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**STATE OF HAWAII
OFFICE OF ELECTIONS**

802 LEHUA AVENUE
PEARL CITY, HAWAII 96782
www.hawaii.gov/elections

SCOTT T. NAGO
CHIEF ELECTION OFFICER

January 6, 2012

Ms. Jamae Kawauchi
Hawaii County Clerk
Office of the County Clerk
25 Aupuni Street
Hilo, Hawaii 96720

Dear Ms. Kawauchi:

In 2011, the Hawaii State Legislature amended HRS § 11-119 to provide that the exact wording of questions or issues to appear on the ballot must be submitted to the Chief Election Officer not later than 4:30 p.m. on the seventy-fifth calendar day prior to the applicable election.

The purpose of this statutory change was to ensure compliance with provisions of the National Defense Authorization Act for Fiscal Year 2010, P.L. 111-84 mandating the mailing of absentee ballots to uniformed and overseas voters no later than forty-five days prior to elections for federal offices.

As such, we would ask that the text of any charter questions be submitted to our office by Friday, August 23, 2012. Additionally, for those counties that are covered by the Bilingual Election Requirements of the Voting Rights Act, this would mean we would also need the exact wording of the translated versions of the charter questions by the same date.

Should you have any questions or need additional information, please contact Lori Tomczyk at 453-VOTE (8683).

Very truly yours,

SCOTT T. NAGO
Chief Election Officer



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SCOTT T. NAGO
CHIEF ELECTION OFFICER

March 12, 2012

Ms. Jamae K.K. Kawauchi, City Clerk
Office of the City Clerk
25 Aupuni Street, Suite 1402
Hilo, Hawaii 96720

Dear Ms. Kawauchi:

I am in receipt of your correspondence dated February 24, 2012, regarding Hawaii County Resolutions 218-12 and 219-12, which were adopted by the Council of the County of Hawaii on February 12, 2012.

However, pursuant to Hawaii Revised Statute 11-119, the exact wording of the questions or issues to appear on the ballot must be submitted to the Chief Election Officer not later than 4:30 p.m. on the seventy-fifth calendar day prior to the applicable election.

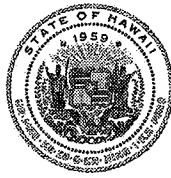
As such, please submit the exact wording of the Charter questions to me by 4:30 p.m. on Thursday, August 23, 2012.

Should you have any questions or need additional information, please contact Lori Tomczyk at 453-VOTE (8683).

Very truly yours,

SCOTT T. NAGO
Chief Election Officer

STN:LT:cr
OE-070-12



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SCOTT T. NAGO
CHIEF ELECTION OFFICER

April 17, 2012

The Honorable Dennis "Fresh" Onishi
Hawaii County Council, District 4
25 Aupuni Street
Hilo, Hawaii 96720

Dear Council Member Onishi:

This is in response to your April 5, 2012 letter regarding elections within the County of Hawaii.

Thank you for the opportunity to update the Hawaii County Council regarding the election preparations for the 2012 Elections. We respectfully decline your request as the appropriate person to provide such an update is the County Clerk.

It should, however, be noted that this office has been in ongoing coordination with the various county election offices, including the County of Hawaii. The County Clerk has informed us that election preparations are underway as scheduled and that the county has hired staff to provide direct election services to the voters in the County of Hawaii.

While we are aware that the clerk's office has undergone staffing changes, we are unaware of any specific, ongoing concerns. On this matter, we would defer to the County Clerk.

As it relates to whether there is a conflict of interest for the Council Chair to be a candidate, after having appointed the County Clerk whose duties include election matters, this is an internal county matter and as such may be better addressed by your county Ethics Commission or Corporation Counsel.

If you have any questions, please feel free to contact me at 1-800-422-VOTE (8683).

Sincerely,

SCOTT T. NAGO
Chief Election Officer



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www.hawaii.gov/elections

SCOTT T. NAGO
CHIEF ELECTION OFFICER

May 9, 2012

The Honorable Dennis "Fresh" Onishi
Hawaii County Council, District 4
25 Aupuni Street
Hilo, Hawaii 96720

Dear Council Member Onishi:

This is in response to your April 20, 2012, letter asking the Office of Elections to evaluate the County of Hawaii's ability to conduct the 2012 Elections.

As provided for in Article IV, Section 3, of the Hawaii State Constitution, my duties include the supervision of state elections. In regards to county elections, those are within the purview of each county. As provided for in the County of Hawaii's charter, "[t]he council shall appoint the county clerk" and the county clerk shall "[c]onduct all elections held within the county." Section 3-6(b).

The County of Hawaii, as with all the counties, provides in its charter that its elections will be held in conjunction with the Primary and General Election. Section 13-27. As such, the Office of Elections attempts to work in coordination with the county clerks in running our combined elections, at the same time recognizing the autonomy of each county. Article VIII, Section 2 (Local Self-Government; Charter).

In county only elections, the county is solely responsible for all aspects of an election ranging from voter registration, polling places, absentee voting, operations of the voting and vote counting system, counting of the ballots and reporting of the results. For example, the special all-mail vacancy election conducted by the City & County of Honolulu in 2009 and 2010 was conducted solely by the City. Similarly in state elections, the State is responsible for all aspects of the elections (e.g. Congressional District special vacancy elections in 2002 and 2010) HRS §§ 11-182 and 11-183.

In combined state/county elections, the counties are responsible for voter registration and absentee voting. HRS §§ 11-11 and 15-4. Those responsibilities are always the statutory province of the counties. Additionally,

the counties are responsible for storage of election materials. The State in combined elections is responsible for operating election day polling places and in operating the voting system including the counting of ballots and reporting of results. There are various other subsidiary responsibilities that the counties and the State split in an equitable manner.

Having said this, given that the Office of Elections is based on Oahu, we rely on the assistance of the neighbor island counties to help with recruiting precinct officials. Additionally, state law provides that state candidates may file their nomination papers with the neighbor island county clerks who are to forward the nomination papers to the Chief Election Officer. HRS § 12-6.

With this in mind, and in recognition of statute and self-governance of the counties, the Office of Elections does not have the expertise in county operations to knowledgeably comment on the performance of the county clerk. The expertise to execute and manage these responsibilities – which applies broadly to voter registration and absentee voting - resides within each respective county elections office staff and management. Hence, we reiterate our recommendation that inquires regarding your county clerk's performance be directed to her.

However, in regards to the duties and responsibilities of the Office of Elections, as it relates to the upcoming combined state/county elections in the County of Hawaii, we believe it would be appropriate to provide you the following status report.

Polling Places

We have reserved over 40 locations to serve as polling places for the August 11, 2012 and November 6, 2012 elections. This has included doing site visits to ensure ADA compliance. In regards to staffing the polling places with precinct officials, we have been working with your county's election division, which is currently on schedule to recruit the 499 required precinct officials. Specifically, they have recruited 286 precinct officials, which is on track for an August 11, 2012 election. We have scheduled precinct trainers to train the precinct officials at various training sessions across the County of Hawaii beginning this month.

Candidate Filing

As of May 4, 2012, a total of 13 state candidates have been filed by the County of Hawaii. A training session was conducted by the Office of Elections for all neighbor island counties on December 14, 2011. This supports the counties should they experience any difficulties. The County of Hawaii has expressed to us no difficulty in filing state candidates.

Counting Centers

Counting centers are established in each county to serve as the local site for the receipt of ballots and ballot counting, and its work is in coordination with the counting center established in the State Capitol. Currently, the Office of Elections is working with the county to reserve a facility to serve as the counting center. The counting center is on track to be fully staffed for the elections.

Warehouse

While storage of election materials is a county responsibility, the Office of Elections has sent staff out to the County of Hawaii to help train the new warehouse staff in understanding the storage and maintenance of election materials.

Coordination with the County of Hawaii

As noted in our prior correspondence, the Office of Elections attempts to coordinate with all county election offices, including the County of Hawaii, to help ensure the successful execution of our combined state/county elections. The election community has historically worked together to ensure that, while we operate under different jurisdictions, success is shared.

We are keenly aware of the staffing changes in the Elections Division. In the past, this office has worked very closely with these now-former staff members to successfully provide election services to the voters of the County of Hawaii. Their absence represents the loss of many combined years of institutional knowledge and expertise, not just in election administration but in the experience of addressing the particular needs of a diverse and geographically dispersed electorate.

With that said, the Clerk of the County of Hawaii has continually affirmed that her election preparations are underway as scheduled and that she has hired staff to provide direct election services to the voters in the County of Hawaii.

We recognize that your elections division is challenged by a steep learning curve, a monumental task, and limited time. The Office of Elections has made it clear to the County Clerk and her staff that we are available to provide assistance with regards to state election matters. For county related election operations, we have suggested that she seek the assistance of the other counties, specifically, in the areas of voter registration and absentee mail and walk-in voting.

The Honorable Dennis "Fresh" Onishi
May 9, 2012
Page 4

If you have any questions, please feel free to contact me at 1-800-442-VOTE (8683).

Sincerely,

A handwritten signature in black ink, appearing to read "S. Nago", with a long horizontal flourish extending to the right.

SCOTT T. NAGO
Chief Election Officer

STN:AHS:cr
OE-134-12

c: Jamae Kawauchi, County Clerk
Election Commission

carrollcox.com



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SCOTT T. NAGO
CHIEF ELECTION OFFICER

May 14, 2012

Ms. Jamae K.K. Kawauchi, City Clerk
Office of the City Clerk
25 Aupuni Street, Suite 1402
Hilo, Hawaii 96720

Dear Ms. Kawauchi:

I am in receipt of your letter dated April 25, 2012, regarding Hawaii County Resolutions 2356-12 and 236-12, which were adopted by the Council on April 17, 2012.

However, pursuant to Hawaii Revised Statute §11-119, the exact wording of the questions or issues to appear on the ballot must be submitted to the Chief Election Officer not later than 4:30 p.m. on the seventy-fifth calendar day prior to the applicable election.

As such, please submit the exact wording of the Charter questions to me by 4:30 p.m. on Thursday, August 23, 2012.

Should you have any questions or need additional information, please contact Lori Tomczyk at 453-VOTE (8683).

Very truly yours,

SCOTT T. NAGO
Chief Election Officer

STN:LT:cr
OE-136



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SCOTT T. NAGO
CHIEF ELECTION OFFICER

June 20, 2012

The Honorable Dennis "Fresh" Onishi
Hawaii County Council, District 4
25 Aupuni Street
Hilo, Hawaii 96720

Dear Council Member Onishi:

Your request for a letter has been forwarded to the Elections Commission Chair William Marston. Chair Marston will determine the disposition of your request.

As for your request for a copy of the minutes, a draft copy is enclosed with this letter and will also be available on the Office of Elections website at www.hawaii.gov/elections. The minutes are not final until they are adopted by the Elections Commission at its next (yet to be scheduled) meeting.

Regarding your request for clarification on the responsibilities of the State and counties, Mr. Quidilla's statement in the newspaper is an accurate general representation of the split of those responsibilities.

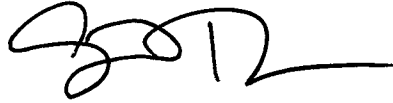
To recap, the State is ultimately responsible for the polling places, operation of the voting system, and counting of the ballots. Given that the Office of Elections is based on Oahu, we rely on the neighbor island counties to provide assistance in recruiting precinct officials and other election day officials for the operation of the counting center and control center. The State reimburses the counties for assisting us with recruitment of these officials. Because these are State responsibilities, we have provided training and assistance. The county's progress in these areas is on schedule, and we have not been alerted of any concerns.

But as we have noted in previous correspondence, the Office of Elections is unable to comment on county-related responsibilities such as voter assignments, voter registration, absentee voting (both in person and mail), and storage of equipment as the expertise in these areas reside within the counties.

Honorable Dennis "Fresh" Onishi
June 20, 2012
Page 2

Should you have any concerns in these areas, we again recommend you contact the county clerk.

Very truly yours,

A handwritten signature in black ink, appearing to read "S. Nago", with a long horizontal flourish extending to the right.

SCOTT T. NAGO
Chief Election Officer

STN:RQ:cr
OE-184-12

c: Elections Commission
Jamae Kawauchi, County Clerk Hawaii

CarrollCox.com

Fw: Per our discussion
Elections

to:

Scott Nago, Aaron H Schulaner

06/19/2012 04:25 PM

Cc:

Carolyn L Roldan

Hide Details

From: Elections/DAGS/StateHiUS

To: Scott Nago/DAGS/StateHiUS@StateHiUS, Aaron H
Schulaner/DAGS/StateHiUS@StateHiUS

Cc: Carolyn L Roldan/DAGS/StateHiUS@StateHiUS

1 Attachment



Memorandum requesting 30 Minutes for Elections Update.pdf

-----Forwarded by Elections/DAGS/StateHiUS on 06/19/2012 04:25PM

file:///C:/Users/sroldcl/AppData/Local/Temp/notes9C4F8E/~web... 6/20/2012

To: <elections@hawaii.gov>
From: "Onishi, Dennis" <donishi@co.hawaii.hi.us>
Date: 06/19/2012 03:27PM
Subject: Per our discussion
(See attached file: Memorandum requesting 30 Minutes for Elections Update.pdf)

Hi Mr. Scot Nago,

I'm following up on our discussion on June 15, 2012. I would like to request if possible a letter from the Chairman of the Elections Commission suggesting that the Clerk and the Elections Administrator provide an update to the full Council as soon as possible, this is being requested by Chairman Yagong. Also, if you would be able produce the minutes of the meeting on May 30th be available as soon as possible too.

I feel that your office should submit a letter of clarification on the responsibilities your office offer to the Counties. It was stated by Mr. Rex Quidilla that the State Elections are split with the County responsible for voter registration, absentee voting and storage of election materials. So does that mean that the Clerk and County Elections Office only responsible for what was mention and nothing else? He goes on and mentions that the State is responsible for operating Election Day polling places, operating the voting system, counting the ballots and reporting the results. See attached for Chairman Yagong's letter to me and you will find the quote by Mr. Rex Quidilla. As we discussed, does the State Elections send staff to operate the polling places, operating the voting system, counting the ballots? I think your office would do the reporting of the results once you get the counts from the Counties. To my understanding, your office provides each County with funding to hire these workers to help your office's responsibilities, is this correct or not? Also, why would letters from people who volunteered for over 20 years say that they will not help with the "Control Center"? Did the State Elections find these volunteers? I feel that your office should have some concerns on how this will affect not just the County elections, but the State and Federal elections too.

Thank you for your help.

Fresh Onishi

From: Yagong, Dominic
Sent: Tuesday, June 12, 2012 3:16 PM
To: Onishi, Dennis
Subject: Memorandum requesting 30 Minutes for Elections Update
Dennis,

In your memo dated June 4, 2012, you write, "In conformance with the Elections Commission's advice...."

What exactly was that advice? What authority does the Election Commission has with the County Council? Where is the written request from the Elections Commission asking to convene such an update, and what is the expectation or purpose of such an update? Exactly what update are you asking for?

Here is a quote from the WHT article regarding your trip to Oahu:

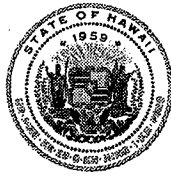
"Quidilla said the state office is working with Kawauchi, as well as election staff from the other counties, offering training and advice as needed. He reiterated that duties between the state and the county are split, with the county responsible for voter registration, absentee voting and storage of election materials. The state is responsible for operating election day polling places, operating the voting system, counting the ballots and reporting the results."

Dennis...voter registration, absentee voting and storage of election materials is the Clerks responsibility. Which of these do you want an update on? If you are concerned with election day polling places, operating the voting system, counting the ballots and reporting the results (all of which is the state responsibility)...you should ask Mr. Quidilla for an update. If the state has concerns on whether they are able to carry out their responsibility, they need to take it up with the County Clerk... not the County Council.

The County Council should never get involved in the operations of County Elections especially during election year. The operation of elections in Hawai'i County belongs to the Office of the County Clerk and the State Elections Office, not you or the County Council. My question to you is...if you had a concern, why didn't you have the courtesy to bring those concerns directly to our County Clerk Jamae Kawauchi? Your personal involvement in attempting to smear Election Operations in Hawai'i County is suspect, and I will not subject the County Council to these politically motivated maneuvers until I get my questions answered. More importantly, you are demeaning the work of the elections employees that are doing a fabulous job and working extremely hard to meet the election needs of our island residents. Shame on you Dennis.

On another note, I've been made aware that an ethics violation complaint is forth coming regarding your role and your staff's role in the recent re-districting scandal.

Dominic



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SCOTT T. NAGO
CHIEF ELECTION OFFICER

July 10, 2012

The Honorable Dennis "Fresh" Onishi
Hawaii County Council, District 4
25 Aupuni Street
Hilo, Hawaii 96720

Dear Council Member Onishi:

This is in response to your July 8, 2012, email regarding your comments concerning the minutes of the May 30, 2012 Elections Commission meeting and your request for my thoughts on various county matters.

As background, we would note that our office prepares draft minutes within thirty days of the conclusion of an Elections Commission meeting. These draft minutes are made available to the public, subject to the caveat that the minutes are not official until the Elections Commission adopts them and that they are subject to change by the Elections Commission.

Once the draft minutes are released, we are not able to make any changes, without obtaining a consensus of the Commission members, which cannot occur outside of a Commission meeting. As such, any proposed changes cannot be considered until the next meeting of the Commission on August 22, 2012.

In regard to your questions about the possible removal of a civil service staff member, it is not within our jurisdiction to comment on internal personnel matters. As for access to the voter registration list, that is the jurisdiction of the county clerk, and we cannot provide you legal advice on that matter.

Ultimately, County Clerk Jamae Kawauchi has not indicated any concern to us regarding her ability to perform her responsibilities. You may wish to consider directing your questions directly to her for her consideration.

Very truly yours,

SCOTT T. NAGO
Chief Election Officer

OE-199-12

c: Jamae Kawauchi, Clerk of the County of Hawaii
Elections Commission



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SCOTT T. NAGO
CHIEF ELECTION OFFICER

July 10, 2012

Ms. Jamae K.K. Kawauchi, Clerk
County of Hawaii
Office of the County Clerk
25 Aupuni Street, Suite 1402
Hilo, Hawaii 96720

Dear Ms. Kawauchi:

As you are aware, the county clerks are responsible for "voter registration in the respective counties and the keeping of the general register and precinct lists within the county." HRS § 11-11. This reapportionment year, upon the conclusion of the precincting process by the Office of Elections, the counties took on the responsibility of voter assignment of each registered voter to the appropriate precinct (i.e. the precinct lists).

During the time frame for the finalizing of the pocket precinct voter postcards, the Office of Elections had to use the most up to date information it had from the statewide voter registration system. As you are aware, we corresponded with your office by email regarding the pocket precinct postcards being sent out.

It was our understanding that the County of Hawaii understood that its statutory duties were intertwined with the ability of the Office of Elections to perform its polling place duties to the best of its ability (i.e. the pocket voter postcards are only as good as the voter assignment information we are provided). As such, given that the County of Hawaii had not completed its proofing of the updated voter assignments, we needed to proceed forward with the best information that we had been provided.

From your letter, it appears that the County of Hawaii has completed its voter assignment process. Unfortunately, as previously noted, there was a need to finalize the postcards, given the close proximity of the August 11, 2012 Primary Election and the fact that absentee ballots will be sent out at the end of

Ms. Jamae Kawauchi
July 10, 2012
Page 2

July. Given the lateness of the information and the previously noted close proximity of the Primary Election, we hope you understand that we have been compromised in our ability to fully utilize this information for the pocket voter postcards, as opposed to if we had received the information earlier.

In regards to the polling place locator, any issues appear to be the result of the County of Hawaii's determination to only permit certain 911 address reference data to be used for internal purposes, such as the statewide voter registration system database used by election officials, as opposed to permitting it to be used by the public, such as in the form of a statewide polling place locator. The following is an excerpt of an email from ESRI to our office, explaining this in greater detail.

You asked me today about the use of addresses in the state polling place finder and how that compares with the use of addresses in the voter locator provided to the Hawaii County Clerks for their internal use.

The voter locator provided to the Clerks used 911 address reference data that was provided by Akimeka, with the approval of Hawaii Police Department, under the condition that it was for internal use only, that it could not be released to the public. The 911 data provided more accurate data to reference voter addresses than is available from national address reference data.

The state polling place finder uses less accurate national address reference data since it is for public use and the local 911 data cannot be used. When a user enters an address, the polling place finder uses the national data base to determine where to drop a pin on the map. In most cases the pin will drop close to the voter residence, but for some local addresses with imprecise or unclear addresses, the pin will not drop in the correct location. In these cases the user can manually place the pin in the correct residence location.

If the pin is not correctly placed, then the polling place identified may not be correct. If the pin is correctly placed, it will return the correct polling place (or pocket precinct) information.

Please note, the application does not use or compare with addresses in the SVRS data base. A user can enter an address or drop the pin on a location that is not in the SVRS, and they will still be shown the correct polling place information for that location.

Ms. Jamae Kawauchi
July 10, 2012
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This might be someone who has not yet registered to vote and their address is not yet in the SVRS.

Email from Royce Jones to David Rosenbrock (July 9, 2012).

Ultimately, even if a voter does not have a geocoded address that is included in the national address reference data used by the polling place locator, the voter is still able to physically click on the polling place locator map where he or she lives, and the program will highlight the boundaries of the precinct that the voter is in, and tell the voter which polling place he or she has been assigned to.

If you have any further questions, please feel free to contact me at 1-800-422-VOTE (8683).

Very truly yours,

A handwritten signature in black ink, appearing to read 'S. Nago', with a long horizontal line extending to the right.

SCOTT T. NAGO
Chief Election Officer

STN:AHS:cr
OE-200-12

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SCOTT T. NAGO
CHIEF ELECTION OFFICER

July 13, 2012

Ms. Jamae K.K. Kawauchi, Clerk
County of Hawaii
Office of the County Clerk
25 Aupuni Street, Suite 1402
Hilo, Hawaii 96720

Dear Ms. Kawauchi:

This is in response to your concerns regarding the pocket precinct voter postcards prepared by the Office of Elections. In an effort to properly notify the voters within these pocket precincts of the change in the 2012 Elections, the Office of Elections took the lead in designing the postcard and obtaining the addresses for the mailing of the postcards from the statewide voter registration list. The design, production, and mailing process requires significant lead time and must occur sufficiently in advance of the Primary Election to ensure that voters understand what is occurring.

As you are aware, the county clerks "shall mail an absentee ballot to each registered voter who resides in [the pocket precinct], if the chief election officer, or the clerk in a county only election, determines that an election day polling place will not be established for these voters. Act 100, SLH 2012. Similarly, you are responsible for "voter registration in the respective counties and the keeping of the general register and precinct lists within the county." HRS § 11-11. This includes the precinct lists for the pocket precincts.

Statewide, we faced challenges due to the delay in the receipt of the Final Reapportionment Plan which essentially delayed the assignment of voters in the County of Hawaii and the City and County of Honolulu.

As we previously noted, we corresponded with your office about the postcards, and at no time were we told that the County of Hawaii's voter registration and precinct lists were not up to date or that the County of Hawaii had concerns about the accuracy of their voter registration and precinct lists.

Ms. Jamae K.K. Kawauchi
July 13, 2012
Page 2

Given this background, we take issue with your attempt essentially to shift responsibility to the Office of Elections and to take no ownership in the role your office has in the present situation.

Having said that, we need to focus on what we can do under the present circumstances. As we see it, the postcards for the County of Hawaii have already been mailed. Additionally, the addresses for these postcards were based on the most current statewide voter registration list at the time. Specifically, the City and County of Honolulu provided ESRI, on our behalf, the most current statewide voter registration list. ESRI then went through the time consuming process of identifying geocodable voter addresses which facilitates the ability to determine if a voter resides within a pocket precinct. The addresses that could not be geocoded required your office to conduct further research to determine whether or not they were in a pocket precinct. It appears that you have only recently completed that process.

A total of 432 postcards have been mailed out. At this point, you may wish to go through your updated list and compare it to the list that was utilized for the mailing, and provide us a specific list of names and addresses of voters who did not receive a postcard due to your recent updating of the precinct lists. Additionally, to the extent you are claiming a voter was incorrectly mailed a postcard, as they do not reside in a pocket precinct, please provide us a list. Only when we know the scope of the issue that you are claiming will we be able to discuss with you an appropriate response.

With this in mind, it is our understanding that you will be mailing yellow cards to all voters in your county. We assume that your mailing of the yellow cards will include cards to voters in pocket precincts and that it will indicate that the voter will not have a polling place and instead that you will be mailing him or her a absentee ballot. We are more than happy to discuss this matter with you further, if you wish.

If you have any further questions, please feel free to contact me at 1-800-422-VOTE (8683).

Very truly yours,



SCOTT T. NAGO
Chief Election Officer



**STATE OF HAWAII
OFFICE OF ELECTIONS**

802 LEHUA AVENUE
PEARL CITY, HAWAII 96782
www.hawaii.gov/elections

SCOTT T. NAGO
CHIEF ELECTION OFFICER

July 20, 2012

Jamae K.K. Kawauchi, Clerk
County of Hawaii
Office of the County Clerk
25 Aupuni Street, Suite 1402
Hilo, Hawaii 96720

Dear Ms. Kawauchi:

As you are aware, the foundation of our combined federal/state/county elections rests on the accuracy of the voter registration rolls and the correct assignment of registered voters to the appropriate precinct, which are the statutory responsibilities of the county clerks (i.e. "The county clerk shall be responsible for voter registration in the respective counties and the keeping of the general register and precinct lists within the county."). HRS § 11-11.

Everything flows from this foundation. For example, if voters are assigned to the wrong polling place, they will vote on the wrong ballot. This means that voters will not be able to vote in all the contests they are entitled to vote on and they will accidentally vote in contests that they are not entitled to vote on, essentially undermining the integrity of our elections. Similarly, for absentee voting, which is the statutory duty of the county clerk, absentee voters may be mailed the wrong ballot or provided the wrong ballot at an absentee walk location. HRS §§ 15-4, 15-5, and 15-7.

We highlight this because we have received a call from a voter in your county, who recently received their Notice of Voter Registration and Address Confirmation Card ("yellow card"). The voter was assigned to a polling place at Ocean View Community Center, which is one hour away from where the voter lives. Our office checked the statewide voter registration system and it indicated the same polling place. However, the polling place locator on our website indicates that her polling place is at Konawaena Elementary, which is 10 minutes away from her home. We told the voter to call your office, but she told us that she initially called your office and was told to call our office. The voter's name is [REDACTED]. Please follow-up with the voter and address any issue there may be with her voter assignment.

Ms. Jamae Kawauchi
July 20, 2012
Page 2

Ultimately, the Office of Elections has no ability to make a statutory determination as to the merits of where a voter should be assigned and we have no ability to change an assignment made by the county clerk. As such, we would ask the County of Hawaii to reconfirm the accuracy of its assignment of voters and to recognize that calls to its office regarding voter assignments are the jurisdiction of the county clerk and not the Office of Elections. Situations like what occurred with this voter should not be allowed to occur again.

Given that the Primary Election is fast approaching, there are various deadlines associated with the accuracy of the voter assignments. For example, it is my understanding that the poll books are being printed and assembled based on the current information in the statewide voter registration system (SVRS). Similarly, the mailing of absentee ballots is being based on the same SVRS information.

In order to properly determine if there is a problem with the assignments, we would ask you to explain what steps were taken by the County of Hawaii to conduct its voter assignment process and what you will do to reconfirm the accuracy of your assignments. Similarly, we want to know how soon you can confirm the accuracy of your assignments. Finally, we wish to know what steps you will take if it is determined that you have mailed the wrong ballot to a voter or if the pollbooks and yellow cards reflect a voter being assigned to the wrong precinct.

If you have any further questions, please feel free to contact me at 1-800-422-VOTE (8683).

Very truly yours,



SCOTT T. NAGO
Chief Election Officer

STN:AHS:cr
OE-209-12



**STATE OF HAWAII
OFFICE OF ELECTIONS**

802 LEHUA AVENUE
PEARL CITY, HAWAII 96782
www.hawaii.gov/elections

SCOTT T. NAGO
CHIEF ELECTION OFFICER

July 25, 2012

Jamae K.K. Kawauchi, Clerk
County of Hawaii
Office of the County Clerk
25 Aupuni Street, Suite 1402
Hilo, Hawaii 96720

Dear Ms. Kawauchi:

We are fielding calls as to what is going on in your county, as well as, when your absentee ballots are going to be mailed out. Your closure on July 23, 2012, and your failure to thoroughly communicate to the rest of the election community and the media as to the reasons for the closure, has unnecessarily lead to significant speculation in the public about the integrity of our elections only a few weeks before the August 11, 2012, Primary Election. This is simply unacceptable on the part of a fellow election administrator. The public relies on us to be assured that their elections are safe and secure.

The lack of communication of your office in the last few days has seriously undermined the hard work that the election community does to build the trust of the public in the integrity of the electoral system. Likewise, our letter to your office dated July 23, 2012, requesting information regarding your efforts to ensure the integrity of the voter rolls remains unanswered.

Given that you have concerns about the accuracy of your voter registration rolls and the assignment of voters to their proper precinct, we believe it is imperative that you discuss this matter with us so we may have a better understanding of the scope of the problem.

On a related note, we have heard from the media that you reportedly have stated that you will be mailing out the Notice of Voter Registration and Address Confirmation Card ("yellow card") again to voters. The mailing of a new yellow card may confuse voters. However, we assume you have deemed it necessary to correct possible errors that may have existed in the prior yellow card mailout.

Ms. Jamae Kawauchi
July 25, 2012
Page 2

As you are aware, the statewide voter registration system information used for the yellow cards was also used for the printing of the poll books to be used at each precinct. It concerns us that the poll books which are the cornerstone of ensuring that voters are in the proper polling place may have been compromised. Additionally, voters who do not receive your second yellow card or who disregard it may go to the wrong polling place and be issued a ballot, as their name is in the poll book. Again, we think there is a need for you to contact our office, so we can discuss the ramifications of any problem you may have discovered in your voter registration rolls and precinct lists, as these problems will likely result in problems at the polls on election day. Ultimately, this may not only inconvenience voters but may lead to possible election challenges.

Finally, it is our understanding that you are scheduled to mail out absentee ballots later this week. If your absentee ballot mailing is based on the same statewide voter registration list that was used for your original yellow cards then again voters may receive the wrong ballots, if that list was not accurate. We trust that you have formulated a solution to this problem, however, that information has not been communicated to this office.

In the end, it is our hope that by your communicating with our office, we can better understand the scope of any problems that may exist, and attempt to rebuild the public's trust in our elections that have been compromised this week.

If you have any further questions, please feel free to contact me at 1-800-422-VOTE (8683).

Very truly yours,



SCOTT T. NAGO
Chief Election Officer

STN:AHS:cr
OE-215-12

c: Elections Commission
County Clerks



**STATE OF HAWAII
OFFICE OF ELECTIONS**

802 LEHUA AVENUE
PEARL CITY, HAWAII 96782
www.hawaii.gov/elections

SCOTT T. NAGO
CHIEF ELECTION OFFICER

August 1, 2012

The Honorable Dennis "Fresh" Onishi
Hawaii County Council, District 4
25 Aupuni Street
Hilo, Hawaii 96720

Dear Council Member Onishi:

This is in response to your July 24, 2012, letter regarding the conduct of elections in the County of Hawaii.

As you are aware, we have corresponded with you several times over the last few months regarding your concerns. Our letters to you, dated April 17, 2012, May 9, 2012, June 20, 2012, and July 10, 2012, have expressed our position regarding the conduct of elections in the County of Hawaii.

Very truly yours,

SCOTT T. NAGO
Chief Election Officer

STN:AHS:cr
OE-219-12

c: Jamae Kawauchi, Clerk of the County of Hawaii
Elections Commission



**STATE OF HAWAII
OFFICE OF ELECTIONS**

802 LEHUA AVENUE
PEARL CITY, HAWAII 96782
www.hawaii.gov/elections

SCOTT T. NAGO
CHIEF ELECTION OFFICER

August 3, 2012

Jamae K.K. Kawauchi, Clerk
County of Hawaii
Office of the County Clerk
25 Aupuni Street, Suite 1402
Hilo, Hawaii 96720

Dear Ms. Kawauchi:

With the Primary Election fast approaching, we wanted to check on the status of a few things.

First, do you have enough supplies for the control center, trouble shooters, and the precincts? If not, we can make arrangements to send you additional supplies.

Second, have you received the Voter Registration/Permanent Absentee Ballot Applications that were sent by us to you?

Third, have you received copies of the Single Party Primary Poster and has it been posted in each eScan booth at your absentee walk locations?

Fourth, and finally, we need you to provide us the various election day telephone numbers that were previously requested. Specifically, we need the following telephone numbers: (1) County Clerk, (2) Election Administrator, (3) Control Center, (4) Counting Center, (5) Absentee Processing, (6) Fax, (7) Public Number, and (8) Board of Registration. To the extent you believe there are other critical contact numbers, please also provide those numbers. Additionally, on election day, as issues arise, it is critical that our office be able to contact you and your election administrator immediately. As such, we would request that you each consider carrying a cell phone and that you provide us those numbers, in addition to any landline numbers that you may provide us.

If you have any further questions, please feel free to contact me at 1-800-422-VOTE (8683).

Very truly yours,

A handwritten signature in black ink, appearing to be "S. Nago".

SCOTT T. NAGO
Chief Election Officer



**STATE OF HAWAII
OFFICE OF ELECTIONS**

802 LEHUA AVENUE
PEARL CITY, HAWAII 96782
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SCOTT T. NAGO
CHIEF ELECTION OFFICER

August 6, 2012

Jamae K.K. Kawauchi, Clerk
Office of the County Clerk
25 Aupuni Street, Suite 1402
Hilo, Hawaii 96720

Dear Ms. Kawauchi:

This is in response to Ms. Boteilho's email of August 4, 2012.

First, it is our understanding that Election Support Services Section Head Rhowell Ruiz spoke to Mr. Tokeshi of your office late last week about how many badge holders your county had and it was recommended to him that additional badge holders would be necessary. As such, our office is already in the process of making arrangements to ensure that you have enough badge holders.

Second, in regards to the status of the cell phones, we sent them by FedEx to your office on August 2, 2012. Our office has confirmed with FedEx that your office signed for the cell phones this morning at 8:31 a.m. Attached for your records is a copy of the proof of delivery from FedEx. The package was signed for by T. Demello.

Third, in regards to the Single Party Primary Posters, they were mailed directly by the printing vendor, Edward Enterprises, Inc., to your office on July 20, 2012, and it was signed for by your office on July 23, 2012. Attached for your records is a copy of the proof of delivery from FedEx. The package was signed for by M. Lucus. The Single Party Primary Posters were sent well in advance of the opening of your absentee walk polling places on July 30, 2012, in order to ensure there would be time to post them in each voting booth. Please locate the box in your office and ensure that the posters are posted.

If you have any further questions, please feel free to contact me at 1-800-422-VOTE (8683).

Very truly yours,

SCOTT T. NAGO
Chief Election Officer

STN:AHS:cr
OE-225-12

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Initiated Picked up In transit **Delivered**

Signed for by: T.DEMELLO

Shipment Dates Destination
 Ship date: Aug 2, 2012 HIL
 Delivery date: Aug 6, 2012 8:31 AM [Signature Proof of Delivery](#)

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Service type: Priority Overnight - Direct Signature Required
 Delivered to: Receptionist/Front Desk
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| Date/Time | Activity | Location | Details |
|----------------------|-------------------------------|--------------|---------------------------------------|
| Aug 6, 2012 8:31 AM | Delivered | HIL | |
| Aug 6, 2012 7:11 AM | On FedEx vehicle for delivery | HILO, HI | |
| Aug 3, 2012 2:33 PM | At local FedEx facility | HILO, HI | |
| Aug 3, 2012 2:32 PM | Delivery exception | HILO, HI | Business closed - No delivery attempt |
| Aug 3, 2012 2:31 PM | At local FedEx facility | HILO, HI | |
| Aug 3, 2012 8:30 AM | At local FedEx facility | HILO, HI | |
| Aug 2, 2012 9:28 PM | At local FedEx facility | HONOLULU, HI | |
| Aug 2, 2012 4:08 PM | At destination sort facility | HONOLULU, HI | |
| Aug 2, 2012 4:08 PM | Left FedEx origin facility | HONOLULU, HI | |
| Aug 2, 2012 12:55 PM | Picked up | HONOLULU, HI | |

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| Tracking no.: 798646540482 | | Select time format: 12H 24H | |
| Delivered | | E-mail notifications | |
| | | | |
| Delivered Signed for by: M.LUCUS | | | |
| Shipment Dates | | Destination | |
| Ship date ☺ Jul 20, 2012 | | HILO, HI | |
| Delivery date ☺ Jul 23, 2012 10:03 AM | | Signature Proof of Delivery ☺ | |
| Shipment Options | | Help | |
| Hold at FedEx Location Hold at FedEx Location service is not available for this shipment. | | | |
| Shipment Facts | | Help | |
| Service type | Priority Overnight | Delivered to Reference | Receptionist/Front Desk |
| Weight | 48.0 lbs/21.8 kg | | 89679/700 posters jc |
| Shipment Travel History | | Help | |
| Select time zone: Local Scan Time | | | |
| All shipment travel activity is displayed in local time for the location | | | |
| Date/Time | Activity | Location | Details |
| Jul 23, 2012 10:03 AM | Delivered | HILO, HI | Delivered to address other than recipient |
| Jul 23, 2012 10:03 AM | Delivery exception | HILO, HI | Customer not available or business closed ☺ |
| Jul 23, 2012 7:44 AM | On FedEx vehicle for delivery | HILO, HI | |
| Jul 23, 2012 7:35 AM | At local FedEx facility | HILO, HI | |
| Jul 23, 2012 5:58 AM | At destination sort facility | HONOLULU, HI | |
| Jul 22, 2012 10:51 PM | At local FedEx facility | HONOLULU, HI | |
| Jul 20, 2012 5:16 PM | Left FedEx origin facility | HONOLULU, HI | |
| Jul 20, 2012 5:15 PM | At local FedEx facility | HONOLULU, HI | |
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SCOTT T. NAGO
CHIEF ELECTION OFFICER

August 9, 2012

Jamae K.K. Kawauchi, Clerk
County of Hawaii
Office of the County Clerk
25 Aupuni Street, Suite 1402
Hilo, Hawaii 96720

Dear Ms. Kawauchi:

Thank you for taking time out of your election preparations to answer our questions and provide reassurances that the County of Hawaii is prepared for the August 11th Primary Election.

As you might surmise, the Office of Elections was understandably concerned to learn that the services of certain Hilo election staff will not be available on election day. We now understand that you anticipated months ago that some election workers might not show up this week or on election day, and as such, you developed a backup plan. Specifically, you had other civil service staff trained in various duties, including program administration, over the last three weeks. We assume this included all the duties of your now unavailable election administrator.

While we appreciate the desire of the County of Hawaii to handle these staffing issues on its own, we want to reiterate that as things develop over the next few days, if you find that you need any assistance, please feel free to contact us.

Ultimately, our federal/state/county elections are the product of the State and counties working successfully together for the benefit of our voters. As such, we all have a vested interest in working together to meet our mutual goal of a successful 2012 Primary Election.

If you have any further questions, please feel free to contact me at 1-800-422-VOTE (8683).

Very truly yours,

SCOTT T. NAGO
Chief Election Officer



**STATE OF HAWAII
OFFICE OF ELECTIONS**

802 LEHUA AVENUE
PEARL CITY, HAWAII 96782
www.hawaii.gov/elections

SCOTT T. NAGO
CHIEF ELECTION OFFICER

August 15, 2012

VIA U.S. MAIL & EMAIL

The Honorable Dennis "Fresh" Onishi
Hawaii County Council, District 4
25 Aupuni Street
Hilo, Hawaii 96720

Dear Council Member Onishi:

This is in response to your August 15, 2012, letter seeking for my office to attend your August 20, 2012, council meeting or in the alternative to provide our written comments and concerns regarding what occurred in the County of Hawaii on election day.

My office is unfortunately unavailable to attend your meeting. However, as the Office of Elections has received numerous requests to investigate what transpired during the 2012 Primary Election in the County of Hawaii from public officials, such as yourself, candidates, and members of the public, we have prepared a report for public dissemination. Attached is a copy of the report for your information.

If you have any questions, please feel free to contact me at 1-800-422-VOTE (8683).

Very truly yours,

A handwritten signature in black ink, appearing to read "Scott T. Nago".

SCOTT T. NAGO
Chief Election Officer

STN:AHS:cr
OE-235-12

Enclosures

**OFFICE OF ELECTIONS REPORT
REGARDING THE IMPLEMENTATION OF THE 2012 PRIMARY ELECTION BY
THE CLERK OF THE COUNTY OF HAWAII**

The Office of Elections has received numerous requests to investigate what transpired during the 2012 Primary Election in the County of Hawaii from public officials, candidates, and members of the public. In order to best address those requests, we believed it appropriate to issue the following report for public dissemination.

In order to understand what occurred in the County of Hawaii, it necessary to first reiterate, as we have told people in the past, the different roles and responsibilities of the State and the counties when it comes to elections.

As provided for in the Hawaii State Constitution, my duties include the supervision of state elections. Article IV, Section 3. In regards to county elections those are within the purview of each county. As provided for in the County of Hawaii's charter, "[t]he council shall appoint the county clerk" and the county clerk shall "[c]onduct all elections held within the county." Section 3-6(b).

The County of Hawaii, similar to the other counties, provides in its charter that its elections will be held in conjunction with the Primary and General Election. Section 13-27. As such, the Office of Elections attempts to work in coordination with the county clerks in running our combined elections, while recognizing the autonomy of each county. Article VIII, Section 2 (Local Self-Government; Charter).

In county only elections, the county is responsible for all aspects of an election ranging from voter registration, polling places, absentee voting, operation of the voting system, counting of the ballots and reporting of the results. Similarly in state elections, the State is responsible for all aspects of the elections. HRS §§ 11-182 and 11-183.

In combined state/county elections, the counties are responsible for voter registration and absentee voting. HRS §§ 11-11 and 15-4. Those responsibilities are always the statutory province of the counties. Additionally, the counties are responsible for storage of election materials. The State in combined elections is responsible for operating election day polling places and in operating the voting system including the counting of ballots and reporting of results. There are various other subsidiary responsibilities that the counties and the State split in an equitable manner. HRS § 11-184.

Having said that, given that the Office of Elections is based on Oahu, the State is authorized under HRS § 11-2 to "delegate responsibilities in state elections within a county to the clerk of that county." In recognition of the fact that state elections includes not only state contests but county contests, the State and counties split the costs of any overtime in regards to poll worker recruitment and for county election officials who work on election day and at other times, such as the logic and accuracy testing of the voting system. This cooperative relationship between the counties and the State has always

worked to the benefit of the voters. It is our assumption that the county clerks factor this into justifying their personnel descriptions for their civil service positions, staffing allocations, and in requesting budget appropriations from their county councils for elections.

The County of Hawaii has never refused this delegation of responsibility or the compensation from the State and it has always said it was up to the task, even when it terminated its civil service election administrator in an election year. Instead, at all times, the County Clerk has contended that she was up to the task and that there were no problems. The State in reviewing the matter has spoken to the County Clerk several times and corresponded with her about the county's readiness for the elections. At all times, the County Clerk had said she was prepared.

The Hawaii State Elections Commission dedicated a portion of its May 30, 2012 meeting to discuss with the county clerk whether she was prepared for the 2012 elections, given correspondence it had received from Councilmember Dennis Onishi. The County Clerk insisted that everything was under control. Attached is a copy of the draft minutes from that meeting.

During the meeting, the Elections Commission sought for the County Council to provide additional assurances that the elections would be successful in the County of Hawaii.

Commissioner Orikasa asked Councilman Onishi how the Clerk is selected and Onishi responded that Clerk is appointed by the Council Chair. Commissioner Orikasa then asked what opportunities are available for the Council to get involved with getting assurances that the elections will be successful.

Councilman Onishi responded that he could make a request to the Council Chair that the elections topic be placed on the agenda for the next Council meeting. He also explained that since the election time frame is so short, he wrote to the OE and the Elections Commission to see if he could get the status on the Hawaii County elections.

Commissioner Orikasa then suggested that Councilman Onishi go ahead and try to have the elections topic placed on the agenda. Onishi said that he would ask the Chair to place the topic on the next meetings agenda. Councilman Onishi also stated that his intent for going to the OE and the Elections Commission was to protect the people of Hawaii County and make sure that they have a fair and open election.

Chair Marston expressed to Councilman Onishi that he hopes he will report back to the Council the concerns that the Commission has

regarding elections. He also wanted to comment that the elections are a cooperative effort that involves all parties and he also encourages County Clerk Kawauchi to get whatever resources necessary to succeed in this election. Councilman Onishi suggested that if available, the Commissioners could attend the next Council meeting. Commissioners Okazaki and Masunaga said that they would be willing to attend the meeting if elections were placed on the agenda. Councilman Onishi also expressed that he is appreciative that this issue was placed on this Commission meeting agenda for discussion.

Elections Commission Meeting Minutes (Draft) at pages 7 and 8.

Ultimately, it is our understanding that the County Council never elected to put the issue on their agenda. As such, we had to continue to legally rely on the representations of its county clerk who by charter “[c]onduct all elections held within the county.” Section 3-6(b). In other words, it is our understanding that no one other than the County Clerk, or perhaps the County Council that appoints her, has legal authority to speak on behalf of the County of Hawaii in regards to election matters.

As we got closer to the Primary Election, the Clerk’s issue regarding communicating in a timely and detailed manner to the Office of Elections and the other county clerks reached a critical point when the County Clerk failed to communicate the circumstances surrounding her closure of her Hilo office on July 23, 2012. We noted to her, in part the following,

We are fielding calls as to what is going in your county, as well as, when your absentee ballots are going to be mailed out. Your closure on July 23, 2012, and your failure to thoroughly communicate to the rest of the election community and the media as to the reasons for the closure, has unnecessarily lead to significant speculation in the public about the integrity of our elections only a few weeks before the August 11, 2012, Primary Election. This is simply unacceptable on the part of a fellow election administrator. The public relies on us to be assured that their elections are safe and secure.

Excerpt of Letter to County Clerk (July 25, 2012).

Ultimately, the County Clerk explained that her “audit” had found some duplicate voter registrations and that possibly a handful of voters may have voted twice. The County Clerk’s lack of familiarity with voter registration and absentee voting records, which are the jurisdiction of the county clerks, apparently lead to her inability to definitively say what she had found.

In debriefing with her and the other county clerks on July 31, 2012, it was our hope that the Clerk of the County of Hawaii had come to the realization that

she needed to communicate with the Office of Elections and the other county clerks, and that she would benefit from the institutional knowledge and election administration experience of these election administrators.

As we approached the Primary Election, on August 11, 2012, despite the representations by the County Clerk that everything was fine, I felt it important to send one of my veteran section heads to help trouble shoot any problems that might occur, as we had a new counting center manager. Additionally, I requested the Department of the Attorney General to assign a deputy attorney general to the Board of Registration that would be based in the County of Hawaii for the election.

What my staff witnessed was poor planning, implementation, and leadership by the County Clerk. Despite this, the hard working staff and volunteers did their best under the circumstances and were able to get through the election. Essentially, the County Clerk on election day is supposed to be like a field general with a plan of attack, who acts confidently, and has the support of his or her troops. The County Clerk was in no way, shape, or form that type of leader.

For example, the issue regarding the late opening of polls. While irregularities may happen on election day, as we are dealing with hundreds of stipended volunteers, and many moving parts, the County Clerk lacked the ability to definitively articulate the nature of the problem to the Office of Elections or the public. This resulted in the need for the Governor to conduct triage, in the form of an emergency proclamation, extending polling place hours, based on the limited information that she provided the Attorney General.

Specifically, the County Clerk at no specific time had a handle on how many polling places out of the forty in the county opened late. The election proclamation issued by the Governor refers to over half of the polling places in the County of Hawaii had not opened on time. The County Clerk initially reported three precincts had opened late, later on we were told by the Attorney General's Office that they had been told twenty five by the County Clerk, and then later in the day we were told by the County Clerk that there were at least eleven but that she was still looking into it.

The public's confidence in our elections was rocked by this election proclamation, which normally is only issued when a natural disaster or emergency occurs. The Governor did not lightly issue this proclamation and under the circumstances, he arguably had no other choice than to protect the rights of the voters, if the County Clerk's general representations to Attorney General were correct.

Following the election, we waited for the County Clerk to follow up on her representation that she would follow up and get a more definite answer as to

what the scope of the problem was. We heard nothing on Sunday or Monday from her regarding any further details. A statewide meeting, in Hilo, was scheduled for August 14, 2012 (Tuesday) with all the county clerks to debrief about the Primary Election.

During the meeting, the County Clerk still could not answer the question of how many polls had opened late. Additionally, she had no answers to why there had been problems with delivering supplies in West Hawaii to the polling places on election day. Her answers were essentially that she was still looking into it. In the end, we did not get the responses we expected from a county clerk, who had been entrusted with elections within her county.

Having said that, given that the public is asking and the fact that we needed to know what the scope of the opening of polls problem was, we immediately conducted our own investigation. Specifically, we took custody of the record books for all forty polling places in the County of Hawaii. We also, immediately began calling every precinct chairperson in the County of Hawaii to get answers, with calls being made that evening and the following morning.

The result of that investigation, which was completed the following morning, after reviewing the records books and the notes from the telephone calls, was that a total of thirteen polling places out of forty polling places opened late. However, of those thirteen polling places, four opened between 7:01 a.m. and 7:03 a.m., five opened no later 7:30 a.m., two opened no later than 8:00 a.m., and the final two opened at 8:40 a.m. A copy of the spreadsheet showing the exact opening times for each polling place is attached.

Our review of what transpired in the County of Hawaii focused on two things. First, was the conduct of the 2012 Primary Election defensible under the law? Second, did the conduct of the County Clerk unnecessarily undermine the public's confidence in our electoral system?

In regards to the first question, our initial review of the matter indicates that the irregularities complained of, while unfortunate, do not rise to the level of changing the election results. Specifically, irregularities must involve sufficient evidence to demonstrate that the irregularities complained of could have caused a difference in the election results. Sufficient evidence requires something more than a "mere fishing expedition undertaken in the hope that in an examination of all the ballots enough might be discovered to change the result." Brown v. Laukea, 18 Haw. 131, 133 (1906). Additionally, any challenger would need to show "actual information of mistakes or errors sufficient to change the result." Funakoshi, 65 Haw. at 316-17 (citing Laukea, 18 Haw. at 133). Further, a challenge cannot be based on "mere belief or indefinite information." Akaka, 84 Hawai'i at 388 (citing Kulike v. Fern, 19 Haw. 278, 283 (1909)).

Ultimately, the Hawaii Supreme Court has determined that "[i]n the absence of facts showing that irregularities exceed the reported margin between the candidates,

the complaint is legally insufficient because, even if its truth were assumed, the result of the election would not be affected." Akaka, 84 Hawai'i at 388 (internal citations omitted). In the present case, the irregularities complained of do not appear to be legally sufficient to change the election results.

As for the question of whether the conduct of the County Clerk unnecessarily undermined the public's confidence in our electoral system, the answer is unfortunately yes, for the reasons previously noted. This cannot be allowed to happen again. The County Clerk must rededicate herself to mastering election administration or at the very minimum to surround herself with individuals with expertise in election administration. Additionally, the County Clerk must work on learning to communicate effectively and in a timely manner to other members of the election community and to the public as a whole. We look forward to continuing to work with the Office of the County Clerk, so as to learn from the events of the Primary Election, and to ensure a well administered General Election.



**STATE OF HAWAII
ELECTIONS COMMISSION**

MINUTES

**WILLIAM B. MARSTON
ELECTION COMMISSION CHAIR**

**REGULAR MEETING OF THE
ELECTIONS COMMISSION**

**May 30, 2012 @ 10:00 AM
STATE OFFICE TOWER BUILDING
235 SO. BERETANIA STREET, ROOM 204
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**

Technical Support Staff in Attendance:

**Ms. Robyn Chun, Department of the Attorney General
Mr. Scott Nago, Chief Election Officer
Ms. Judy Gold, Office of Elections
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**

Guests in Attendance:

**Mr. Glen Takahashi, City and County of Honolulu
Ms. Jamae Kawauchi, County of Hawaii
Ms. Arlene Boteilho, County of Hawaii
Mr. Lyndon Yoshioka, County of Kauai
Mr. Jeffrey Kuwada, County of Maui
Ms. Shirley Magarifuji, County of Maui
Councilman Dennis Onishi, County of Hawaii**

PROCEEDINGS

I. Call to Order

Chair Marston called the meeting to order at 10:00 a.m. on May 30, 2012, at the State Office Tower Building, Room 204.

II. Roll Call and Determination of a Quorum

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

III. Approval of Minutes of the March 15, 2012 Elections Commission Meeting

Agenda item IX is corrected to read X.

Commissioner Soares moved to approve the minutes of the March 15, 2011 meeting. Chair Marston seconded, and the motion carried unanimously.

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

Chair Marston requested, if the Commission agrees, discussion on Councilman Onishi's correspondence be deferred until agenda item no. VII is open for discussion. No other public testimony was given.

V. Status Report from the Chief Election Officer

CEO Nago asked the Commission if he could report on agenda items V and VI when giving his status report. The Commission agreed. CEO Nago reported that on May 18, 2012, a hearing was held to hear a motion for a preliminary injunction seeking the revision of the Reapportionment Plan which was adopted in March of 2012. The court issued an order on May 22nd denying the motion. This allowed the Office of Elections (OE) to continue preparing for the 2012 Elections.

CEO reported that the three impacts of the late Reapportionment Plan is:

1. The OE was not able to publish the Hawaii Votes Brochure which is normally sent to every household. This brochure educates the public on various aspects of elections and voting. Some of the topics covered in this brochure are voter registration, absentee voting, proper marking of ballots, polling place information, and single party voting during the primary. The lead time needed to prepare, publish and mail the brochure would not allow for any changes that may have occurred as a result of the litigation. The OE is now working with radio and TV stations to provide public service announcements and ads to convey information published in the Hawaii Votes Brochure to the public.

2. Candidate filing was also impacted by the late Reapportionment Plan. The opening of candidate filing was moved from February 1st to March 9th. Because voter district and polling place assignments could not be completed in time, the verification of signatories on nomination papers has become a timely two step process for staff. Since the Statewide Voter Registration Data Base is not updated, it could only be used to verify that individuals are registered to vote. Staff would then have to locate the addresses on maps to verify the exact district that they live in. This would have to be done for seats that have residency requirements.
3. The last item impacted was the preparation and mailing of what is known as the voter "yellow card". This card notifies the voter that he or she is a registered voter and lets them know where they are assigned to vote. It also helps us determine if the voter information on file is correct. Due to the delays, the finalizing and mailing of the cards will not be done until mid or late July. It was noted that the "yellow card" process is performed by the Counties. Maui and Kauai County are almost done with their yellow card preparations. The City and County of Honolulu is currently working on completing their yellow cards and the County of Hawaii has just started working on their cards.

A concern of not mailing the yellow cards on time is that the public may find out too late that they are not registered and will not meet the primary election registration deadline date of July 12th. Commissioner Berg asked if there was any possible way to expedite the printing of these cards so that they could be mailed out the first of July. Unfortunately, due to the lateness of the Reapportionment plan, the yellow card process could only be started a few weeks ago and the cards will not be completed in time for a first of July mailing.

Commissioner Masunaga opened discussion on the "*Primer on Hawaii's Elections*" which was prepared by the Office of Elections. She referred to page 19, which shows Hawaii County as having 40/3 polling places. She questioned if the 3 referred to polling places that had less than 500 voters and asked if voters assigned to those polling places will be sent absentee ballots. CEO Nago explained to the Commission that with the passage of Act 100, any polling place with less than 500 voters will receive absentee ballots or will be able to vote absentee walk. Commissioner Masunaga asked what three polling places are affected and CEO Nago responded that there are two locations in the Keaau area and one, Ernest B. DeSilva Elementary School, in Hilo. Commissioner Masunaga noted that she knew there was one absentee walk location in Hilo and one at the West Hawaii Civic Center and wanted to know where the third location was. CEO Nago noted that the third location was in Waimea. Hawaii County Clerk Jamae Kawauchi confirmed that the location was the Waimea Community Center.

Commissioner Orikasa asked CEO Nago if he was comfortable with the progress of the election preparation. CEO Nago responded that due to time constraints, this is not a normal election. However, he feels that we have sped up the preparation process and we should be able to meet the goal of putting on a secure and honest election for 2012.

Commissioner Berg asked if the OE is assigning the voters to the correct precincts for the entire state. CEO Nago explained that based on statute, the voter assignment is the responsibility of the Counties. Commissioner Berg also asked if the process of verifying voters for the purpose of candidate filing is only being done by the OE. CEO Nago explained that each County performs the same function based on the seat that the candidate is running for.

Commissioner Masunaga expressed her appreciation for the preparation of the Election Primer and asked if the number shown on page one is the number of registered voters for Hawaii County. It was clarified that the number shown is the population census number for Hawaii County. She then asked if we knew the total number of registered voters for the County of Hawaii. CEO Nago noted that the estimated number is around 101,000 people. Commissioner Soares asked what the estimated number for Maui County was and it is estimated that there are approximately 85,000 registered voters on Maui. CEO Nago also noted that there are approximately 40,000 registered voters on Kauai and 464,000 on Oahu.

Commissioner Masunaga asked if the Elections Commissioners are allowed to attend the precinct official trainings. CEO Nago responded that they are and he will provide the training schedule for County of Hawaii to Commissioner Masunaga.

Commissioner Okazaki asked if the Commissioners will be given ID cards which would give them access to different locations on election day. CEO Nago said that as in past elections, all the Commissioners will be given ID passes.

VI. Discussion of Concerns and planning for the 2012 Elections

Please refer to Agenda Item V.

VII. Discussion re: Councilman Dennis Onishi Correspondence

Chair Marston announced that Councilman Onishi was in attendance and asked if he had any comments. Council Onishi stated that he was in attendance to listen to the discussion on his correspondence.

Hawaii County Clerk Jamae Kawauchi introduced herself to the Elections Commission. She noted that she was in attendance to answer any questions that the Commission had in addition to the information already provided in the letter to Councilman Onishi.

Commissioner Masunaga asked County Clerk Kawauchi if the number of her election staff was the same as the previous election. County Clerk Kawauchi responded that she has the same number of permanent staff and her previously vacant positions are temporarily filled with competent staff that have been trained by the OE. She also noted that she has an additional 3 warehouse and 10 elections clerk seasonal positions that are filled during an election year. These workers have been hired on schedule.

Commissioner Orikasa asked County Clerk Kawauchi what level of training was provided for her election staff since they did not have extensive elections background. County Clerk Kawauchi responded that she currently has two staff members that have been with the Elections Division for many years and they also have three more staff members that have worked on elections in previous years. As far as training, she has followed the OE lead and feels that the training has been very good.

Commissioner Okazaki asked County Clerk Kawauchi what her elections work background was. County Clerk Kawauchi responded that she was appointed by the incoming Council Chair and has a general understanding of election laws, administration and operations. Commissioner Okazaki explained that when the Commission was recruiting the Chief Election Officer, the expectations were that the person had to have extensive background, experience, and knowledge of elections. Commissioner Okazaki once again asked what her elections background was. County Clerk Kawauchi responded that she has a general understanding of state laws, County Charter, administration, and operations. Commissioner Okazaki also asked County Clerk Kawauchi what positions she previously held in the County, more specifically, elections positions. County Clerk Kawauchi responded that the current position is the only one.

Commissioner Orikasa asked what kind of training was being provided by the OE. CEO Nago clarified that the OE is providing training to the County staff with respect to all State functions and responsibilities such as candidate filing, precinct operations, and counting center operations. This training is provided to all counties but since there was a higher staff turnover in Hawaii County, they were provided extra training. Since staff turnover was in key election positions, Commissioner Orikasa asked County Clerk Kawauchi if the training provided was adequate enough and was she comfortable with her staffs' level of competency and ability to perform their duties with respect to conducting the elections. County Clerk Kawauchi's response was yes, she was very comfortable with her staffs' ability to conduct this years election.

Commissioner Berg expressed serious concern stating that having new staff with little election experience in key positions and dealing with the compressed election preparation time, there is a real possibility that serious problems will arise and the OE and Elections Commission will be held responsible. She suggested that, if at all possible, to explore the possibility of bringing in someone, perhaps from another county, with elections and administrative experience on a temporary basis to assist the county elections division. She also feels that benchmarks should be established and frequent discussions be held with the CEO to discuss if these benchmarks have been met. County Clerk Kawauchi said that she is exploring the possibility of having someone with experience assist them but has not found anyone yet. As far as benchmarks, County Clerk Kawauchi is willing to work with CEO Nago in establishing benchmarks and providing information and updates to the Commission.

Commissioner Orikasa noted that the Commission is looking for assurances that there will be a fail safe problem free elections and having staff with limited election experience is a real concern for him. County Clerk Kawauchi assured the Commission that she and her staff are working very hard and are doing everything they can to conduct a good election. Commissioner Orikasa also agreed that benchmarks should be established with the OE. He also noted that if he understood correctly, Councilman Onishi had the same concerns for the people of Hawaii County.

Maui County Clerk Jeffrey Kuwada commented to the Commission that he also has concerns for the Hawaii County elections. He feels that even with his highly experienced and qualified staff, conducting elections is a challenge. He suggested that Hawaii County could possibly consider returning one of its former election staff to assist with conducting this upcoming elections.

County Clerk Kawauchi reported that Hawaii County precinct official recruitment is at 89.9% full. She also reported that 80% of their voter assignments have been completed. Based on the total number of registered voters, the remaining 20% is equivalent to 20,000 registered voters that need to be assigned. The county is continuing to work with ESRI, the computer software company that was contracted to work on Redistricting, and will get assignment data in the next few days.

Commissioner Orikasa asked County Clerk Kawauchi how she viewed County Clerk Kuwada's suggestion to rehire one of the former elections staff to assist the current staff. County Clerk Kawauchi responded that she will explore what possibilities are available.

Commissioner Orikasa asked Councilman Onishi how the Clerk is selected and Onishi responded that Clerk is appointed by the Council Chair. Commissioner Orikasa then asked what opportunities are available for the Council to get

involved with getting assurances that the elections will be successful. Councilman Onishi responded that he could make a request to the Council Chair that the elections topic be placed on the agenda for the next Council meeting. He also explained that since the election time frame is so short, he wrote to the OE and the Elections Commission to see if he could get the status on the Hawaii County elections.

Commissioner Orikasa then suggested that Councilman Onishi go ahead and try to have the elections topic placed on the agenda. Councilman Onishi said that he would ask the Chair to place the topic on the next meetings agenda. Councilman Onishi also stated that his intent for going to the OE and the Elections Commission was to protect the people of Hawaii County and make sure that they have a fair and open election.

Commissioner King had asked for clarification on voter assignments for the County of Hawaii. CEO Nago said that the process has just started and County Clerk Kawauchi explained that the 20% that has not been assigned are those that have reported unusual address locations on their voter registrations and those that are on the new reapportionment boundary lines. Commissioner King asked if the 20% will be done in time and County Clerk Kawauchi responded that the office is waiting for data from ESRI and is trying to complete the process by the end of June and in time for the yellow card mailing.

Maui County Clerk Kuwada attempted to put things into context for the commission by pointing out that 20% of the Hawaii County voters is equal to at least 20,000 voters that need to be processed manually. County Clerk Kawauchi explained that it will be a difficult process for the office but they are bringing in additional staff and will be asking the public who may fall into this category, to contact their office to provide the needed information. The office will also be sending staff out to these locations and will work with the Finance Department Property Tax Division to assist with trying to identify these locations.

Elections Administrator Glen Takahashi from the City and County gave the Commissioners a brief description of the duties and responsibilities of the Counties. The Counties are responsible for voter registration and absentee voting. He also explained that since the new Reapportionment Plan was finalized, it has taken about a month to complete precincting and voters now have to be reassigned to the correct district and precinct. The voter registration database will also need to be updated. The Kauai and Maui Counties have already completed updating their files. This process for the City and County has just begun. He also noted that for the County of Hawaii, identifying the difficult locations and completing election day preparations at the same time will be very challenging. The City and County and the County of Hawaii are working to try

and have their files updated in time to send out the yellow cards before the voter registration deadline. Unfortunately the lateness of the finalized Reapportionment Plan has created many serious challenges even for the most seasoned and experienced election staff, however, every effort is being made to complete the process with the minimal amount of error and disruption.

CEO Nago wanted to clarify for the Commission that the yellow cards cannot be sent out until all voters are assigned. The statewide target was July, but as of now, only Maui and Kauai Counties have completed their assignments so their yellow cards can now be mailed out. Hawaii County and the City and County of Honolulu are working to try and meet their July target date.

Commissioner Soares noted her concern about the current election. Elections are always challenging and she is grateful for the staff that the Maui County has. She feels that if something goes wrong with the Hawaii County elections, it will be a reflection on the entire state. She encouraged County Clerk Kawauchi to ask for any assistance needed to conduct the elections. Commissioner Berg also encouraged her to try and engage more experienced staff to assist her and to set her benchmarks.

Commissioner Orikasa noted that he did not want his earlier comments misunderstood because they were not directed to anyone individually. He feels that this is a group effort and even though the commission and the OE have no jurisdiction over the county, his comments were meant to be supportive and encouraging. County Clerk Kawauchi expressed her appreciation and thanked the Commission.

Chair Marston expressed to Councilman Onishi that he hopes he will report back to the Council the concerns that the Commission has regarding elections. He also wanted to comment that the elections are a cooperative effort that involves all parties and he also encourages County Clerk Kawauchi to get whatever resources necessary to succeed in this election. Councilman Onishi suggested that if available, the Commissioners could attend the next Council meeting. Commissioners Okazaki and Masunaga said that they would be willing to attend the meeting if elections were placed on the agenda. Councilman Onishi also expressed that he is appreciative that this issue was placed on this Commission meeting agenda for discussion.

Commissioner Soares asked CEO Nago how he feels about the situation and CEO Nago responded that there is no substitute for experience. Commissioner Soares agreed and expressed concern about how problems that occur on election night will be handled. She also feels that this should be looked at by the Council.

Chair Marston thanked County Clerk Kawauchi for attending the meeting and reminded her that the Commission was there to offer help if needed.

VIII. Discussion re: Reapportionment Hearing held on May 18, 2012

CEO Nago reported that the hearing for the preliminary injunction seeking a revision of the current plan was held on May 18, 2012 and was later denied in a court order issued on May 22, 2012.

IX. 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.

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

The Commission resolved into executive session at 11:21 am and reconvened in open meeting at 11:40 am.

X. Adjournment

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

Elections Commission meeting was adjourned at 11:45 a.m.

Next commission meeting has been scheduled for August 22, 2012.

Respectfully submitted,

Carolyn L. Roldan
Elections Commission Secretary

| DISTRICT PRECINT | OPEN |
|------------------------------------|-------------|
| 01-01 Honokaa HS | 7:00AM |
| 01-02 Paauilo Elem | 7:30am |
| 01-03 Papaaloa Gym | 7:00AM |
| 01-04 Honohina Hongwanji | 7:00AM |
| 01-05 Kulaimano Comm Ctr | 7:00AM |
| 01-06 Kalanaianaole Elem/Inter Sch | 7:00AM |
| 01-07 Puueo Multi-Culture Ctr | 7:00AM |
| 01-08 Ernest B DeSilva Elem Sch | 7:00AM |
| 01-10 Kaumana Elem Sch | 7:00AM |
| 02-01 Hilo High Sch | 7:00AM |
| 02-02 Edith Kanakaole Tennis Stad | 7:00AM |
| 02-03 Keaukaha Elem | 7:01am |
| 02-04 Waiakea Elem Sch | 7:03am |
| 02-05 Waiakea Elem Sch | 7:00AM |
| 03-01 AJA Memorial Hall | 7:00AM |
| 03-04 Keaau HS | 7:00AM |
| 03-05 Mountain View Elem | 7:00am |
| 03-06 Cooper Ctr | 7:00AM |
| 03-07 Kau HS | 7:00AM |
| 04-01 Hawaiian Paradise Comm Ctr | 7:10am |
| 04-02 Keonepoko Elem Sch | 7:00AM |
| 04-03 Pahoia comm Ctr | 7:00AM |
| 05-01 Naalehu Elem Sch | 7:00AM |
| 05-02 Ocean View Comm Ctr | 7:02am |
| 05-03 Milolii Halau | 7:20am |
| 05-04 Hookena Elem Sch | 7:29am |
| 05-05 St Benedict Catholic church | 7:00am |
| 05-06 Konawaena Elem Sch | 7:00AM |
| 05-07 Konawaena Elem Sch | 7:20am |
| 05-08 Kona Vistas Ctr | 8:40am |
| 06-01 Holualoa Elem Sch | 7:00am |
| 06-02 Kahakai Elem Sch | 8:40am |
| 06-03 Kekuaokalani Gym | 7:00am |
| 06-04 Kealakehe HS | 7:00am |
| 06-05 Kona Palisades Comm Ctr | 7:53am |
| 07-01 West Hawaii Ctr | 7:00am |
| 07-02 Waikoloa Elem Sch | 7:45am |
| 07-03 Kohala HS and Elem | 7:01am |
| 07-04 Waimea Civic Ctr | 7:00AM |
| 07-05 Waimea New Hope Church | 7:00am |



**STATE OF HAWAII
OFFICE OF ELECTIONS**

802 LEHUA AVENUE
PEARL CITY, HAWAII 96782
www.hawaii.gov/elections

SCOTT T. NAGO
CHIEF ELECTION OFFICER

August 21, 2012

To: Elections Commission

From: Scott T. Nago 
Chief Election Officer

Re: Timeline of Communications with the County of Hawaii

The Office of Elections provides a timeline of communications with the County of Hawaii. Specifically, listed is the following: (1) meetings; (2) a sample of letters addressed to the Clerk of the County of Hawaii by the Chief Election Officer from April 15, 2011 to August 9, 2012; and (3) a sample of emails to all the counties and directly to the Clerk of the County of Hawaii or her staff.

It should also be noted that this list does not include the numerous telephone calls that the Office of Elections has had with the staff of the Clerk of the County of Hawaii.

In Person Meetings

| | |
|------------------|--|
| July 26, 2011 | Meeting of the Counties and the Office of Elections |
| October 3, 2011 | Meeting of the Chief Election Officer with the County Clerk and Elections Commissioners Margaret Masunaga and Brian Nakashima in Kona. |
| October 24, 2011 | Meeting of the Counties and the Office of Elections |
| January 23, 2012 | Meeting of the Counties and the Office of Elections |
| April 10, 2012 | Meeting of the Counties, Office of Elections, and Hart Intercivic |
| May 11, 2012 | Meeting of County Clerks and Office of Elections |
| May 30, 2012 | Elections Commission Meeting |
| June 9, 2012 | Precinct Trainers Training in the County of Hawaii |
| July 31, 2012 | Meeting of County Clerk and Office of Elections |
| August 14, 2012 | Statewide Debriefing in Hilo |

Letters

| | |
|------------------|--|
| April 15, 2011 | Calculation of 2010 Elections Prorations |
| October 21, 2011 | Various pieces of correspondence regarding Reapportionment Status Report, 2012 Precinct Official/Chair/VAO Manuals, and 2012 Proposed Unit Allotment |
| January 6, 2012 | Amendment to HRS § 11-119 concerning deadline to submit proposed charter amendments. |
| March 12, 2012 | Regarding the text of proposed charter amendments. |
| May 11, 2012 | Primer on Hawaii's Elections (presented at meeting with county clerks) |
| May 14, 2012 | Additional correspondence regarding the text of proposed charter amendments. |
| May 29, 2012 | Additional correspondence regarding the text of proposed charter amendments. |
| June 15, 2012 | UOCAVA Compliance |
| July 10, 2012 | Voter Assignments |
| July 13, 2012 | Correspondence regarding pocket precinct postcards |
| July 20, 2012 | Alleged Voter Assignment Error by the County of Hawaii |
| July 25, 2012 | Absentee Ballots |
| August 3, 2012 | Status of Primary Election Items |
| August 6, 2012 | Status of Primary Election Items |
| August 9, 2012 | Recent Loss of Election Staff |

Emails

| | |
|--------------|--|
| June 1, 2012 | Updating and Printing of Polling Place Signs |
| June 2, 2012 | Candidate Filing is Coming |
| June 2, 2012 | Shipping of ADA Handouts |
| June 4, 2012 | Candidate Filing |
| June 4, 2012 | Schedule for Proofing Ballots |
| June 4, 2012 | Close of Candidate Filing Procedures |
| June 4, 2012 | Posting of Maps and Metes and Bounds |
| June 4, 2012 | Primary Elections Seals |
| June 4, 2012 | Close of Candidate Filing Procedures |
| June 4, 2012 | Hilo for Trainers Training |
| June 4, 2012 | Close of Candidate Filing |
| June 5, 2012 | Technical notes on the use of Phoenix |
| June 5, 2012 | Status of Election Bills |
| June 5, 2012 | Delivery Sheets |
| June 5, 2012 | Single Party Primary Script and Provisional Envelope |
| June 6, 2012 | Precinct Official Ads |
| June 6, 2012 | Candidate withdrawal deadline |
| June 6, 2012 | Election Maps and Precinct Metes and Bounds Posted |
| June 6, 2012 | Update on HB 1755 Relating to Voter Registration |
| June 6, 2012 | Notice of ballot proofs for review and approval |

| | |
|---------------|--|
| June 7, 2012 | Notice of candidate withdrawal |
| June 7, 2012 | Reminder that audio for DRE is due |
| June 7, 2012 | Scheduling of Post Election Poll Book Audit |
| June 7, 2012 | Errata to Precinct Official and Chair/VAO Training Manuals |
| June 12, 2012 | Sample Report Format for 2012 |
| June 12, 2012 | Response to Precinct Report Question |
| June 13, 2012 | Notice of Award of DC Team Transportation Bid |
| June 13, 2012 | Poster Boards |
| June 16, 2012 | Precinct Can Checklist |
| June 22, 2012 | Polling Place Locator |
| June 25, 2012 | Test Ballots |
| June 25, 2012 | Pocket Precincts |
| June 27, 2012 | 45 Days UOCAVA Compliance |

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LETTERS



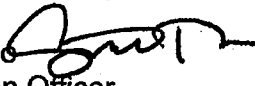
**STATE OF HAWAII
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SCOTT NAGO
CHIEF ELECTION OFFICER

MEMORANDUM

TO: Jamae Kawauchi
County Clerk, County of Hawaii

FROM: Scott T. Nago 
Chief Election Officer

DATE: April 15, 2011

RE: 2010 ELECTION PRORATIONS

We received and reviewed the proration charges from the County of Hawaii. We concur with the charges submitted.

Enclosed are revised proration charges from the Office of Elections to the County of Hawaii, inclusive of charges up to April 12, 2011.

To summarize, the charge for the County of Hawaii is as follows:

| | |
|----------------------------------|-------------|
| State Charge to County of Hawaii | \$45,718.96 |
| County of Hawaii Charge to State | \$58,533.45 |

| | |
|---------------------------------------|-------------|
| State payment to the County of Hawaii | \$12,814.49 |
|---------------------------------------|-------------|

If the County of Hawaii concurs with the enclosed proration charges, please prepare an invoice in the above amount and submit it to our office for payment.

Please contact Rhowell Ruiz, Election Support Services Section Head, at 453-VOTE (8683) if you have any questions.

STN:RR:cr
OE-049-11

Enclosure

2010 ELECTION PRORATION SUMMARY

| Item | Total | State | C&C of HNL | Hawaii | MauI | Kauai |
|-------|--------------|------------|------------|-----------|-----------|-----------|
| ns | 733,879.19 | 632,734.31 | 59,959.83 | 17,887.74 | 14,594.74 | 8,702.57 |
| enses | 321,426.73 | 155,685.89 | 101,640.98 | 27,831.22 | 24,117.61 | 12,151.03 |
| | 1,055,305.92 | 788,420.20 | 161,600.81 | 45,718.96 | 38,712.35 | 20,853.60 |

enses reflects only charges that are prorated between the State and counties.



Summary of Other Current Expenses

| CODE | TOTAL COST | STATE | C&C OF HNL | HAWAII | MAUI | KAUAI |
|------|------------|------------|------------|-----------|-----------|-----------|
| | 53.00 | 0.00 | 0.00 | 0.00 | 0.00 | 53.00 |
| | 172,972.24 | 86,486.12 | 86,486.12 | 0.00 | 0.00 | 0.00 |
| | 44,890.72 | 22,445.36 | 0.00 | 22,445.36 | 0.00 | 0.00 |
| | 42,072.50 | 21,036.25 | 0.00 | 0.00 | 21,036.25 | 0.00 |
| | 19,986.62 | 9,993.31 | 0.00 | 0.00 | 0.00 | 9,993.31 |
| | 4,896.00 | 2,448.00 | 0.00 | 1,762.56 | 0.00 | 685.44 |
| | 217.50 | 108.75 | 0.00 | 58.73 | 50.03 | 0.00 |
| | 1,236.35 | 618.18 | 0.00 | 272.00 | 234.91 | 111.27 |
| | 45,103.75 | 22,551.88 | 15,154.86 | 3,292.57 | 2,796.43 | 1,308.01 |
| | N/A | | | | | |
| | 331,428.68 | 165,687.84 | 101,640.98 | 27,831.22 | 24,117.61 | 12,151.03 |

| ELEMENT | PRORATION | VENDOR | COST | DESCRIPTION |
|---------|-----------|-------------------------------|---------|---|
| CK | | Bronson Low | 20.00 | Retro per diem on 6/22/10 to do preventive maintenance on election equipment on Kauai |
| CK | | Wayden Tsukiyama | 20.00 | Retro per diem on 6/22/10 to do preventive maintenance on election equipment on Kauai |
| CK | | Wayden Tsukiyama | 13.00 | Parking reimbursement at HNL Airport on 6/22/10 to do preventive maintenance on election equipment on Kauai |
| | | Total | 53.00 | |
| EH | | National Rent A Car | 43.00 | Rental car for Observers Testing on 8/23/10 in Hilo |
| EH | | Hawaiian Air Cargo | 129.63 | Shipping of AB Mail Ballots to Hilo |
| EH | | Hawaiian Air Cargo | 72.25 | Shipment to County of Hawaii |
| EH | | Hawaiian Air Cargo | 64.12 | Shipment to County of Hawaii |
| EH | | Hawaiian Air Cargo | 66.84 | Shipment to County of Hawaii |
| EH | | Hawaiian Air Cargo | 53.92 | Shipment to County of Hawaii |
| EH | | Hawaiian Airlines | 170.40 | Trvl 9/21/10 to conduct poll book audits in Hilo; W. Naauao |
| EH | | Hawaiian Airlines | 158.40 | Trvl 9/22/10 to conduct poll book audits in Hilo; S. Nago |
| EH | | Hawaiian Airlines | 190.40 | Trvl 9/21/10 to conduct poll book audits in Hilo; H. Kiaaina |
| EH | | Hawaiian Airlines | 190.40 | Trvl 9/21/10 to conduct poll book audits in Hilo; K. Oka |
| EH | | Hawaiian Airlines | 190.40 | Trvl 9/21/10 to conduct poll book audits in Hilo; R. Hanohano |
| EH | | Hawaiian Airlines | 170.40 | Trvl 9/21/10 to conduct poll book audits in Hilo; B. Low |
| EH | | Hawaiian Airlines | 170.40 | Trvl 9/21/10 to conduct poll book audits in Hilo; S. Nago |
| EH | | Michael Shaw | 20.00 | Retro per diem on 8/23/10 to assist with Observer's Testing in Hilo |
| EH | | Naomi Yoshida | 112.00 | Mileage reimbursement as Coordinator and Troubleshooter on Primary Election Day |
| EH | | Hawaiian Airlines | 95.20 | Trvl 10/11/10 from HNL-ITO to conduct Observers Testing; S. Nago |
| EH | | Hawaiian Airlines | 95.20 | Trvl 10/11/10 from HNL-ITO to conduct Observers Testing; W. Naauao |
| EH | | Hawaiian Airlines | 95.20 | Trvl 10/11/10 from HNL-ITO to conduct Observers Testing; R. AhHee |
| EH | | National Rent A Car | 46.50 | Rental car 10/11-10/12/10 to be used for Observers Testing in Hilo |
| EH | | Scott Nago | 211.84 | Retro per diem from 10/11-10/12/10 in Hilo to conduct Observers Testing |
| EH | | Hawaiian Airlines | 190.40 | Trvl 11/4/10 to conduct pollbook audit in Hilo; H. Kiaaina |
| EH | | Hawaiian Airlines | 190.40 | Trvl 11/4/10 to conduct pollbook audit in Hilo; K. Oka |
| EH | | Hawaiian Airlines | 190.40 | Trvl 11/4/10 to conduct pollbook audit in Hilo; R. Hanohano |
| EH | | Hawaiian Airlines | 170.40 | Trvl 11/4/10 to conduct pollbook audit in Hilo; S. Nago |
| EH | | Hawaiian Airlines | 170.40 | Trvl 11/4/10 to conduct pollbook audit in Hilo; W. Naauao |
| EH | | National Car Rental | 46.50 | Rental car 11/4/10 used for pollbook audit in Hilo; W. Naauao |
| EH | | National Car Rental | 46.50 | Rental car 11/4/10 used for pollbook audit in Hilo; H. Kiaaina |
| EH | | Naomi Yoshida | 112.00 | Mileage reimbursements as troubleshooter and district coordinator on 10/2/10 |
| EH | | Jeffrey N. Kahakua | 208.00 | Mileage reimbursements on 9/18/10 and 11/2/10 as Troubleshooter and Coordinator |
| EH | | James Hodgins | 301.00 | Mileage reimbursements on 9/18/10 and 11/2/10 as Troubleshooter and Coordinator |
| EH | | Aaron Lee | 4.00 | Mileage reimbursement from home to Aupuni Center |
| EH | | Nora James | 7.00 | Mileage reimbursement from home to Hawaii County Bldg and back to home on 9/18/10 |
| EO | | Elton Nakagawa | 221.50 | Mileage reimbursement for 9/18 and 11/2 as troubleshooter for both the Primary and General Elections |
| EH | | Office Max | 285.66 | Printing of eScan Election posters |
| EH | | Hawaiian Airlines | 46.54 | Shipment to Hilo - Airway Bill #21393492 |
| EH | | Hawaiian Airlines | 80.64 | Shipment to Hilo - Airway Bill #21348946 and #21348950 |
| EH | | Hawaiian Telcom | 761.63 | Hawaii Counting/Control Center telephone charges for 09/19-10/18/10 and 10/19/10-11/18/10 |
| EH | | Courier Corporation of Hawaii | 3446.03 | Ballot delivery services of ballots from HNL to County of Hawaii |

| | | | |
|----|-----------------------|---------|---|
| EK | National Rent A Car | 55.00 | Rental car used for Observers testing on 8/26/10 on Kauai |
| EK | Hawaiian Air Cargo | 71.19 | Shipment to County of Kauai |
| EK | Lori Tomczyk | 20.00 | Retro per diem on 9/9/10 to do DC training on Kauai |
| EK | Hawaiian Air Cargo | 43.36 | Shipment to County of Kauai |
| EK | Hawaiian Airlines | 184.40 | Trvl 9/17/10 to conduct the primary election for the island of Kauai; M. Kaulaloku |
| EK | Hawaiian Airlines | 158.40 | Trvl 9/11/10 to conduct Observers Testing on Kauai; M. Kaulaloku |
| EK | Hawaiian Airlines | 178.40 | Trvl 9/9/10 to conduct DC team training on Kauai; L. Tomczyk |
| EK | Hawaiian Airlines | 158.40 | Trvl 9/2/10 to conduct poll book audits on Kauai; W. Naauao |
| EK | Hawaiian Airlines | 158.40 | Trvl 9/23/10 to conduct poll book audits on Kauai; B. Low |
| EK | Hawaiian Airlines | 184.40 | Trvl 9/23/10 to conduct poll book audits on Kauai; H. Kiaaina |
| EK | Hawaiian Airlines | 184.40 | Trvl 9/23/10 to conduct poll book audits on Kauai; K. Oka |
| EK | Hawaiian Airlines | 184.40 | Trvl 9/23/10 to conduct poll book audits on Kauai; R. Hanohano |
| EK | National Rent A Car | 44.50 | Car rental on 9/9/10 for DC training on Kauai; L. Tomczyk |
| EK | National Rent A Car | 44.50 | Car rental on 9/11/10 to conduct Observers testing on Kauai |
| EK | Hawaiian Airlines | 158.40 | Trvl from Hnl-Ljh-Hnl to assist with poll book audit; M. Kaulaloku |
| EK | The Garden Island | 3472.64 | Kauai 2010 Polling Place and 2010 Election Proclamation |
| EK | Michael Kaulaloku | 39.00 | Parking reimbursements at Hnl Int'l Airport on 8/26, 9/11 and 9/23 to conduct observers test on Kauai |
| EK | Michael Kaulaloku | 36.10 | Excess Lodging and Parking at Kauai Sands Hotel from 9/17/10-9/19/10 to conduct Primary Elections for the County of Kauai |
| EK | Hawaiian Airlines | 138.40 | Trvl 10/13/10 from HNL-LIH-HNL to conduct Observers Testing; S. Nago |
| EK | Hawaiian Airlines | 138.40 | Trvl 10/13/10 from HNL-LIH-HNL to conduct Observers Testing; W. Naauao |
| EK | Hawaiian Airlines | 138.40 | Trvl 10/13/10 from HNL-LIH-HNL to conduct Observers Testing; M. Kaulaloku |
| EK | Hawaiian Airlines | 138.40 | Trvl 10/13/10 from HNL-LIH-HNL to conduct Observers Testing; B. Low |
| EK | National Rent A Car | 58.50 | Rental car 10/16/3 to be used for Observers Testing on Kauai |
| EK | Michael Kaulaloku | 202.50 | Advanced per diem for travel to Lihue-Kauai, on 11/1/10 to manage Kauai County on General Elections Day |
| EK | Bronson Low | 20.00 | Retro per diem on 10/13/10 traveled to Lihue to conduct Observers Testing |
| EK | Hawaiian Airlines | 158.40 | Trvl 11/9/10 to conduct pollbook audit on Kauai; H. Kiaaina |
| EK | Hawaiian Airlines | 158.40 | Trvl 11/9/10 to conduct pollbook audit on Kauai; K. Oka |
| EK | Hawaiian Airlines | 158.40 | Trvl 11/9/10 to conduct pollbook audit on Kauai; R. Hanohano |
| EK | Hawaiian Airlines | 138.40 | Trvl 11/9/10 to conduct pollbook audit on Kauai; S. Nago |
| EK | Hawaiian Airlines | 138.40 | Trvl 11/9/10 to conduct pollbook audit on Kauai; W. Naauao |
| EK | Hawaiian Airlines | 138.40 | Trvl 11/9/10 to conduct pollbook audit on Kauai; M. Kaulaloku |
| EK | Hawaiian Airlines | 158.40 | Trvl 11/1-11/3 to manage kauai County Counting Center on General Election Day; M. Kaulaloku |
| EK | Hawaiian Airlines | 164.40 | Trvl 10/30/10 to conduct Observers Testing on Kauai; M. Kaulaloku |
| EK | Young Brothers | 41.60 | (10) ballot boxes to the County of Kauai |
| EK | National Rent A Car | 44.50 | Rental car 10/30/10 used for Observers Testing on Kauai |
| EK | National Rent A Car | 89.00 | Rental car 11/1-11/3/10-used by manager for County of Kauai Counting Center; M. Kaulaloku |
| EK | Enterprise Rent A Car | 127.00 | Rental used for delivery of equipment and troubleshooters on General Election Day |
| EK | Enterprise Rent A Car | 93.50 | Rental used for delivery of equipment and troubleshooters on General Election Day |
| EK | Enterprise Rent A Car | 83.50 | Rental used for delivery of equipment and troubleshooters on General Election Day |
| EK | Enterprise Rent A Car | 93.50 | Rental used for delivery of equipment and troubleshooters on General Election Day |
| EK | Enterprise Rent A Car | 93.50 | Rental used for delivery of equipment and troubleshooters on General Election Day |
| EK | National Car Rental | 46.50 | Rental car on 11/9/10 used for pollbook audit on Kauai; H. Kiaaina |
| EK | National Car Rental | 46.50 | Rental car on 11/9/10 used for pollbook audit on Kauai; W. Naauao |
| EK | Michael Kaulaloku | 58.80 | Reimbursement for excess lodging from 11/1-11/3/10 to manage counting center for the County of Kauai |
| EK | Michael Kaulaloku | 39.00 | Parking reimbursement at Hnl Int'l Airport for 10/13, 10/30 and 11/9/10 |
| EK | Carol E. Seielstad | 70.00 | Mileage reimbursements for 9/18/10 and 11/2/10 from Princevilled-Lhue-Princeville |