STATE OF HAWAII
ELECTIONS COMMISSION

WILLIAM B. MARSTON
ELECTION COMMISSION CHAIR

MINUTES

REGULAR MEETING OF THE
ELECTIONS COMMISSION

June 8, 2011 @ 10:00 AM
STATE CAPITOL
415 SOUTH BERETANIA STREET, ROOM 309
HONOLULU, HAWAII 96813

Commissioners in Attendance:

Mr. William Marston, Chair
Ms. Patricia Berg
Ms. Margaret Masunaga
Mr. Warren Orikasa
Ms. Donna Soares

Technical Support Staff in Attendance:

Mr. Scott Nago, Chief Election Officer
Ms. Carolyn Roldan, Office of Elections
Mr. Aaron Schulaner, Office of Elections

Attendees:

Janice Ringler, Common Cause

PROCEEDINGS

I. Call to Order

Chair Marston called the meeting to order at 10:01 a.m. on June 8, 2011, at the State Capitol, Room 309.

II. Roll Call and Determination of a Quorum

Elections Commission Secretary conducted roll call. Ms. Zale Okazaki, Mr. Charles King, Mr. Brian Nakashima, and Mr. Danny Young were not in attendance.

III. Approval of Minutes for the March 3, 2011Elections Commission Meeting

Ms. Donna Soares moved to approve the minutes of the March 3, 2011 meeting. Ms. Margaret Masunaga 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. Discussion and review of Election Legislation

Chief Election Officer submitted a "Status of Operations" report which included the status of all election related legislation. In addition to this report, he informed the Commission that as of today, none of the bills have been signed by the Governor. The forty-five day deadline for signing bills is July 12th and his veto deadline is June 27th. Commissioner Orikasa asked if any of the pending bills would have a significant impact on the Office of Elections operations. CEO Nago stated that the on line voter registration bill will impact the Office of Elections. It proposes that the Office of Elections work with various state and county agencies to establish a secure, computerized online voter registration system. The bill does not give any appropriation to carry out this proposal. The concern of lack of funding to implement this bill has been expressed to the Legislature and the Governor.

Other legislation includes the revision of various election dates to be consistent with the Primary Election date change, inclusion of additional certification to the nomination papers to cover all laws including charter and county ordinances, and vacancy clarification for candidate withdrawals prior to the close of candidate filing.

Commissioner Soares questioned the impact of Reapportionment on the Office of Elections. CEO Nago explained that the Chief Election Officer is the Secretary for the Reapportionment Commission and the Office of Elections provides support for the Commission. Because of its short deadlines, the Reapportionment Commission is currently the main focus for the Office.

VI. Budget and Hiring status report from the Chief Election Officer

CEO Nago reported that there is a hiring freeze. We have an Office Assistant III vacancy but we are unable to fill it due to the hiring freeze. Commissioner Orikasa asked if this would compromise the support for the Reapportionment Commission. CEO Nago explained that the Reapportionment Commission will hire its own support staff so this should not affect them.

Commissioner Soares inquired about the pending complaint filed with the Civil Rights Commission. OE General Counsel Schulaner explained that a Motion to Dismiss has been filed since there is a separate law that covers volunteers and it may not have been considered when this complaint was initially filed.

VII. Discussion and review of Chief Election Officer Evaluation Tool

Chair Marston shared his initial thoughts regarding the performance rating process that will be used to evaluate the Chief Election Officer whose term ends in January of 2012. He proposed that a separate committee of three (3) be formed. He suggested that the committee be comprised of Commissioner Okazaki, Soares and Chair Marston. This committee is to prepare a recap of the Commissioners performance rating sheet comments and report the results at the next Commission meeting in September. A discussion of the Chief Election Officer appointment could then take place.

Commissioner Soares expressed some concern that since some of the Commissioners are new, they may not be able to answer some of the questions asked on the current evaluation tool. She asked to have the Chief Election Officer position description and the HRS that covers the appointment of the Chief Election Officer be provided to the Commissioners.

Commissioner Orikasa asked if the performance rating sheet, which was provided by DAGS, was inline with the CEO position description. Commissioner Soares responded "yes and no" which is why she feels that the committee will need to review and update the rating sheet.

Commissioner Masunaga noted that communication between the Chief Election Officer and the County Clerks is also very important and getting input from them should be part of the rating process. Commissioner Orikasa stated that since the comments of the County Clerks will be used as part of the rating process, the performance evaluation tool should be agreed upon by the Commission before any discussion takes place with the County Clerk. This will insure that there is a guideline and questions that could be addressed for the purposes of rating the CEO. He also feels that the final evaluation tool should be discussed and agreed upon in open meeting.

Chair Marston summarized the proposed procedure. The committee of three (3) will review and redraft the performance evaluation tool. The tool will then go out to the Commissioners for review and comments. After the comments are returned to the committee, the evaluation tool will be finalized and returned to the Commissioners for the purpose of rating the CEO. After the completed evaluation tool is returned to the committee, the committee will do a summary of the Commissioners comments and prepare a recommendation for the CEO appointment to the Commission.

This summary was then made into a motion and was moved by Commissioner Berg and seconded by Commissioner Masunaga and was carried unanimously by the Commissioners present.

Commissioner Masunaga made a motion that in the event Commissioner Okazaki could not serve on the committee, Commissioner Young will be asked to fill the slot. Motion was seconded by Commissioner Soares and carried unanimously by the Commissioners present.

VIII. Executive Session: Pursuant to Haw. Rev. Stat. §92-5(4), consult with counsel regarding the commission's powers, duties, privileges, immunities and liabilities re:

The Election Commission did not enter into Executive Session.

IX. Adjournment

Chair Marston adjourned the meeting at 11:44 a.m.

Respectfully submitted,

Carolyn L. Roldan
Elections Commission Secretary