



**STATE OF HAWAII
ELECTIONS COMMISSION**

F.M. SCOTTY ANDERSON
ELECTIONS COMMISSION CHAIR

MINUTES

**REGULAR MEETING OF THE
ELECTIONS COMMISSION**

**SEPTEMBER 6, 2018 @ 10:00 AM
STATE OFFICE TOWER
235 SOUTH BERETANIA STREET, ROOM 203
HONOLULU, HAWAII 96813**

Commissioners in Attendance:

Mr. F.M. Scotty Anderson, Chair
Mr. Bill Bates
Mr. Michael Curtis
Mr. Jeffrey Kuwada
Ms. Carol Seielstad
Ms. Cynthia Takenaka
Mr. Victor Vierra

Technical Support Staff in Attendance:

Ms. Valri Kunimoto, Department of the Attorney General
Mr. Scott Nago, Chief Election Officer (CEO)
Ms. Ruth Ah Hee, Office of Elections
Mr. Marc Arakawa, Office of Elections
Mr. Joseph Bird, Office of Elections
Ms. Nedielyn Bueno, Office of Elections
Ms. Judy Gold, Office of Elections
Ms. Jaime Kataoka, Office of Elections
Mr. Rhowell Ruiz, Office of Elections
Mr. Aaron Schulaner, Office of Elections
Ms. 'Auli'i Tenn, Office of Elections
Ms. Kristen Uyeda, Office of Elections

Guests in Attendance:

Mr. Bart Dame
Ms. Nancy Davlantes, League of Women Voters of Hawaii

Ms. Shirley Magarifuji, Maui County Clerk's Office
Ms. Suzanne Marinelli
Mr. Josiah Nishita, Maui County Clerk's Office
Ms. Corie Tanida, Common Cause Hawaii

PROCEEDINGS

I. Call to Order

Chair Anderson called the meeting to order at 10:00 a.m. on September 6, 2018 at the State Office Tower, Room 203.

II. Swearing In of New Elections Commission Members by Chair Anderson

- a. Mr. Michael Curtis, County of Kauai –
Appointed by Chief Justice Mark Recktenwald
- b. Mr. Jeffrey Kuwada, County of Maui –
Appointed by House Speaker Scott Saiki
- c. Ms. Carol Seielstad, County of Kauai –
Appointed by Chief Justice Mark Recktenwald

III. Roll Call and Determination of a Quorum

Elections Commission (EC) Secretary conducted roll call. Commissioners Okazaki and Steffey were not in attendance. All other Commissioners were in attendance and the Commission had a quorum.

IV. Approval of Minutes for the Meeting of February 22, 2018

Commissioner Vierra moved that the minutes be approved; the motion was seconded by Commissioner Takenaka, and approved by Commissioners Anderson, Bates, Takenaka, and Vierra. The newly appointed Commissioners Curtis, Kuwada, and Seielstad abstained.

V. Status of Operations Report from the Chief Election Officer

Chair Anderson asked CEO Nago if his OE staff could begin by introducing themselves to the new Commissioners. Mr. Rhowell Ruiz, Election Support Services, stated that his section handles logistics and fiscal operations.

Ms. 'Auli'i Tenn, Counting Center Operations, said that her section takes care of the vote counting equipment and the release of results on election day. Mr. Marc Arakawa, Computer Services, stated that he manages the IT department. Ms. Kristen Uyeda, Ballot Operations, said that her section is responsible for producing the ballot and candidate filing. Mr. Aaron Schulaner, General Counsel, stated that he handles legal matters. Ms. Nedielyn Bueno, Voter Services, said that her section takes care of public outreach. Ms. Judy Gold, Precinct Operations, stated that her section recruits the individuals who were in the polling places. Ms. Val Kunimoto, Deputy AG, works for the AG's Office, and said that she receives a lot of support from Mr. Schulaner.

CEO Nago reported that over 286,000 people voted in the 2018 Primary Election, and that the results were certified last week Friday. He stated that the Office of Elections (OE) recruited over 3,500 volunteers to work in the polling places, control centers, counting centers, and on the delivery/collection teams. These numbers included the assistance from 28 nonprofit organizations; with their help, this was one of the first elections that the control center on Oahu was staffed at about 99%. CEO Nago explained that the control center serves as the information hub for the polling places. Each polling place has a direct telephone line connected to the control center, through which precinct officials can direct any inquiries regarding procedures or voter registration.

CEO Nago acknowledged that OE needs to improve on their communication, especially on the evening of election day. He said that this window of time is particularly involved, as many things are happening at once: the polls are closing, the results are being released, and the ballots and equipment are being returned from the polling places.

CEO Nago stated that election day registration was implemented this year, and that over 2,000 individuals statewide took advantage of this opportunity by registering at an early walk in site, or at their polling place on election day.

CEO Nago explained that OE is currently preparing for the General Election by replicating all of the procedures that were carried out for the Primary Election. This includes producing the ballots, and testing, certifying, and securing the voting and vote-counting systems.

CEO Nago stated that absentee ballots will be mailed to overseas voters on September 21st, as federal law requires that they be sent 45 days prior to the election. He affirmed that the next legislative session begins the third week of January, and that OE will potentially be introducing three bills regarding automatic voter registration, removing the social security number field on the nomination paper, and allowing voters to request an HTML ballot.

Commissioner Vierra asked CEO Nago how the current lawsuit is affecting the printing of the ballots. CEO Nago replied that OE is proceeding with the question on the ballot, and that the hearing is scheduled for tomorrow. He asked Deputy AG Kunimoto if there was anything she wanted to add.

Deputy AG Kunimoto said that the ballots are not being printed yet, and that they will hopefully find out tomorrow how the court is going to rule.

Commissioner Vierra asked how any potential appeals could affect the situation.

Deputy AG Kunimoto responded that the courts should come to a decision in the near future, especially since the overseas ballots need to be distributed on September 21st.

Commissioner Takenaka asked when the General Election ballots will be mailed. CEO Nago answered that they are sent about 20 days prior to the election, but the specific date varies by county. Commissioner Curtis asked why it varies by county. CEO Nago explained that the counties are responsible for absentee voting, so the County Clerk's Offices set their schedule and mail the ballots for their respective county.

Commissioner Vierra recalled that CEO Nago had mentioned that OE was having difficulty recruiting volunteers. He asked if there were any polling places that were affected by this for the Primary Election. CEO Nago replied that the feedback OE received from the precinct officials was that the polling places were staffed sufficiently to handle the turnout. He added that of the 286,000 people who voted in the Primary Election, two out of three voted prior to Election Day; this means that only one out of three walked into their polling place on Election Day.

Commissioner Bates told CEO Nago that he did a great job on his status report, and that the included graphs were very effective. CEO Nago thanked his staff for their work on the status report.

In reference to a letter from the League of Women Voters (LWV) in the Commissioners' meeting packets, Commissioner Kuwada cited that LWV plans to request the Legislature to permit all-mail voting statewide by the 2020 elections. He asked CEO Nago if this is a realistic timeline from OE's perspective. CEO Nago responded that it could be realistic if the bill is passed in the first session of the biennial in 2019, rather than in 2020. He added that at this time, Kauai County is set to switch to all-mail elections in 2020 as a pilot project.

- VI. Public Testimony – Any interested person may submit comments or testimony on any agenda item.

Mr. Bart Dame: Mr. Dame introduced himself and stated that he is speaking at the meeting as an individual. He recalled that CEO Nago mentioned that OE would be introducing three bills during the next legislative session, one of which pertained to HTML ballots, and asked for clarification. CEO Nago explained that an HTML ballot is an accessible ballot that is sent electronically to a voter, who then casts their vote, prints it out, and mails back the hard copy. Currently, the only individuals who are allowed to request an HTML ballot are overseas voters and those requesting one within 6 days of the election.

- VII. Open Forum: Public comments on issues for the Commission's consideration for the next Commission meeting and action, if appropriate. Presentations limited to three minutes.

Mr. Bart Dame: Mr. Dame stated again that he is speaking at the meeting as an individual, but wanted to disclose that he is also a National Committee Member of the Democratic Party of Hawaii. He shared that he recently attended a meeting in Chicago where they discussed the standards and requirements for the presidential nomination process, and that it is being encouraged to provide for absentee voting. Mr. Dame explained that the presidential preference poll is currently held on a specific day at a single location, and people wait in long lines to cast their vote. He said that the Democratic Party of Hawaii does not have the technical ability or the resources to provide for early voting in a way that is secure and guards against error and fraud. Mr. Dame stated that the Democratic Party of Hawaii will most likely propose legislation next session recommending that the State take control of the presidential preference poll, which will need to be held in the spring of presidential election years. He recalled that OE estimated that this would cost approximately \$2.8 million when asked by legislators. Mr. Dame requested that the EC begin to think about his proposal, and consider the possibility of supporting such legislation.

Chair Anderson asked CEO Nago if he had any comment. CEO Nago explained that in order to bring down the \$2.8 million cost, the presidential preference poll would need to be held in conjunction with the regularly scheduled primary election. However, doing so would also require that the date of the primary election be moved, as it would need to occur prior to the national convention.

Ms. Nancy Davlantes, LWV: Ms. Davlantes congratulated OE for their efforts in getting information out to voters, however she expressed concern that if voters do not have all of the relevant information together in one resource, they will not vote. She suggested that OE put together a printed pamphlet (e.g., voter instructions, contact information, candidate data, etc.) and mail it out to all households, although she stated that it would probably be costly. Chair Anderson told Ms. Davlantes that he wanted to thank LWV for all of their efforts in supporting all-mail elections.

Ms. Suzanne Marinelli: Ms. Marinelli stated that she formerly worked at the Public Access Room at the State Legislature, and has volunteered as an Election Day Official for many years in nearly every position. This year, she worked in the Counting Center for the first time processing absentee mail ballots. She explained that at the end of the day, they asked for 25 volunteers to stay and wait for the last batch of absentee ballots that were dropped off at the polling places. Ms. Marinelli said that what they thought might be an hour wait ended up taking four hours. They were told that the ballots needed to be taken to a location near the airport for signature verification before being delivered to the Capitol. Ms. Marinelli maintained that she does not regret the time she spent, but simply wants to understand the process.

CEO Nago clarified that absentee mail ballots, including the ones dropped off at polling places on election day, are processed in a specific way. Previously, the City Clerk's Office used to manually scan the barcodes and verify the signatures. He said that they have since purchased a scanner/sorter machine that performs these functions at high speed. However, the machine is about 15 feet long and is not portable, so the ballots need to be taken to the machine, which is stored at the Clerk's Office near the airport. Once the ballots are scanned and verified, they are brought to the Capitol to be processed.

Ms. Marinelli asked CEO Nago what he means by "verifying signatures." He explained that when a person registers to vote, they are required to sign the application. That signature is captured and stored in the database, which is then verified against the signature on the absentee mail ballot envelope. Ms. Marinelli asked what happens if a voter signs a loop in the wrong direction. CEO Nago stated that it is meant to be a security feature, but less than 1% of ballots get invalidated, including blank and mismatched signatures.

VIII. Review of Roles and Responsibilities of Elections Commission

Chair Anderson explained that since they have a few new members joining them, he advised the EC to review the materials to make sure they understand what their roles and responsibilities are. He specified, for example, that a Commissioner can testify before the Legislature only as an individual, not on behalf of the EC. Chair Anderson stated that he wanted to make sure that the EC is prepared for any issues that may arise, so that they have a good experience on the EC.

With no further comments, Chair Anderson asked for a motion to go into executive session to discuss the salary adjustment of the Chief Election Officer. The motion was made by Commissioner Bates, seconded by Commissioner Takenaka, and approved unanimously by the Commissioners. The EC went into Executive Session at 10:31 a.m.

IX. Executive Session

Pursuant to Section 92-5(a)(2), HRS, discuss the salary adjustment of the Chief Election Officer, if any, pursuant to Section 11-1.6(e), HRS, and action, if appropriate.

The Commission reconvened into open meeting at 10:39 a.m.

X. Adjournment

Chair Anderson commended Ms. Judy Gold (OE) for her efforts in recruiting the volunteers who work on election day. Ms. Gold explained that the whole OE staff is responsible for the recruitment. Chair Anderson stated that the OE staff works great together as a team, and that he appreciates all of the work that they do.

Ms. Gold asked if she could introduce the Maui County Clerk's Office staff who were in attendance. Deputy County Clerk, Mr. Josiah Nishita, introduced himself, as well as Ms. Shirley Magarifuji, the Elections Administrator. Mr. Nishita stated that the Maui County Clerk's Office has a good working relationship with OE, and thanked them for all of their support. He also thanked Maui's two Commissioners, and congratulated Commissioner Kuwada on his new appointment to the EC. Mr. Nishita said that he has known Commissioner Kuwada for years, and knows that he will bring a great deal of insight and knowledge to the EC.

With no further business before the Commission, Chair Anderson asked for a motion to adjourn the meeting. The motion was made by Commissioner Curtis, seconded by Commissioner Bates, and approved unanimously by the Commissioners.

Elections Commission meeting was adjourned at 10:43 a.m.

Respectfully submitted,



Jaime Kataoka

Elections Commission Secretary