



**STATE OF HAWAII
ELECTIONS COMMISSION**

F.M. SCOTTY ANDERSON
ELECTIONS COMMISSION CHAIR

MINUTES

**REGULAR MEETING OF THE
ELECTIONS COMMISSION**

**FEBRUARY 21, 2020 @ 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. Lori Tanigawa, Department of the Attorney General (AG)
Mr. Scott Nago, Chief Election Officer (CEO)
Ms. Ruth Ah Hee, Office of Elections
Ms. Nedielyn Bueno, Office of Elections
Ms. Jaime Kataoka, Office of Elections
Ms. Jasmine Ko, Office of Elections
Mr. Aaron Schulaner, Office of Elections
Ms. 'Auli'i Tenn, Office of Elections
Ms. Kristen Uyeda, Office of Elections
Ms. Kimberly Yamada, Office of Elections

Guests in Attendance:

Ms. Jade Fountain-Tanigawa, Kauai County Elections Division
Mr. Casey Harlow, Hawaii Public Radio

Ms. Sandy Ma, Common Cause Hawaii
Ms. Shirley Magarifuji
Ms. Suzanne Marinelli
Mr. Lyndon Yoshioka, Kauai County Elections Division

PROCEEDINGS

I. Call to Order

Chair Anderson called the meeting to order at 10:00 a.m. on February 21, 2020 at the State Office Tower, Room 203.

II. 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.

III. Approval of Minutes for the Meeting of October 29, 2019

Commissioner Bates moved that the minutes be approved; the motion was seconded by Commissioner Vierra, and approved unanimously by the Commissioners.

IV. Status of Operations Report from the Chief Election Officer

CEO Nago reported that since the last EC meeting, OE attended an informational briefing with the Senate and House Committees on Judiciary regarding the implementation of elections by mail. OE also participated in the National Governors Association (NGA) Policy Academy; Hawaii was one of seven states selected to participate. CEO Nago shared that the Policy Academy consisted of best practices and tabletop exercises.

CEO Nago stated that he is going to walk through the process of elections, beginning with February 3rd, which was the start of the candidate filing period. In April, they will be sending out signature capture cards to voters. CEO Nago explained that the National Voter Registration Act (NVRA) requires a mailing to inform voters that they are registered, and only allows the process to remove voters to begin after a returned mailing. He added that voters cannot be removed simply due to a failure to vote, and emphasized the importance of

keeping one's voter registration information up to date since ballots are not forwardable.

CEO Nago stated that the candidate filing deadline is June 2nd. He explained that candidates who want to run for office need to obtain the requisite number of signatures of voters in the district in order to file for office. Following this, CEO Nago said that there is ballot proofing, and then the testing of the vote counting system, which is done by the official observers, who serve as the eyes and ears of the general public. He added that the official observers mark ballots, test and certify the machines, then lock them down until election day.

CEO Nago explained that 30 days prior to the election is the voter registration deadline. He reiterated that it is important for everyone to keep their voter registration up to date, because individuals who are not properly registered will not receive a ballot. CEO Nago said that 18 days prior to the election is when ballots are expected to arrive at households. He stressed the importance of signing the back of the envelope prior to returning it, and that ballots need to be received by the Clerk's Office by 7:00 p.m. on election day.

CEO Nago stated that 10 days prior to the election, voter service centers will open statewide for in-person voting and election-day registration. He added that the locations of the voter service centers are determined by the County Clerks, pursuant to Act 136. CEO Nago said that five days prior to the election, secure ballot boxes will be available for voters to drop off their ballots, and that ballots must be received by 7:00 p.m. on election day. He mentioned that a tracking system will be available for voters to confirm that their ballot has been received by the Clerk's Office and validated for processing. CEO Nago stated that if a voter does not sign their ballot, they will be notified by the Clerk's Office and will have five days after the election to remedy the issue. He added that the entire process is then repeated for the general election.

CEO Nago reported that OE has met with the United States Postal Service (USPS) and shared samples of the mailings with the letter carriers to stress their importance and ensure that they are delivered. He stated that OE will continue to work with the State Fusion Center, the Office of Enterprise Technology Services (OETS), and federal partners.

Chair Anderson recalled that there was an issue last election regarding a council race and ballots that were not picked up from the post office. He said that he wants to make sure there is no confusion, and asked CEO Nago if a voter could drop off their ballot at the post office at 6:00 p.m. CEO Nago clarified that the ballot needs to be received by the County Elections Division by 7:00 p.m. on election day, so if a voter wants to drop it off at 6:00 p.m. on election day, their

best options would be to drop it off at a ballot drop box or at a voter service center.

Commissioner Takenaka asked CEO Nago who picks up the ballots from the post office, to which CEO Nago replied that the County Elections Divisions do. He explained that Act 136 specifies that the State is responsible for ballot printing, the counting of ballots, and voter education, and that the Counties are responsible for voter registration, the mailing and receiving of ballots, and voter service centers and places of deposit.

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

Ms. Sandy Ma – Common Cause Hawaii: Ms. Ma stated that Common Cause Hawaii submitted written testimony regarding the mailings that OE has been sending out. She said that Common Cause appreciates the mailings, has been sharing them via social media, and letting their membership know to keep an eye out for them. However, Ms. Ma explained that they have been hearing from some registered voters in the community that they did not receive the mailing, and requested an explanation as to why they did not. She asked if the breakdown is occurring in the voter rolls, at the post office, or if people are simply not remembering that they received them. Ms. Ma stated that she would like to know where the breakdown is happening so that it can be assured that when ballots are mailed out, they will be received by all registered voters.

Commissioner Curtis asked Ms. Ma if she has access to the voter registration rolls. Ms. Ma replied that she has not checked, and asked CEO Nago if she has access. CEO Nago responded that she does not. Commissioner Curtis stated that he thought political parties and other interested groups could obtain a list of registered voters from the County Clerk. Ms. Ma clarified that Common Cause Hawaii is nonpartisan and that they are not affiliated with any political party. CEO Nago explained that the only information available to the public include name, district/precinct, and whether or not the individual is registered.

Commissioner Takenaka asked CEO Nago if an individual who does not receive their postcard should call the Clerk's Office. CEO Nago explained that the postcard simply confirms one's voter registration, and that if an individual did not receive the card, they can verify their registration either online at olvr.hawaii.gov or call the Clerk's Office. He added that the card is not required to vote, but simply acts to alert the voter to check their voter registration.

Commissioner Vierra asked CEO Nago how he will address the concerns of Common Cause. CEO Nago responded that OE met with the post office, who

said that mail does get lost, but they will do their best to help the mail carriers understand the importance of the card to ensure its delivery.

Commissioner Kuwada recalled that Ms. Ma claimed that she had spoken to “more than one person” who did not receive the postcard, and asked her exactly how many individuals she was referring to. Ms. Ma replied that she does not have an exact count, but many people. Commissioner Kuwada asked Ms. Ma what she is relying on when she says “many people” did not receive the postcard, to which Ms. Ma responded over 10 people. Commissioner Kuwada asked Ms. Ma where this number comes from and if these individuals are self-reporting to her, to which Ms. Ma confirmed that they did.

Commissioner Kuwada asked Ms. Ma exactly how many people “over 10” means, to which Ms. Ma answered that “over 10” is a conservative number. Commissioner Kuwada asked Ms. Ma if it is possible that these individuals could have misplaced their postcard, to which Ms. Ma agreed that it is possible. Commissioner Kuwada asked if it is possible that these individuals could have mistakenly threw their postcard away, to which Ms. Ma agreed that it is possible. Commissioner Kuwada stated that OE would have a record of what was sent out and to whom, but asked Ms. Ma how OE would know why an individual did not receive their mail. Ms. Ma replied that she would like to be able to answer that question, and asked if the returned postcards are due to non-delivery or if the addresses do not match the information in the system.

Commissioner Seielstad asked Ms. Ma if the people who are self-reporting to her are on Oahu. Ms. Ma responded that some are on Oahu and some are on the Big Island. Commissioner Seielstad asked Ms. Ma if she had heard from any individuals on other islands, to which Ms. Ma answered that she did not. Commissioner Seielstad reported that she is not aware of any issues with the postcard on Kauai.

Chair Anderson asked CEO Nago to confirm that individuals can call the Clerk’s Office to check their voter registration. CEO Nago reiterated that the card simply acts to alert the voter to check their voter registration, which they can do by calling the Clerk’s Office. He added a reminder that if an individual has moved, they must update their registration. CEO Nago emphasized the importance of keeping one’s registration up to date, as ballots cannot be forwarded.

Ms. Ma shared that she recently attended an AARP meeting, and individuals who did not receive the postcard asked how they are supposed to know to check their registration if they did not receive the postcard.

Commissioner Curtis stated that he thinks the whole purpose of the postcard is to recognize these disconnects in communication, and that the cards are doing

what they are supposed to do in that they are identifying voters who are and are not properly registered. He added that some individuals may throw the postcards away without recognizing their significance, but that is why OE has their advertising and public relations components.

Ms. Ma reported that there are some people who are registered voters who have been living at the same place for a number of years who did not receive the postcard. She added that this includes an elected representative and members of her staff. Commissioner Curtis asked Ms. Ma if she has spoken to the County Clerk, to which Ms. Ma replied that she told those individuals to call the Clerk's Office. Commissioner Curtis said that it sounds like the card is working. Ms. Ma stated that the elected representative and her staff are very educated, informed voters, and that Common Cause wants a democracy that works for all voters.

Commissioner Vierra asked Ms. Ma what suggestions Common Cause has to solve this problem. Ms. Ma replied that her suggestion was for a review to be done to find out where the possible breakdown may have happened, if there was one.

Commissioner Vierra asked CEO Nago if undeliverable cards are returned to OE, to which CEO Nago confirmed that they are. CEO Nago explained that voters whose cards are undeliverable are sent a forwardable card, and then have two general elections to update their address, or are otherwise removed, as per the NVRA. He added that county clerks used to have the power to remove voters for any reason, so the NVRA was enacted to protect the rights of voters.

Commissioner Bates asked CEO Nago if these issues will be addressed in OE's advertisement campaign to educate the public. CEO Nago replied that the card has two purposes: to bring awareness to elections by mail and to clean up the voter rolls. He said that the mailings have been working because the returns have gone down from 6% for the first mailing to 3% for the second mailing. CEO Nago stated that another card will be sent out in April, so the hope is that the returns will decrease further.

Commissioner Curtis asked CEO Nago for his estimate of the number of moved voters that would be undeliverable. CEO Nago answered that 20,000 cards were returned statewide for the January card. He reiterated that these voters will be flagged, and a follow-up mailing will be sent to them via forwardable mail. These voters would then have two general elections to update their address, or they will be removed. Commissioner Curtis asked CEO Nago if the returned cards are sent to OE or the Clerk's Office. CEO Nago responded that the returned cards are received by the Clerk's Office, as they are the only ones who can remove names from the voter rolls. Commissioner Curtis asked CEO Nago if the

information is then forwarded to OE. CEO Nago replied that it is not, as voter registration is the responsibility of the County Clerks.

- VI. Open Forum: Any interested person may conduct a 3-minute presentation of a matter(s) for the Commission's potential consideration at a future meeting.

No public comments were made.

- VII. Selection of Commission Chair

Chair Anderson announced that he is going to turn the meeting over to Commissioner Vierra and excuse himself from the room.

Chair Anderson left the room.

Commissioner Vierra stated that Chair Anderson is up for reappointment for another four years, and asked if any of the EC or members of the public had anything to discuss.

Since there were no comments, Commissioner Curtis asked for a motion to reappoint Chair Anderson as EC Chair. The motion was made by Commissioner Curtis, seconded by Commissioner Seielstad, and approved unanimously by the Commissioners.

Chair Anderson entered the room.

With no further comments, Chair Anderson stated that the EC will go into executive session as stated in the agenda, i.e., for the evaluation of the performance of the Chief Election Officer and reappointment, if appropriate, pursuant to HRS §§ 11-1.6 and 11-7.5; and to approve the minutes for the executive session for the meeting of October 29, 2019, pursuant to HRS § 92-5(a)(8).

Chair Anderson asked for a motion to go into executive session. The motion was made by Commissioner Seielstad, seconded by Commissioner Takenaka, and approved unanimously by the Commissioners.

The Commission went into executive session at 10:22 a.m.

- VIII. Evaluation of the Performance of the Chief Election Officer and Reappointment, If Appropriate, Pursuant to HRS §§ 11-1.6 and 11-7.5

Pursuant to HRS § 92-5(a)(2), the Commission anticipates going into an executive session to consider the evaluation of the performance of the Chief Election Officer and reappointment.

IX. Approval of Minutes for the Executive Session for the Meeting of October 29, 2019

Pursuant to HRS § 92-5(a)(8), the Commission anticipates going into an executive session to consider the approval of executive session minutes.

The Commission reconvened into open meeting at 10:34 a.m.

X. Adjournment

Commissioner Curtis made a motion to reappoint CEO Nago, which was seconded by Commissioner Seielstad, and approved unanimously by the Commissioners.

With no further business before the Commission, Commissioner Curtis made a motion to adjourn the meeting, which was seconded by Commissioner Kuwada, and approved unanimously by the Commissioners.

Elections Commission meeting was adjourned at 10:36 a.m.

Respectfully submitted,



Jaime Kataoka
Elections Commission Secretary