



**STATE OF HAWAII
ELECTIONS COMMISSION**

MINUTES

WILLIAM B. MARSTON
ELECTION COMMISSION CHAIR

**REGULAR MEETING OF THE
ELECTIONS COMMISSION**

January 11, 2012 @ 10:00 AM
STATE OFFICE TOWER
235 SOUTH BERETANIA STREET, ROOM 203
HONOLULU, HAWAII 96813

Commissioners in Attendance:

Mr. William Marston, Chair
Ms. Patricia Berg
Mr. Charles King
Ms. Margaret Masunaga
Mr. Brian Nakashima
Ms. Zale Okazaki
Mr. Warren Orikasa
Ms. Donna Soares

Technical Support Staff in Attendance:

Ms. Robyn Chun, Department of the Attorney General
Mr. Scott Nago, Chief Election Officer
Ms. Carolyn Roldan, Office of Elections
Mr. Rhowell Ruiz, Office of Elections
Mr. Aaron Schulaner, Office of Elections

Attendees:

Mr. Chad Blair, Civil Beat
Ms. Janet Mason, League of Women Voters
Mr. Glenn Takahashi, City and County

PROCEEDINGS

I. Call to Order

Chair Marston called the meeting to order at 10:00 a.m. on January 11, 2012, at the State Office Tower, Room 203.

II. Roll Call and Determination of a Quorum

Elections Commission Secretary conducted roll call. Commissioner Young was not in attendance.

III. Approval of Minutes for the September 14, 2011 Elections Commission Meeting

Commissioner King moved to approve the minutes of the September 14, 2011 meeting. Commissioner Okazaki seconded, and the motion carried unanimously.

IV. Public Testimony – Any interested person may submit data, views or arguments on any agenda item

No public testimony was given.

V. Status Report from the Chief Election Officer

CEO Nago reported that we are entering into the 2012 Legislative session and the Office of Elections has introduced two bills. One is proposing the establishment of an on line voter registration system and the other is proposing that precincts with less than 500 voters be converted to an all mail district (also referred to as “pocket districts”). Since the district voting lines have not been established yet, we do not know how many pocket districts will exist.

A request for an emergency appropriation of \$1,725,000 to fund the Office of Elections’ share of the 2012 voting system contract was also made. The Commission asked what they could do to assist the office in obtaining these funds. CEO Nago noted that the Commissioners could speak with their appointing authority and emphasize to them the importance of receiving this funding.

CEO Nago noted that the office is currently recruiting staff to assist with the elections and the civil service conversion is now with DHRD.

Candidate filing will open on February 1, 2012. Since the current redistricting plan submitted by the Reapportionment Commission was found constitutionally invalid by the Courts, the Reapportionment Commission will meet on January 20th to decide how it will move forward. If this issue is not resolved by Feb. 1, OE was informed that they would not be able to file any State House or Senate candidates statewide.

Commissioner Berg asked about staggered terms. CEO Nago explained that in a reapportionment year, all seats are up for election. The staggered terms, whether they run for two or four years, are determined by the shape and voter turnout of districts.

VI. Discussion of concerns and planning for the 2012 Elections

CEO Nago reported that as of now, the office is moving forward with election planning. OE is beginning to hire staff and other activities are taking place in preparation for the election. The only major concern is Reapportionment and its potentially negative impact on the office.

Commissioner Masunaga inquired if any meetings with the Counties have been scheduled. CEO Nago reported that he has been having ongoing conversations with the Counties and a meeting with all of the Counties has been scheduled for Monday, January 23, 2012. Commissioner Masunaga asked that we inform her if the Hawaii County is represented at these meetings.

Commissioner Orikasa requested that the Commission be given regular updates on the status of the bills impacting the OE. As in previous elections, the secretary will send the Commission a daily legislative bill update.

VII. Discussion of the John Zwiebel letter posted December 28, 2011 in the Garden Island Newspaper

Chair Marston opened discussion on the letter sent to the Garden Island Newspaper by Mr. John Zwiebel. The first issue addressed was the test done by the Vulnerability Assessment Team, who is part of the Argonne National Laboratory. The study was done with two voting systems of which neither is used by the State of Hawaii. The technicians conducting the study had continuous access to the machines with no time limit or interruptions. In our state on election day, time is limited and safety measures such as Precinct Officials safe guarding the voting machines, voting machines being sealed to prevent tampering, and having election Observers there to observe and monitor election activities are taken.

The second concern stated that vote flipping could be done by remote control using equipment that costs less than \$50.00. The incident cited was a Kentucky Judge's order to remove 100 Hart Interactive voting machines from service because they were registering false votes. CEO Nago explained to the Commission that the state of Kentucky does not test their voting machines prior to their elections. Also, the jurisdiction involved did not program their machines for straight party voting. The order to remove the voting machines was a result of human error and the failure to test the voting machines prior to the elections. If the voting machines were tested, the error would have been caught and corrected prior to the elections. The State of Hawaii tests all voting machines prior to the elections. After machines are tested they are securely sealed until being used on election day.

VIII. Executive Session

1. Pursuant to Haw. Rev. Stat. §92-5(a)(2), relating to the evaluation and reappointment of the Chief Election Officer as consideration of matters involving privacy will be involved.
2. Pursuant to Haw. Rev. Stat. §92-5(4), consult with counsel regarding the commission's powers, duties, privileges, immunities and liabilities re:
 1. Procurement appeals (ES&S v. Cronin, Civil No. 08-101657-08, Hart InterCivic v. ES&S, Civil No. 08-1-1665-08, Cronin v. ES&S, Civil No. 08-1-1680-08)
 2. Reapportionment Appeals
 - a. The Honorable Malama Solomon, et al. v. Neil Abercrombie, et al., SCPW-11-0000732
 - b. Michael J. Matsukawa, et al. v. State of Hawaii 2011 Reapportionment Commission, et al., SCPW-11-0000741

Commissioner Soares moved for the Commission to go into executive session. Motion was seconded by Commissioner Okazaki and carried unanimously.

The Commission resolved into executive session at 10:32 am and reconvened in open meeting at 11:07 am.

IX. Adjournment

Elections Commission meeting was adjourned at 11:09 a.m.

Next Elections Commission meeting will be held on March 14, 2012 at 10:00 am.

Respectfully submitted,



Carolyn L. Roldan
Elections Commission Secretary