person voting equipment deployed to the voter service centers. Official Observers mark test ballots in any manner of their choosing, scan the test ballots, and reconcile their tally of expected results with the voting equipment results.

OHA

Office of Hawaiian Affairs

option

A choice on a ballot.

option box

The target area where a voter marks in order to make a selection on a ballot.

overseas citizen

An overseas citizen is 1) an absent uniformed services citizen who, by reason of active duty or service is absent from the United States of the date of the election; 2) a person who resides outside the U.S. and is qualified to vote in the last place in which the person was domiciled before leaving the U.S.; 3) a person who resides outside the U.S. and (but for such residency) would be qualified to vote in the last place in which the person was domiciled before leaving the U.S.; or 4) a person who has never lived in the U.S., and (but for such residency) would be qualified to vote in the last place of domicile before leaving the U.S. of that person's parent.

over vote

An instance where a voter has marked more than the allowed number of options for a given contest. It is not possible to over vote using Touch Writer.

P

page

In reference to paper ballots, 1 side of a sheet of paper.

partisan office

An elected office for which candidates run as representatives of a political party.

place of deposit

A place of deposit is the location of a ballot drop box for collection by the County Elections Division.

political party

A political party is any group which satisfies the requirements of HRS §11-61 to field candidates.

poll watcher

A poll watcher is a representative of a political party appointed by a qualified political party and authorized by the clerk to monitor the election process at the voter service center.

power-on self test report

A report printed from the Verity voting device any time the device is powered on. This report shows a time stamp, firmware version, and diagnostic test result. A self-diagnostic test is run on the system, and the result is indicated as either a pass or fail on the report.

poll worker button

The poll worker button is on the back of the in-person voting equipment. It is used by the voter service center officials to access the functions of the voting equipment.

post-election count

A post-election count is conducted at each counting center following the deadline for voters to cure a deficient ballot 5 business days following the election and before the contest for cause deadline. Report 4, the last scheduled release of results is printed and posted for each county.

precinct

A precinct is the smallest political subdivision established by law.

Precinct Detail Report

A Central report which contains the following ballot information, grouped by batch, for each precinct or precinct split: precinct or precinct split name, batch IDs that contain ballots from this precinct or precinct split, date and time the batches were scanned, voting method, workstation where the batches were scanned, information for each ballot image scanned in the batch (scan sequence number, page number, unique identifier, variation number, language, party, ballot status), total ballots scanned in the batch, total ballots deleted from the batch, total number of precinct ballots in the batch, total ballots written to a vDrive.

Precinct Summary Report

A Central report which contains the following batch information for each precinct: batch ID, voting method, date and time, workstation, number of scanned ballots, number of deleted ballots, total number of ballots saved, number of resolved ballots, number of unresolved ballots, number of ballots written to vDrive.

Pre-Election Test

The Pre-Election Test is a logic and accuracy test conducted by Official Observers before scanning election ballots on the first day of counting center operations.

Primary Election

Election held to determine which candidate will represent a political party for a given office in the general election. Hawaii conducts a single-party primary election. Voters do not declare their political preference before receiving a ballot. On the ballot, a voter may select 1 political preference and then votes for candidates affiliated with the selected political preference only.

Print

A device to print blank paper ballots on-demand.

proper mark

A completely darkened box using a black or blue pen.

provisional ballot

A ballot provided to individuals who claim they are eligible to vote but whose eligibility cannot be confirmed when they present themselves to vote. Such ballots are not included in the tabulation until after the voter's eligibility is confirmed.

R

ranked choice voting

Practice that allows voters to rank candidates in a contest in order of choice 1, 2, 3, and so on. A candidate receiving a majority of the first choice votes wins that election. If no candidate receives a majority, the last place candidate is deleted, and all ballots are counted again, with each ballot cast for the deleted candidate applied to the next choice candidate listed on the ballot. The process of eliminating the last place candidate and recounting the ballots continues until 1 candidate receives a majority of the vote.

Recount

Re-tabulation of the votes cast in an election.

registered voter

A registered voter is an eligible Hawaii resident who has signed up to receive a ballot. Voters must update their registration whenever they move or change their name or mailing address to remain a properly registered voter.

Relay

EAC-certified on-board remote transmission solution. Relay is a secure, reliable solution that provides fast reporting of precinct results, transmitted directly from the Scan device at the voter service center.

replacement ballot

A ballot that is designated by the election authority to be a replacement for a damaged ballot.

results reports

The results reports are printed by Hart InterCivic and posted for the public and media by the Office of Elections. Results reports are disseminated from the Oahu Counting Center only.

return envelope

A pre-addressed postage-paid return envelope is provided to every voter. Voters must sign their return envelope which will be validated by the County Elections Division to determine if the ballot should be counted.

S

same-day registration (SDR)

Same-day registration (SDR) allows a new applicant to register and vote in-person at a voter service center. New Hawaii voters who miss the voter registration deadline must visit a voter service center to receive a ballot.

sample ballot

A ballot printed as a sample of the real election ballot. Sample ballots cannot be counted by the Verity system.

Scan

Scan is a digital scanner for casting paper ballots. Scan can be used with hand-marked ballots or with those printed using the Touch Writer. When used with hand-marked or Touch Writer ballots, Scan allows the voter the opportunity to check and correct the ballot before casting. Scan deposits scanned ballots or vote records into its ballot box for secure storage.

Scan Seal Certification

The Scan Seal Certification form is used to track the security of the Scan devices.

Scanned Batch Report

A Central report which contains the following information for a single scanned batch: all batch data, including voting method, a list for each scanned image in the batch (can sequence number, precinct or precinct split name, page number, unique identifier, variation number, language, party, scan status), total ballots/images scanned, accepted, rejected.

scanner stations

The scanner stations are operated by Hart InterCivic to count voted ballots. The scanner station included a Central workstation, scanner, and printer. Scanner stations work with 1 voted ballot container (VBC) at a time.

SDR

See same-day registration (SDR).

Seal

A tamper-proof non-reusable lock used to secure sensitive election materials. Seals are used to deter (and provide evidence of) any unauthorized access to the devices or compartments containing voted ballots.

Seal Certification

A form is used to track the security of sensitive election materials, like ballots and vDrives.

secrecy sleeve

A secrecy sleeve is provided to voters to enclose the voted ballot. Use of the secrecy sleeve is optional.

security controls

Operational, physical, and technical controls designed to protect the confidentiality, integrity, and availability of a system and its information.

security seal

Tamper-evident seals put in place by the jurisdiction on voting devices and ballot boxes.

sheet

In reference to paper ballots, 1 piece of paper printed on both sides, i.e., duplex

sheet count

A number that indicates how many physical ballot sheets have been scanned on that device or workstation for the current election. The sheet count is reset to zero when a new election is loaded by election staff before an election.

sip-and-puff

A breath-controlled input device that enables persons with limited mobility to vote independently. A voter's personal sip-and-puff device may be connected to the Access controller.

select-a-party contest

The select-a-party contest appears on the Primary Election ballot for voters to first indicate a political preference for partisan federal and state contests. Voters must vote for candidates of the select political preference. All voters can elect candidates for the contests of Office of Hawaiian Affairs (OHA) and county office, regardless of political preference.

self-subscribing affidavit

A self-subscribing affidavit must be signed by an applicant to affirm the truth of particular statements without the presence of a notary public.

spoiled ballot

A spoiled ballot has been misprinted, illegibly printed, or marked incorrectly by the voter who is then issued a replacement ballot. Within the counting center, the Duplication Team may spoil a ballot by incorrectly copying the votes from the defective ballot onto the duplicate.

Statewide Counting Center Manager

The Statewide Counting Center Manager oversees the operations of the 4 counting centers at the direction of the chief election officer. The Counting Center Managers report to the Statewide Counting Center Manager.

Statewide Observers' Test

The Statewide Observers' Test is a logic and accuracy test conducted by the Official Observers using the counting center voting equipment. The Statewide Observers' Test includes a wide area network (WAN) test to confirm the results are tabulated correctly.

statewide summary report

The statewide summary report is the cumulative results of all contests, registration, and turnout.

T

tabulation

Tabulation is the process of compiling votes to report the results.

tactile switches

(sometimes referred to as 'dual mode switches,' or 'jelly switches,') A tactile input device consisting of two large buttons of contrasting color. Tactile switches are used to enable persons with limited mobility to vote independently. Tactile switches may be connected to the Verity Access controller.

tally of expected results

A tally of expected results reflects the results of a hand count of ballots used to compare to the results printed by the voting equipment. Official Observers create a tally of expected results for their test ballots and the Manual Audit Team creates a tally of expected results for the audit ballots.

tally report

A report that may be printed from a Verity voting device after polls are closed. It includes the date, time, precinct, a tally of votes for each contest, and an access code or ballot summary. Use of this report may vary by jurisdiction.

test ballot

Test ballots are provided to Official Observers to use for the logical and accuracy tests. The test ballots are inventoried and secured to the ensure the security and integrity of the election.

Test Ballot Inventory

A form used to track test ballots following every logic and accuracy test. The test ballots are stored in a corresponding test ballot packet and secured in the equipment transport container (ETC).

test ballot packet

A test ballot packet is distributed to Official Observers for use during the logic and accuracy tests. The test ballot packet contains test ballots, pens, test tally worksheets, facsimile ballots, paper clips, and rubber bands.

Test Ballot Tracking Log

A form used to track custody of test ballots.

test deck

The test ballots to be scanned as part of a logic and accuracy test. The test deck is determined by the Official Observer and may included blank or mismarked ballots. The test deck is stored in the test ballot packet which will be secured in the equipment transport container (ETC) when returned by the Official Observer.

Test Tally

A worksheet provided in Official Observers test ballot packet to assist with developing a tally of expected results.

test vDrive envelope

Test vDrives used during the logic and accuracy tests are stored in the test vDrive envelope.

test zero report envelope

Official Observers certify a zero report before tabulating the results (test or election) indicating that there are no votes in the system. The certify reports are stored in the test zero report envelope and secured in the equipment transport container (ETC).

thermal printer

Roll-feed printer that uses heat to print on the paper, and thus does not use ink or toner. Scan, Touch Writer, and Print devices contain a built-in thermal printer.

Touch Writer

Using Verity Touch Writer, voters mark digital ballots using a touchscreen. After confirming their selections, the voter prints the marked paper ballot on the attached printer. The voter then retrieves and casts the ballot using Verity Scan, or into a ballot box to be scanned centrally.

Touch Writer Seal Certification

A form used to track the security of the Touch Writer devices.

Transmit

Verity Transmit is the automated remote transmission upon close of polls.

turnout

Turnout is the total number of voters in an election as determined by the number of ballots tabulated by the computer including blank ballots.

U

uncounted voted ballot

An uncounted voted ballot has not been scanned by the voting equipment either at a voter service center or counting center.

under vote

See blank vote.

Uniformed and Overseas Citizen Absentee Voting Act (UOCAVA)

The Uniformed and Overseas Citizen Absentee Voting Act requires that eligible voters be sent their ballot 45-days before the election by mail or email. UOCAVA voters must submit a federal post card application for each election they are out of the country.

uninterruptible power supply (UPS)

A device that maintains AC power for a connected device during a power outage.

unique identifier

A number placed on the sheets of a ballot that uniquely identifies the ballot in order to prevent scanning of duplicate paper ballots. Within the Verity system, unique identifiers are optional and cannot be tied to an individual voter (as there is no individual voter data in the Verity system). Unique identifiers contain no serial (i.e. sequential) data.

universal serial bus (USB)

An external peripheral interface standard for communication between a computer and other devices. In the Verity voting system, the vDrive and Verity Key connect to a USB port.

unprocessed control packet

See control packet.

unused test ballot packet

An unused test ballot packet is to remove and store any unused test ballots from an Official Observers test ballot packet. Unused test ballot packets are inventoried and securely stored.

UOCAVA

See Uniformed and Oversea Citizen Absentee Voting Act.

utility envelope

A utility envelope maybe used by the Ballot Opening Team to hold an invalid or defective ballot that cannot be remade.

V

VBC

See voted ballot container (VBC).

VBC Processing

The VBC Processing work area tracks and secures voted ballot containers (VBCs) to and from the scanner stations for counting.

vDrive

A vDrive is portable flash media that are electronically written with the election data file and are deployed for a variety of different voting types, including polling place voting with Touch Writer and Scan, or central scanning with Central. vDrives are used to transfer digital ballot styles from Build to Verity devices, and to transfer cast vote records from Scan, and/or Central to Count for tabulation. Each Scan, Touch Writer, and Print device has its own vDrive.

Blank vDrives are programmed by Hart Technicians with the election information using the Verity Build application. The blank vDrives are securely stored in the ETC and randomly selected for use by the Official Observers.

An audit vDrive is a written vDrive identified to print cumulative contest reports for the Manual Audit Team. Audit vDrives are stored and handled with written vDrives.

Scanned ballots are written to a vDrive. The written vDrives are logged and securely stored by the VBC Processing Team. On Election Day, written vDrives are transferred to the Count work area to tabulate the result reports.

Tabulated vDrives have been read into Count. Tabulated vDrives are transferred back to the VBC Processing Team after the results are tabulated.

vote

Vote means to cast a ballot for counting and tabulation.

voted ballot container (VBC)

A voted ballot container (VBC) is a identifiable securable box used to transport and secure voted ballots within the counting center.

voter

A voter is any person duly registered to vote.

voter registration application

A voter registration application is an affidavit for voter registration or other form, like the online voter registration system or DMV application, for voter registration.

voter service center

Voter service centers are established by the County Elections Divisions to provide accessible in-person voting and voter registration. The locations may open 10 business days before and on Election Day.

Voter Services (VS)

Voter Services (VS) is a section of the State of Hawaii, Office of Elections which handles voter education. This section also serves as the media contact.

VS

See Voter Services (VS).

W

WAN

See wide area network (WAN) test.

wide area network (WAN) Test

A wide area network test confirms the transmission and compilation of the results from the neighbor island counting centers to the Oahu Counting Centers.

write-in

A name of a candidate entered by the voter in order to vote for a candidate that is not listed in that contest.

Z

zero report

A voting device report that must be printed before polls are opened on a device. A zero report must also be printed from a ballot scanning or tabulation workstation before scanning or counting ballots. This report lists the time, the contests and candidates on the ballot, and verifies that the current number of votes for each candidate or option is zero.

SUPPLIES & EQUIPMENT

BALLOT OPENING TEAM

automatic numbering machine
compressed air
control packet
Control Packet Time Log
cut seals envelope
defective stamp
empty return envelope label
Empty Return Envelope Seal Certification
gloves
invalid ballot container label
Invalid Ballot Log
invalid stamp
letter opener
mail VBC label
mail VBC Counted label
manual
marker, red
masking tape
paper clips
pen, red
post-it, 3”x3”
rubber band, #117B
scratch pad
seal
Seal Certification
sealing hook
sortkwik
stamp ink, red
stapler
transparent tape
trash bag, clear
utility envelope
voted ballot container label
wire cutter

Other

anti-fatigue mat
automatic envelope opener
empty return envelope container
invalid mail ballot container
mail voted ballot container (VBC)
unprocessed control packet container

DUPLICATION TEAM

automatic numbering machine
Ballot Tracking Log
Control Packet Time Log
cut seals envelope
Duplicate Ballot Stock
manual
marker, red
paper clip
pen, black
pen, red
post-it, 3”x3”
rubber band
scratch pad
seal
Seal Certification
sealing hook
stamp ink, red
stapler
straight edge
transparent tape
wire cutter

Other

control packet check in & out boxes
duplicate ballot stock container(s)

MANAGER

cut seals envelope
first aid kit
manual
marker, red
masking tape

paper clip
pen, black
pen, green
pen, red
phone
post-it, 3”x3”
rubber band, #117
scissors
scratch pad
seal
sealing hook
sign, No Electronic Mobile Devices
sign, Secure Area
sortkwik
stamp ink, red
stapler
sticker envelope, clear
transparent tape
trash bag, clear
USB of forms and labels
wire cutter

Check In

badges
Non-Disclosure & Payroll (blank)
Official Observer shirts (Primary Election only)
pen, red
Volunteer Time Log

Recount

Ballot Tracking Log
recount labels
Seal Certification
Tally & Certification
VBC Seal Certification
VBC Time Log
vDrive Log

MANUAL AUDIT TEAM

Audit Tally
Ballot Review Log
Batch Audit Tally
calculator
D/P cards, 1 set
Election Day Audit Reports folder
eraser
highlighter
manual
paper clip
pen, red
pencil
pencil sharpener
post-it, 3”x3”
Results of Votes Cast
rubber band
scratch pad
sortkwik
stapler

OFFICIAL OBSERVERS

batteries
calculator
cut seals envelope
envelope, 10 x 15”
equipment transport container (ETC)
facsimile ballots
flashlight
manual
marker, red
paper clips
pen, green
post-it, 3”x3”
rubber bands
rubber fingers
scratch pad
seal
Seal Certification
stapler
Statewide Observers’ Test Sign In
Test Ballot Inventory
Test Ballot Tracking
Test vDrive Log
transparent tape
unused test ballot packet envelopes
wire cutter

Secured in the ETC

accumulation envelope
certified reports envelope
test ballot packets

test vDrive envelope
test zero report envelope
unused test ballot packets
Count USB envelope

Test ballot packet

facsimile ballots, 2 per D/P
paper clips, 1 per D/P
pens, black, 2 per packet
rubber bands, #117, 2 per packet
test ballots
Test Tally, 1 per D/P

Official Observers' Test

accumulation envelope
accumulation tags
certified reports envelope
cut seals envelope
envelopes, 10 x 15", blank
equipment transport container (ETC)
facsimile ballots, 2 per D/P
marker, red
masking tape
Official Observer Sign In
padlock with reset key
paper clip
pen, black
pen, red
post-its, 3 x 3"
Print Seal Certification
rubber bands
rubber fingers
Scan location tag
Scan Seal Certification
seal
Seal Certification
Test Ballot Inventory
test ballots packets, remaining
Test Ballot Tracking Log
Test Tally
test vDrive envelope
Test vDrive Log
test zero report envelope
Touch Writer location tag
Touch Writer Seal Certification
transparent tape
unused test ballot packet envelopes
vDrive location label
Count USB envelope
wire cutter

VBC PROCESSING TEAM

audit label
audit tag
Audit VBC Seal Certification
calculator
Configuration Reports
control packet
Control Packet Time Log
cut seals envelope
defective stamp
highlighter
manual
marker, red
pen, red
post-it, 3"x3"
rubber band
Scan Seal Certification
scratch pad
seal
Seal Certification
sealing hook
stamp ink, red
sticker envelope, clear
Touch Writer Seal Certification
transparent tape
VBC Seal Certification
VBC Time Log
vDrive Log
voter service center VBC label
Voter Service Center VBC Log
wire cutter

Other

defective ballot container
duplicate voted ballot containers (VBCs)
scale
unprocessed control packet container
written vDrives can

EMERGENCIES & UNUSUAL EVENTS

The health and safety of all counting center personnel is everyone's responsibility. Generally, counting center personnel should:

- Assess the situation
- CALL 911 IMMEDIATELY in case of emergency to receive assistance.
- Promote health and safety first (e.g., evacuate, secure the facility).
- Secure sensitive election materials when it is safe to do so.
- Direct media inquiries to the Office of Elections.
- Call the Oahu Counting Center

Remember that each situation is unique and that emergency response must address the issue accordingly. When possible, counting center personnel will be notified by email of emergencies or unusual events impacting operations.

TYPES OF PHYSICAL THREATS

Several types of emergencies could result in the evacuation or closure of the counting center. The evacuation plan is to provide for the orderly and timely emptying of a building to safeguard life. The following situations may require immediate emergency response:

SEVERE WEATHER. Storms, high winds, torrential rains may vary in intensity and duration. They may also impact counting center operations from travel difficulties to power failure.

In case of power failure during operations, the voting equipment is connected to an uninterrupted power supply (UPS) to power down the devices properly. Collect and secure any ballots as quickly as possible. Depending on the conditions related to the power failure, wait until power is restored.

HURRICANES are slow moving weather systems that have the potential to produce widespread disruption of normal activities. The most destructive aspect is the storm surge that affects the coast and can cause extensive flooding, property damage, and severe injuries. High winds have the potential to cause loss of power.

In case of power failure during operations, the voting equipment is connected to an uninterrupted power supply (UPS) t to power down the devices properly. Collect and secure any ballots as quickly as possible.

Depending on the conditions related to the power failure, wait until power is restored.

FIRE. There are 3 types of fires, and each requires a different strategy to extinguish. Ordinary combustibles such as paper, wood, or cloth may be extinguished with water. Flammable liquids like gasoline, oil, or alcohol may be extinguished by smothering. Fires involving electrical equipment, wiring, or appliances may be extinguished using a carbon dioxide extinguisher.

- Notify counting center personnel.
- Call 911.
- Confine the fire and keep people away from the area.
- Secure sensitive election materials, if possible and practical.
- Evacuate the work area(s) as necessary and account for personnel.
- Do not re-enter the facility until declared safe by a fire official.

HAZARDOUS SPILLS. A toxic spill of hazardous materials can occur without warning. Call 911 and stay indoors, away from the spill.

BOMB THREAT. A bomb threat creates a sudden crisis period. Communication is disrupted, and emotions will be strained. It is important to maintain clear thinking and decisive action to keep order.

- Call 911 immediately
- Follow the instructions of emergency responders.
- If a suspicious device is found, report it but do not touch it.
- Leave doors and windows open.
- Account for all personnel.

COMMUNICATION

Counting center personnel will be notified by email of the impacts to counting center operations due to a hurricane or severe weather. If the weather impacts travel to the counting center or communications, do not report to the counting center. To the extent possible, counting center personnel will be notified by email of any impacts. Personnel may also email **elections.volunteers@hawaii.gov** with questions.

United States Election Assistance Commission

Certificate of Conformance

Hart Verity Voting 2.7

The voting system identified on this certificate has been evaluated at an accredited voting system testing laboratory for conformance to the *Voluntary Voting System Guidelines Version 1.0 (VVSG 1.0)* . Components evaluated for this certification are detailed in the attached Scope of Certification document. This certificate applies only to the specific version and release of the product in its evaluated configuration. The evaluation has been verified by the EAC in accordance with the provisions of the EAC *Voting System Testing and Certification Program Manual* and the conclusions of the testing laboratory in the test report are consistent with the evidence adduced. This certificate is not an endorsement of the product by any agency of the U.S. Government and no warranty of the product is either expressed or implied.

Product Name: Verity Voting

Model or Version: 2.7

Name of VSTL: SLI Compliance

EAC Certification Number: HRT-Verity-2.7

Date Issued: June 7, 2022

Executive Director

Scope of Certification Attached

Manufacturer:	*Hart InterCivic*	**Laboratory:**	*SLI Compliance*
System Name:	*Verity Voting 2.7*	**Standard:**	*VVSG 1.0*
Certificate:	*HRT-Verity-2.7*	**Date:**	*6/7/2022*

Scope of Certification

This document describes the scope of the validation and certification of the system defined above. Any use, configuration changes, revision changes, additions or subtractions from the described system are not included in this evaluation.

Significance of EAC Certification

An EAC certification is an official recognition that a voting system (in a specific configuration or configurations) has been tested to and has met an identified set of Federal voting system standards. An EAC certification is **not**:

- An endorsement of a Manufacturer, voting system, or any of the system's components.
- A Federal warranty of the voting system or any of its components.
- A determination that a voting system, when fielded, will be operated in a manner that meets all HAVA requirements.
- A substitute for State or local certification and testing.
- A determination that the system is ready for use in an election.
- A determination that any particular component of a certified system is itself certified for use outside the certified configuration.

Representation of EAC Certification

Manufacturers may not represent or imply that a voting system is certified unless it has received a Certificate of Conformance for that system. Statements regarding EAC certification in brochures, on Web sites, on displays, and in advertising/sales literature must be made solely in reference to specific systems. Any action by a Manufacturer to suggest EAC endorsement of its product or organization is strictly prohibited and may result in a Manufacturer's suspension or other action pursuant to Federal civil and criminal law.

System Overview:

The **Verity Voting 2.7** system represents a set of software applications for pre-voting, voting and post-voting election project activities for jurisdictions of various sizes and political division complexities.

Verity Voting 2.7 functions include:

- Defining the political divisions of the jurisdiction and organizing the election with its hierarchical structure, attributes, and associations.

- Defining the election events with their attributes such as the election name, date, and type, as well as contests, candidates, referendum questions, voting locations and their attributes.
- Preparing and producing ballots for polling place and absentee voting or by-mail voting.
- Preparing media for precinct voting devices and central count devices.
- Configuring and programming the **Verity Scan** digital scanners for marked paper ballots and Verity Touch Writer printed vote records.
- Configuring and programming the **Verity Touch Writer** BMD devices.
- Configuring and programming the **Verity Touch Writer Duo Standalone** BMD devices.
- Configuring and programming the **Verity Controller** with **Verity Touch Writer Duo** BMD devices.
- Configuring and programming the **Verity Print** on-demand ballot production device.
- Transmission of the election results via **Verity Relay**.
- Transmission of the election results via **Verity Transmit**.
- Producing the election definition and auditing reports.
- Providing administrative management functions for user, database, networking, and system management.
- Import of the Cast Vote Records from **Verity Scan** devices and **Verity Central**.
- Preview and validation of the election results.
- Producing election results tally according to voting variations and election system rules.
- Producing a variety of reports of the election results in the desired format.
- Publishing of the official election results. Auditing of election results including ballot images and log files.

Verity Scan is a digital scan precinct ballot counter (tabulator) that is used in conjunction with an external ballot box. The unit is designed to scan marked paper ballots or Verity Touch Writer Duo printed vote records, interpret and record voter marks on the marked paper ballot or record voter selections on theprinted vote records, and deposit the ballots into the secure ballot box.

Verity Relay provides remote transmission capability. Utilizing an optional modem with **Verity Scan**, at close of polls, results are transmitted from the polling place device to the **Verity Relay Receiving Station** workstation.

Verity Transmit provides remote transmission capability. Utilizing an optional modem, Wi-Fi, or Ethernet accessory kit. Results from the **Verity Scan** and **Verity Central** are transmitted to the **Verity Transmit Receiving Station** workstation.

The **Verity Touch Writer** is a standalone precinct level Ballot Marking Device (BMD) which also includes an Audio Tactile Interface (ATI), which allows voters who cannot complete a paper ballot to generate a machine-readable and human readable paper ballot, based on vote selections made, using the ATI.

The **Verity Touch Writer Duo** is a daisy chained configuration of a **Verity Controller** device configured with up to twelve **Verity Touch Writer Duo** BMD devices, which allows voters to

utilize the touchscreen or optional Audio Tactile Interface to generate a machine-readable and human readable printed vote record, based on vote selections made.

The **Verity Touch Writer Duo Standalone** is a standalone BMD device, which allows voters to utilize the touchscreen or optional Audio Tactile Interface to generate a machine-readable and human readable printed vote record, based on vote selections made.

Verity Print is an on-demand ballot production device for unmarked paper ballots.

Verity Election Management allows users with the Administrator role to importand manage election definitions. Imported election definitions are availablethrough the Elections chevron in Build. Users can also delete, archive, and manage the election definitions.

Verity User Manager enables users with the correct role and permissions to create and manage user accounts within the **Verity Voting** system for the local workstation in a standalone configuration, or for the network in a networked configuration.

Verity Desktop enables users with the correct roles to set the workstations' date and time, gather **Verity** application hash codes (in order to validate the correctness of the installed applications), and access to Windows desktop.

Verity Data provides the user with controls for entering and proofing data and audio. **Verity Data** also performs validation on the exported information to ensure that it will successfully import into **Verity Build**.

Verity Build opens the election to proof data, view reports, and print ballots, and allows for configuring and programming the **Verity Scan** digital scanners, and **Verity Touch Writer** and **Controller/Touch Writer Duo** BMD devices, **Verity Print**, as well as producing the election definition and auditing reports.

Verity Central is a high-speed, central digital ballot scanning system used for high-volume processing of ballots (such as vote by mail). The unit is based on COTS scanning hardware coupled with custom **Hart-**developed ballot processing application software which resides on an attached workstation.

Verity Count is an application that tabulates election results and generates reports. **Verity Count** can be used to collect and store all election logs from every **Verity** component/device used in the election, allowing for completeelection audit log reviews.

Verity Relay Receiving Station is a remote transmission software application that receives election data transmissions sent by Verity Scan devices equipped with an optional Relay modem accessory.

Verity Transmit Receiving Station is a remote transmission software application that receives election data transmissions sent by Verity Transmit devices.

Certified System before Modification (If applicable):

Verity Voting 2.6

Anomalies and/or Additions addressed in Verity Voting 2.7:

The following anomalies found in previous Verity releases are corrected in the Verity Voting 2.7 modification:

1. Verity Data/Build
   Help screen for: "Shared Device Behaviors" is inaccurate. The help screen states, "Require user to view all choices in each contest" however what is displayed is "Require voters to view all choices in each contest."
2. Verity Scan
   Scanner multi-feed calibration can get stuck on a spinner and not show the results screen, requiring a lock and unlock of the tablet to exit the screen.
3. All Verity Devices
   Physical keyboard input of “Alt-ESC” returns to the user to the Verity launcher splash screen.
4. Verity Count
   If the number of columns in contest are less than or equal to 14 in the Canvass Results Report, then a blank page will follow the contest on the PDF export.

The following additions were made:

Features for all devices and workstations

- When using the System Validation Tool on devices or workstations, the system exports hashes for all Verity-related system files, as well as the files themselves.
- Verity supports adding new languages to devices and workstations via the “Language Pack” functionality.
- Verity supports the following additional languages:
  - Gujarati
  - Hmong
  - Lao
  - Hawaiian
  - Cantonese
  - Punjabi
  - Bengali

COTS updates

- Added support for the Brother HL-L6400DWVS laser printer. This printer now replaces the OKI Data B432 printer for use on Verity Touch Writer, Verity Printer, Verity Build, and for report printing on all Verity workstation software.
- Added the Duracell DR660PSS UPS for battery backup for the new Brother HL-L6400DWVS printer when used with the Verity Touch Writer laser printer.

- Added support for the IntoPrint SP1360 laser printer, which is a brand of the OKI Data C931 printer that it replaces on Verity Build.
- Added additional CFast card vendor.
- Added magnifying devices for use with ballots in the polling place.

Hawaii-specific Features

- Supports General and Open Primary elections only.

Verity Count Reporting

- Now allows users to set a custom order for contests on results reports across all Tasks in an election.
- Includes the following new reports and exports: o Three-Column Summary Results Report
    - Three-Column Precinct Results Report (export only)
    - Statement of Vote Report
    - Precinct Detail Export
    - Summary Export

- Adds support for adding a Run ID to the report header of the following reports:
    - Three-Column Summary Results Report
    - Three-Column Precinct Results Report
- Adds support for identifying the following reports as “zero reports”
    - Three-Column Summary Results Report
    - Three-Column Precinct Results Report
- Added support for calculating ballots cast in a multi-sheet election using the highest recorded sheet count for the following reports:
    - Three-Column Summary Results
    - Three-Column Precinct Results
    - Statement of Vote Report
    - Precincts Reporting
    - Summary Export
    - Precinct Detail Export
- Added an Election Preference to “Enable Hawaii results reports and exports”.
- Manual vote recording now allows users to enter sheet counts for each sheet that exists in the ballot for the precinct-split/party being adjusted.

Paper Ballot Features

- Paper ballots support a maximum paper size of 8.5”x22”, without stub capability.
- Paper ballot stubs support adding a customizable prefix to the stub number display.
- Verity now supports 80lb Text paper weight for ballots.

- Added targeting landmarks to ballot corners for option box triangulation.

Grid Ballot Features

- Verity now supports grid-based paper ballots, where office contests appear in columns and parties in rows on odd-numbered pages, and propositions appear in a column-based layout on even-numbered pages.
    - Proposition-only ballots can utilize both sides of a sheet.
- Grid-based paper ballots support all paper sizes in a landscape orientation (short edge on left):
- Grid-based paper ballots support the same stub sizes and options as column-based paper ballots.
    - 8.5” x 22” ballots do not support a stub
- Grid-based paper ballots support all paper ballot election definition elements EXCEPT:
    - Party Selector contests
    - Open Primary Party Selector contests
    - “Ranked Choice”, “Cumulative”, or “Fractional Cumulative” contests
    - Ballot Additional Text
    - Rotation
    - Column or page forcing on Office type contests
        - Column or page forcing is allowed for contests appearing on the Proposition side of the ballot.
    - Contest images
    - Dependent contests
    - Two-line write-ins
    - Uncommitted choices
- Grid-based ballots support candidate cross-filing, where if a voter marks multiple boxes for a cross-filed choice, it will be recorded as a single vote for the choice.
- Added support for Slate Choices, where two choice names can be treated as a single votable option.

Features for all devices

- Updated model for each Verity device
    - A single standardized circuit board replaces baseboard and I/O board combinations found in all Verity devices, with no change to functionality. Electronic components from the existing Tally Tape Thermal Printer are added directly to the baseboard.
    - Tally Tape thermal printer for report printing now uses Hart built plastics and firmware.
    - Rear panel connectors now recessed to increase ruggedness and reduce cable strain if a device is handled while cables are installed.

    - Power input connector no longer contains to slide to release cable retention feature.
    - Tamper evident seal now serialized
- All Verity devices now show the first three sections (XX.XX.XX) of the system version number in the user interface, without needing to reboot the device.
- All Verity devices now follow these optional VVSG 1.0 user-interface conventions:
    - If an unrecoverable error occurs on a polling place device, the device suspends voting operations and presents a clear indication to the user of the malfunction.
    - Warnings and alerts issued to a voter on a device shall state the nature of the problem; the set of responses available to the voter;, and whether the voter has performed or attempted an invalid operation, or the voting equipment itself has malfunctioned in some way.
    - When color is used to indicate status in the system, the user interface uses green, white, or blue for normal status; amber or yellow for marginal status; and red for an error status.
    - When color is used to indicate the type of information displayed, the user interface uses green, white, or blue for general information; amber or yellow for warnings; and red to indicate problems that require immediate attention.

Features for Verity Scan

- Added support for Write-in Mark Detection, where Scan can return the ballot for second-chance voting input if a mark is detected in the write-in area, but the option box is not marked.
    - If the ballot is accepted as-is, unmarked write-ins will count only if the Build setting for default counting behavior is enabled, except for ranked-choice or cumulative contests
- Performance improvements that reduce ballot processing time. This change is applicable to all Verity Scan models.

Features for Verity Scan with Relay only

- Device startup reports are now labeled "Verity Scan with Relay," not "Verity Scan."
- Voter-facing screens now do not display the product name “Verity Scan with Relay.”

Features for Verity Transmit

- Transmit supports transmitting vDrives written by:
    - Verity Central
    - Verity Scan
    - Verity Scan with Relay
- For Central vDrives, Transmit now displays “Central vDrive” in lieu of the vDrive polling place.

Features for all Workstations

- Secure Boot now enabled on workstations.
- Full Disk Encryption now required for all deployments.

Features for Election Management

- Added new feature “Configuration Control”, which supports limiting election variations based on what equipment and ballot types are used by a jurisdiction, eliminating unnecessary work for the user.

Features for Verity Data

- The Contest Title field limit is increased to 250 characters.
- Verity Data now supports entering separate contest instructions for devices and paper ballots.
    - Verity Data proofing reports containing contest instructions display both electronic instructions and paper instructions.
- Added support for defining Candidate Slate choices on grid-based ballots.
- Added additional rich-text formatting options for Ballot Additional Text.
- The Ballot Additional Text field limit increased to 3000 characters.
- Verity Data validates that fold lines do not intersect ballot landmarks, in addition to barcodes and option boxes
- The default PVR paper size changed to 8.5” x 11”.

Features for Verity Build

- Verity Build includes a new setting to print single language ballots on Touch Writer.
- Added support for Write-in Mark Detection, including:
    - New options to control second-chance voting behavior for unmarked write-ins on Scan devices.
    - New option to control the default counting behavior for unmarked write-ins on Scan devices.
- Added a note that “Setting the default Voting Method will also apply to Verity Reader”.

Features for Verity Central

- Added support for Write-in Mark Detection, including:
    - A new adjudication condition called “Unmarked Write-in”.
    - An election Preference to count unmarked write-ins as if they were marked; off by default.
    - An election setting to count unmarked write-ins as if they were marked.
    - An election preference and setting to allow automatic acceptance of unmarked write-ins during scan, or when accepting at the batch, ballot, or page level.

- Allowing the user to filter voter intent issues by “Unmarked Write-ins”.

Features for Receiving Stations

- Renamed “Verity Relay” application for clarity; now called “Verity Relay Receiving Station.”
- Features for Verity Transmit support added to a new “Verity Transmit Receiving Station” with the following modifications from the “Verity Receiving Station”:
    - Application supports receiving vDrives written by:
        - Verity Central
        - Verity Scan
        - Verity Scan with Relay
    - vDrives written from Verity Transmit Receiving Station support at least the same number of ballots as vDrives written from Verity Central, Scan, or Scan with Relay.
    - The Receiving Dashboard displays the status of Central vDrive data separately from the status of device vDrive data.
    - The vDrives Written Report displays, after the “ID of the transfer vDrive” field, the type of device that wrote the CVR data (“Central” or polling place device type) for each child vDrive written to a transfer vDrive.
    - The Received vDrives Report displays, before the “Polling place name” field, the type of device that wrote the CVR data (“Central” or polling place device type) for each received vDrive.

Features for Verity Count

- Count results reports containing contest instructions display electronic instructions only.
- Slate Choices: On results reports, both choice names are displayed next to a single vote counter.
- Count now includes a digital signature for any exported collection of CVRs.
    - The digital signature is user-verifiable using a separate utility.
- Improved Alias functionality:
    - Aliases Groups and Sets (collections of Alias Groups) can be exported or imported to/from removable media.
    - Alias Groups can be imported into any elections containing the same strings.
    - Alias Sets can only be imported into the election with the same Election ID from which they were generated.
    - Alias Sets can be used for reports and results exports, including the Detailed Vote Total export.
- Visually updated the Verity Count dashboard.

Modifications to Verity 2.7.1:

- Change the contest screen on Touch Writer to require voters to select a specific combination of candidate and party when voting for a cross-endorsed candidate.
- Change the review screens on Touch Writer and Reader to reflect only the specific party association(s) selected by the voter.
- Add a device report that includes vote totals for each party association for cross-filed candidates.
- Add a Count report that includes vote totals for each party association for cross-filed candidates.

Mark definition:

System supports marks that cover a minimum of 4% of the rectangular marking area.

Tested Marking Devices:

System supports Black and Blue ballpoint pens; testing was performed with black, blue, dark blue, pink, light green, green, orange, and red pens, as well as #2 pencil lead.

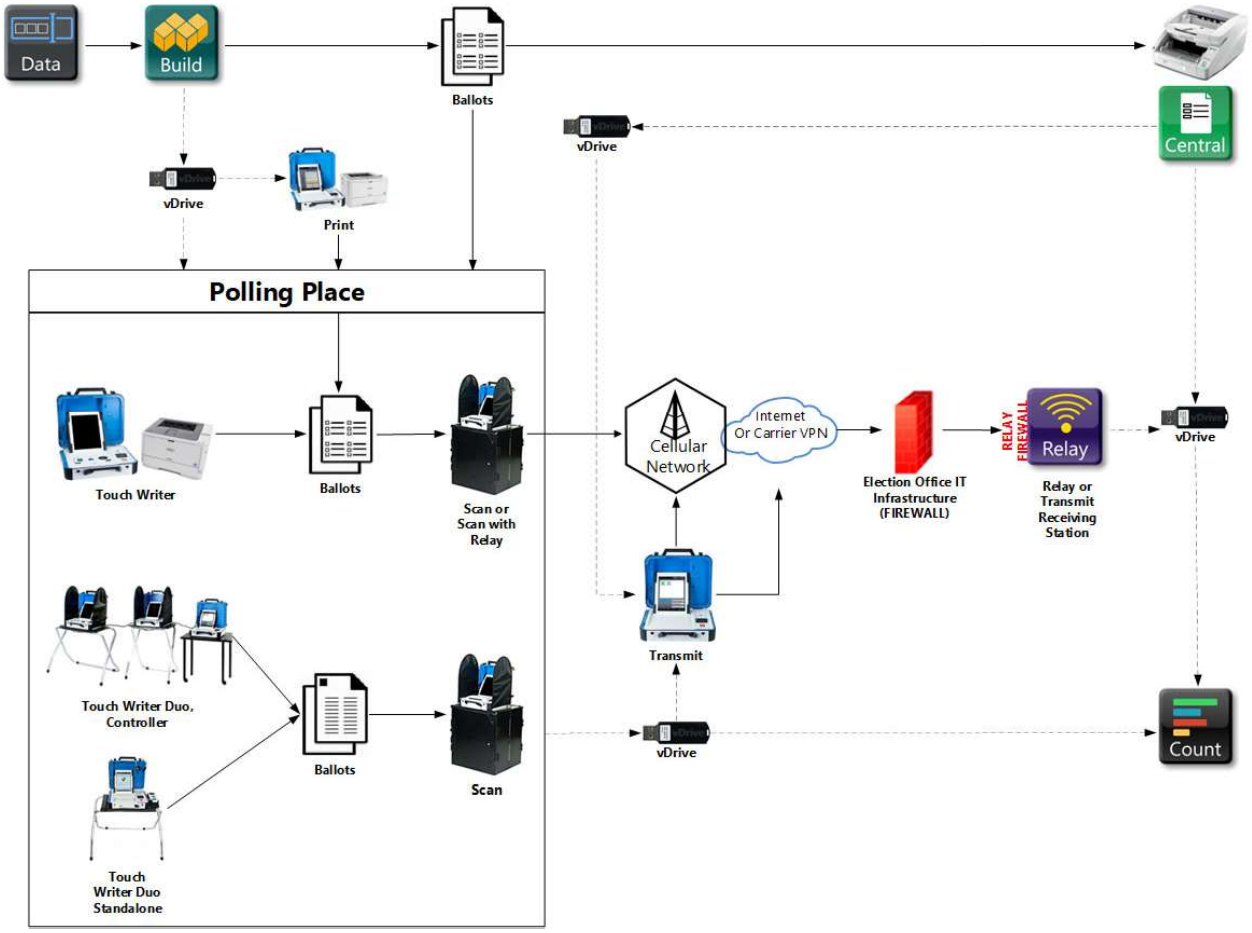
Language capability:

System supports English, Spanish, Chinese, Japanese, Korean, Khmer, Thai, Vietnamese, Tagalog, Ilocano, Hindi, Haitian Creole, Gujarati, Hmong, Lao, Hawaiian, Cantonese, Punjabi, and Bengali.

Components Included:

This section provides information describing the components and revision level of the primary components included in this Certification.

System Diagram



Proprietary Software

System Component	Software or Firmware Version	Comments
Verity Data	2.7.1	Data management software
Verity Build	2.7.1	Election definition software
Verity Central	2.7.1	High speed digital scanning software
Verity Count	2.7.1	Tabulation and reporting software
Verity Relay Receiving Station	2.7.1	Data transmission software (receiving station)
Verity Transmit	2.7.1	Data transmission software
Verity Transmit Receiving Station	2.7.1	Data transmission software (receiving station)
Verity Print	2.7.1	On-demand ballot printing device firmware
Verity Scan	2.7.1	Digital scanning device firmware
Verity Scan with Relay	2.7.1	Digital scanning device firmware with optional Relay functionality
Verity Touch Writer	2.7.1	Ballot marking device
Verity Touch Writer Duo	2.7.1	Ballot marking device, with internal COTS ballot summary printer and optional audio tactile interface
Verity Touch Writer Duo Standalone	2.7.1	Ballot marking device, with internal COTS ballot summary printer and optional audio tactile interface
Verity Controller	2.7.1	Polling place management device

COTS Software and Firmware

Description	Version
Verity Data, Build, Count, Relay Receiving Station, Transmit Receiving Station	
Microsoft Windows 10 Enterprise 2019 LTSC	10.0.17763
Microsoft SQL Server Standard 2019	15.0.4153.1
McAfee Application Control for Devices (McAfee Solidifier)	8.2.1-143
Verity Central – Central Count Paper Ballot Scanner	
Microsoft Windows 10 Enterprise 2019 LTSC	10.0.17763
Microsoft SQL Server Standard 2019	15.0.4153.1
McAfee Application Control for Devices (McAfee Solidifier)	8.2.1-143
Nuance Western OCR, Desktop, OEM	V20
Verity Print, Touch Writer – Electronic BMD Device, Touch Writer Duo – Electronic BMD Device, Touch Writer Duo Standalone – Electronic BMD Device, Controller, Transmit	
Microsoft Windows 10 Enterprise 2019 LTSC	10.0.17763
Microsoft SQLite	3.36.0
McAfee Application Control for Devices (McAfee Solidifier)	8.2.1-143
Verity Scan – Precinct Paper Ballot Scanner	
Microsoft Windows 10 Enterprise 2019 LTSC	10.0.17763
Microsoft SQLite	3.36.0
McAfee Application Control for Devices (McAfee Solidifier)	8.2.1-143
Nuance Western OCR, Desktop, OEM	V20

Hardware

Description	Version
Verity Print – Ballot Printer	3006095 Rev A
Verity Print – Ballot Printer	3005356 Rev E
Verity Print – Ballot Printer	3005856 Rev B
Verity Scan – Paper Ballot Scanner	3006080 Rev A
Verity Scan – Paper Ballot Scanner	3005350 Rev I
Verity Scan – Paper Ballot Scanner	3005800 Rev B
Verity Touch Writer – Electronic BMD Device	3006090 Rev A
Verity Touch Writer – Electronic BMD Device	3005352 Rev H
Verity Touch Writer – Electronic BMD Device	3005852 Rev B
Verity Touch Writer Duo – Electronic BMD Device	3006070 Rev A
Verity Touch Writer Duo – Electronic BMD Device	3005700 Rev B
Verity Touch Writer Duo Standalone – Electronic BMD Device	3006075 Rev A
Verity Touch Writer Duo Standalone – Electronic BMD Device	3005730 Rev A
Verity Controller – Networked Centralized Management Device	3006085 Rev A
Verity Controller – Networked Centralized Management Device	3005825 Rev B

COTS Equipment

Description	Version
Verity Data, Build	
Verity Data and Build Applications and Workstation Kit • HP Z4 G4 Workstation • HP Z240 Workstation supported for existing customers only	A
OKI Data C831dn Color Printer for existing customers only	N35100A
OKI Data C844dn Color Printer	N35301A
OKI Data C911dn color Printer for existing customers only	N36100A
OKI Data C931e Color Printer	N36100A
OKI Data B432dn Mono Report and Ballot Printer	N22500A
OKI Data B431d Mono Report Printer for existing customers only	N22202A

Brother HL-L6400 Series printer	HLL6400DWVS
Into Print SP1360 printer	SP1360
HP 8-port Ethernet Switch	1405-8GV3
Vinpower Digital USB Duplicator 7-targets	USBShark-7T-BK
Vinpower Digital USB Duplicator 23-targets	USBShark-23T-BK
Verity Central	
Verity Central Applications and Workstation Kit • HP Z4 G4 Workstation • HP Z240 Workstation supported for existing customers only	A
Canon DR-G1100 High-Speed Scanner	M111181
Canon DR-G1130 High-Speed Scanner	M111171
Canon DR-G2110 High-Speed Scanner	6130030
Canon DR-G2140 High-Speed Scanner	6130020
OKI Data B432dn Mono Printer Report Printer	N22500A
OKI Data B431d Mono Report Printer for existing customers only	N22202A
Brother HL-L6400 Series printer	HLL6400DWVS
8-port Ethernet Switch	1405-8GV3
Verity Count	
Verity Count Applications and Workstation Kit • HP Z4 G4 Workstation • HP Z240 Workstation supported for existing customers only	A
OKI Data B432dn Mono Printer Report Printer	N22500A
OKI Data B431d Mono Report Printer for existing customers only	N22202A
Brother HL-L6400 Series printer	HLL6400DWVS
HP 8-port Ethernet Switch	1405-8GV3
Verity Relay Receiving Station	
Verity Relay Applications and Workstation Kit • HP Z4 G4 Workstation • HP Z240 Workstation supported for existing customers only	A
OKI Data B432dn Mono Printer Report Printer	N22500A
OKI Data B431d Mono Report Printer for existing customers only	N22202A
Brother HL-L6400 Series printer	HLL6400DWVS
Verity Transmit Receiving Station	
Verity Relay Applications and Workstation Kit • HP Z4 G4 Workstation • HP Z240 Workstation supported for existing customers only	A
OKI Data B432dn Mono Printer Report Printer	N22500A
OKI Data B431d Mono Report Printer for existing customers only	N22202A
Brother HL-L6400 Series printer	HLL6400DWVS
Verity Print	
OKI Data C831dn Color Printer for existing customers only	N35100A
OKI Data B432dn Mono Printer Report Printer	N22500A
OKI Data C844dn Color Printer	N35301A
OKI Data B431d Mono Report Printer for existing customers only	N22202A
Brother HL-L6400 Series printer	HLL6400DWVS
Optional AutoBallot Barcode Scanner Kit Includes the following 2d barcode scanner: • Hart part number: 1003672 • Motorola/Zebra part number: DS4308 or DS4608	C
Verity Scan – Paper Ballot Scanner	
Verity Ballot Box	D

Optional Relay Accessory Kit (4G LTE Cat-M1) Includes the following COTS modem • Hart part number: 1005248 • MultiTech part number: MTD-MNA1-2.0	A
Verity Touch Writer – Electronic BMD Device	
OKI Data B432dn Mono Printer Report Printer	N22500A
OKI Data B431d Mono Report Printer for existing customers only	N22202A
Brother HL-L6400 Series printer	HLL6400DWVS
Duracell UPS	DR660PSS
EATON UPS	5P1500
Accessible Voting Booth	D
Optional AutoBallot Barcode Scanner Kit Includes the following 2d barcode scanner: • Hart part number: 1003672 • Motorola/Zebra part number: DS4308 or DS4608	C
Headphones • Brand: V7, part number HA300-2NP or HA310-2NP	2005230
Verity Touch Writer Duo – Electronic BMD Device	
Brother PJ700 Series Thermal Printer	PJ723
Accessible Voting Booth with ATI Tray	D
Standard Voting Booth	D
Optional Detachable ATI Kit	A
Optional headphones for ATI Kit Brand: V7, part number HA300-2NP or HA310-2NP	C
Verity Touch Writer Duo Standalone– Electronic BMD Device	
Brother PJ700 Series Thermal Printer	PJ723
Accessible Voting Booth with ATI Tray	A
Standard Voting Booth	D
Optional Detachable ATI Kit	A
Optional AutoBallot Barcode Scanner Kit Includes the following 2d barcode scanner: • Hart part number: 1003672 • Motorola/Zebra part number: DS4308 or DS4608	C
Optional headphones for ATI Kit Brand: V7, part number HA300-2NP or HA310-2NP	C
Verity Controller	
Optional AutoBallot Barcode Scanner Kit Includes the following 2d barcode scanner: • Hart part number: 1003672 • Motorola/Zebra part number: DS4308 or DS4608	C
Verity Transmit	
Optional Modem Accessory kit (4G LTE Cat-M1)Includes the following COTS modem: • Hart part number: 1005248 • MultiTech part number: MTD-MNA1-2.0	A
Optional WiFi Accessory kit Includes the following COTS modem: • StarTech part number: USB433ACD1X1	A
Optional RJ-45 Ethernet Accessory kit	A

Includes the following COTS modem: • StarTech part number: USB31000SW	

System Limitations

This table depicts the limits the system has been tested and certified to meet.

Election Data Limits	Testing Limit/Requirement Z240 or Z4 G4 Systems (all supported workstations except Data/Build/Count combined system)	Testing Limit/Requirement Data/Build/Count combined system)
Languages in a single election	19	19
Precincts in an election	3,000	2000
Splits per Precinct	20	20
Total Precincts + Splits in an election	3,000	2000
Districts for voting devices and applications	400	75
Polling places in an election	3,050	1200
Parties in a General Election	24	24
Parties in a Primary Election	10	10
Contests in an election (including propositions)	2,000	200
Contest choices (voting positions) in a single contest	300	75
Total number of Contest Choices in an Election (independent from ballot size)	5,000	600
Unique write-in values per contest (Count)	500	500
Unique write-in values per task (Count)	40,000	40,000
Voting Types in an Election	10	10
Tasks per Election (Central, Count)	15	15
Registered Voters per Precinct (Count)	99,999	99,999
Maximum Sheets per ballot	4	4
Ballot Stubs per ballot	2	2
Ballots per vDrive (Scan, 1 sheet ballot)	25,000*	25,000*
Ballots per vDrive (Controller)	20,000	20,000
Ballots per vDrive (Central)	20,000	20,000
Ballots per *election* (Central & Count)	1,750,000	1,750,000
vDrives per *election* (Count)	3,050	3,050
Ballot Sizes (Build, Central, Print, Touch Writer, Scan)	8.5”x11”, 8.5”x14”, 8.5”x17”, 8.5”x20”, 8.5”x22”**	8.5”x11”, 8.5”x14”, 8.5”x17”, 8.5”x20”, 8.5”x22”**
Ballot Sizes (Build, Central)	11"x17"	11"x17"

* This is a recommended limit for the number of single-sheet ballots scanned on an individual Verity Scan during a single election. For a two-sheet ballot, divide this number by two; for a four-sheet ballot, divide this number by four.

** Older printer models may not support a 22” ballot.

Functionality

VVSG 1.0 Supported Functionality Declaration

Feature/Characteristic	Yes/No	Comment
Voter Verified Paper Audit Trails		
VVPAT	No	
Accessibility		
Forward Approach	Yes	
Parallel (Side) Approach	Yes	
Closed Primary		
Primary: Closed	Yes	Supports standard closed primary and modified closed primary
Open Primary		
Primary: Open Standard (provide definition of how supported)	Yes	Open Primary
Primary: Open Blanket (provide definition of how supported)	Yes	General "top two"
Partisan & Non-Partisan:		
Partisan & Non-Partisan: Vote for 1 of N race	Yes	
Partisan & Non-Partisan: Multi-member ("vote for N of M") board races	Yes	
Partisan & Non-Partisan: "vote for 1" race with a single candidate and write-in voting	Yes	
Partisan & Non-Partisan: "vote for 1" race with no declared candidates and write-in voting	Yes	
Write-In Voting:		
Write-in Voting: System default is a voting position identified for write-ins.	No	By default, the number of write-ins available in a contest is zero, users may increment as necessary
Write-in Voting: Without selecting a write in position.	Yes	Support is configurable per election.
Write-in: With No Declared Candidates	Yes	
Write-in: Identification of write-ins for resolution at central count	Yes	
Primary Presidential Delegation Nominations & Slates:		
Primary Presidential Delegation Nominations: Displayed delegate slates for each presidential party	Yes	
Slate & Group Voting: one selection votes the slate.	Yes	
Ballot Rotation:		
Rotation of Names within an Office; define all supported rotation methods for location on the ballot and vote tabulation/reporting	Yes	Rotation by precinct and precinct split
Straight Party Voting:		
Straight Party: A single selection for partisan races in a general election	Yes	
Straight Party: Vote for each candidate individually	Yes	
Straight Party: Modify straight party selections with crossover votes	Yes	

Straight Party: A race without a candidate for one party	Yes	
Straight Party: "N of M race (where "N">1)	Yes	
Straight Party: Excludes a partisan contest from the straight party selection	Yes	
Cross-Party Endorsement:		
Cross party endorsements, multiple parties endorse one candidate.	Yes	
Split Precincts:		
Split Precincts: Multiple ballot styles	Yes	
Split Precincts: P & M system support splits with correct contests and ballot identification of each split	Yes	
Split Precincts: DRE matches voter to all applicable races.	Yes	
Split Precincts: Reporting of voter counts (# of voters) to the precinct split level; Reporting of vote totals is to the precinct level	Yes	
Vote N of M:		
Vote for N of M: Counts each selected candidate if the maximum is not exceeded.	Yes	
Vote for N of M: Invalidates all candidates in an overvote (paper)	Yes	
Recall Issues, with options:		
Recall Issues with Options: Simple Yes/No with separate race/election. (Vote Yes or No Question)	Yes	
Recall Issues with Options: Retain is the first option, Replacement candidate for the second or more options (Vote 1 of M)	Yes	
Recall Issues with Options: Two contests with access to a second contest conditional upon a specific vote in contest one. (Must vote Yes to vote in 2nd contest.)	Yes	
Recall Issues with Options: Two contests with access to a second contest conditional upon any vote in contest one. (Must vote Yes to vote in 2nd contest.)	Yes	
Cumulative Voting		
Cumulative Voting: Voters are permitted to cast, as many votes as there are seats to be filled for one or more candidates. Voters are not limited to giving only one vote to a candidate. Instead, they can put multiple votes on one or more candidate.	Yes	
Ranked Order Voting		
Ranked Order Voting: Voters can write in a ranked vote.	Yes	
Ranked Order Voting: A ballot stops being counting when all ranked choices have been eliminated	N/A	Tabulation rules are unique per jurisdiction
Ranked Order Voting: A ballot with a skipped rank counts the vote for the next rank.	N/A	Tabulation rules are unique per jurisdiction
Ranked Order Voting: Voters rank candidates in a contest in order of choice. A candidate receiving a majority of the first-choice votes wins. If no candidate receives a majority of first choice votes, the last place candidate is deleted, each ballot cast for the deleted candidate counts for the second-choice candidate listed on the ballot. The process of eliminating the last place candidate and recounting the ballots continues until one candidate receives a majority of the vote	N/A	Tabulation rules are unique per jurisdiction

Ranked Order Voting: A ballot with two choices ranked the same, stops being counted at the point of two similarly ranked choices.	Yes	
Ranked Order Voting: The total number of votes for two or more candidates with the least votes is less than the votes of the candidate with the next highest number of votes, the candidates with the least votes are eliminated simultaneously and their votes transferred to the next-ranked continuing candidate.	N/A	Tabulation rules are unique per jurisdiction
Provisional or Challenged Ballots		
Provisional/Challenged Ballots: A voted provisional ballots is identified but not included in the tabulation, but can be added in the central count.	Yes	
Provisional/Challenged Ballots: A voted provisional ballots is included in the tabulation, but is identified and can be subtracted in the central count	Yes	
Provisional/Challenged Ballots: Provisional ballots maintain the secrecy of the ballot.	Yes	
Overvotes (must support for specific type of voting system)		
Overvotes: P & M: Overvote invalidates the vote. Define how overvotes are counted.	Yes	If the system detects more than the valid number of marks in a contest, it is counted as an overvote
Overvotes: DRE: Prevented from or requires correction of overvoting.	Yes	
Overvotes: If a system does not prevent overvotes, it must count them. Define how overvotes are counted.	Yes	If the system detects more than the valid number of marks in a contest, it is counted as an overvote
Overvotes: DRE systems that provide a method to data enter absentee votes must account for overvotes.	Yes	
Undervotes		
Undervotes: System counts undervotes cast for accounting purposes	Yes	
Blank Ballots		
Totally Blank Ballots: Any blank ballot alert is tested.	Yes	
Totally Blank Ballots: If blank ballots are not immediately processed, there must be a provision to recognize and accept them	Yes	
Totally Blank Ballots: If operators can access a blank ballot, there must be a provision for resolution.	Yes	
Networking		
Wide Area Network – Use of Modems	Yes	With optional Verity Scan with Relay and Relay Receiving Station or Verity Transmit and Transmit Receiving Station

Wide Area Network – Use of Wireless	Yes	With optional Verity Scan with Relay and Relay Receiving Station or Verity Transmit and Transmit Receiving Station
Local Area Network – Use of TCP/IP	Yes	
Local Area Network – Use of Infrared	No	
Local Area Network – Use of Wireless	No	
FIPS 140-2 validated cryptographic module	Yes	
Used as (if applicable):		
Precinct counting device	Yes	
Central counting device	Yes	

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IN THE COURT OF THE FIRST CIRCUIT COURT

STATE OF HAWAI‘I

HAWAII REPUBLICAN PARTY,

Plaintiff,

vs.

SCOTT NAGO, in his official capacity as Chief Election Officer of the State of Hawai‘i; STATE OF HAWAII OFFICE OF ELECTIONS,

Defendant.

CIVIL NO. 1CCV-22-0001499

DEFENDANTS SCOTT NAGO'S AND STATE OF HAWAII, OFFICE OF ELECTION'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT FILED ON NOVEMBER 28, 2022, OR IN THE ALTERNATIVE, DEFENDANT'S MOTION TO DISMISS, OR IN THE ALTERNATIVE, DEFENDANT'S MOTION FOR SUMMARY JUDGMENT; MEMORANDUM IN SUPPORT OF MOTION; DECLARATION OF SCOTT T. NAGO; EXHIBITS A-C; NOTICE OF HEARING; CERTIFICATE OF SERVICE

HEARING:
Date: February 10, 2023
Time: 3:00 p.m.
Judge: Honorable Gary W.B. Chang
Trial: None

DEFENDANTS SCOTT NAGO'S AND STATE OF HAWAII, OFFICE OF ELECTION'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT FILED ON NOVEMBER 28, 2022, OR IN THE ALTERNATIVE, DEFENDANT'S MOTION TO DISMISS, OR IN THE ALTERNATIVE, DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

Defendants SCOTT NAGO and STATE OF HAWAII, OFFICE OF ELECTIONS ("Defendants"), by and through their attorneys ANNE E. LOPEZ, Attorney General of Hawai'i, and Deputy Attorneys General PATRICIA OHARA and REESE R. NAKAMURA, hereby respectfully move this Honorable Court for an order dismissing with prejudice the Complaint filed herein by Plaintiff HAWAII REPUBLICAN PARTY ("Plaintiff") on November 28, 2022. Alternatively, should this Honorable Court find that matters outside the pleadings are presented to and not excluded by this Court, Defendants respectfully request this motion be treated as one for summary judgment and disposed of as provided by Rule 56 of the Hawai'i Rules of Civil Procedure ("HRCP").

This Motion is brought pursuant to Rule 7 of the Rules of the Circuit Courts and Rules 12(b)(1), 12(b)(6) and 56 of the HRCP, and is based upon the Memorandum in Support of Motion, Declaration of Scott T. Nago and Exhibits A-C, all of which are attached hereto and are incorporated by reference herein.

DATED: Honolulu, Hawai'i, January 3, 2023.

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/s/ Reese R. Nakamura
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Deputy Attorneys General

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Office of Elections

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IN THE COURT OF THE FIRST CIRCUIT COURT

STATE OF HAWAI‘I

HAWAII REPUBLICAN PARTY, Plaintiff, vs. SCOTT NAGO, in his official capacity as Chief Election Officer of the State of Hawai‘i; STATE OF HAWAII OFFICE OF ELECTIONS, Defendant.	CIVIL NO. 1CCV-22-0001499 MEMORANDUM IN SUPPORT OF MOTION

MEMORANDUM IN SUPPORT OF MOTION

I. INTRODUCTION

The primary issue in this dispute is whether Defendants complied with HRS §16-42(b) when they used digital ballot images of the original paper ballots instead of the original ballots themselves to audit the 2022 General Election. The present action marks the third time in four months that this issue has been brought before a court. The two prior actions were election contests brought before the Hawaii Supreme Court pursuant to Hawaii Revised Statutes ("HRS") §11-172. The first action, *Cushnie v. Chief Election Officer*, 2022 WL 4078563 ("*Cushnie I*"), was filed in the Hawaii Supreme Court after the 2022 Primary Election (pursuant to HRS § 11-173.5). The second action, *Cushnie v. Nago*, 2022 WL 17686865 ("*Cushnie II*"), was filed after the 2022 General Election (pursuant to HRS § 11-174.5). Both actions were dismissed by the Hawaii Supreme Court.

Plaintiff Hawaii Republican Party ("Plaintiff" or "HRP") now brings this issue to this Court as a declaratory action. In addition, Plaintiff also claims that Defendants did not conduct a

proper audit under HRS §16-42(b). This second claim, however, is also primarily based on Plaintiff's allegation that Defendants violated HRS §16-42(b) by using digital images of the paper ballots instead of using the original paper ballots themselves to audit the 2022 General Election. In this case, as well as the previous Hawaii Supreme Court cases, there are no allegations or evidence of any differences or discrepancies between the content of the digital images of the ballots and the original paper ballots themselves.

For the reasons stated below, this matter should be dismissed because: (1) Plaintiff's action here fails to state a claim; (2) Plaintiff's action is tantamount to an untimely filed election challenge; (3) the Hawaii Supreme Court's decision in *Cushnie II* is applicable and precedential; and (4) Defendants' post-election audit of the 2022 General Election complied with HRS §16-42(b).

II. BACKGROUND

As in both *Cushnie* cases, the statute at issue here is HRS §16-42(b). In particular, Plaintiff claims that HRS §16-42 (b)(3), requires that the original paper ballots themselves be used to audit an election, instead of using digital images of those same paper ballots during the auditing process. HRS §16-42(b) states in pertinent part:

> (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.

(Bold and italics added).

The day before the November 8, 2022 General Election, certain chairpersons of the Hawaii Republican Party ("Chairs") wrote to Defendant Nago as well as Mr. Scotty Anderson, the chair of the Elections Commission demanding that "Chief Elections Officer Scott Nago perform the prescribed audit of the elections results, in every County Elections Division across the State of Hawaii pursuant to Hawaii Revised Statutes (HRS) § 16-42 (b) . . ." The Chairs also stated that:

* * *

> During the 2022 Primary Election, the majority of County Elections Divisions relied on observing scanned electronic images of the ballots in order to verify the electronic tallies for the aforementioned audit of elections results, instead of pulling and counting paper ballots. This method is clearly contrary to the law as written in (1) through (4) of HRS §16-42 (b).
>
> HRS§16-42 [sic] authorizes the Chief Elections Officer to utilize electronic voting systems *IF* 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 systems,** 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;
>
> Electronic tallies and hand tallies mean the total count of all contests and all ballots in those precincts not just one contest. Counting all the contests and ballots is the only means of verification that the elections systems are accurately reporting votes.

* * *

(Emphases in original). See Exhibit A and the Declaration of Scott Nago ("Nago Dec") at 5.

A. PLAINITFFS COMPLAINT

Plaintiff's instant Complaint seeking declaratory action, is substantially similar in terms of the claims and relief sought as the two previous *Cushnie* actions that were recently dismissed

by the Hawaii Supreme Court.[1] Plaintiff's Complaint here is comprised of two claims. The first seeks a declaration from this Court that the original paper ballots must be used for auditing purposes. Similarly, Plaintiff's second claim appears to allege that not only were digital images of the paper ballots improperly used, but that audit procedures under HRS §16-42 (b)(3) were not followed. However, despite these allegations, Plaintiff now admits that it cannot prevail in an HRS §11-172 election contest. Plaintiff's Complaint states in pertinent part:

> 4. During the election several Official Observers designated by the Plaintiff noted significant and repeated violations of state election law by the Defendant, specifically the failure to property [sic] monitor and audit the electronic voting systems used during the election as required by Hawai'i Revised Statutes ("HRS") §16-42.
>
> 5. Plaintiff acknowledges that they cannot meet the statutory requirements articulated in HRS §11-172 to request an injunction against the Defendant's certification of the 2022 General Election, in particular §11-172's requirement that Plaintiff's [sic] demonstrate errors "that could cause a difference in the election results." *See, e.g. Akaka v. Yoshina,* 84 Hawai'i 383, 387 (1997) "A complaint challenging the results of [a general] election pursuant to HRS §11-172 fails to state a claim unless the plaintiffs demonstrate errors that would change the outcome of the election[.]" (internal citations omitted).
>
> 6. Nonetheless, Plaintiff's believe that Defendant's failure to properly conduct a complete post-election, pre-certification audit of the electronic voting systems used during the general elections, according to the specific procedures the state legislature has mandated under HRS 11-172, represents a serious breach of the election laws of the state of Hawaii and serves to undermine public confidence in the validity of elections.
>
> 7. Plaintiff therefore requests that this Court issue a declaratory judgment and injunctive relief that the Chief Election Officer of the state of Hawaii must follow the letter of the law as it relates to the testing and auditing electronic voting machines used during the elections.

(Emphases added).

We note that Plaintiff acknowledges in Paragraph 4 above, that "[d]uring the election several Official Observers designated by the Plaintiff noted significant and repeated violations of

[1] The instant action was filed herein on November 28, 2022, which incidentally was also the deadline for filing a general election contest in the Hawaii Supreme Court pursuant to HRS § 11-174.5 (within twenty days after the November 8, 2022 General Election).

state election law by the Defendant . . . " These Official Observers were designated by the Plaintiff in accordance with HRS §16-45.[2]

In its second claim, Plaintiff alleges that Defendants did not conduct the post-election audit for the 2022 General Election in compliance with HRS §16-42(b). But here again, Plaintiff relies on the declarations of a limited number of designated election observers in support of this claim. Aside from attempting to overturn the elections officials' decision to use digital ballot images, Plaintiff does not allege any differences or discrepancies in content between the digital images and the original paper ballots themselves. Nor does Plaintiff make any specific allegations as to how the audit procedure advocated by Plaintiff would make any difference in the outcome of the election.

B. THE HAWAII SUPREME COURT TWICE DISMISSED THE *CUSHNIE* COMPLAINTS ON THE DIGITAL IMAGES VERSUS PAPER BALLOTS ISSUE FOR FAILING TO STATE A CLAIM UPON WHICH RELIEF MAY BE GRANTED

Since Plaintiff's filing of the instant action, the Hawaii Supreme Court issued its decision in *Cushnie II*, which dismissed that case. Although Plaintiffs have styled the instant matter as a declaratory judgment action, and have brought this matter to the circuit court instead of returning

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[2] **§16-45 Official observers.** Official observers shall be designated by the chief election officer or the clerk in county elections to be present at the counting centers and selected in the following manner:

(1) No less than one official observer designated by each political party;

(2) No less than one official observer from the news media;

(3) Additional official observers as space and facilities permit designated by the chief election officer in state elections and the clerk in county elections.

The chief election officer or clerk shall give all official observers reasonable notice of the time and place where the ballots shall be counted. No person shall be permitted in the counting center without the written authorization of the chief election officer or clerk.

to the Hawaii Supreme Court, the facts that give rise to Plaintiff's claims and requests for relief are essentially the same as the *Cushnie* cases. As with those cases, Plaintiff challenges the ascertainability and certification of an election result. Therefore, although Plaintiff attempts to repackage settled issues as a declaratory action, this case is essentially another election contest pursuant to HRS §11-172, that should have been brought before the Hawaii Supreme Court under its original jurisdiction – and then dismissed by the Court.

Consequently, the Hawaii Supreme Court's Findings of Fact, Conclusions of Law and Judgment ("FOF/COL"), dated December 15, 2022, in *Cushnie II,* is highly persuasion and instructional where, as here, the primary dispute was the use of digital paper ballot images versus the original paper ballots themselves. The *Cushnie II* FOF/COL held in pertinent part:

> FINDINGS OF FACT
>
> * * *
>
> 2. On November 22, 2022, Plaintiffs timely filed a complaint challenging the statewide elections results based on purported deficiencies in the audit practices of the Office of Elections.
>
> 3. The relief requested by the complaint is two-fold. First, Plaintiffs request a declaratory judgment that interprets HRS § 16-42 (2009). Second, in the alternative, Plaintiffs request the court invalidate the general election on the grounds that a correct result cannot be ascertained because of a mistake or fraud on the part of the precinct officials.
>
> 4. The complaint is devoid of any specific allegations as to how the audit procedure advocated by Plaintiffs would make any difference in the outcome of the election.

Id. at 1.

> * * *
>
> CONCLUSIONS OF LAW
>
> * * *
>
> 3. An election contest is instituted by filing a complaint in the supreme court setting forth "any cause or causes, such as but not limited to, provable fraud, overages, or underages, that could cause a difference in the election results." HRS § 11-172 (Supp. 2021). "The

complaint shall also set forth any reason for reversing, correcting, or changing the decisions of the voter service center officials or the officials at the counting center in an election using the electronic voting system." Id.

4. This court has held that a complaint challenging the results of an election pursuant to HRS § 11-172 fails to state a claim unless: (1) the plaintiffs demonstrate errors that would change the outcome of the election, Tataii v. Cronin, 119 Hawai'i 337, 339, 198 P.3d 124, 126 (2008) (citing Akaka v. Yoshina, 84 Hawai'i 383, 387, 935 P.2d 98, 102 (1997)), or (2) the plaintiffs demonstrate that the correct result cannot be ascertained because of a mistake or fraud on the part of the precinct officials. Akaka, 84 Hawai'i at 387, 935 P.2d at 102; see HRS § 11-174.5(b) (2009 & Supp. 2021).

* * *

7. Here, the complaint fails to allege any specific facts that the audit procedures requested would change the outcome of the election. And, Plaintiffs' belief and indefinite assertions that the requested audit could change the outcome of all statewide elections, by itself, is insufficient to state a claim under HRS §§ 11-172 and 11-174.5(b). See Hawai'i Rules of Civil Procedure Rule 9(b) (2000) ("In all averments of fraud or mistake, the circumstances constituting fraud or mistake shall be stated with particularity.").

8. Accordingly, Plaintiffs' claim that the general election results statewide should be invalidated fails to state a claim upon which relief can be granted. See Tataii, 119 Hawai'i at 339-40, 198 P.3d at 126-27 ("In the absence of facts showing that irregularities exceed the reported margin between the candidates, the complaint is legally insufficient because, even if its truth were assumed, the result of the election would not be affected.").

Id. at 2. (Emphases added).

Filing the same claims for relief in a different court does not change the substantive merits of this case. In *Cushnie II*, the Hawaii Supreme Court has already determined that the Plaintiffs there failed "to allege any specific facts that the audit procedures requested would change the outcome of the election. And, Plaintiffs' belief and indefinite assertions that the requested audit could change the outcome of all statewide elections, by itself, is insufficient to state a claim under HRS §§ 11-172 and 11-174.5(b)." *Id*. at 2 (citations omitted). The Supreme Court further concluded that "Plaintiffs' claim that the general election results statewide should be invalidated fails to state a claim upon which relief can be granted (citing Tataii, 119 Hawai'i at 339-40, 198 P.3d at 126-27 ("In the absence of facts showing that irregularities exceed the

reported margin between the candidates, the complaint is legally insufficient because, even if its truth were assumed, the result of the election would not be affected.")). *Id*. Accordingly, the Supreme Court issued its Judgment that "[b]ased upon the foregoing findings of fact and conclusions of law, judgment is entered granting the motion to dismiss and dismissing the complaint as to all claims and parties." *Id*.

III. STANDARDS OF REVIEW

A. HRS §11-172

HRS §11-172 provides the standards for election contests and also authorizes the Hawaii Supreme Court's original jurisdiction over election contests as follows:

> **HRS §11-172 Contests for cause; generally.** With respect to any election, any candidate, or qualified political party directly interested, or any thirty voters of any election district, may file a complaint in the supreme court. The complaint shall set forth any cause or causes, such as but not limited to, provable fraud, overages, or underages, that could cause a difference in the election results. The complaint shall also set forth any reasons for reversing, correcting, or changing the decisions of the voter service center officials or the officials at a counting center in an election using the electronic voting system. A copy of the complaint shall be delivered to the chief election officer or the clerk in the case of county elections.

(Emphasis added).

B. HRS §11-174.5

As it pertains to this case, HRS §11-174.5 provides the standards for general elections (among other types of elections) and also establishes the filing deadline for general election contests before the Hawaii Supreme Court, which states in pertinent part:

> **§11-174.5 Contests for cause in general, special general, special, and runoff elections.** (a) In general, special general, special, or runoff elections, the complaint shall be filed in the office of the clerk of the supreme court not later than 4:30 p.m. on the twentieth day following the general, special general, special, or runoff election and shall be accompanied by a deposit for costs of court as established by rules of the supreme court. The clerk shall issue to the defendants named in the complaint a summons to appear before the supreme court not later than 4:30 p.m. on the tenth day after service thereof.

> (b) In cases involving general, special general, special, or runoff elections the complaint shall be heard by the supreme court in which the complaint was filed as soon as it reasonably may be heard. On the return day, the court, upon its motion or otherwise, may direct summons to be issued to any person who may be interested in the result of the proceedings.
>
> At the hearing, the court shall cause the evidence to be reduced to writing and shall give judgment, stating all findings of fact and of law. The judgment may invalidate the general, special general, special, or runoff election on the grounds that a correct result cannot be ascertained because of a mistake or fraud on the part of the voter service center officials; or decide that a certain candidate, or certain candidates, received a majority or plurality of votes cast and were elected. . . .

(Emphases added). *See also Tataii*, 119 Hawai'i at 339, 198 P.3d at 126 (holding that HRS § 11-174.5(a)'s requirement that an election contest complaint be filed on the twentieth day following the general election is "clear and must be given a mandatory reading.").

C. HRCP Rule 12(b)(1)

A court's review of a Rule 12(b)(1) motion to dismiss is based on the contents of the complaint, the allegations of which are accepted as true and construed in the light most favorable to the plaintiff. *Casumpang v. ILUW, Local 142*, 94 Hawai'i 330, 337, 13 P.3d 1235, 1242 (2000) (quoting *Norris v. Hawaiian Airlines*, 74 Haw. 235, 239-40, 842 P.2d 634, 637 (1992)). Dismissal is proper where it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief. Id. The court is not restricted to the face of the pleadings, but may review any evidence, such as affidavits and testimony, to resolve factual disputes concerning the existence of subject matter jurisdiction. Id.

D. HRCP Rule 12(b)(6)

Upon review of a Rule 12(b)(6) motion to dismiss a complaint for failure to state a claim upon which relief can be granted, "the court must accept plaintiff's allegations as true and view them in the light most favorable to the plaintiff; dismissal is proper only if it appears beyond doubt that the plaintiff can prove no set of facts in support of his or her claim that would entitle

him or her to relief." *See Tataii v. Cronin*, 119 Hawai'i 337, 340, 198 P.3d 124, 127 (2008). The court, however, is not required to accept conclusory allegations on the legal effect of the events alleged. *Civil Beat Law Center for the Public Interest, Inc. v. City and County of Honolulu*, 144 Hawai'i 466, 474, 445 P.3d 47, 55 (2019). It is not sufficient that a plaintiff points to a "poorly run and inadequately supervised election process" that shows "room for abuse" or "possibilities of fraud." *See Lam v. Office of Elections*, 2022 WL 3715006 (citing *Akaka v. Yoshina,* 84 Hawai'i, 8383, 388, 935 P.2d 98, 103 (quoting *Elkins v. Ariyoshi*, 56 Haw. 47, 48, 527 P.2d 236, 237)).

E. HRCP Rule 56

In a Motion for Summary Judgment, "the evidence must generally be viewed in the light most favorable to the nonmoving party." *Coon v. City & County of Honolulu*, 98 Hawaii 233, 244, 47 P.3d 348, 359 (2002). However, the nonmoving party "must show more than some metaphysical doubt as to the material facts," and "the mere existence of a scintilla of evidence in support of his or her position is insufficient to survive summary judgment." *Yoneda v. Tom*, 110 Hawaii 367, 384-385, 133 P.3d 796, 813-814 (2006) (internal citations omitted). Furthermore, a dispute as to an immaterial fact does not bar a grant of summary judgment. *Globalmart, Inc. v. Posec Hawaii, Inc.*, 127 Hawaii 412, 279 P.3d 77 (Ct. App. 2012).

IV. LEGAL ARGUMENT

A. THIS COURT LACKS JURISDICTION OVER PETITIONERS' GENERAL ELECTION CONTEST

Despite Plaintiff's attempt to characterize this matter as a declaratory action, the substance of its claims (i.e. the 2022 General Election results cannot be properly ascertained) and the relief sought (i.e. preventing the certification of the 2022 General Election) show that this matter is essentially an election contest that should have been brought (again) before the Hawaii

Supreme Court under its original jurisdiction. In addition, it is also an untimely election contest under HRS §11-174.5, and should be dismissed.

1. Plaintiff's Complaint Must Be Dismissed For Failing To Comply with HRS §§ 11-172 and 11-174.5

In its first claim, Plaintiff challenges Defendants' use of digital images of the paper ballots to audit elections instead of using the original paper ballots themselves. In its second claim, Plaintiff challenges the audit procedure implemented by Defendants. Finally, at the end of both claims, Plaintiff asserts that the 2022 General election cannot be properly certified because of Defendants' decision to use digital images of the paper ballots. In other words, Plaintiff's claims seek to reverse, correct or change the auditing procedure decisions of Defendants.[3] Therefore, the nature of these arguments fall squarely within the scope of HRS §11-172.

Because Plaintiff's requested actions here are tantamount to an election challenge, these claims should have been brought before the Hawaii Supreme Court pursuant as an HRS §11-172 action. A complaint challenging the results of an election pursuant to HRS § 11–172, "fails to state a claim unless: (1) the plaintiffs demonstrate errors that would change the outcome of the election; or (2) the plaintiffs demonstrate that the correct result cannot be ascertained because of

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[3] **§16-1 Voting systems authorized.** The chief election officer may adopt, experiment with, or abandon any voting system authorized under this chapter or to be authorized by the legislature. These systems shall include, but not be limited to voting machines, paper ballots, and electronic voting systems. All voting systems approved by the chief election officer under this chapter are authorized for use in all elections for voting, registering, and counting votes cast at the election.

Voting systems of different kinds may, at the discretion of the chief election officer, be adopted for different precincts within the same district. The chief election officer may provide for the experimental use at any election, in one or more precincts, of a voting system without a formal adoption thereof and its use at the election shall be as valid for all purposes as if it had been permanently adopted; provided that if a voting machine is used experimentally under this paragraph it need not meet the requirements of section 16-12.

a mistake or fraud on the part of the precinct officials. HRS § 11–174.5(b). *Akaka v. Yoshina*, 84 Hawaii 383, 387, 935 P.2d 98, 102 (1997) (internal citations omitted). Plaintiffs have the "burden...to show that the result would be different or that the result is not ascertainable." *Id*. at 84 Hawaii 389, 935 P.2d 104. This burden requires that a "petitioner show that he [or she] had actual information of mistake or errors sufficient to change the result." *Funakoshi v. King*, 65 Haw. 312, 316-317, 651 P.2d 912, 915 (1982). An election contest "cannot be based upon mere belief or indefinite information," and "in the absence of facts showing that irregularities exceed the reported margin between candidates, the complaint is legally insufficient because, even if its truth were assumed, the result of the election would not be effected." *Akaka*, 84 Hawaii at 388, 935 P.2d at 103 (emphasis added). It is not sufficient that a plaintiff points to a "poorly run and inadequately supervised election process" that shows "room for abuse" or "possibilities of fraud." *Lam*, 2022 WL 3715006.

As stated above, the issue as to whether Defendants should have used the original paper ballots to conduct an audit as opposed to the digital paper images of those same ballots has been before the Hawaii Supreme Court twice and has been dismissed both times. Plaintiff even acknowledges that it would not prevail as an HRS §11-172 action before the Hawaii Supreme Court. In Paragraph 5 of its Complaint, "Plaintiff acknowledges that it cannot meet the statutory requirements articulated in HRS §11-172 to request an injunction against the Defendant's certification of the 2022 General Election, in particular § 11-172's requirement that Plaintiff's [sic] demonstrate errors 'that could cause a difference in the election results.'"

However, even after conceding that it cannot prevail under HRS §11-172's requirements, in Paragraph 6 on page 2 of the Complaint, Plaintiff nevertheless asserts that the requirements of HRS §11-172 should apply: "[n]onetheless, Plaintiff's believe that Defendant's failure to

properly conduct a complete post-election, pre-certification audit of the electronic voting systems used during the general elections, according to the specific procedures the state legislature has mandated under HRS §11-172, represents a serious breach of the election laws of the statute of Hawaii and serves to undermine public confidence in the validity of elections."

Even more telling is that the relief sought by Plaintiff in both of its claims, asserts that election certification is not possible. At the end of its "FIRST CLAIM" in Paragraph 20 of its Complaint, Plaintiff asserts that "[b]y failing to comply with HRS §16-42(b)(3), Defendant cannot properly certify the 2022 election, and Plaintiff will suffer harm as a result." Similarly, at the end of its "SECOND CLAIM" in Paragraph 35 of its Complaint, Plaintiff asserts that "[b]y failing to conduct a proper audit in compliance with HRS §16-42(b)(3) and HRS §16-41, Defendant cannot properly certify the 2022 election, and Plaintiff will suffer harm as a result." Therefore, these assertions against certification are of the type that should be brought as an election contest under HRS §11-172.

Finally, in the "RELIEF REQUESTED" section on pages 7-8 of its Complaint, Plaintiffs seek similar relief. In Paragraph 2, Plaintiff prays: "[t]hat the Court grant judgment for Plaintiff declaring the Defendant has failed to comply with the applicable statutes on auditing and certifying the 2022 General Election." Similarly in Paragraph 3, Plaintiff prays "[t]hat the Court order Defendant to conduct a proper audit of the 2022 election results in full compliance with the issues raised herein." In Paragraph 4, Plaintiff also prays: "[t]hat the Court order Defendant to conduct proper audits of future elections in full compliance with the issues raised herein."

The foregoing references to Plaintiff's claims and prayers for relief show that Plaintiff is challenging the ascertainability and certifiability of the 2022 General Election due to Defendants' auditing procedures. These types of claims, however, fall under HRS § 174.5,

which authorizes the Hawaii Supreme Court to issue a judgment that "may invalidate the general, special general, special, or runoff election on the grounds that a correct result cannot be ascertained because of a mistake or fraud on the part of the voter service center officials; or decide that a certain candidate, or certain candidates, received a majority or plurality of votes cast and were elected. . ."

2. Plaintiff's position is unsupported

Here, Plaintiff seeks to invalidate the recent General Election essentially by arguing that the original paper ballots must be touched to perform audits under HRS § 16-42(b). Although Plaintiff does not allege nor provides evidence of any discrepancies or differences in the content of the original paper ballots and their counterpart digital images, Plaintiff apparently interprets HRS §16-42(b)(3) as requiring that the paper version of a ballot must be handled during the audit process and is of the mindset that an original document is always required regardless of the purpose. However, Plaintiff fails to recognize or acknowledge that it is not the pieces of paper that matter to conducting an election audit, it is the information contained on those pieces of paper. Plaintiffs also fail to recognize that the federally certified voting system used to conduct audits and the scanning and archiving technology it employs is similar to other governmental entities and private enterprises.

For example, the Hawaii Rules of Evidence provide, "A duplicate is admissible to the same extent as an original unless (1) a genuine question is raised as to the authenticity of the original, or (2) in the circumstances it would be unfair to admit the duplicate in lieu of the original." Rule 1003, Hawaii Rules of Evidence, Chapter 626, Hawaii Rules of Evidence. *See also*, *Bank of Hawaii v. Shaw*, 83 Hawaii 50, 60-61, 924 P.2d 544 (1996) (the trial court did not

err in admitting the exhibits where in its discretion, there was no genuine issue of authenticity and acceptance of the evidence was not unfair).

The ballots images here were made by a certified voting system using commonly accepted scanning technology with commercial off the shelf scanners. Additionally, this system was tested in the presence of official observers. *Nago Dec.* at para 21. As such, the scanned images constitute duplicates of the original ballots using accepted techniques to accurately reproduce the original.

In the present case, Plaintiffs do not question nor raise a genuine issue as to the authenticity of the digital images of the actual paper ballots. They also do not sufficiently assert why it would be improper or unfair to use digital images during the audit of the general election. It is not unfair to use duplicates for auditing purposes such as confirming the tabulations produced by the system. Further, the original ballots were available if anyone sought to view them. *Nago Dec*. at para 29. Therefore, as in *Cushnie II*, Plaintiff here fails to demonstrate errors that could cause a difference in the election results, and also fails to produce evidence of any differences or discrepancies in content between the digital images and the original ballots and should be dismissed.

3. Plaintiff's Complaint Must Be Dismissed For Failure To Comply With the Jurisdictional and Filing Requirements Under HRS §11-174.5

Plaintiff also failed to timely file this matter before the Hawaii Supreme Court by November 28, 2022 pursuant to HRS §11-174.5, which states in pertinent part: "[i]n general, special general, special, or runoff elections, the complaint shall be filed in the office of the clerk of the supreme court not later than 4:30 p.m. on the twentieth day following the general, special general, special, or runoff election and shall be accompanied by a deposit for costs of court as established by rules of the supreme court."

Where as here, questions about ascertaining and certifying election results arise, the HRS §11-174.5(b) and its deadline apply. This matter should have been filed in the Hawaii Supreme within twenty days after the November 8, 2022 General Election pursuant to HRS §11-174.5(b). Instead, Plaintiff attempts to bring this same issue before this Court as a declaratory action. Indeed, these issues were brought twice before to the Hawaii Supreme Court, which recently found that the plaintiff in *Cushnie II* did not produce any evidence that the auditing procedures used by the election official would have any impact on the 2022 General Election. The Plaintiff here similarly fails to provide such evidence and therefore, this action should similarly be dismissed.

B. DEFENDANTS' 2022 GENERAL ELCTION AUDIT IS IN COMPLIANCE WITH STATUTORY REQUIREMENTS

Defendant Nago acted pursuant to his authority and completed the audits of the 2022 General Election to assure that the voting systems correctly registered or recorded, and accurately counted all votes cast for any and all persons, and for or against any and all questions.[4] HRS §16-2. He and his staff conducted "a post-election, pre-certification audit of a random sample of not less than ten per cent of the precincts" to verify that the tallies from the system "equal[led] hand tallies of the paper ballots" pursuant to HRS §16-42(b) *Nago Dec.* at paragraphs 21 to 89.

This hand tallying of the paper ballots occurred primarily through the use of scanned images of those ballots, in lieu of physically touching the ballots, with the ability to physically

[4] As a general rule, "an election will not be invalidated for failure of the election officials to comply strictly with an election statute where there has been substantial compliance and there is no showing of fraud." *Thirty Voters of Kauai Cnty. v. Doi*, 61 Haw. 179, 184, 599 P.2d 286, 290 (1979).

retrieve individual ballots if requested.[5] The use of scanned images of the ballots with the present system facilitated the timely, accurate, confirmable, and reproducible auditing of the results.[6] *Nago Dec.* at para. 94. The details of all of the post-election audits by county are detailed in the *Nago Dec.* paragraphs 21 to 89.

Plaintiff's reliance on the limited observations of a limited number of designated Official Observers to support its claims do not overcome Plaintiff's burden to prove that such procedures changed the outcome of the election. *See Nago Dec*. paragraphs 21 to 89, which describes the 2022 General Election Audit in detail, including the auditing procedures used for each county.

1. Hawaii's Voting System

The type of voting system used in the 2022 General Election is the "marksense voting system." *Nago Dec.* at para 6. The "marksense voting system" is "an automatic tabulation system using ballots and optical scanning for similar technology equipment," and is also referred to as a "mechanical tabulation system." A 'mechanical tabulation system' means an automatic tabulation system, including a marksense ballot voting system. *See* Hawaii Administrative Rules §3-177-707.

Specifically, voters separately mark paper ballots that are subsequently counted by a mechanical tabulation system using marksense voting technology. As such, it is only a "counting" system as opposed to one in which the voter uses the system to "vote" or otherwise

[5] The voting system was certified by the U.S. Election Assistance Commission as having been "evaluated at an accredited voting system testing laboratory for conformance to the Voluntary Voting System Guidelines Version 1.0 (VVSG 1.0)." The Scope of Certification refers to the scanning technology employed by the system and how one of the functions of the system was the "[a]uditing of election results including ballot images and log files." Exhibit 1 at Page 2.

[6] The General Election is followed by a 5 business day period in which voters may cure defective ballots, due to a voter having forgotten to sign their return identification envelope or the signature not matching the signature on file. HRS § 11-106. Additionally, any recounts triggered by HRS § 11-158 needed to be concluded within 72 hours of the close of polls on election day. Any election contests need to be filed by the twentieth day following the election. HRS § 11-174.5.

"mark" their paper ballot. HRS §16-42(b) allows the Chief Election Officer to count the paper ballots with the mechanical tabulation system.[7]

2. Auditing the 2022 General Election

Similar to the Primary Election, the voting system was subjected to testing before the General Election involving the presence of official observers designated under HRS § 16-45, who served as the eyes and ears of the public. Additionally, the official observers monitor the processing, handling, and transfer of election material within the counting center. Finally, they are authorized to conduct their own manual audit if they choose to do so. *Nago Dec. at* para. 21. The General Election post-election audit involved hand tallies being taken of the paper ballots in 10% of precincts to compare against the tallies from the mechanical tabulation system reflected in the statewide precinct report. *Id*. at 22.

For purposes of auditing, the Statewide Precinct Detail Report that was printed on November 9, 2022, at 9:18 p.m., the day after the election, constituted the precinct report that was used. This report included all ballots that had been counted, except for ballots that were still pending with the county clerks to be validated by them five business days or seven calendar days after election day, consistent with HRS §§ 11-106 and 11-108. *Id.* at 23 After the official observers randomly selected the precincts and contests to be audited, the hand tallying occurred through the use of scanned images of those ballots, in lieu of physically touching the ballots,

[7] Hawaii recognizes two types of electronic voting systems. The first is the "marksense ballot voting system" and the second is the "direct recording electronic voting system." HAR § 3-177-706.

In contrast to the "marksense ballot voting system" the "direct recording electronic voting system" is both a "voting" and "counting" system in which the voter directly interacts with the voting system to vote and the system counts the votes. *Nago Dec.* at para. 15.

The direct recording electronic voting system was used between 2004 and 2020 in this state. It was not used in 2022 as the State migrated to the use of an accessible ballot marking device to better accommodate disabled voters. The ballot marking device permitted a voter to mark their paper ballot with the device. The voter would then insert the marked paper ballot in the "marksense ballot voting system." *Id.*

with the ability to physically retrieve individual ballots if requested. *Id.* at 24. This was made possible due to the fact that every ballot was accounted for in the voting system and could be tracked to a specific sealed voted ballot container, which was also due to the use of a barcode for each individual ballot that contains a "Unique Ballot Identifier." *Id.* at 25. These barcodes were generated by the voting system vendor as part of the proofs that are sent to their ballot printing company. *Id.* at 25. When ballots were scanned, every scanned image was associated with a precinct and could be electronically retrieved to allow election officials to hand tally those ballot images against the election results. *Id.* at 27. Additionally, the storage containers for a specific ballot could be identified if there is ever a question during the audit *Id.* at 27. Official observers, as provided for in HRS § 16-45, were present during the audit in the counting centers across the state to observe it. *Id.* at 28.

The auditing of the mail ballots (i.e. ballots initially returned in return identification envelopes that were validated by the county clerks) associated with Verity Count involved five steps: (1) randomly selecting the precincts to audit and then selecting a contest for each precinct; (2) identifying the batches that contained the ballots associated with each precinct; (3) reviewing the scanned ballot image at each scanner station with one member operating the scanner station and the other member hand tallying and completing the Batch Audit Tally form; (4) to physically review a ballot, a Ballot Review Log could be completed to permit the ballot to be retrieved from the correct voted ballot container; and (5) after all batches had been reviewed, they would tally the expected results. *Id.* at 29. To the extent an apparent discrepancy was found, the manual audit team would review and recount the ballots to ascertain if the discrepancy could reasonably be explained or if there was cause to believe the system was misreporting proper marks. *Id* at 30. If so, then the audit would be expanded to determine the extent of the misreporting. *Id.* at 30.

However, no misreporting was found for the 2022 General Election. *Id.* At 30. The scanned ballot images were considered true and correct copies of the original ballots and were treated to the same extent as the original ballots for purposes of the audit. *Id.* at 31. The auditing of ballots associated with in-person use of Verity Scan at the voter services centers, which were relatively low in volume, involved physically touching the original ballots. In conclusion, the Defendants conducted the 2022 election audits in compliance with §16-42.

V. CONCLUSION

For the foregoing reasons, Defendants respectfully request that Plaintiff's Complaint be dismissed with prejudice. Alternatively, should this Court find that matters outside the pleadings are presented to and not excluded by this Court, Defendants respectfully requests that this motion be treated as one for summary judgment and disposed of in accordance with Rule 56(a) of the HRCP.

DATED: Honolulu, Hawai'i, January 3, 2023.

ANNE E. LOPEZ
Attorney General of Hawai'i

/s/ Reese R. Nakamura
PATRICIA OHARA
REESE R. NAKAMURA
Deputy Attorneys General

Attorneys for Defendant
Scott Nago; State of Hawaii Office of Elections

IN THE COURT OF THE FIRST CIRCUIT COURT

STATE OF HAWAI‘I

HAWAII REPUBLICAN PARTY, Plaintiff, vs. SCOTT NAGO, in his official capacity as Chief Election Officer of the State of Hawai‘i; STATE OF HAWAII OFFICE OF ELECTIONS, Defendant.	CIVIL NO. 1CCV-22-0001499 DECLARATION OF SCOTT T. NAGO; EXHIBITS A-C

DECLARATION OF SCOTT T. NAGO

I, SCOTT T. NAGO, do declare under penalty of law that the following is true and correct:

1. I am a resident of the City and County of Honolulu, State of Hawaii, and am the Chief Election Officer for the State of Hawaii.

2. I make this declaration based on my personal knowledge and am competent to testify as to the matters set forth herein.

3. As the Chief Election Officer, I am responsible for administering and managing the Office of Elections which provides election services to the citizens of the State of Hawaii including the planning, management, and conduct of all state elections. HRS § 11-2(a).

4. I have been with the Office of Elections since 1998 and I have served in the capacity of Chief Election Officer since January 1, 2010.

5. Attached hereto as Exhibit A is a true and correct copy of a letter, dated November 7, 2022, that I received from the county chairs and certain members of the Hawaii Republican Party.

VOTE COUNTING SYSTEM

6. The vote counting system, known as Verity 2.7 from national voting system vendor Hart Intercivic based out of Austin, Texas, used for the 2022 General Election involved voters marking paper ballots that were subsequently counted by a mechanical tabulation system using marksense voting technology. This system is also referred to as an "automatic tabulation system," a "marksense ballot voting system," or a "marksense voting system." HAR §§ 3-177-706 and 3-177-707.

7. Attached hereto as Exhibit B is a true and correct copy of the Certificate of Conformance, dated June 7, 2022, by the U.S. Election Assistance Commission certifying Verity 2.7 was "evaluated at an accredited voting system testing laboratory for conformance to the Voluntary Voting System Guidelines Version 1.0 (VVSG 1.0)." This document includes a nineteen-page numbered Scope of Certification.

8. For purposes of our state, the voting system involved three main components.

9. First, the voter service centers, where in-person voting occurred, were provided Verity Scans and Verity Touch Writers.

> **Verity Scan** is a digital scan precinct ballot counter (tabulator) that is used in conjunction with an external ballot box. The unit is designed to scan marked paper ballots or Verity Touch Writer Duo printed vote records, interpret and record voter marks on the marked paper ballot or record voter selections on the printed vote records, and deposit the ballots into the secure ballot box.
>
> ***
>
> The **Verity Touch Writer** is a standalone precinct level Ballot Marking Device (BMD) which also includes an Audio Tactile Interface (ATI), which allows voters whocannot [sic] complete a paper ballot to generate a machine-readable and human readable paper ballot, based on vote selections made, using the ATI.

Exhibit B at Page 2 of Scope of Certification.

10. Please note that the Verity Touch Writer as a ballot marking device is the means

by which disability access is provided to voters to vote independently (i.e. they use the Verity Touch Writer to mark their ballot and then use the Verity Scan to scan the marked ballot). The ballot marking device does not internally record or count votes.

11. Second, the counting centers, where return identification envelopes associated with those who did not vote in-person are opened and the ballots scanned, were provided Verity Central devices to scan ballots.

> **Verity Central** is a high-speed, central digital ballot scanning system used for high-volume processing of ballots (such as vote by mail). The unit is based on COTS scanning hardware coupled with custom **Hart-**developed ballot processing application software which resides on an attached workstation.

Exhibit B at Page 3 of Scope of Certification.

12. The COTS scanning hardware used in Hawaii were Canon brand high-speed scanners, consistent with the Scope of Certification. Exhibit B at Page 13 of Scope of Certification.

13. Third, the counting centers were additionally provided Verity Count for purposes of tabulating election results and generating reports.

> **Verity Count** is an application that tabulates election results and generates reports. **Verity Count** can be used to collect and store all election logs from every **Verity** component/device used in the election, allowing for completeelection [sic] audit log reviews.

Exhibit B at Page 3 of Scope of Certification.

14. One of the functions of Verity 2.7 was the "[a]uditing of election results including ballot images and log files." Exhibit B at Page 2.

15. This was an important feature in our consideration for contracting for the system as it could save significant time in terms of our auditing of an election by mail.

16. Prior to the use of Verity 2.7 for the 2022 election cycle, the State used different versions of a “marksense ballot voting system,” along with a “direct recording electronic voting

system" from 2004 to 2020. The "direct recording electronic voting system" was both a "voting" and "counting" system. Given the nature of the system, beginning in 2006, it was required to produce a voter verifiable paper audit trail, as it did not involve a physical paper ballot. HRS § 16-41. In contrast, the "marksense ballot voting system" was solely a "counting system" in that voters would separately mark their ballots by hand and then have it scanned by the system. Before that, from 1998 to 2002, the State only used a "marksense ballot voting system."

MIGRATION TO AN ELECTIONS BY MAIL MODEL

17. In terms of background, our state recently migrated with the 2020 Elections to an elections by mail model. Act 136, SLH 2019. The prior model involved a polling place for each of over 200 precincts. As such, ballots voted in person were structurally segregated on election day by precinct. Additionally, ballots associated with the precinct were scanned and counted by the precinct counter at the polling place. Finally, the ballots associated with the precinct were sealed in voted ballot containers that were marked to idenfity them with the precinct. This facilitated the auditing process.

18. In contrast, elections by mail involves voters returning their ballot to the county clerk in a return identification envelope for validation. This return process begins approximately 18 days before the election. HRS §§ 11-102 & 11-108. Depending on the county or logistical reasons, the transfer to the counting center and its counting could occur on a daily basis or a longer interval.

19. If we were not to take advantage of technology, there would be signfiicant consequences. This would begin with factoring in the time intensive physical segregation of return identification envelopes and similar processing at counting centers so as to facilitate the precinct based counting and storage necessary for the type of auditing envisioned by Plaintiffs.

20. The consequence of such a process would be that election results would be significantly delayed. This would impact the Primary Election, whose results must be resolved in a timely manner to permit subsequent election contests to be filed and for the ballot to be finalized for the fast approaching General Election. Likewise, it would impact the county, state, and federal governments that rely on timely election results of the General Election and the subsequent judicial resolution of election contests for the orderly transition of power in December and January, depending on the office.

AUDITING OF THE 2022 GENERAL ELECTION

21. Similar to the Primary Election, the voting system was subjected to testing before the General Election involving the presence of official observers designated under HRS § 16-45, who served as the eyes and ears of the public. Additionally, the official observers monitor the processing, handling, and transfer of election material within the counting center. Finally, they are authorized to conduct their own manual audit if they choose to do so.

22. The General Election post-election audit involved hand tallies being taken of the paper ballots in 10% of precincts to compare against the tallies from the mechanical tabulation system reflected in the statewide precinct report.

23. For purposes of auditing, the Statewide Precinct Detail Report that was printed on November 9, 2022, at 9:18 p.m., the day after the election, constituted the precinct report that was used. This report included all ballots that had been counted, except for ballots that were still pending with the county clerks to be validated by them five business days or seven calendar days after election day, consistent with HRS §§ 11-106 and 11-108.

24. After the official observers randomly selected the precincts and contests to be audited, the hand tallying occurred through the use of scanned images of those ballots, in lieu of

physically touching the ballots, with the ability to physically retrieve individual ballots if requested.

25. This was made possible due to the fact that every ballot was accounted for in the voting system and could be tracked to a specific sealed voted ballot container. This was due to the use of a barcode for each individual ballot that contains a "Unique Ballot Identifier." These barcodes were generated by the voting system vendor as part of the proofs that are sent to their ballot printing company.

26. Please note that the "Unique Ballot Identifier" was not associated with an individual voter. For example, the "Unique Ballot Identifier" for each ballot is not shared by the voting system vendor with the mailing house vendor that mails out the ballots to individual voters. Given this, there is no master list or way to associate a specific "Unique Ballot Identifier" with a specific voter. As such, secrecy of voting is preserved.

27. Ballots were scanned in batches. A batch report was printed out from the system and rubber banded around the batch. When ballots were scanned, every scanned image was associated with a precinct and could be electronically retrieved (i.e. one can retrieve electronically every ballot image associated with a precinct and then allow election officials to hand tally those ballot images against the election results). Additionally, when ballots were scanned, the voting system was annotated manually by the scanner operator with an indication of which voted ballot container a batch of ballots was contained in.

28. This permitted a voted ballot container to contain numerous batches of ballots that together reflect hundreds of ballots from a diverse mix of precincts, while allowing one to centrally know in the voting system where every ballot is located. This feature permitted election officials to have the ability to retrieve a specific voted ballot container to review a physical ballot if there is ever a question during the audit. Additionally, official observers, as

provided for in HRS § 16-45, were present during the audit in the counting centers across the state to observe it.

29. The auditing of the mail ballots (i.e. ballots initially returned in return identification envelopes that were validated by the county clerks) associated with Verity Count involved five steps: (1) randomly selecting the precincts to audit and then selecting a contest for each precinct ; (2) identifying the batches that contained the ballots associated with each precinct; (3) reviewing the scanned ballot image at each scanner station with one member operating the scanner station and the other member hand tallying and completing the Batch Audit Tally form; (4) to physically review a ballot, a Ballot Review Log could be completed to permit the ballot to be retrieved from the correct voted ballot container; and (5) after all batches had been reviewed, they would tally the expected results.

30. To the extent an apparent discrepancy was found, the manual audit team would review and recount the ballots to ascertain if the discrepancy could reasonably be explained or if there was cause to believe the system was misreporting proper marks. If so, then the audit would be expanded to determine the extent of the misreporting. However, no misreporting was found for the 2022 General Election.

31. The scanned ballot images were considered true and correct copies of the original ballots and were treated to the same extent as the original ballots for purposes of the audit. In other words, they were considered duplicates of the original ballots.

32. The scanned ballots images were copied from the original ballots by a certified voting system that specifically references its use for auditing. The voting system used commonly accepted scanning technology with commercial off the shelf scanners. Additionally, the system was subjected to testing by official observers before both the Primary Election and General Election.

33. I understand that the Hawaii Rules of Evidence provide, "A duplicate is admissible to the same extent as an original unless (1) a genuine question is raised as to the authenticity of the original, or (2) in the circumstances it would be unfair to admit the duplicate in lieu of the original." Rule 1003, Hawaii Rules of Evidence, Chapter 626, Hawaii Rules of Evidence.

34. In the present case, there was no question as to the authenticity of the original ballots. Likewise, it was not unfair to use the duplicates for auditing purposes for confirming the tabulations by the system as they were true and correct copies of the originals.

35. Additionally, as previously noted, to physically review a ballot, a Ballot Review Log could be completed to permit the ballot to be retrieved from the correct voted ballot container.

36. Finally, the official observers were able to conduct their own manual audit and could have chosen to physically interact with the ballots as part of their audit if that was their preference (i.e. "Observers may request to conduct a manual audit"). HAR § 3-177-762(a)(3).

37. Under these circumstances, I understood the use of the scanned ballot images to be appropriate and consistent with the law.

38. The auditing of ballots associated with in-person use of Verity Scan at the voter services centers, which were relatively low in volume, involved physically touching the original ballots.

COUNTY OF HAWAII AUDIT

39. The audit was conducted in the manner noted above.

40. There are 42 District-Precincts in the County of Hawaii.

41. Ten percent of those District-Precincts constitutes 5 District-Precincts.

42. The District-Precincts of 01-03, 03-02, 04-03, 06-02, and 07-02 were randomly selected.

43. The corresponding contests were Senate District 1, Charter Amendment – Hawaii: Board of Ethics, U.S. Representative District II, Governor and Lieutenant Governor, and U.S. Senator, respectively.

44. Four official observers were present.

45. The manual audit team consisted of 4 volunteers and 5 employees of the Office of Elections who were observed by the official observers.

46. The audit took place on November 17, 2022.

47. The Complaint appears to make reference to various excerpts of witness statements or affidavits by different official observers. Without the benefit of the entire statement of affidavit to give context for the excerpts, I have some comments about the excerpts.

48. As it relates to the allegations in paragraph 12 of the Complaint, Ms. McCormick, an official observer on Hawaii, omits District-Precinct 07-02 from her listing of precincts. Additionally, hand tallies were done of District-Precincts of 01-03, 03-02, 04-03, 06-02, and 07-02 by using the scanned images for those ballots that were scanned and the paper ballots for those that were voted at a voter service center.

49. As it relates to the allegations in paragraph 13 of the Complaint, Ms. Schwenzer, an official observer on Hawaii, omits District-Precinct 07-02 from her listing of precincts. Additionally, hand tallies were done of District-Precincts of 01-03, 03-02, 04-03, 06-02, and 07-02 by using the scanned images for those ballots that were scanned and the paper ballots for those that were voted at a voter service center.

50. As it relates to the allegations in paragraph 27 of the Complaint, Ms. McCormick, an official observer on Hawaii, appears to confirm that a contest for each selected precinct was

hand tallied using the scanned images of the ballots. However, it appears she misstates that scanned images of the ballots were only reviewed for "1 candidate" in regard to District-Precinct 07-02. I assume she meant "1 contest" as the selected contest for District-Precinct 07-02 was U.S. Senator and that contest had 5 candidates.

51. As it relates to the allegations in paragraph 28 of the Complaint, Ms. Schwenzer, an official observer on Hawaii, omits District-Precinct 07-02 from her listing of precincts. Additionally, hand tallies were done of District-Precincts of 01-03, 03-02, 04-03, 06-02, and 07-02 by using the scanned images for those ballots that were scanned and the paper ballots for those that were voted at a voter service center.

COUNTY OF MAUI AUDIT

52. The audit was conducted in the manner noted above.

53. There are 36 District-Precincts in the County of Maui.

54. Ten percent of those District-Precincts constitutes 4 District-Precincts.

55. The District-Precincts of 09-01, 10-02, 12-01, and 13-01 were randomly selected.

56. The corresponding contests were U.S. Senator, Governor and Lieutenant Governor, Councilmember (Wailuku-Waihee-Waikapu), and Mayor, respectively.

57. Five official observers were present.

58. The manual audit team consisted of 4 volunteers and 4 employees of the Office of Elections who were observed by the official observers.

59. The audit took place on November 21, 2022.

60. The Complaint appears to make reference to various excerpts of witness statements or affidavits by different official observers. However, none of these statements appear to be from official observers associated with Maui.

COUNTY OF KAUAI AUDIT

61. The audit was conducted in the manner noted above.

62. There are 16 District-Precincts in the County of Kauai.

63. Ten percent of those District-Precincts constitutes 2 District-Precincts.

64. The District-Precincts of 15-04 and 17-02 were randomly selected.

65. The corresponding contests were Governor and Lieutenant Governor and U.S. Representative District II, respectively.

66. Seven official observers were present.

67. The manual audit team consisted of 3 employees of the Office of Elections who were observed by the official observers.

68. The audit took place on November 22, 2022.

69. The Complaint appears to make reference to various excerpts of witness statements or affidavits by different official observers. Without the benefit of the entire statement of affidavit to give context for the excerpts, I have some comments about the excerpts.

70. As it relates to the allegations in paragraph 16 of the Complaint, Ms. Smith, an official observer on Kauai, appears to be confirming that the precincts were randomly selected, along with the contest for each precinct, a print out of results was used, scanned images were pulled up of ballots in the selected precincts, and the ballots through the use of scanned images were hand tallied.

71. As it relates to the allegations in paragraph 18 of the Complaint, Mr. Lynden, an official observer on Kauai, appears to be confirming that the manual audit referenced the tallies of the voting system and that scanned images were pulled up of ballots in the selected precincts and hand tallied.

72. As it relates to the allegations in paragraph 30 of the Complaint, Mr. Stokesbary, an official observer on Kauai, appears to be confirming that the manual audit involved two precincts and that a contest was selected in each precinct to be audited. He is also seems to confirm that I audited the voter service center ballots by physically segregating the ballots by District-Precinct.

73. As it relates to the allegations in paragraph 32 of the Complaint, Ms. Smith, an official observer on Kauai, appears to be confirming that the manual audit involved two precincts and that a contest was selected in each precinct to be audited. The audit uses the Verity Central workstations, where 2 Office of Election staff were each auditing a District-Precinct, while I was auditing the ballots from the voter service centers.

74. As it relates to the allegations in paragraph 34 of the Complaint, Ms. Lynden, an official observer on Kauai, appears to be confirming that the manual audit involved two precincts and that a contest was selected in each precinct to be audited.

CITY AND COUNTY OF HONOLULU AUDIT

75. The audit was conducted in the manner noted above.

76. There are 154 District-Precincts in the City and County of Honolulu.

77. Ten percent of those District-Precincts constitutes 16 District-Precincts.

78. The District-Precincts of 18-05, 22-02, 23-04, 30-04, 33-03, 35-05, 40-02, 41-01, 43-02, 44-04, 45-02, 46-04, 46-07, 47-01, 51-01, and 51-04 were randomly selected.

79. The corresponding contest were State Senate District 9 for 18-05, Governor and Lieutenant Governor for 22-02, Governor and Lieutenant Governor for 23-04, State Senate District 15 for 30-04, State Senator District 16 for 33-03, Councilmember District VIII for 35-05, Governor and Lieutenant Governor for 40-02, State Representative District 41 for 41-01, U.S. Representative District II for 43-02, State Senate District 22 for 44-04, State Senator District 22

for 45-02, State Senator District 23 for 46-04, Councilmember District II for 46-07, Charter Amendment Honolulu: Affordable Housing for 47-01, State Senator District 25 for 51-01, and State Representative District 51 for 51-04.

80. Seventeen official observers were present on November 14, 2022 and at least 9 were present on November 15, 2022.

81. The manual audit team consisted of 1 volunteer and 9 employees of the Office of Elections on November 14, 2022 and 2 volunteers and 7 employees of the Office of Elections on November 15, 2022 who were observed by the official observers.

82. The audit took place on November 14, 2022, and November 15, 2022.

83. The Complaint appears to make reference to various excerpts of witness statements or affidavits by different official observers. Without the benefit of the entire statement of affidavit to give context for the excerpts, I have some comments about the excerpts.

84. As it relates to the allegations in paragraph 14 of the Complaint, Ms. Richmond, an official observer on Oahu, appears to confirm a member of the manual audit team conducted a hand tally the ballots by using the scanned images.

85. As it relates to the allegations in paragraph 15 of the Complaint, Ms. Enos, an official observer on Oahu, appears to confirm the process of the manual audit team to electronically review the ballot and hand tally the vote for the audit contest for each ballot by using the scanned images.

86. As it relates to the allegations in paragraph 17 of the Complaint, Ms. Solomon, an official observer on Oahu, appears to be confirming that scanned images of the ballots were used for the audit and that these scanned images generally related to the mail-in ballots. Additionally, as previously noted, the auditing of ballots associated with in-person use of Verity Scan at the

voter services centers, which were relatively low in volume, involved physically touching the original ballots.

87. As it relates to the allegations in paragraph 29 of the Complaint, Ms. Richmond, an official observer on Oahu, appears to confuse the distinction between her role as an official observer and that of the manual audit team that she was observing. She may not have conducted her own manual tally but that is distinguishable from whether she was present to observe the manual audit by the manual audit team. Additionally, it is not clear if she is saying that the manual audit involved the tallying of one contest per selected precinct, as opposed to her preference that all contests on the ballot be tallied.

88. As it relates to the allegations in paragraph 31 of the Complaint, Ms. Enos, an official observer on Oahu, appears to acknowledge that the auditing of ballots associated with in-person use of Verity Scan at the voter services centers, which were relatively low in volume, involved physically touching the original ballots. However, she omits any reference to the auditing of the ballots that were scanned at the counting center.

89. As it relates to the allegations in paragraph 33 of the Complaint, Ms. Solomon, an official observer on Oahu, appears to confirm that a contest was audited in each of the selected precincts.

ADDITION OF SUBSEQUENTLY VALIDATED BALLOTS

90. After election day, the law, beginning with the 2020 election cycle, provides that voters have up to five business days to cure deficiencies with their signature on their return envelope. These deficiencies include a return identification envelope not having been signed or the signature not matching what is on file. If the deficiency is cured, then the ballot will be counted. HRS § 11-106. Additionally, the county clerks have the ability to determine the validity of ballots by the seventh day following the election to permit them to be counted.

91. The deadline to validate these types of ballots was November 16, 2022, due to an intervening state holiday occurring on Veterans' Day.

92. These ballots were counted, in the presence of official observers, after the audits were concluded. For Hawaii, Maui, and Kauai, they were added the same day after the audit for the county. As for the City and County Honolulu, they were added the day after the audit was completed given the volume of ballots for the City and County of Honolulu, timing of the ballot curing deadline, and the audits and post-election count for the neighbor islands. Specifically, these additional ballots were reported on November 16, 2022, for the City and County of Honolulu; November 17, 2022, for the County of Hawaii; November 21, 2022, for the County of Maui; and November 22, 2022 for the County of Kauai. The final statewide election results were released on November 22, 2022.

93. Attached hereto as Exhibit C is a true and correct copy of the "GENERAL ELECTION 2022 – State of Hawaii – Statewide, November 8, 2022, SUMMARY REPORT, FINAL REPORT." Following the audit and counting of cured ballots, the report was printed on November 22, 2022, at 12:39 p.m. and published that day on the Office of Elections' website.

CONCLUSION

94. The use of scanned images of the ballots with the present system facilitated the timely, accurate, confirmable, and reproducible auditing of the 2022 General Election. I am not aware of any credible issue regarding the scanning technology used. As such, I believe the audit was appropriately conducted.

DATED: Pearl City, Hawaii, January 3, 2023.

SCOTT T. NAGO

November 7, 2022

Mr. Scott Nago
Office of Elections
802 Lehua Avenue
Pearl City, Hawaii 96782

Mr. Scotty Anderson
Elections Commission
c/o Office of Elections
802 Lehua Avenue
Pearl City, Hawaii 96782

Re.: Formal Demand that Audit of the 2022 General Election Results be Conducted in Accordance with Hawaii Revised Statutes §16-42 (b)

Dear Mr. Nago and Mr. Anderson,

The Republican Party County Chairs respectfully demand that the Chief Elections Officer Scott Nago perform the prescribed audit of the election results, in every County Elections Division across the State of Hawaii pursuant to Hawaii Revised Statutes (HRS) §16-42 (b), which states:

> (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 percent 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.

EXHIBIT A

During the 2022 Primary Election, the majority of County Elections Divisions relied on observing scanned electronic images of the ballots in order to verify the electronic tallies for the aforementioned audit of election results, instead of pulling and counting paper ballots. This method is clearly contrary to the laws as written in (1) through (4) of HRS §16-42 (b).

HRS16-42 authorizes the Chief Elections Officer to utilize electronic voting systems *IF* 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;

Electronic tallies and hand tallies mean the total count of all contests and all ballots in those precincts not just one contest. Counting all the contests and ballots is the only means of verification that the Elections systems are accurately reporting votes.

We appreciate your time and attention to this very important matter. We will also send our request via email to all parties concerned and look forward to a written email response from each of you affirming your compliance with HRS §16-42 (b) (3) within 1 day (24 hours) from receipt of electronic copy of this letter.

Dalene McCormick
County Chair
West Hawai'i County Republican Party

Kahiolani Papalimu
County Chair
East Hawai'i County Republican Party

Tamara McKay
County Chair
Maui County Republican Party

Ana Mo Des
County Chair
Kauai County Republican Party

Brett Kulbis
County Chair
Honolulu County Republican Party

Adriel Lam
Vice Chair, Election Integrity
Hawai'i Republican Party

Laura Nakanelua
Republican National Committeewoman
Hawai'i Republican Party

Copy to:

Glenn Takahashi, Honolulu County Elections Division
Jade Tanigawa, Kaua'i County Elections Division
Lyndon Yoshioka, Kaua'i County Elections Division
Mr. Jon Henricks, Hawaii County Elections Division
Ms. Kathy Kaohu, Maui County Elections Division
Members, Hawai'i Elections Commission

EXHIBIT B

United States Election Assistance Commission

Certificate of Conformance

Hart Verity Voting 2.7

VVSG 2005 VER. 1
EAC
CERTIFIED

The voting system identified on this certificate has been evaluated at an accredited voting system testing laboratory for conformance to the *Voluntary Voting System Guidelines Version 1.0 (VVSG 1.0)*. Components evaluated for this certification are detailed in the attached Scope of Certification document. This certificate applies only to the specific version and release of the product in its evaluated configuration. The evaluation has been verified by the EAC in accordance with the provisions of the EAC *Voting System Testing and Certification Program Manual* and the conclusions of the testing laboratory in the test report are consistent with the evidence adduced. This certificate is not an endorsement of the product by any agency of the U.S. Government and no warranty of the product is either expressed or implied.

Product Name: Verity Voting

Model or Version: 2.7

Name of VSTL: SLI Compliance

EAC Certification Number: HRT-Verity-2.7

Date Issued: June 7, 2022

Mark A. Robbins

Executive Director

Scope of Certification Attached

Manufacturer:	*Hart InterCivic*	**Laboratory:**	*SLI Compliance*
System Name:	*Verity Voting 2.7*	**Standard:**	*VVSG 1.0*
Certificate:	*HRT-Verity-2.7*	**Date:**	*6/7/2022*

Scope of Certification

This document describes the scope of the validation and certification of the system defined above. Any use, configuration changes, revision changes, additions or subtractions from the described system are not included in this evaluation.

Significance of EAC Certification

An EAC certification is an official recognition that a voting system (in a specific configuration or configurations) has been tested to and has met an identified set of Federal voting system standards. An EAC certification is **not**:

- An endorsement of a Manufacturer, voting system, or any of the system's components.
- A Federal warranty of the voting system or any of its components.
- A determination that a voting system, when fielded, will be operated in a manner that meets all HAVA requirements.
- A substitute for State or local certification and testing.
- A determination that the system is ready for use in an election.
- A determination that any particular component of a certified system is itself certified for use outside the certified configuration.

Representation of EAC Certification

Manufacturers may not represent or imply that a voting system is certified unless it has received a Certificate of Conformance for that system. Statements regarding EAC certification in brochures, on Web sites, on displays, and in advertising/sales literature must be made solely in reference to specific systems. Any action by a Manufacturer to suggest EAC endorsement of its product or organization is strictly prohibited and may result in a Manufacturer's suspension or other action pursuant to Federal civil and criminal law.

System Overview:

The **Verity Voting 2.7** system represents a set of software applications for pre-voting, voting and post-voting election project activities for jurisdictions of various sizes and political division complexities.

Verity Voting 2.7 functions include:

- Defining the political divisions of the jurisdiction and organizing the election with its hierarchical structure, attributes, and associations.

- Defining the election events with their attributes such as the election name, date, and type, as well as contests, candidates, referendum questions, voting locations and their attributes.
- Preparing and producing ballots for polling place and absentee voting or by-mail voting.
- Preparing media for precinct voting devices and central count devices.
- Configuring and programming the **Verity Scan** digital scanners for marked paper ballots and Verity Touch Writer printed vote records.
- Configuring and programming the **Verity Touch Writer** BMD devices.
- Configuring and programming the **Verity Touch Writer Duo Standalone** BMD devices.
- Configuring and programming the **Verity Controller** with **Verity Touch Writer Duo** BMD devices.
- Configuring and programming the **Verity Print** on-demand ballot production device.
- Transmission of the election results via **Verity Relay**.
- Transmission of the election results via **Verity Transmit**.
- Producing the election definition and auditing reports.
- Providing administrative management functions for user, database, networking, and system management.
- Import of the Cast Vote Records from **Verity Scan** devices and **Verity Central**.
- Preview and validation of the election results.
- Producing election results tally according to voting variations and election system rules.
- Producing a variety of reports of the election results in the desired format.
- Publishing of the official election results. Auditing of election results including ballot images and log files.

Verity Scan is a digital scan precinct ballot counter (tabulator) that is used in conjunction with an external ballot box. The unit is designed to scan marked paper ballots or Verity Touch Writer Duo printed vote records, interpret and record voter marks on the marked paper ballot or record voter selections on theprinted vote records, and deposit the ballots into the secure ballot box.

Verity Relay provides remote transmission capability. Utilizing an optional modem with **Verity Scan**, at close of polls, results are transmitted from the polling place device to the **Verity Relay Receiving Station** workstation.

Verity Transmit provides remote transmission capability. Utilizing an optional modem, Wi-Fi, or Ethernet accessory kit. Results from the **Verity Scan** and **Verity Central** are transmitted to the **Verity Transmit Receiving Station** workstation.

The **Verity Touch Writer** is a standalone precinct level Ballot Marking Device (BMD) which also includes an Audio Tactile Interface (ATI), which allows voters whocannot complete a paper ballot to generate a machine-readable and human readable paper ballot, based on vote selections made, using the ATI.

The **Verity Touch Writer Duo** is a daisy chained configuration of a **Verity Controller** device configured with up to twelve **Verity Touch Writer Duo** BMD devices, which allows voters to

utilize the touchscreen or optional Audio Tactile Interface to generate a machine-readable and human readable printed vote record, based on vote selections made.

The **Verity Touch Writer Duo Standalone** is a standalone BMD device, which allows voters to utilize the touchscreen or optional Audio Tactile Interface to generate a machine-readable and human readable printed vote record, based on vote selections made.

Verity Print is an on-demand ballot production device for unmarked paper ballots.

Verity Election Management allows users with the Administrator role to importand manage election definitions. Imported election definitions are availablethrough the Elections chevron in Build. Users can also delete, archive, and manage the election definitions.

Verity User Manager enables users with the correct role and permissions to create and manage user accounts within the **Verity Voting** system for the local workstation in a standalone configuration, or for the network in a networked configuration.

Verity Desktop enables users with the correct roles to set the workstations' date and time, gather **Verity** application hash codes (in order to validate the correctness of the installed applications), and access to Windows desktop.

Verity Data provides the user with controls for entering and proofing data and audio. **Verity Data** also performs validation on the exported information to ensure that it will successfully import into **Verity Build**.

Verity Build opens the election to proof data, view reports, and print ballots, and allows for configuring and programming the **Verity Scan** digital scanners, and **Verity Touch Writer** and **Controller/Touch Writer Duo** BMD devices, **Verity Print**, as well as producing the election definition and auditing reports.

Verity Central is a high-speed, central digital ballot scanning system used for high-volume processing of ballots (such as vote by mail). The unit is based on COTS scanning hardware coupled with custom **Hart-**developed ballot processing application software which resides on an attached workstation.

Verity Count is an application that tabulates election results and generates reports. **Verity Count** can be used to collect and store all election logs from every **Verity** component/device used in the election, allowing for completeelection audit log reviews.

Verity Relay Receiving Station is a remote transmission software application that receives election data transmissions sent by Verity Scan devices equipped with an optional Relay modem accessory.

Verity Transmit Receiving Station is a remote transmission software application that receives election data transmissions sent by Verity Transmit devices.

Certified System before Modification (If applicable):

Verity Voting 2.6

Anomalies and/or Additions addressed in Verity Voting 2.7:

The following anomalies found in previous Verity releases are corrected in the Verity Voting 2.7 modification:

1. Verity Data/Build
   Help screen for: "Shared Device Behaviors" is inaccurate. The help screen states, "Require user to view all choices in each contest" however what is displayed is "Require voters to view all choices in each contest."
2. Verity Scan
   Scanner multi-feed calibration can get stuck on a spinner and not show the results screen, requiring a lock and unlock of the tablet to exit the screen.
3. All Verity Devices
   Physical keyboard input of "Alt-ESC" returns to the user to the Verity launcher splash screen.
4. Verity Count
   If the number of columns in contest are less than or equal to 14 in the Canvass Results Report, then a blank page will follow the contest on the PDF export.

The following additions were made:

Features for all devices and workstations

- When using the System Validation Tool on devices or workstations, the system exports hashes for all Verity-related system files, as well as the files themselves.
- Verity supports adding new languages to devices and workstations via the "Language Pack" functionality.
- Verity supports the following additional languages:
  - Gujarati
  - Hmong
  - Lao
  - Hawaiian
  - Cantonese
  - Punjabi
  - Bengali

COTS updates

- Added support for the Brother HL-L6400DWVS laser printer. This printer now replaces the OKI Data B432 printer for use on Verity Touch Writer, Verity Printer, Verity Build, and for report printing on all Verity workstation software.
- Added the Duracell DR660PSS UPS for battery backup for the new Brother HL-L6400DWVS printer when used with the Verity Touch Writer laser printer.

- Added support for the IntoPrint SP1360 laser printer, which is a brand of the OKI Data C931 printer that it replaces on Verity Build.
- Added additional CFast card vendor.
- Added magnifying devices for use with ballots in the polling place.

Hawaii-specific Features

- Supports General and Open Primary elections only.

Verity Count Reporting

- Now allows users to set a custom order for contests on results reports across all Tasks in an election.
- Includes the following new reports and exports: o Three-Column Summary Results Report
    - Three-Column Precinct Results Report (export only)
    - Statement of Vote Report
    - Precinct Detail Export
    - Summary Export

- Adds support for adding a Run ID to the report header of the following reports:
    - Three-Column Summary Results Report
    - Three-Column Precinct Results Report
- Adds support for identifying the following reports as "zero reports"
    - Three-Column Summary Results Report
    - Three-Column Precinct Results Report
- Added support for calculating ballots cast in a multi-sheet election using the highest recorded sheet count for the following reports:
    - Three-Column Summary Results
    - Three-Column Precinct Results
    - Statement of Vote Report
    - Precincts Reporting
    - Summary Export
    - Precinct Detail Export
- Added an Election Preference to "Enable Hawaii results reports and exports".
- Manual vote recording now allows users to enter sheet counts for each sheet that exists in the ballot for the precinct-split/party being adjusted.

Paper Ballot Features

- Paper ballots support a maximum paper size of 8.5"x22", without stub capability.
- Paper ballot stubs support adding a customizable prefix to the stub number display.
- Verity now supports 80lb Text paper weight for ballots.

- Added targeting landmarks to ballot corners for option box triangulation.

Grid Ballot Features

- Verity now supports grid-based paper ballots, where office contests appear in columns and parties in rows on odd-numbered pages, and propositions appear in a column-based layout on even-numbered pages.
    - Proposition-only ballots can utilize both sides of a sheet.
- Grid-based paper ballots support all paper sizes in a landscape orientation (short edge on left):
- Grid-based paper ballots support the same stub sizes and options as column-based paper ballots.
    - 8.5" x 22" ballots do not support a stub
- Grid-based paper ballots support all paper ballot election definition elements EXCEPT:
    - Party Selector contests
    - Open Primary Party Selector contests
    - "Ranked Choice", "Cumulative", or "Fractional Cumulative" contests
    - Ballot Additional Text
    - Rotation
    - Column or page forcing on Office type contests
        - Column or page forcing is allowed for contests appearing on the Proposition side of the ballot.
    - Contest images
    - Dependent contests
    - Two-line write-ins
    - Uncommitted choices
- Grid-based ballots support candidate cross-filing, where if a voter marks multiple boxes for a cross-filed choice, it will be recorded as a single vote for the choice.
- Added support for Slate Choices, where two choice names can be treated as a single votable option.

Features for all devices

- Updated model for each Verity device
    - A single standardized circuit board replaces baseboard and I/O board combinations found in all Verity devices, with no change to functionality. Electronic components from the existing Tally Tape Thermal Printer are added directly to the baseboard.
    - Tally Tape thermal printer for report printing now uses Hart built plastics and firmware.
    - Rear panel connectors now recessed to increase ruggedness and reduce cable strain if a device is handled while cables are installed.

    - Power input connector no longer contains to slide to release cable retention feature.
    - Tamper evident seal now serialized
- All Verity devices now show the first three sections (XX.XX.XX) of the system version number in the user interface, without needing to reboot the device.
- All Verity devices now follow these optional VVSG 1.0 user-interface conventions:
    - If an unrecoverable error occurs on a polling place device, the device suspends voting operations and presents a clear indication to the user of the malfunction.
    - Warnings and alerts issued to a voter on a device shall state the nature of the problem; the set of responses available to the voter;, and whether the voter has performed or attempted an invalid operation, or the voting equipment itself has malfunctioned in some way.
    - When color is used to indicate status in the system, the user interface uses green, white, or blue for normal status; amber or yellow for marginal status; and red for an error status.
    - When color is used to indicate the type of information displayed, the user interface uses green, white, or blue for general information; amber or yellow for warnings; and red to indicate problems that require immediate attention.

Features for Verity Scan

- Added support for Write-in Mark Detection, where Scan can return the ballot for second-chance voting input if a mark is detected in the write-in area, but the option box is not marked.
    - If the ballot is accepted as-is, unmarked write-ins will count only if the Build setting for default counting behavior is enabled, except for ranked-choice or cumulative contests
- Performance improvements that reduce ballot processing time. This change is applicable to all Verity Scan models.

Features for Verity Scan with Relay only

- Device startup reports are now labeled "Verity Scan with Relay," not "Verity Scan."
- Voter-facing screens now do not display the product name "Verity Scan with Relay."

Features for Verity Transmit

- Transmit supports transmitting vDrives written by:
    - Verity Central
    - Verity Scan
    - Verity Scan with Relay
- For Central vDrives, Transmit now displays "Central vDrive" in lieu of the vDrive polling place.

Features for all Workstations

- Secure Boot now enabled on workstations.
- Full Disk Encryption now required for all deployments.

Features for Election Management

- Added new feature "Configuration Control", which supports limiting election variations based on what equipment and ballot types are used by a jurisdiction, eliminating unnecessary work for the user.

Features for Verity Data

- The Contest Title field limit is increased to 250 characters.
- Verity Data now supports entering separate contest instructions for devices and paper ballots.
    - Verity Data proofing reports containing contest instructions display both electronic instructions and paper instructions.
- Added support for defining Candidate Slate choices on grid-based ballots.
- Added additional rich-text formatting options for Ballot Additional Text.
- The Ballot Additional Text field limit increased to 3000 characters.
- Verity Data validates that fold lines do not intersect ballot landmarks, in addition to barcodes and option boxes
- The default PVR paper size changed to 8.5" x 11".

Features for Verity Build

- Verity Build includes a new setting to print single language ballots on Touch Writer.
- Added support for Write-in Mark Detection, including:
    - New options to control second-chance voting behavior for unmarked write-ins on Scan devices.
    - New option to control the default counting behavior for unmarked write-ins on Scan devices.
- Added a note that "Setting the default Voting Method will also apply to Verity Reader".

Features for Verity Central

- Added support for Write-in Mark Detection, including:
    - A new adjudication condition called "Unmarked Write-in".
    - An election Preference to count unmarked write-ins as if they were marked; off by default.
    - An election setting to count unmarked write-ins as if they were marked.
    - An election preference and setting to allow automatic acceptance of unmarked write-ins during scan, or when accepting at the batch, ballot, or page level.

- Allowing the user to filter voter intent issues by "Unmarked Write-ins".

Features for Receiving Stations

- Renamed "Verity Relay" application for clarity; now called "Verity Relay Receiving Station."
- Features for Verity Transmit support added to a new "Verity Transmit Receiving Station" with the following modifications from the "Verity Receiving Station":
    - Application supports receiving vDrives written by:
        - Verity Central
        - Verity Scan
        - Verity Scan with Relay
    - vDrives written from Verity Transmit Receiving Station support at least the same number of ballots as vDrives written from Verity Central, Scan, or Scan with Relay.
    - The Receiving Dashboard displays the status of Central vDrive data separately from the status of device vDrive data.
    - The vDrives Written Report displays, after the "ID of the transfer vDrive" field, the type of device that wrote the CVR data ("Central" or polling place device type) for each child vDrive written to a transfer vDrive.
    - The Received vDrives Report displays, before the "Polling place name" field, the type of device that wrote the CVR data ("Central" or polling place device type) for each received vDrive.

Features for Verity Count

- Count results reports containing contest instructions display electronic instructions only.
- Slate Choices: On results reports, both choice names are displayed next to a single vote counter.
- Count now includes a digital signature for any exported collection of CVRs.
    - The digital signature is user-verifiable using a separate utility.
- Improved Alias functionality:
    - Aliases Groups and Sets (collections of Alias Groups) can be exported or imported to/from removable media.
    - Alias Groups can be imported into any elections containing the same strings.
    - Alias Sets can only be imported into the election with the same Election ID from which they were generated.
    - Alias Sets can be used for reports and results exports, including the Detailed Vote Total export.
- Visually updated the Verity Count dashboard.

Modifications to Verity 2.7.1:

- Change the contest screen on Touch Writer to require voters to select a specific combination of candidate and party when voting for a cross-endorsed candidate.
- Change the review screens on Touch Writer and Reader to reflect only the specific party association(s) selected by the voter.
- Add a device report that includes vote totals for each party association for cross-filed candidates.
- Add a Count report that includes vote totals for each party association for cross-filed candidates.

Mark definition:

System supports marks that cover a minimum of 4% of the rectangular marking area.

Tested Marking Devices:

System supports Black and Blue ballpoint pens; testing was performed with black, blue, dark blue, pink, light green, green, orange, and red pens, as well as #2 pencil lead.

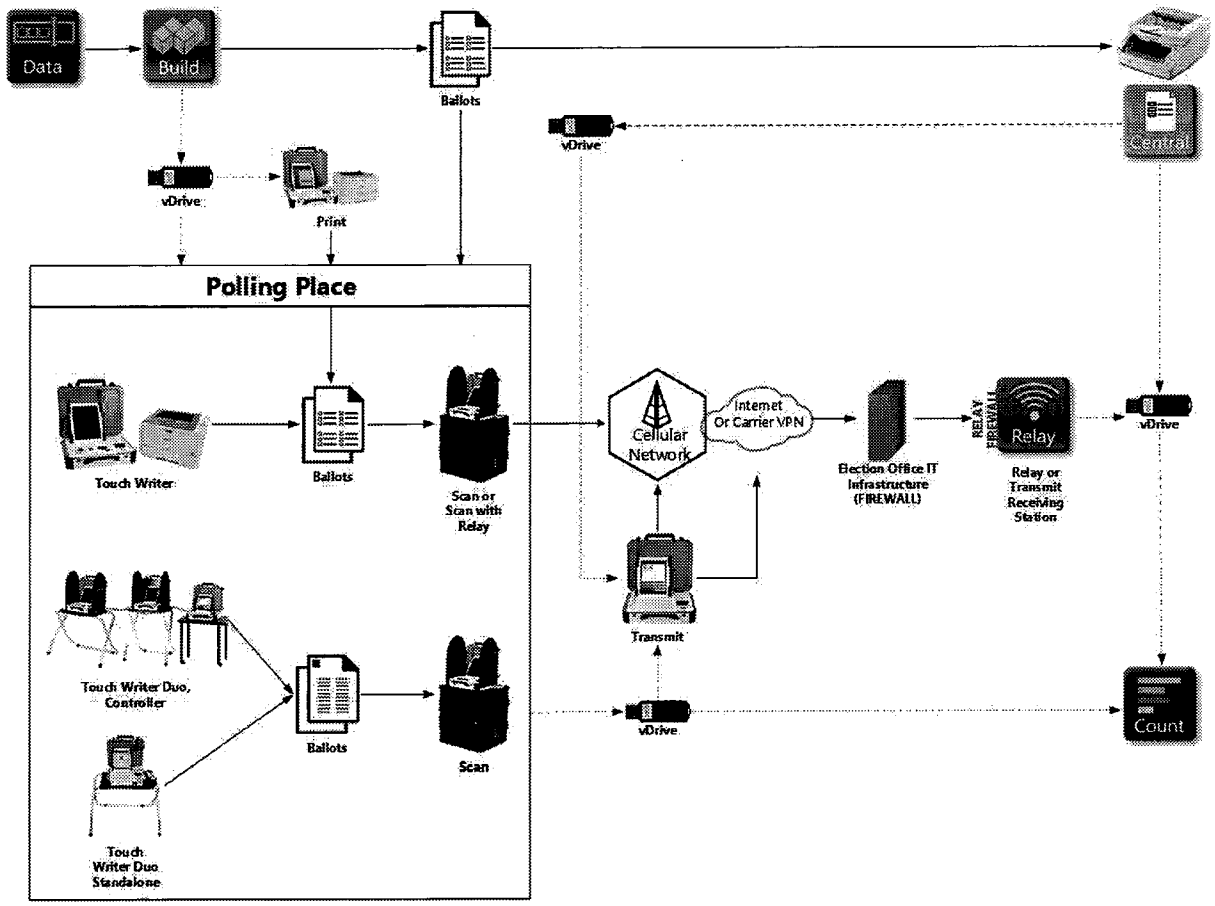
Language capability:

System supports English, Spanish, Chinese, Japanese, Korean, Khmer, Thai, Vietnamese, Tagalog, Ilocano, Hindi, Haitian Creole, Gujarati, Hmong, Lao, Hawaiian, Cantonese, Punjabi, and Bengali.

Components Included:

This section provides information describing the components and revision level of the primary components included in this Certification.

System Diagram



Proprietary Software

System Component	Software or Firmware Version	Comments
Verity Data	2.7.1	Data management software
Verity Build	2.7.1	Election definition software
Verity Central	2.7.1	High speed digital scanning software
Verity Count	2.7.1	Tabulation and reporting software
Verity Relay Receiving Station	2.7.1	Data transmission software (receiving station)
Verity Transmit	2.7.1	Data transmission software
Verity Transmit Receiving Station	2.7.1	Data transmission software (receiving station)
Verity Print	2.7.1	On-demand ballot printing device firmware
Verity Scan	2.7.1	Digital scanning device firmware
Verity Scan with Relay	2.7.1	Digital scanning device firmware with optional Relay functionality
Verity Touch Writer	2.7.1	Ballot marking device
Verity Touch Writer Duo	2.7.1	Ballot marking device, with internal COTS ballot summary printer and optional audio tactile interface
Verity Touch Writer Duo Standalone	2.7.1	Ballot marking device, with internal COTS ballot summary printer and optional audio tactile interface
Verity Controller	2.7.1	Polling place management device

COTS Software and Firmware

Description	Version
Verity Data, Build, Count, Relay Receiving Station, Transmit Receiving Station	
Microsoft Windows 10 Enterprise 2019 LTSC	10.0.17763
Microsoft SQL Server Standard 2019	15.0.4153.1
McAfee Application Control for Devices (McAfee Solidifier)	8.2.1-143
Verity Central – Central Count Paper Ballot Scanner	
Microsoft Windows 10 Enterprise 2019 LTSC	10.0.17763
Microsoft SQL Server Standard 2019	15.0.4153.1
McAfee Application Control for Devices (McAfee Solidifier)	8.2.1-143
Nuance Western OCR, Desktop, OEM	V20
Verity Print, Touch Writer – Electronic BMD Device, Touch Writer Duo – Electronic BMD Device, Touch Writer Duo Standalone – Electronic BMD Device, Controller, Transmit	
Microsoft Windows 10 Enterprise 2019 LTSC	10.0.17763
Microsoft SQLite	3.36.0
McAfee Application Control for Devices (McAfee Solidifier)	8.2.1-143
Verity Scan – Precinct Paper Ballot Scanner	
Microsoft Windows 10 Enterprise 2019 LTSC	10.0.17763
Microsoft SQLite	3.36.0
McAfee Application Control for Devices (McAfee Solidifier)	8.2.1-143
Nuance Western OCR, Desktop, OEM	V20

Hardware

Description	Version
Verity Print – Ballot Printer	3006095 Rev A
Verity Print – Ballot Printer	3005356 Rev E
Verity Print – Ballot Printer	3005856 Rev B
Verity Scan – Paper Ballot Scanner	3006080 Rev A
Verity Scan – Paper Ballot Scanner	3005350 Rev I
Verity Scan – Paper Ballot Scanner	3005800 Rev B
Verity Touch Writer – Electronic BMD Device	3006090 Rev A
Verity Touch Writer – Electronic BMD Device	3005352 Rev H
Verity Touch Writer – Electronic BMD Device	3005852 Rev B
Verity Touch Writer Duo – Electronic BMD Device	3006070 Rev A
Verity Touch Writer Duo – Electronic BMD Device	3005700 Rev B
Verity Touch Writer Duo Standalone – Electronic BMD Device	3006075 Rev A
Verity Touch Writer Duo Standalone – Electronic BMD Device	3005730 Rev A
Verity Controller – Networked Centralized Management Device	3006085 Rev A
Verity Controller – Networked Centralized Management Device	3005825 Rev B

COTS Equipment

Description	Version
Verity Data, Build	
Verity Data and Build Applications and Workstation Kit • HP Z4 G4 Workstation • HP Z240 Workstation supported for existing customers only	A
OKI Data C831dn Color Printer for existing customers only	N35100A
OKI Data C844dn Color Printer	N35301A
OKI Data C911dn color Printer for existing customers only	N36100A
OKI Data C931e Color Printer	N36100A
OKI Data B432dn Mono Report and Ballot Printer	N22500A
OKI Data B431d Mono Report Printer for existing customers only	N22202A

Brother HL-L6400 Series printer	HLL6400DWVS
Into Print SP1360 printer	SP1360
HP 8-port Ethernet Switch	1405-8GV3
Vinpower Digital USB Duplicator 7-targets	USBShark-7T-BK
Vinpower Digital USB Duplicator 23-targets	USBShark-23T-BK
Verity Central	
Verity Central Applications and Workstation Kit • HP Z4 G4 Workstation • HP Z240 Workstation supported for existing customers only	A
Canon DR-G1100 High-Speed Scanner	M111181
Canon DR-G1130 High-Speed Scanner	M111171
Canon DR-G2110 High-Speed Scanner	6130030
Canon DR-G2140 High-Speed Scanner	6130020
OKI Data B432dn Mono Printer Report Printer	N22500A
OKI Data B431d Mono Report Printer for existing customers only	N22202A
Brother HL-L6400 Series printer	HLL6400DWVS
8-port Ethernet Switch	1405-8GV3
Verity Count	
Verity Count Applications and Workstation Kit • HP Z4 G4 Workstation • HP Z240 Workstation supported for existing customers only	A
OKI Data B432dn Mono Printer Report Printer	N22500A
OKI Data B431d Mono Report Printer for existing customers only	N22202A
Brother HL-L6400 Series printer	HLL6400DWVS
HP 8-port Ethernet Switch	1405-8GV3
Verity Relay Receiving Station	
Verity Relay Applications and Workstation Kit • HP Z4 G4 Workstation • HP Z240 Workstation supported for existing customers only	A
OKI Data B432dn Mono Printer Report Printer	N22500A
OKI Data B431d Mono Report Printer for existing customers only	N22202A
Brother HL-L6400 Series printer	HLL6400DWVS
Verity Transmit Receiving Station	
Verity Relay Applications and Workstation Kit • HP Z4 G4 Workstation • HP Z240 Workstation supported for existing customers only	A
OKI Data B432dn Mono Printer Report Printer	N22500A
OKI Data B431d Mono Report Printer for existing customers only	N22202A
Brother HL-L6400 Series printer	HLL6400DWVS
Verity Print	
OKI Data C831dn Color Printer for existing customers only	N35100A
OKI Data B432dn Mono Printer Report Printer	N22500A
OKI Data C844dn Color Printer	N35301A
OKI Data B431d Mono Report Printer for existing customers only	N22202A
Brother HL-L6400 Series printer	HLL6400DWVS
Optional AutoBallot Barcode Scanner Kit Includes the following 2d barcode scanner: • Hart part number: 1003672 • Motorola/Zebra part number: DS4308 or DS4608	C
Verity Scan – Paper Ballot Scanner	
Verity Ballot Box	D

Optional Relay Accessory Kit (4G LTE Cat-M1) Includes the following COTS modem • Hart part number: 1005248 • MultiTech part number: MTD-MNA1-2.0	A
Verity Touch Writer – Electronic BMD Device	
OKI Data B432dn Mono Printer Report Printer	N22500A
OKI Data B431d Mono Report Printer for existing customers only	N22202A
Brother HL-L6400 Series printer	HLL6400DWVS
Duracell UPS	DR660PSS
EATON UPS	5P1500
Accessible Voting Booth	D
Optional AutoBallot Barcode Scanner Kit Includes the following 2d barcode scanner: • Hart part number: 1003672 • Motorola/Zebra part number: DS4308 or DS4608	C
Headphones • Brand: V7, part number HA300-2NP or HA310-2NP	2005230
Verity Touch Writer Duo – Electronic BMD Device	
Brother PJ700 Series Thermal Printer	PJ723
Accessible Voting Booth with ATI Tray	D
Standard Voting Booth	D
Optional Detachable ATI Kit	A
Optional headphones for ATI Kit Brand: V7, part number HA300-2NP or HA310-2NP	C
Verity Touch Writer Duo Standalone– Electronic BMD Device	
Brother PJ700 Series Thermal Printer	PJ723
Accessible Voting Booth with ATI Tray	A
Standard Voting Booth	D
Optional Detachable ATI Kit	A
Optional AutoBallot Barcode Scanner Kit Includes the following 2d barcode scanner: • Hart part number: 1003672 • Motorola/Zebra part number: DS4308 or DS4608	C
Optional headphones for ATI Kit Brand: V7, part number HA300-2NP or HA310-2NP	C
Verity Controller	
Optional AutoBallot Barcode Scanner Kit Includes the following 2d barcode scanner: • Hart part number: 1003672 • Motorola/Zebra part number: DS4308 or DS4608	C
Verity Transmit	
Optional Modem Accessory kit (4G LTE Cat-M1)Includes the following COTS modem: • Hart part number: 1005248 • MultiTech part number: MTD-MNA1-2.0	A
Optional WiFi Accessory kit Includes the following COTS modem: • StarTech part number: USB433ACD1X1	A
Optional RJ-45 Ethernet Accessory kit	A

Includes the following COTS modem: • StarTech part number: USB31000SW	

System Limitations

This table depicts the limits the system has been tested and certified to meet.

Election Data Limits	Testing Limit/Requirement Z240 or Z4 G4 Systems (all supported workstations except Data/Build/Count combined system)	Testing Limit/Requirement Data/Build/Count combined system)
Languages in a single election	19	19
Precincts in an election	3,000	2000
Splits per Precinct	20	20
Total Precincts + Splits in an election	3,000	2000
Districts for voting devices and applications	400	75
Polling places in an election	3,050	1200
Parties in a General Election	24	24
Parties in a Primary Election	10	10
Contests in an election (including propositions)	2,000	200
Contest choices (voting positions) in a single contest	300	75
Total number of Contest Choices in an Election (independent from ballot size)	5,000	600
Unique write-in values per contest (Count)	500	500
Unique write-in values per task (Count)	40,000	40,000
Voting Types in an Election	10	10
Tasks per Election (Central, Count)	15	15
Registered Voters per Precinct (Count)	99,999	99,999
Maximum Sheets per ballot	4	4
Ballot Stubs per ballot	2	2
Ballots per vDrive (Scan, 1 sheet ballot)	25,000*	25,000*
Ballots per vDrive (Controller)	20,000	20,000
Ballots per vDrive (Central)	20,000	20,000
Ballots per *election* (Central & Count)	1,750,000	1,750,000
vDrives per *election* (Count)	3,050	3,050
Ballot Sizes (Build, Central, Print, Touch Writer, Scan)	8.5"x11", 8.5"x14", 8.5"x17", 8.5"x20", 8.5"x22"**	8.5"x11", 8.5"x14", 8.5"x17", 8.5"x20", 8.5"x22"**
Ballot Sizes (Build, Central)	11"x17"	11"x17"

* This is a recommended limit for the number of single-sheet ballots scanned on an individual Verity Scan during a single election. For a two-sheet ballot, divide this number by two; for a four-sheet ballot, divide this number by four.

** Older printer models may not support a 22" ballot.

VVSG 1.0 Supported Functionality Declaration

Feature/Characteristic	Yes/No	Comment
Voter Verified Paper Audit Trails		
VVPAT	No	
Accessibility		
Forward Approach	Yes	
Parallel (Side) Approach	Yes	
Closed Primary		
Primary: Closed	Yes	Supports standard closed primary and modified closed primary
Open Primary		
Primary: Open Standard (provide definition of how supported)	Yes	Open Primary
Primary: Open Blanket (provide definition of how supported)	Yes	General "top two"
Partisan & Non-Partisan:		
Partisan & Non-Partisan: Vote for 1 of N race	Yes	
Partisan & Non-Partisan: Multi-member ("vote for N of M") board races	Yes	
Partisan & Non-Partisan: "vote for 1" race with a single candidate and write-in voting	Yes	
Partisan & Non-Partisan: "vote for 1" race with no declared candidates and write-in voting	Yes	
Write-In Voting:		
Write-in Voting: System default is a voting position identified for write-ins.	No	By default, the number of write-ins available in a contest is zero, users may increment as necessary
Write-in Voting: Without selecting a write in position.	Yes	Support is configurable per election.
Write-in: With No Declared Candidates	Yes	
Write-in: Identification of write-ins for resolution at central count	Yes	
Primary Presidential Delegation Nominations & Slates:		
Primary Presidential Delegation Nominations: Displayed delegate slates for each presidential party	Yes	
Slate & Group Voting: one selection votes the slate.	Yes	
Ballot Rotation:		
Rotation of Names within an Office; define all supported rotation methods for location on the ballot and vote tabulation/reporting	Yes	Rotation by precinct and precinct split
Straight Party Voting:		
Straight Party: A single selection for partisan races in a general election	Yes	
Straight Party: Vote for each candidate individually	Yes	
Straight Party: Modify straight party selections with crossover votes	Yes	

Straight Party: A race without a candidate for one party	Yes	
Straight Party: "N of M race (where "N">1)	Yes	
Straight Party: Excludes a partisan contest from the straight party selection	Yes	
Cross-Party Endorsement:		
Cross party endorsements, multiple parties endorse one candidate.	Yes	
Split Precincts:		
Split Precincts: Multiple ballot styles	Yes	
Split Precincts: P & M system support splits with correct contests and ballot identification of each split	Yes	
Split Precincts: DRE matches voter to all applicable races.	Yes	
Split Precincts: Reporting of voter counts (# of voters) to the precinct split level; Reporting of vote totals is to the precinct level	Yes	
Vote N of M:		
Vote for N of M: Counts each selected candidate if the maximum is not exceeded.	Yes	
Vote for N of M: Invalidates all candidates in an overvote (paper)	Yes	
Recall Issues, with options:		
Recall Issues with Options: Simple Yes/No with separate race/election. (Vote Yes or No Question)	Yes	
Recall Issues with Options: Retain is the first option, Replacement candidate for the second or more options (Vote 1 of M)	Yes	
Recall Issues with Options: Two contests with access to a second contest conditional upon a specific vote in contest one. (Must vote Yes to vote in 2nd contest.)	Yes	
Recall Issues with Options: Two contests with access to a second contest conditional upon any vote in contest one. (Must vote Yes to vote in 2nd contest.)	Yes	
Cumulative Voting		
Cumulative Voting: Voters are permitted to cast, as many votes as there are seats to be filled for one or more candidates. Voters are not limited to giving only one vote to a candidate. Instead, they can put multiple votes on one or more candidate.	Yes	
Ranked Order Voting		
Ranked Order Voting: Voters can write in a ranked vote.	Yes	
Ranked Order Voting: A ballot stops being counting when all ranked choices have been eliminated	N/A	Tabulation rules are unique per jurisdiction
Ranked Order Voting: A ballot with a skipped rank counts the vote for the next rank.	N/A	Tabulation rules are unique per jurisdiction
Ranked Order Voting: Voters rank candidates in a contest in order of choice. A candidate receiving a majority of the first-choice votes wins. If no candidate receives a majority of first choice votes, the last place candidate is deleted, each ballot cast for the deleted candidate counts for the second-choice candidate listed on the ballot. The process of eliminating the last place candidate and recounting the ballots continues until one candidate receives a majority of the vote	N/A	Tabulation rules are unique per jurisdiction

Ranked Order Voting: A ballot with two choices ranked the same, stops being counted at the point of two similarly ranked choices.	Yes	
Ranked Order Voting: The total number of votes for two or more candidates with the least votes is less than the votes of the candidate with the next highest number of votes, the candidates with the least votes are eliminated simultaneously and their votes transferred to the next-ranked continuing candidate.	N/A	Tabulation rules are unique per jurisdiction
Provisional or Challenged Ballots		
Provisional/Challenged Ballots: A voted provisional ballots is identified but not included in the tabulation, but can be added in the central count.	Yes	
Provisional/Challenged Ballots: A voted provisional ballots is included in the tabulation, but is identified and can be subtracted in the central count	Yes	
Provisional/Challenged Ballots: Provisional ballots maintain the secrecy of the ballot.	Yes	
Overvotes (must support for specific type of voting system)		
Overvotes: P & M: Overvote invalidates the vote. Define how overvotes are counted.	Yes	If the system detects more than the valid number of marks in a contest, it is counted as an overvote
Overvotes: DRE: Prevented from or requires correction of overvoting.	Yes	
Overvotes: If a system does not prevent overvotes, it must count them. Define how overvotes are counted.	Yes	If the system detects more than the valid number of marks in a contest, it is counted as an overvote
Overvotes: DRE systems that provide a method to data enter absentee votes must account for overvotes.	Yes	
Undervotes		
Undervotes: System counts undervotes cast for accounting purposes	Yes	
Blank Ballots		
Totally Blank Ballots: Any blank ballot alert is tested.	Yes	
Totally Blank Ballots: If blank ballots are not immediately processed, there must be a provision to recognize and accept them	Yes	
Totally Blank Ballots: If operators can access a blank ballot, there must be a provision for resolution.	Yes	
Networking		
Wide Area Network – Use of Modems	Yes	With optional Verity Scan with Relay and Relay Receiving Station or Verity Transmit and Transmit Receiving Station

Wide Area Network – Use of Wireless	Yes	With optional Verity Scan with Relay and Relay Receiving Station or Verity Transmit and Transmit Receiving Station
Local Area Network – Use of TCP/IP	Yes	
Local Area Network – Use of Infrared	No	
Local Area Network – Use of Wireless	No	
FIPS 140-2 validated cryptographic module	Yes	
Used as (if applicable):		
Precinct counting device	Yes	
Central counting device	Yes	

U.S. Senator

(D) SCHATZ, Brian	290,894	69.4%
(R) MCDERMOTT, Bob	106,358	25.4%
(L) BONOAN, Feena M.	4,915	1.2%
(G) POHLMAN, Emma Jane A.	4,142	1.0%
(A) DECKER, Dan	2,208	0.5%
Blank Votes:	10,215	2.4%
Over Votes:	631	0.2%

U.S. Representative, Dist I

(D) CASE, Ed	143,546	70.9%
(R) KRESS, Conrad	51,217	25.3%
Blank Votes:	7,466	3.7%
Over Votes:	149	0.1%

U.S. Representative, Dist II

(D) TOKUDA, Jill N.	128,407	59.2%
(R) AKANA, Joe	72,874	33.6%
(L) TIPPENS, Michelle Rose	5,130	2.4%
Blank Votes:	10,235	4.7%
Over Votes:	339	0.2%

Governor and Lieutenant Governor

(D) GREEN, Josh For GOVERNOR LUKE, Sylvia For LIEUTENANT GOVERNOR	261,025	62.2%
(R) AIONA, Duke For GOVERNOR TUPAI, Seaula, Jr. For LIEUTENANT GOVERNOR	152,237	36.3%
Blank Votes:	5,522	1.3%
Over Votes:	579	0.1%

State Senator, Dist 1

(D) INOUYE, Lorraine Rodero	12,432	67.4%
(R) TUPAI, Helen C.	5,094	27.6%
Blank Votes:	911	4.9%
Over Votes:	8	0.0%

State Senator, Dist 2

(D) SAN BUENAVENTURA, Joy	9,486	67.2%
(R) OSBORN, Holly L.	3,522	25.0%
(L) FOGEL, Frederick F.	594	4.2%
Blank Votes:	493	3.5%
Over Votes:	15	0.1%

State Senator, Dist 4

(D) RICHARDS, Herbert (Tim)	11,018	66.7%
(R) TANCHEFF, Nicholas M.	4,462	27.0%
Blank Votes:	1,022	6.2%
Over Votes:	21	0.1%

State Senator, Dist 6

(D) MCKELVEY, Angus L.K. (Mac)	9,387	59.1%
(R) WALKER, Sheila	4,634	29.2%
(G) SHISHIDO, Melissah (Mish)	1,056	6.7%
Blank Votes:	782	4.9%
Over Votes:	17	0.1%

State Senator, Dist 7

(D) DECOITE, Lynn Pualani	14,161	71.2%
(R) MCKAY, Tamara	4,545	22.8%
Blank Votes:	1,169	5.9%
Over Votes:	22	0.1%

State Senator, Dist 8

(D) KOUCHI, Ronald	16,234	65.2%
(R) DES, Ana Mo	5,266	21.1%
(A) THRONAS-KAHO'ONEI, Kapana	1,235	5.0%
Blank Votes:	2,148	8.6%
Over Votes:	25	0.1%

State Senator, Dist 9

(D) CHANG, Stanley	14,864	65.7%
(R) PARRISH, Michael L. (Mike)	6,289	27.8%
Blank Votes:	1,460	6.5%
Over Votes:	18	0.1%

State Senator, Dist 10

(D) IHARA, Les S., Jr.	10,264	62.5%
(R) SOON, Leilani M.	5,060	30.8%
Blank Votes:	1,093	6.7%
Over Votes:	17	0.1%

State Senator, Dist 11

(D) FUKUNAGA, Carol	12,831	70.7%
(R) SAKAI, Benjamin	4,207	23.2%
Blank Votes:	1,108	6.1%
Over Votes:	15	0.1%

State Senator, Dist 12

(D) MORIWAKI, Sharon Y.	9,744	67.4%
(R) BOYD, Blake	3,789	26.2%
Blank Votes:	907	6.3%
Over Votes:	15	0.1%

State Senator, Dist 13

(D) RHOADS, Karl	8,810	59.4%
(R) TINAY, Matthew	3,013	20.3%
(N) KWOCK, Michelle	989	6.7%
(G) SOUZA, Kapono Aluli	877	5.9%
Blank Votes:	1,116	7.5%
Over Votes:	20	0.1%

State Senator, Dist 14

(D) KIM, Donna Mercado	8,123	69.4%
(R) RZONCA, Cheryl	2,918	24.9%
Blank Votes:	654	5.6%
Over Votes:	3	0.0%

State Senator, Dist 15

(D) WAKAI, Glenn	7,883	63.9%
(R) GODFREY, Lorene A.	3,763	30.5%
Blank Votes:	689	5.6%
Over Votes:	11	0.1%

State Senator, Dist 16

(D) ELEFANTE, Brandon J.C.	14,478	70.4%
(R) BEEKMAN, Patricia Yuki	5,090	24.7%
Blank Votes:	992	4.8%
Over Votes:	14	0.1%

State Senator, Dist 17

(D) DELA CRUZ, Donovan	11,555	62.1%
(R) HUDSON, Anna Misako	6,168	33.2%
Blank Votes:	868	4.7%
Over Votes:	11	0.1%

State Senator, Dist 18

(D) KIDANI, Michelle N.	11,463	62.7%
(R) SMART, Mary	5,977	32.7%
Blank Votes:	838	4.6%
Over Votes:	13	0.1%

State Senator, Dist 21

(D) GABBARD, Mike	8,164	55.0%
(R) KHAN, Matthew D.	5,698	38.4%
Blank Votes:	961	6.5%
Over Votes:	13	0.1%

State Senator, Dist 22

(D) SHIMABUKURO, Maile S.L.	4,993	49.3%
(R) DECORTE, Samantha	4,953	48.9%
Blank Votes:	180	1.8%
Over Votes:	7	0.1%

State Senator, Dist 23

(R) AWA, Brenton	8,093	49.7%
(D) RIVIERE, Gil	7,688	47.2%
Blank Votes:	476	2.9%
Over Votes:	14	0.1%

State Senator, Dist 24

(D) KEOHOKALOLE, Jarrett	13,669	66.0%
(R) FERNANDEZ, Antionette	5,777	27.9%
Blank Votes:	1,264	6.1%
Over Votes:	16	0.1%

State Senator, Dist 25

(D) LEE, Chris	14,865	65.4%
(R) LAURO, Brian S.	6,280	27.6%
Blank Votes:	1,559	6.9%
Over Votes:	10	0.0%

State Representative, Dist 3

(D) TODD, Christopher L.T.	5,191	72.1%
(A) MCMACKIN, Devinshaw K., Sr.	1,229	17.1%
Blank Votes:	779	10.8%
Over Votes:	5	0.1%

State Representative, Dist 4

(D) ILAGAN, Greggor	4,855	67.2%
(R) HO, Keikilani	1,611	22.3%
(N) LEY, Brian C.	354	4.9%
(L) LINTON, Candace T. (Candy)	155	2.1%
Blank Votes:	243	3.4%
Over Votes:	7	0.1%

State Representative, Dist 5

(D) KAPELA, Jeanne	4,962	65.0%
(R) GOODWIN, Lohi	1,936	25.3%
(L) LAST, Michael L.	250	3.3%
Blank Votes:	478	6.3%
Over Votes:	13	0.2%

State Representative, Dist 6

(D) KAHALOA, Kirstin A.K.	5,410	63.1%
(R) KENNEALY, Jonathan P.	2,644	30.9%
Blank Votes:	509	5.9%
Over Votes:	6	0.1%

Review of Statutes Related to Election Audits in Hawaii
Appendix C: Motion to Dismiss, 1CCV-22-0001499

EXHIBIT C

State Representative, Dist 8

(D) TARNAS, David A.	5,564	65.7%
(R) PERREIRA, Monique CobbAdams	2,484	29.4%
Blank Votes:	407	4.8%
Over Votes:	8	0.1%

State Representative, Dist 11

(D) AMATO, Terez (T.Amato)	5,263	60.6%
(R) CANTERE, Shekinah P.	2,882	33.2%
Blank Votes:	531	6.1%
Over Votes:	9	0.1%

State Representative, Dist 12

(D) YAMASHITA, Kyle T.	7,085	65.5%
(R) JOHNSON, Dan	2,118	19.6%
(G) STARR, Summer	1,111	10.3%
Blank Votes:	494	4.6%
Over Votes:	12	0.1%

State Representative, Dist 13

(D) POEPOE, Mahina M.	5,827	63.7%
(R) ADAM, Scott	2,084	22.8%
(G) NIKHILANANDA, Nick	639	7.0%
Blank Votes:	578	6.3%
Over Votes:	13	0.1%

State Representative, Dist 14

(D) COCHRAN, Elle	3,759	52.0%
(R) ARMSTRONG, Kelly J.	2,070	28.6%
(A) NAKOA, Leonard K., III	1,037	14.3%
Blank Votes:	352	4.9%
Over Votes:	10	0.1%

State Representative, Dist 15

(D) NAKAMURA, Nadine K.	5,487	67.9%
(R) BENTLEY, Greg	1,937	24.0%
Blank Votes:	659	8.1%
Over Votes:	3	0.0%

State Representative, Dist 16

(D) TOKIOKA, James Kunane	5,529	65.9%
(R) YODER, Steve	2,010	23.9%
Blank Votes:	848	10.1%
Over Votes:	6	0.1%

State Representative, Dist 17

(D) MORIKAWA, Daynette (Dee)	5,459	64.8%
(R) WILSON, Michael D.	1,969	23.4%
Blank Votes:	994	11.8%
Over Votes:	7	0.1%

State Representative, Dist 19

(D) HASHEM, Mark Jun	7,932	64.8%
(R) TEXEIRA, Theresa (Kinsey)	3,326	27.2%
Blank Votes:	979	8.0%
Over Votes:	6	0.0%

State Representative, Dist 20

(D) KOBAYASHI, Bertrand (Bert)	6,660	68.8%
(R) CAIAZZO, Jessica (Priya)	2,254	23.3%
Blank Votes:	751	7.8%
Over Votes:	9	0.1%

State Representative, Dist 21

(D) SAYAMA, Jackson D.	6,571	70.2%
(R) ALLEN, Julia E.	2,311	24.7%
Blank Votes:	465	5.0%
Over Votes:	12	0.1%

State Representative, Dist 22

(D) GARRETT, Andrew Takuya	6,961	72.5%
(R) IMAMURA, Jeffrey H.	1,960	20.4%
Blank Votes:	682	7.1%
Over Votes:	5	0.1%

State Representative, Dist 24

(D) TAM, Adrian	4,681	64.8%
(R) ANDERSON, Jillian T.	2,224	30.8%
Blank Votes:	312	4.3%
Over Votes:	7	0.1%

State Representative, Dist 25

(D) SAIKI, Scott K.	5,473	68.3%
(R) NOVAK, Rob	1,986	24.8%
Blank Votes:	554	6.9%
Over Votes:	5	0.1%

State Representative, Dist 26

(D) BELATTI, Della Au	5,465	66.5%
(R) ROSECRANS, Charlotte	2,146	26.1%
Blank Votes:	601	7.3%
Over Votes:	4	0.0%

State Representative, Dist 27

(D) TAKENOUCHI, Jenna	6,925	67.1%
(R) LIM, Margaret U.	2,746	26.6%
Blank Votes:	649	6.3%
Over Votes:	5	0.0%

State Representative, Dist 28

(D) HOLT, Daniel	3,056	63.6%
(A) CARAVALHO, Ernest	1,057	22.0%
Blank Votes:	689	14.3%
Over Votes:	2	0.0%

State Representative, Dist 29

(D) MIZUNO, John M.	3,258	64.2%
(R) KAAPU, Carole Kauhiwai	1,601	31.5%
Blank Votes:	212	4.2%
Over Votes:	5	0.1%

State Representative, Dist 30

(D) GANADEN, Ernesto (Sonny)	2,688	69.0%
(R) AZINGA, P. M.	1,007	25.9%
Blank Votes:	196	5.0%
Over Votes:	3	0.1%

State Representative, Dist 32

(D) AIU, Micah Pookela Kim	3,780	48.3%
(R) SHIMIZU, Garner M.	3,534	45.2%
Blank Votes:	497	6.4%
Over Votes:	10	0.1%

State Representative, Dist 34

(D) TAKAYAMA, Gregg	6,513	70.3%
(R) ALLEN, Theodene S.	2,348	25.4%
Blank Votes:	398	4.3%
Over Votes:	2	0.0%

State Representative, Dist 35

(D) CHUN, Cory M.	4,114	58.5%
(R) ARAKI, Josiah P.	2,419	34.4%
Blank Votes:	495	7.0%
Over Votes:	8	0.1%

State Representative, Dist 36

(D) LAMOSAO, Rachele Fernandez	3,071	72.0%
(R) LAUTAHA, Veamoniti	977	22.9%
Blank Votes:	212	5.0%
Over Votes:	6	0.1%

State Representative, Dist 37

(D) YAMANE, Ryan I.	7,340	62.6%
(R) DETWILER, Jamie A.	3,833	32.7%
Blank Votes:	542	4.6%
Over Votes:	10	0.1%

State Representative, Dist 38

(R) CHEAPE MATSUMOTO, Lauren	6,975	65.1%
(D) LEE, Marilyn B.	3,432	32.0%
Blank Votes:	301	2.8%
Over Votes:	11	0.1%

State Representative, Dist 39

(R) PIERICK, Elijah	3,793	52.4%
(D) ROSENLEE, Corey	3,089	42.7%
Blank Votes:	352	4.9%
Over Votes:	5	0.1%

State Representative, Dist 40

(D) MARTINEZ, Rose	3,096	49.5%
(R) GUESO, Janie	2,901	46.4%
Blank Votes:	251	4.0%
Over Votes:	5	0.1%

State Representative, Dist 41

(R) ALCOS, David A., III	3,949	56.1%
(D) LOPRESTI, Matthew S. (Matt)	2,784	39.5%
Blank Votes:	301	4.3%
Over Votes:	7	0.1%

State Representative, Dist 42

(R) GARCIA, Diamond	3,350	49.5%
(D) HAR, Sharon E.	2,991	44.2%
Blank Votes:	414	6.1%
Over Votes:	7	0.1%

State Representative, Dist 43

(R) SOUZA, Kanani	4,013	52.9%
(D) ELI, Stacelynn K.M.	3,223	42.5%
Blank Votes:	342	4.5%
Over Votes:	6	0.1%

State Representative, Dist 44

(D) KILA, Darius K.	3,342	59.8%
(R) KOPETSEG, Kimberly	2,007	35.9%
Blank Votes:	231	4.1%
Over Votes:	8	0.1%

State Representative, Dist 45

(D) GATES, Cedric Asuega	2,678	53.5%
(R) WILBUR, Tiana	2,162	43.2%
Blank Votes:	158	3.2%
Over Votes:	7	0.1%

Review of Statutes Related to Election Audits in Hawaii
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State Representative, Dist 46

(D) PERRUSO, Amy A.	4,394	59.1%
(R) MILLER, John E.	2,622	35.3%
Blank Votes:	413	5.6%
Over Votes:	7	0.1%

State Representative, Dist 47

(D) QUINLAN, Sean	3,543	54.2%
(R) TALAEAI, Mark	2,698	41.3%
Blank Votes:	282	4.3%
Over Votes:	8	0.1%

State Representative, Dist 48

(D) KITAGAWA, Lisa C.	7,094	67.7%
(R) ELENTO, Wendell A.	2,836	27.1%
Blank Votes:	535	5.1%
Over Votes:	6	0.1%

State Representative, Dist 49

(D) MATAYOSHI, Scot	6,837	70.3%
(R) DANNER, Kilomana	2,400	24.7%
Blank Votes:	482	5.0%
Over Votes:	8	0.1%

State Representative, Dist 50

(D) HUSSEY-BURDICK, Natalia	7,025	59.5%
(R) THURSTON, Kathy	4,106	34.8%
Blank Votes:	657	5.6%
Over Votes:	18	0.2%

State Representative, Dist 51

(D) MARTEN, Lisa	6,009	60.8%
(R) KAMA-TOTH, Kukana K.K.	3,503	35.5%
Blank Votes:	355	3.6%
Over Votes:	10	0.1%

Hawaii Resident Trustee Vacancy

TRASK, Mililani B.	176,648	42.1%
CERMELJ, Hope Alohalani	107,669	25.7%
Blank Votes:	134,806	32.1%
Over Votes:	240	0.1%

At-Large Trustee

Number To Vote For: 3

GALUTERIA, Brickwood	139,611	11.1%
SOUZA, Keoni	135,124	10.7%
WAIHEE, John D., IV	131,033	10.4%
AHU ISA, Lei (Leina'ala)	120,088	9.6%
OWENS, Chad	118,561	9.4%
KING, Sam (Kalanikupua)	103,299	8.2%
Blank Votes:	509,353	40.5%
Over Votes:	340	0.0%

Councilmember, Dist 2, County of Hawaii

KAGIWADA, Jennifer (Jenn)	4,249	48.3%
KUSCH, Matthias	3,979	45.2%
Blank Votes:	563	6.4%
Over Votes:	4	0.0%

HAWAI'I: Board of Ethics

YES	35,215	54.4%
NO	23,982	37.1%
Blank Votes:	5,482	8.5%
Over Votes:	39	0.1%

HAWAI'I: County Auditor

YES	50,869	78.6%
NO	9,243	14.3%
Blank Votes:	4,555	7.0%
Over Votes:	51	0.1%

HAWAI'I: Youth Commission

YES	39,909	61.7%
NO	20,205	31.2%
Blank Votes:	4,560	7.0%
Over Votes:	44	0.1%

Mayor, County of Maui

BISSEN, Richard (Rick)	31,381	59.7%
VICTORINO, Mike	19,724	37.6%
Blank Votes:	1,377	2.6%
Over Votes:	45	0.1%

Councilmember (East Maui)

SINENCI, Shane	25,333	48.2%
CARROLL, Claire Kamalu	19,150	36.5%
Blank Votes:	7,992	15.2%
Over Votes:	52	0.1%

Councilmember (West Maui)

PALTIN, Tamara Akiko Maile	33,805	64.4%
HERRMANN, Justin	9,903	18.9%
Blank Votes:	8,788	16.7%
Over Votes:	31	0.1%

Councilmember (Wailuku-Waihee-Waikapu)

LEE, Alice L.	22,733	43.3%
AHIA, Noelani	22,220	42.3%
Blank Votes:	7,537	14.3%
Over Votes:	37	0.1%

Councilmember (Kahului)

KAMA, Tasha	24,126	45.9%
NOBRIGA, Buddy James M.A.	20,427	38.9%
Blank Votes:	7,929	15.1%
Over Votes:	45	0.1%

Councilmember (South Maui)

COOK, Tom	24,717	47.1%
KNOX, Robin	20,083	38.2%
Blank Votes:	7,688	14.6%
Over Votes:	39	0.1%

Councilmember (Makawao-Haiku-Paia)

UU-HODGINS, Nohe	25,196	48.0%
BOONE, Nara	19,409	37.0%
Blank Votes:	7,876	15.0%
Over Votes:	46	0.1%

Councilmember (Upcountry)

SUGIMURA, Yuki Lei Kashiwa	29,035	55.3%
HOCKER, Jordan	16,432	31.3%
Blank Votes:	7,017	13.4%
Over Votes:	43	0.1%

Councilmember (Lanai)

JOHNSON, Gabe	23,501	44.7%
HOKAMA, Riki	20,714	39.4%
Blank Votes:	8,266	15.7%
Over Votes:	46	0.1%

Councilmember (Molokai)

RAWLINS-FERNANDEZ, Keani	25,448	48.4%
PELE, John	18,797	35.8%
Blank Votes:	8,247	15.7%
Over Votes:	35	0.1%

MAUI: Housing Department

YES	30,871	59.0%
NO	16,960	32.4%
Blank Votes:	4,385	8.4%
Over Votes:	64	0.1%

MAUI: 'Oiwi Resources

YES	29,287	56.0%
NO	18,134	34.7%
Blank Votes:	4,797	9.2%
Over Votes:	62	0.1%

MAUI: Ethics & financial disclosures

YES	42,632	81.5%
NO	5,654	10.8%
Blank Votes:	3,946	7.5%
Over Votes:	48	0.1%

MAUI: Planning Commission

YES	35,335	67.6%
NO	11,097	21.2%
Blank Votes:	5,808	11.1%
Over Votes:	40	0.1%

MAUI: Council organization meeting, remote access, government records

YES	38,425	73.5%
NO	8,219	15.7%
Blank Votes:	5,611	10.7%
Over Votes:	25	0.0%

MAUI: Fines & penalties

YES	26,940	51.5%
NO	18,397	35.2%
Blank Votes:	6,858	13.1%
Over Votes:	85	0.2%

MAUI: Administrative department heads

YES	29,928	57.2%
NO	15,002	28.7%
Blank Votes:	7,288	13.9%
Over Votes:	62	0.1%

MAUI: County Clerk

YES	38,282	73.2%
NO	8,064	15.4%
Blank Votes:	5,890	11.3%
Over Votes:	44	0.1%

MAUI: Police Chief

YES	36,482	69.8%
NO	8,973	17.2%
Blank Votes:	6,713	12.8%
Over Votes:	112	0.2%

MAUI: Police Chief, alternative

YES	34,345	65.7%
NO	9,790	18.7%
Blank Votes:	8,080	15.5%
Over Votes:	65	0.1%

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MAUI: Independent Nomination Board

YES	22,051	42.2%
NO	20,791	39.8%
Blank Votes:	9,302	17.8%
Over Votes:	136	0.3%

MAUI: Independent Nomination Board, alternative

YES	18,946	36.2%
NO	22,788	43.6%
Blank Votes:	10,477	20.0%
Over Votes:	69	0.1%

MAUI: Impacts of Charter amendments

YES	37,116	71.0%
NO	6,966	13.3%
Blank Votes:	8,159	15.6%
Over Votes:	39	0.1%

MAUI: Community Water Authorities

YES	33,621	64.3%
NO	11,397	21.8%
Blank Votes:	7,205	13.8%
Over Votes:	57	0.1%

MAUI: Climate Change Adaptation

YES	28,081	53.7%
NO	17,286	33.1%
Blank Votes:	6,856	13.1%
Over Votes:	57	0.1%

Mayor, County of Kauai

KAWAKAMI, Derek S.K.	18,249	73.3%
POAI, Michael Roven	5,267	21.1%
Blank Votes:	1,381	5.5%
Over Votes:	11	0.0%

Councilmember, County of Kauai

Number To Vote For: 7

EVSLIN, Luke A.	13,208	7.6%
CARVALHO, Bernard	12,419	7.1%
BULOSAN, Addison	11,569	6.6%
RAPOZO, Mel	11,207	6.4%
KUALI'I, KipuKai L.P.	10,955	6.3%
COWDEN, Felicia	10,443	6.0%
DECOSTA, Billy	10,143	5.8%
KAGAWA, Ross K.	9,967	5.7%
HOLLAND, Fern Anuenue	8,808	5.1%
METZGER, Lila Balmores	5,075	2.9%
SECRETARIO, Rachel M.	4,379	2.5%
SIMBRE-MEDEIROS, Shirley R.	4,038	2.3%
MUKAI, Nelson H.	2,583	1.5%
SAITO, Roy	2,522	1.4%
Blank Votes:	56,767	32.6%
Over Votes:	39	0.0%

KAUA'I: Prosecutor vacancy

YES	19,551	78.5%
NO	2,099	8.4%
Blank Votes:	3,235	13.0%
Over Votes:	23	0.1%

KAUA'I: Electric power authority

YES	10,785	43.3%
NO	9,211	37.0%
Blank Votes:	4,855	19.5%
Over Votes:	57	0.2%

KAUA'I: Salary Commission

YES	12,520	50.3%
NO	8,011	32.2%
Blank Votes:	4,339	17.4%
Over Votes:	38	0.2%

KAUA'I: Surety bonds

YES	9,079	36.5%
NO	9,702	39.0%
Blank Votes:	6,091	24.5%
Over Votes:	36	0.1%

Councilmember, Dist II, City and County of Honolulu

WEYER, Matt	11,613	50.5%
ROTHMAN, Makuakai	9,268	40.3%
Blank Votes:	2,101	9.1%
Over Votes:	22	0.1%

Councilmember, Dist IV, City and County of Honolulu

WATERS, Tommy	28,512	65.8%
NAKOA, Kaleo	10,203	23.5%
Blank Votes:	4,601	10.6%
Over Votes:	32	0.1%

Councilmember, Dist VI, City and County of Honolulu

DOS SANTOS-TAM, Tyler	13,496	49.0%
TOGUCHI, Traci K.	11,247	40.8%
Blank Votes:	2,808	10.2%
Over Votes:	19	0.1%

Councilmember, Dist VIII, City and County of Honolulu

OKIMOTO, Val Aquino	22,456	53.8%
MENOR, Ron	16,745	40.1%
Blank Votes:	2,544	6.1%
Over Votes:	20	0.0%

HONOLULU: Affordable Housing Fund

YES	121,552	43.9%
NO	129,897	46.9%
Blank Votes:	25,452	9.2%
Over Votes:	293	0.1%

HONOLULU: Planning Commission

YES	191,036	68.9%
NO	61,552	22.2%
Blank Votes:	24,410	8.8%
Over Votes:	196	0.1%

HONOLULU: Clean Water and Natural Lands Fund

YES	187,900	67.8%
NO	61,854	22.3%
Blank Votes:	27,278	9.8%
Over Votes:	162	0.1%

HONOLULU: Office of Council Services

YES	140,874	50.8%
NO	93,754	33.8%
Blank Votes:	42,414	15.3%
Over Votes:	152	0.1%

REGISTRATION AND TURNOUT

****
GENERAL
****

TOTAL REGISTRATION	861,358	
TOTAL TURNOUT	419,363	48.7%
MAIL TURNOUT	402,674	46.7%
IN-PERSON TURNOUT	16,689	1.9%

Review of Statutes Related to Election Audits in Hawaii
Appendix C: Motion to Dismiss, 1CCV-22-0001499

IN THE COURT OF THE FIRST CIRCUIT COURT

STATE OF HAWAI‘I

HAWAII REPUBLICAN PARTY, Plaintiff, vs. SCOTT NAGO, in his official capacity as Chief Election Officer of the State of Hawai‘i; STATE OF HAWAII OFFICE OF ELECTIONS, Defendant.	CIVIL NO. 1CCV-22-0001499 NOTICE OF HEARING

NOTICE OF HEARING

TO: WILLIAM DEAN, ESQ. (*william@ohanalawfirm.com*)
Ohana Law Firm, LLLC
614 Kilauea Ave, Suite 102-29
Hilo, Hawai‘i 96720

Attorney for Plaintiff
HAWAII REPUBLICAN PARTY

NOTICE IS HEREBY GIVEN that the Defendants' Motion to Dismiss Complaint, shall come on for hearing on Friday, February 10, 2023 at 3:00 p.m. before the Honorable Judge Gary W.B. Chang, Judge of the above-entitled court, in his courtroom at 777 Punchbowl Street, Honolulu, Hawai‘i 96813 or as soon thereafter as counsel can be heard.

DATED: Honolulu, Hawai‘i, January 3, 2023.

/s/ Reese R. Nakamura
PATRICIA OHARA
REESE R. NAKAMURA
Deputy Attorneys General
Attorneys for Defendant
Scott Nago; State of Hawaii Office of Elections

IN THE COURT OF THE FIRST CIRCUIT COURT

STATE OF HAWAI‘I

HAWAII REPUBLICAN PARTY, Plaintiff, vs. SCOTT NAGO, in his official capacity as Chief Election Officer of the State of Hawai‘i; STATE OF HAWAII OFFICE OF ELECTIONS, Defendant.	CIVIL NO. 1CCV-22-0001499 CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing document will be served on the following either electronically through the Judiciary Electronic Filing System (JEFS) or via United Sates mail, postage prepaid, as indicated below:

WILLIAM DEAN, ESQ. (*william@ohanalawfirm.com*)
Ohana Law Firm, LLLC
614 Kilauea Ave, Suite 102-29
Hilo, Hawai‘i 96720

Attorney for Plaintiff
HAWAII REPUBLICAN PARTY

DATED: Honolulu, Hawai‘i, January 3, 2023.

/s/ Reese R. Nakamura
PATRICIA OHARA
REESE R. NAKAMURA
Deputy Attorneys General

Attorneys for Defendant
Scott Nago; State of Hawaii Office of Elections

HOUSE OF REPRESENTATIVES
THIRTY-SECOND LEGISLATURE, 2023
STATE OF HAWAII

H.B. NO. 132 H.D. 1

A BILL FOR AN ACT

RELATING TO ELECTIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Section 16-41, Hawaii Revised Statutes, is amended to read as follows:

"**§16-41 Definitions.** Whenever used in this title, unless the context otherwise requires:

"Counting center" means the computer facilities and surrounding premises designated by the chief election officer or the clerk in county elections where electronic voting system ballots are counted.

"Defective ballot" means any ballot delivered to the counting center in accordance with section 11-152 that cannot be read by the ballot reading device.

"Direct recording electronic voting system" means a system that generates a voter verifiable paper audit trail and utilizes electronic components, which are logically and physically integrated into a single unit, for the functions of ballot presentation, vote capture, vote recording, and tabulation.

"Electronic voting system" means the method of recording votes [~~which~~] that are counted by automatic tabulating equipment. "Electronic voting system" includes but is not limited to the mechanical tabulation system and direct recording electronic voting system.

"Marksense ballot voting system" means a mechanical tabulation system using paper ballots and optical scanning, digital scanning, or similar technology equipment, for which:

(1) The voter manually records votes by marking the appropriate voting position on the ballot, with a prescribed marking device, in the manner instructed by the chief election officer; and

(2) The marks on the ballots are subsequently read by the optical scan, digital scan, or similar technology device, in conformance with the specifications of the voting system selected by the chief election officer.

"Mechanical tabulation system" means an automatic tabulation system, including a marksense ballot voting system, that tabulates paper ballots. "Mechanical tabulation system" does not include a direct recording electronic voting system.

"Voter verifiable paper audit trail" means the paper record that constitutes a complete record of ballot selections that is verified by the voter. The record may also be used to assess the accuracy of the voting machine's electronic record and to verify the election results."

SECTION 2. Section 16-42, Hawaii Revised Statutes, is amended to read as follows:

"**§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 therefor exceeds the number that the voter is entitled to cast.

No electronic voting system shall be used in any election unless it [~~generates~~] involves 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~~]. The chief election officer shall prescribe the method of marking the ballot and

associated instructions for voting with the electronic voting system.

(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:~~], in using an electronic voting system, shall ensure that:

(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~~] are applied to the system through thirty days after the election;

(3) [~~The chief election officer conducts a~~] A post-election, pre-certification audit is conducted of a random sample of [~~not~~] no less than ten per cent of the precincts [~~employing the electronic voting system,~~] to verify that the [~~electronic tallies generated by~~] results from the system [~~in those~~

~~precincts~~] with respect to a selected contest or ballot question equal [~~hand tallies~~] a tally of the [~~paper~~] ballots [~~generated by the system in those precincts; and~~] or voter verifiable paper audit trails. The audit may be conducted with scanned images of the ballots or voter verifiable paper audit trails and involve a contest or ballot question. To the extent technology permits other forms of duplication or reproduction, the technology likewise may be used in lieu of the physical paper ballots or voter verifiable paper audit trails. Any counting of ballots or voter verifiable paper audit trails for purposes of the audit shall be conducted in accordance with any marking and vote disposition rules relating to the electronic voting system that the ballots or voter verifiable paper audit trails were associated with;

(4) A discrepancy or difference in results is not considered to reflect misreporting if the discrepancy is not related to misreporting a proper mark;

[~~(4)~~] (5) If [~~discrepancies appear~~] misreporting appears in the pre-certification audits [~~in paragraph (3)~~], [~~the chief election officer, pursuant to administrative rules, shall immediately conduct~~] an expanded audit is immediately conducted pursuant to administrative rules to determine the extent of misreporting in the system[~~.~~];

(6) Any counting of ballots to correct misreporting for isolated devices involves the specific type of mechanical tabulation system, such as the marksense ballot voting system, that was originally associated with the ballot after appropriate steps are taken to use devices that did not experience misreporting, or the misreporting devices have been repaired to the satisfaction of the chief election officer. All contests and ballot questions on the impacted ballots shall be counted by the voting system and those results shall replace the prior contests and ballot question results; and

(7) To the extent that misreporting occurs with a direct recording electronic voting system, the voter

verifiable paper audit trails or reproductions associated with the isolated misreporting devices are counted in their entirety and those results replace the prior misreported results.

(c) In the event of a county only election not held in conjunction with a regularly scheduled federal or state election, all references to the chief election officer shall be understood to refer to the clerk."

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

H.B. NO. 132 H.D. 1

Report Title:
Office of Elections Package; Electronic Voting System; Definitions; Audits

Description:
Establishes definitions for purposes of electronic voting. Specifies additional requirements and procedures with which the chief election officer must comply when using an electronic voting system, including procedures for conducting the post-election, pre-certification audit. (HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

2023-1216 HB132 HD1 HMSO