

**MINUTES
OF THE
REGULAR MEETING OF THE
ELECTIONS COMMISSION**

JULY 18, 2007

10:00 a.m.

**STATE CAPITOL ROOM 309
415 SOUTH BERETANIA STREET
HONOLULU, HI 96813**

Commissioners in Attendance:

Mr. John Chan
Mr. Harold Neslon
Ms. Zale Okazaki
Ms. Susan Russell, Acting Chair
Ms. Donna Soares
Mr. Richard Swift

Technical Support Staff in Attendance:

Ms. Ciress Cuevo, Office of Elections
Ms. Judy Gold, Office of Elections
Mr. Scott Nago, Office of Elections
Mr. Rex Quidilla, Office of Elections
Ms. Carolyn Roldan, Office of Elections
Mr. David Rosenbrock, Office of Elections
Mr. Russell Suzuki, Department of the Attorney General

Guests in Attendance:

Ms. Jean Aoki, League of Women Voters
Mr. Richard Borreca, Star Bulletin
Mr. Roy Hiraga, Maui County Clerk
Ms. Jean Kashiwaeda, Department of Human Resources Development
Mr. Jeff Kuwada, Maui Deputy County Clerk
Ms. JoAnn Maruoka, League of Women Voters
Mr. Kenwyn Sato, Department of Accounting and General Services
Ms. Eliza Talbot, Hawaii Republican Party

PROCEEDINGS

I. Call to Order

The meeting was called to order by acting chair, Ms. Susan Russell at 10:20 a.m. on July 18, 2007 at the State Capitol room 309.

II. Roll and Quorum Determined

Ms. Carolyn Roldan, Office of Elections Secretary, conducted roll call. Mr. Harold Masumoto and Ms. Yuki Lei Sugimura were noted absent.

III. Approval of Minutes of Meeting of May 10, 2007

Ms. Soares requested that item VI of the minutes be amended to state that she recommended the removal of all percentages from the Chief Election Officer position description.

Ms. Donna Soares moved to approve the minutes of the meeting of May 10, 2007 with amendments. Mr. Harold Nelson seconded, and the motion carried unanimously.

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

Ms. Jean Aoki, League of Women Voters, provided oral testimony to request the following: for the Commission to set tentative future meeting dates at the time of their meetings, to post meeting notices on the Office of Elections website, and to allow the League of Women Voters the ability to share their study on all mail elections.

V. Administrative Rules - Commissioner Harold Nelson Revisions to be made, as may be appropriate, in response to comments received at public hearing. Revised rules to be sent to the Governor for final approval.

Mr. Nelson stated that the public hearing was held statewide via video conference and was properly noticed to the public. No public testimony was submitted. Mr. Nelson deferred to Ms. Soares to discuss the items brought to attention at the hearing.

Ms. Soares noted the following amendments required to be made to the rules:

1. Section 3-170-7 of the rules should state, "Complaints shall be made in writing and must be filed within 90 days from the date of the incident or occurrence."
2. The reference to Hawaii Revised Statute § 92-50 should be removed because it was repealed by the Legislature. This is a technical non-substantive change.
3. The language proposed by the Attorney General's Office regarding Elections Commission hearings should be inserted as an addition to section 3-170-8.

Ms. Soares moved to make the noted amendments to the rules. Mr. Neslon seconded and the motion carried unanimously.

VI. Chief Election Officer: Update time frame and advertising progress

Jean Kashiwaeda, Department of Resources Development (DHRD), provided a status report to the Commission on the advertising progress. She noted that the recruitment advertisements were published on July 15, 2007 in specified newspapers and website. The closing date for the recruitment is August 20, 2007. Resumes are being mailed to the Department of Accounting and General Services (DAGS) Comptroller's Office. DAGS personnel will screen and prepare resumes for the Commission's review. DHRD recommended that the Commission form a sub-committee to be responsible for interviewing applicants and to narrow the applicant pool to the top three to five candidates. These top candidates will be referred to the entire Commission for interview and final selection.

In response to Mr. Nelson's inquiry regarding the qualification to be a Hawaii resident, Ms. Kashiwaeda stated that the applicant must be a resident of the State at the time of hire.

Mr. Rex Quidilla, Interim Chief Election Officer extended his thanks to DHRD and DAGS personnel that provided their assistance through this process.

In response to Chair Russell's request for volunteers to serve on the sub-committee, Ms. Donna Soares, Mr. Richard Swift, and Ms. Zale Okazaki volunteered.

VII. Office of Elections Report from the Interim Chief Election Officer - Rex Quidilla

Mr. Quidilla provided the Commission with an update on the status of the Request for Proposal (RFP) for the voting machines. Mr. Quidilla noted that the language of the RFP required fine tuning to provide further

clarification regarding the flexibility for the State to procure a system in part or in whole. The RFP was reviewed by the State Procurement Office and is scheduled for release on August 1, 2007.

In response to Mr. Nelson's questions whether there is a process for vendors to pre-qualify, Mr. Scott Nago, Office of Elections, noted that the evaluation committee narrows the field to the top three vendors that submit a proposal by the deadline. The top three vendors move forward to the demonstration stage.

In response to Mr. John Chan's inquiry regarding the Commission's role in the evaluation process of the three vendors, Mr. Quidilla stated that it is the RFP Offeror's responsibility to evaluate the vendors and that this process is guided by State Law.

VIII. Executive Session: Evaluation of interim Chief Election Officer pursuant to Haw. Rev. Stat. § 92-5(a)(2)

Chair Russell moved to go in to executive session. Ms. Soares seconded, and the motion carried unanimously.

The Commission resolved to executive session at 10:43 a.m. and reconvened in open meeting at 11:12 a.m.

Chair Russell reported that while the Commission met in executive session, they discussed the performance of the interim Chief Election Officer. The Commission commended Mr. Quidilla in his ability to lead and motivate the Office of Elections staff. Chair Russell noted that the Commission voted to give Mr. Quidilla a 10% pay increase of his current salary, effective immediately.

IX. Correspondence from Bob Babson and Response from Attorney General's Office

Chair Russell stated that the Attorney General's Office conducted its investigation and provided Mr. Babson with a response. The Commission will take no further action on this matter.

X. Other Correspondence

None

XI. Old Business – Discussion on filling the position of Commission Chair

The Commission noted the ongoing difficulty to find candidates to serve as the Commission Chair. Ms. Soares recommended that a notice be posted on the Office of Elections website.

Mr. Nelson moved to arrange for a notice to be posted on the Office of Elections website. Ms. Soares seconded, and the motion carried unanimously.

XII. Adjournment

There being no further business, Chair Russell adjourned the meeting at 11:37 a.m. The next meeting of the Elections Commission is scheduled for August 9, 2007.

Respectfully submitted,
Rex M. Quidilla
Elections Commission Secretary