STATE OF HAWAII
ELECTIONS COMMISSION

MINUTES

WILLIAM B. MARSTON
ELECTION COMMISSION CHAIR

REGULAR MEETING OF THE
ELECTIONS COMMISSION

March 15, 2012 @ 10:00 AM
KALANIMOKU BUILDING
1151 PUNCHBOWL STREET, ROOM 322B
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
Ms. Donna Soares
Mr. Danny Young

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

PROCEEDINGS

I. Call to Order

Chair Marston called the meeting to order at 10:09 a.m. on March 15, 2012, at the Kalanimoku Building, Room 322B.

II. Roll Call and Determination of a Quorum

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

III. Approval of Minutes of the January 11, 2012 Elections Commission Meeting

Commissioner Soares moved to approve the minutes of the January 11, 2011 meeting. Commissioner King 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 Scott Nago reported that the Reapportionment plan has been finalized and the Office of Elections is moving forward with precinct assignments and voter notifications. He also reported that our request for a $1,725,000 emergency appropriation for the vote counting system is with the Governor for his signature. Also moving forward in the legislature are the bills for online voter registration, all mail voting for pocket districts with less than 500 voters and the amending of the candidate filing deadline date for OHA vacancies. He also reported that the civil service conversion is still in progress and to date three (3) positions have been converted.

Chair Marston asked how elections would be impacted if there is another Reapportionment law suit filed. CEO Nago stated that since we do not know if and what type of lawsuit would be filed, we could not comment on what impact it would have on our office. General Counsel Schulaner noted that in other incidents, different options were available when law suits were filed so close to the election dates. It depended on what the lawsuit stated and what the court would decide. CEO Nago stated that the Office of Elections will continue to move forward with working on the election until we are ordered to stop.

Commissioner Nakashima inquired about the status of Hawaii County. CEO Nago explained that the County Clerk has contacted the Office of Elections on several occasions, asking for clarification on several issues. The Office of Elections was unable to answer some of these questions since the issues were within the purview of the County Clerks Office. We have also been contacted by several Council Members with questions regarding voter registration, we in turn have referred them back to the County Clerks Office since voter registration falls under their jurisdiction. CEO Nago assured the Commission that the Office of Elections will do whatever it can to complete tasks that the Office of Elections is responsible for to insure a successful election.

Commissioner King commented that there was a change in County Clerk for Kauai and he understood that the new County Clerk is familiar with elections. CEO Nago stated that County Clerk Ricky Watanabe has been with

the office for awhile and he has also been in the Kauai Control Center in previous elections.

VI. Discussion of Election Related Legislation

Commissioner Berg asked about the on-line voter registration legislation and if there was a chance that it would be approved. CEO Nago commented that he is unable to answer since he cannot predict the outcome of the Legislature. He noted that there are "housekeeping" issues that are included in the on-line voter registration bill.

VII. Discussion re: 2011 Reapportionment and its impact on the 2012 Elections

Deputy Attorney General Chun reported that the two pending lawsuits filed have been resolved. There is an issue pending for the Solomon case in which a determination for attorneys fees needs to be made by the court.

Chair Marston asked CEO Nago if there are any other issues that could potentially be a problem for the upcoming elections. CEO Nago responded that since there is less time for the office to complete its tasks, there is a greater risk for errors since the Office of Elections is about three months behind schedule and is rushing to complete its tasks. He also noted that since district lines have changed, the polling place locations remain the same but the voters will need to be reassigned to the correct precincts within their new districts. Commissioner Okazaki asked if the office will be given additional funds for additional employees and CEO Nago explained that additional funds and bodies may not necessarily be the answer since time is the issue.

Commissioner Okazaki also suggested that the Office do public service announcements to give the public needed election information. CEO Nago said that since we have the final plan in place, we can go forward as previously planned with public service announcements. Commissioner Okazaki also suggested that there be a push for absentee voting to minimize public confusion.

VIII. Executive Session

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.

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. Consultation with Commissions' Attorney re: expiration of Commissioners' terms pursuant to Haw. Rev. Stat. § 11-7

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

The Commission resolved into executive session at 10:36 am and reconvened in open meeting at 11:35 am.

IX. Expiration of Commissioners' terms – discussion, and action, if appropriate.

Chair Marston announced that letters will be sent to the appointing authorities notifying them of term expirations and asking that they make new appointments for the next four (4) year terms. Commissioners Okazaki, Soares, and Young have agreed to serve another term if asked to do so. Commissioner Nakashima respectfully declined to serve another term.

IX. Adjournment

Commissioner Masunaga moved that the meeting be adjourned. Motion was seconded by Commissioner Young and approved unanimously by the remaining Commissioners.

Elections Commission meeting was adjourned at 11:40 a.m.

Next commission meeting has been scheduled for June 5, 2012.

Respectfully submitted,

Carolyn L. Roldan
Elections Commission Secretary