STATE OF HAWAII
ELECTIONS COMMISSION

WILLIAM B. MARSTON
ELECTION COMMISSION CHAIR

MINUTES

REGULAR MEETING OF THE
ELECTIONS COMMISSION

NOVEMBER 16, 2010 @ 10:00 AM
STATE CAPITOL
415 SOUTH BERETANIA STREET, ROOM 423
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
Mr. Daniel Young

Technical Support Staff in Attendance:

Ms. Robyn Chun, Department of the Attorney General
Mr. Russell Suzuki, Department of the Attorney General
Ms. Judy Gold, Office of Elections
Mr. Scott Nago, Chief Election Officer
Mr. Rex Quidilla, Office of Elections
Ms. Carolyn Roldan, Office of Elections
Mr. David Rosenbrock, Office of Elections
Mr. Rhowell Ruiz, Office of Elections
Mr. Aaron Schulaner, Office of Elections
Ms. Lori Tomczyk Office of Elections

PROCEEDINGS

I. Call to Order

Chair William Marston called the meeting to order at 10:10 a.m. on November 16, 2010, at the State Capitol, Room 423.

II. Roll Call and Determination of a Quorum

Elections Commission Secretary conducted roll call. All Commission members were in attendance.

III. Approval of Minutes for the September 28, 2010 Elections Commission Meeting

Ms. Donna Soares moved to approve the minutes of the September 28, 2010 meeting. Ms. Zale 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. Review of and recommendations for General Elections

Chair Marston recommended that each commissioner give their comments and recommendations for the general election.

Commissioner Pat Berg received a report from a precinct leader regarding a technical issue with the voting machine. The poll worker felt that it was an issue that could easily be resolved. An email with a corrective suggestion was passed on to the Chief Election Officer for review.

Commissioner Margaret Masunaga worked at a polling place on election day and noted that voters asked if it were possible to add another electronic voting machine since one was not enough. Voters also commented that they would like to see the Honaunau polling place reopened since many of the residents that live in South Kona travelled a long distance to get to their new polling place.

Commissioner Brian Nakashima commented that he felt the elections went smoothly and there were no major problems.

Commissioner Donna Soares also worked at a polling place and commented that the day went very smoothly. She was happy that there was a better turn out for the general election because the primary election was slow. She extended her thanks to the OE staff for their hard work and great job that they did this election.

Commissioner Zale Okazaki reported that she was happy with the ease and convenience of voting by mail.

Commissioner Charles King was able to visit both the Kauai control center and counting center. It was a very positive and enlightening experience for him.

Commissioner Danny Young voted at his regular polling place and commented that the lighting in the cafeteria was poor.

Chief Election Officer Scott Nago reported that this election did go smoothly. There were a few startup issues that were resolved right away. The OE staff worked hard and did well to make sure that this election went as smoothly as possible. For the most part, the election equipment worked well and Hart provided good technical assistance.

VI. Discussion of recommendations for Office of Elections procedures and conduct of primary and general elections

Commissioner Pat Berg inquired if there was a way that absentee voters could be notified if their ballots were received. CEO Scott Nago explained that the system being used now for absentee voting was not designed to accommodate the current volume. It is possible, however, for the office to research and see what is available and what can be done to address this concern.

Commissioner Donna Soares felt that the general election ballots were done well and there was no confusion or issues like those experienced with the primary election ballot.

VII. Discussion of ballot issue education

Commissioner Warren Orikasa felt that there was limited information available on the non ballot issues. After discussing this issue with several people, it was common to find that people completed their ballots, sent them in, and later got information on the issues listed on the ballots. His concern is how information could be obtained prior to voting.

Chief Election Officer Scott Nago explained that the Office of Elections is responsible for placing the questions on the ballot. The Legislature is responsible for Constitutional Amendments and the counties or charter commissions are responsible for the Charter Amendments. Information for these amendments are published in the newspaper but are usually printed after voters have already returned their absentee ballots.

General Counsel Aaron Schulaner said that in the past, LRB published a pamphlet with pro and con information for the amendments and the OE distributed the information. However, there were parties who disputed the information provided so eventually the Office of Elections was removed from the process.

VIII. Discussion of requirements for Chief Election Officer reporting to the Elections Commission

Since commission meetings are months apart, Chairperson William Marston suggested that a method of reporting to update the commission periodically be created. It was suggested that the Chief Election Officer inform the commission should something of importance occur and he will also give a brief summary of any events at least two weeks prior to each commission meeting. For this legislative session, OE will be sending the commissioners a weekly legislation tracking sheet and will keep them informed of any important election issues that may need commission action.

This was put in a motion by Zale Okazaki and seconded by Donna Soares. The motion was carried unanimously.

IX. Discussion of duties and tenure of the Elections Commission Chair

Chair William Marston expressed to the commission members that he has served as Commission Chair for approximately three years and is elected by the commission. During his time as chair, he has tried to put commission meetings together and get unanimity of opinion. He does not see himself as the leader but a spokesman for the commission. He encourages commission members to continue to put items on the agenda if they feel it needs to be discussed. He will continue to serve as the commission chair as long as the commission wants him to.

X. Executive Session: 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. Chen, et al. v. State of Hawaii, et al., Civil No. 10-00245 BMK (USDC Hawaii)

3. Review of performance of the Chief Election Officer

4. Consulting with the Attorney General regarding legal issues that arose from 2010 general elections

Ms. Charles King moved for the Commission to go into executive session. Ms. Zale Okazaki seconded and the motion carried unanimously.

The Commission resolved to executive session at 10:57 am and reconvened in open meeting at 11:30 am.

X. Adjournment

Chair Marston adjourned the meeting at 11:35 a.m. The next meeting date of the Elections Commission is to be determined.

Respectfully submitted,

Carolyn L. Roldan
Elections Commission Secretary