



**STATE OF HAWAII
OFFICE OF ELECTIONS**

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

SCOTT T. NAGO
CHIEF ELECTION OFFICER

September 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:

This is a follow up letter to our September 7, 2012 and September 14, 2012 letters to you regarding a possible security breach of a voter's personal information and your September 24, 2012 email in response. Copies of our two letters and your email are enclosed for your reference. We believe our previous correspondence adequately summarizes that you are statutorily responsible for handling voter registration and absentee voting applications and that you should take immediate steps to comply with Chapter 487N, HRS.

As for your statement, in your September 24, 2012 email, that you will be following up with the Office of Corporation Counsel, it concerns us that this may not have already occurred, as our prior September 7 & 14, 2012 correspondence was copied to your Office of Corporation Counsel, and it is our understanding that Councilmember Blas' wife dropped off the application in question to your office the week of September 10, 2012.

Additionally, you state that "the County of Hawaii elections division is following the practices and procedures for compliance with Chapter 487N, HRS that were in place prior to my tenure as Hawaii County Clerk" but you neglect to state what those practices and procedures were and to explain what happened in this situation.

Training by the Office of Elections is not applicable in this instance. As previously noted, the handling of voter registration and absentee voting applications, as well as the laws that protect confidential information are the statutory responsibility of your office.

Jamae K.K. Kawauchi
September 25, 2012
Page 2

We surmise, based on your correspondence, that you need assistance to familiarize yourself with the specific state laws and your related responsibility to ensure that practices and procedures are in place to ensure the protection of confidential information. As such, we reiterate our recommendation that you immediately contact your Corporation Counsel for appropriate legal support. Additionally, you may also wish to consult with the County of Hawaii's member to the Information Privacy and Security Council regarding best practices for compliance with Chapter 487N, HRS.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Scott T. Nago', with a long horizontal line extending to the right.

SCOTT T. NAGO
Chief Election Officer

STN:AHS:cr
OE-283-12

Enclosures

c: Katherine A. Garson, Assistant Corporation Counsel
Councilmember Fred Blas
Elections Commission

CarrollCox.com



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SCOTT T. NAGO
CHIEF ELECTION OFFICER

September 7, 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 have been informed by Councilmember Blass that his wife went to your office to pick up a Permanent Absentee Application and shortly after discovered that the application that she had obtained was already filled in by a voter.

As you are aware, our laws are clear that other than a voter's full name, district/precinct designation, and voter status, all other information should be deemed confidential. HRS § 11-97. Absentee voting including the processing of and retention of permanent absentee ballot applications is the responsibility of the county clerk. HRS § 15-4. Given that the application form requests confidential information in the form of the voter's social security number, date of birth, telephone number, and address, if this is correct, then the voter's confidential information could have been compromised.

We would recommend that you consult with your Corporation Counsel as to what steps you may need to take in order to comply with Chapter 487N, HRS (Security Breach of Personal Information), including HRS § 487N-2 (Notice of Security Breach) which requires "notice to the affected person that there has been a security breach following discovery or notification of breach." Additionally, you should investigate whether this alleged breach has impacted more than one individual and whether your Corporation Counsel believes additional notices and security steps are required or appropriate.

Very truly yours, .

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

SCOTT T. NAGO
Chief Election Officer

STN:AHS:sl
OE-269-12

cc: Katherine A. Garson, Assistant Corporation Counsel
Councilmember Fred Blas



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SCOTT T. NAGO
CHIEF ELECTION OFFICER

September 14, 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:

This is a follow up letter to our September 7, 2012, letter to you regarding a possible security breach of a voter's personal information. A copy of the letter is enclosed for your reference.

As we previously noted to you, we were informed by Councilmember Blas that his wife went to your office to pick up Permanent Absentee Ballot Applications and that she shortly after discovered that one of the applications that she had obtained was already filled in by a voter. We immediately sent you a letter the same day informing you of the possible breach by your office and we separately left a message with Councilmember Blas asking him to take steps to have the Permanent Absentee Ballot Application returned to your office.

Given that the application form requests confidential information in the form of the voter's social security number, date of birth, telephone number, and address, these form must be properly secured.

Mrs. Blas has confirmed, upon our request, that she returned the Permanent Absentee Ballot Application to your office in a sealed envelope, earlier this week, and that the envelope was time stamped by your office. As of today, it does not appear that you have contacted her to investigate the circumstances by which one of your employees accidentally provided her the completed form.

Our laws are clear that other than a voter's full name, district/precinct designation, and voter status, all other information should be deemed confidential. HRS § 11-97. Absentee voting including the processing of and retention of permanent absentee ballot applications is the responsibility of the county clerk. HRS § 15-4.

As we noted to you, we would recommend that you consult with your Corporation Counsel as to what steps you may need to take in order to comply with Chapter 487N, HRS (Security Breach of Personal Information), including HRS § 487N-2 (Notice of Security Breach) which requires "notice to the affected person that there has been a security breach following discovery or notification of breach." Additionally, you should investigate whether this alleged breach has impacted more than one individual and whether your Corporation Counsel believes additional notices and security steps are required or appropriate.

Our reading of the law reflects that any security breach disclosure "notification shall be made without unreasonable delay, consistent with the legitimate needs of law enforcement as provided in subsection (c) of this section, and consistent with any measures necessary to determine sufficient contact information, determine the scope of the breach, and restore the reasonable integrity, security, and confidentiality of the data system." HRS § 487N-2(a).

Additionally, the law provides, in part, the following:

The notice shall be clear and conspicuous. The notice shall include a description of the following:

- (1) The incident in general terms;
- (2) The type of personal information that was subject to the unauthorized access and acquisition;
- (3) The general acts of the business or government agency to protect the personal information from further unauthorized access;
- (4) A telephone number that the person may call for further information and assistance, if one exists; and
- (5) Advice that directs the person to remain vigilant by reviewing account statements and monitoring free credit reports.

HRS § 487N-2(d).

Further, the law requires, in part, the following:

A government agency shall submit a written report to the legislature within twenty days after discovery of a security breach at the government agency that details information relating to the nature of the breach, the number of individuals affected by the breach, a copy of the notice of security breach that was issued, the number of individuals to whom the notice was sent, whether the notice was delayed due to law enforcement considerations, and any procedures that have been implemented to prevent the breach from reoccurring. In the event that a law enforcement agency informs the government agency that notification may impede a criminal investigation or jeopardize national security, the report to the legislature may be delayed until twenty days after the law enforcement agency has determined that notice will no longer impede the investigation or jeopardize national security.

HRS § 487N-4 (Emphasis added).

Please confirm with our office that the requirements of Chapter 487N, HRS have been complied with and that the confidential information of the voters in the County of Hawaii is secure. Additionally, please forward us a copy of your report to the Legislature.

Very truly yours,



SCOTT T. NAGO
Chief Election Officer

STN:AHS:cr
OE-275-12

Enclosure

c: Katherine A. Garson, Assistant Corporation Counsel
Councilmember Fred Blas

From: "Kawauchi, Jamae" <jkawauchi@co.hawaii.hi.us>
To: <Scott.Nago@hawaii.gov>
Cc: "Masunaga, Margaret" <mkmasunaga@co.hawaii.hi.us>, <csk96750@yahoo.com>, "Iopa, Elizabeth (Lehua)" <eiopa@co.hawaii.hi.us>, "Udovic, Michael" <mudovic@co.hawaii.hi.us>
Date: 09/24/2012 02:26 AM
Subject: Possible Security Breach of a Voter's Personal Information

Dear Scott:

This message is in follow up to your letters dated September 7, 2012 and September 14, 2012 concerning the above-referenced matter. I understand from your letters that you are writing to report to me a possible security breach of voter information.

I see from your letter dated September 14, 2012 that you are requesting confirmation that the requirements of Chapter 487N, HRS have been complied with and that the confidential information of the voters in the County of Hawaii is secure. You have also requested that a copy of a report to the State Legislature concerning this matter be forwarded to you.

Chapter 487N, HRS. I will be following up with the office of corporation counsel for their advice concerning this matter. In addition, please provide me with your advice concerning the securing of confidential information for voters. It is my understanding that the County of Hawaii elections division is following the practices and procedures for compliance with Chapter 487N, HRS that were in place prior to my tenure as Hawaii County Clerk. I will need your help with further training. I therefore request that the State Office of Elections provide the County of Hawaii with a training on the securing of confidential information for voters as soon as possible. Please provide me with dates of your availability to provide our office with said training.

HRS 487N-4. I will be following up with the complainant concerning this matter. It is my understanding from your letter that you have received the complaint third hand. As such I will need to further investigate this matter prior to filing a report with the State Legislature. I will also need to follow up with the office of corporation counsel for their advice concerning this matter prior to filing the report with the State Legislature.

Note that in July 2011, after performing an inspection of the elections warehouse on Maka'ala Street, Hilo, Hawaii, I discovered voter information that was left laying out on tables at the warehouse. The voter information has since been secured but I note that I was not previously advised to file a report with the legislature concerning this discovery. Now that I understand that such a report is advised, I will be discussing the preparation of the report for this discovery of materials at the elections warehouse with the office of the corporation counsel. Your further advice and training concerning this matter is appreciated.

Thank you.

JAMAE K. K. KAWAUCHI
Hawaii County Clerk



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SCOTT T. NAGO
CHIEF ELECTION OFFICER

MEMORANDUM

TO: Jamae K. K. Kawauchi, Clerk
County of Hawaii

FROM: Scott T. Nago 
Chief Election Officer

VIA: Judy Gold 
Precinct Operations

DATE: September 25, 2012

SUBJECT: PRECINCT OFFICIALS

This is in response to your email dated September 24, 2012, requesting to schedule a training with the Office of Elections and County of Hawaii election staff on the use of Phoenix. We will be happy to schedule a training at your earliest convenience.

On September 24, 2012, Judy Gold spoke with Debbie Kaahanui and walked through generating a Phoenix Report. Judy welcomes any election staff to call her and she can verbally explain and assist in generating Phoenix Reports to suit their requirements.

Attached for your information are screen shots of the Phoenix System Report page with a sample of how to create a status report of the recruitment of Officials for a particular District-Precinct, (01-01); as well as a sample of how to create a status report of the county-wide recruitment of Officials for all forty County of Hawaii District-Precincts.

In the County of Hawaii, we need to recruit the following number of Polling Place Officials:

CHAIR	VAO	PO	FO	Total
40	80	379	40	539

1. PHOENIX – System Report – HR Management – Flexible Report Generator

Home	Election	Candidates	Accounting	HR Mgmt.	Reports	Search HR/VR	Help/FAQ	POPS PRECINCT OP
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SystemReports
System Reports

System Reports

Instructions
Reports are grouped by Module. Select a module(s) then select a corresponding report. Enter any number of search criteria separated by a space.

Please select a module:

- Accounting
- Candidate Filing
- Election Management
- HR Management

Please select a submodule:

- Maintenance
- Intake
- Assignments

Search

48 reports found.

HR Management

Assignments

- Flexible Report Generator
- HRM Count Report - Assigned by Position Group - Precincts
- HRM Count Report - Assignment Variance Report (Detail)
- HRM Count Report - Assignment Variance Report (Summary)
- HRM Count Report - HR Variance Report
- HRM Error Report - Applicants / Employees <16 Years Old
- HRM Working Report - 1. Payroll Verification Report (Verify Persons to be Paid)
- HRM Working Report - 2. Payroll Processed or Marked as NPO (Verify Already Paid or Marked NPO)
- HRM Working Report - Applicants / Employees <18 Years Old
- HRM Working Report - Assigned with No SSN
- HRM Working Report - NPO Verification Report
- HRM Working Report - PPS Form
- HRM Working Report - Unregistered in Active Election

2. Under "Election (Required)", Select "2012 General Election",
 Under "Cost Center", Select "COH",
 Under "Status – INTAKE", Select "All",
 Under "Status – ASSIGNMENT, Select "All"

3. Under "Work Area", Select "DP",
 Under "Positions". Select "Chair", or "PO", or "VAO", or "FO", etc",
 Click on "Build Report" – see below

HRM Flexible Report Generator

Instructions
 Select filtering criteria. Click Build Report to view the report. (NOTE: If Class is selected, all other filters are disabled. Also, if a person's name is different between elections, information from an election other than the most recent one may be displayed.) Address displayed is the mailing address.

Election (Required)	Work Area	Positions
2012 General Election	All	FACILITY OFFICIAL (3 UNIT)
Cost Center	01-02 Paauilo Elem Sch	FACILITY OFFICIAL (4 UNIT)
COH	01-03 Papaioea Gym	FACILITY OFFICIAL (MAX)
Class	01-04 Hanohina Hongwanji	HAWAII - BOARD OF REGISTRATION MEMBER
All	01-05 Kulaimano Comm Ctr	HAWAII - BOARD OF REGISTRATION SECRETARY
Status - INTAKE	01-06 Kalenianaole Elem/Inter Sch	HAWAII - CHAIRPERSON (3 UNIT)
All	01-07 Puueo Multi-Culture Ctr	HAWAII - CHAIRPERSON (2 UNIT)
Status - ASSIGNMENT	01-08 Ernest B DeSilva Elem Sch	HAWAII - CHAIRPERSON (3 UNIT)
All	01-09 [Absentee Mail Only]	HAWAII - CHAIRPERSON (4 UNIT)
Font Size	01-10 Kaumana Elem Sch	HAWAII - CHAIRPERSON (MAX)
<input type="radio"/> 8 <input checked="" type="radio"/> 10 <input type="radio"/> 12 <input type="radio"/> 14	02-01 Hilo High Sch	HAWAII - CONTROL CENTER PHONE / COMPUTER OPE
Report Width	02-02 Edith Kanakaole Tennis Stad	HAWAII - DISTRICT COORDINATOR
<input type="radio"/> Small <input checked="" type="radio"/> Medium <input type="radio"/> Large <input type="radio"/> X-Large	02-03 Keaukaha Elem Sch	HAWAII - FACILITY OFFICIAL (1 UNIT)
Optional Fields	02-04 Waialea Elem Sch	HAWAII - FACILITY OFFICIAL (2 UNIT)
<input type="checkbox"/> Notes	02-05 Waialea High Sch	HAWAII - FACILITY OFFICIAL (3 UNIT)
	03-01 AJA Memorial Hall	HAWAII - FACILITY OFFICIAL (4 UNIT)
	03-02 [Absentee Mail Only]	HAWAII - FACILITY OFFICIAL (MAX)
	03-03 [Absentee Mail Only]	HAWAII - POLLWATCHER
	03-04 Keaau High Sch	HAWAII - PRECINCT OFFICIAL (ALT STANDBY)
	03-05 Mountain View Elem Sch	HAWAII - PRECINCT OFFICIAL (STANDBY)
	03-06 Cooper Ctr	HAWAII - TROUBLESHOOTER
	03-07 Kau High Sch	HAWAII - TROUBLESHOOTER
	04-01 Hawaiian Paradise Comm Ctr	HAWAII DISTRICT COORDINATOR
	04-02 Keonepoko Elem Sch	KAUAI - BOARD OF REGISTRATION MEMBER
	04-03 Peiho Comm Ctr	KAUAI - BOARD OF REGISTRATION SECRETARY
	05-01 Naalehu Elem Sch	KAUAI - CHAIRPERSON (1 UNIT)

Report Title (250 Character Max):

Carrollco

4. This report is for DP 01-01 only. You can select all forty (40) DP's in the County of Hawaii to obtain a report.

In the "STATUS IN" Column, "Ready to Assign" is an indication that the recruit has attended training. "No Class Assigned" is an indication the recruit has yet to attend training, be certified and assigned to the polling place.

In the "STATUS AS" Column, "Assigned" is an indication that the recruit is assigned to this District Precinct.

HRM Report: 9/25/2012 10:40:29 AM Election: 2012 General Election
 Cost Center: COH Workarea: 01-01 Honokaa High Sch 9/25/2012 10:48:29 AM

Total Count: 16

LAST NAME	FIRST NAME	M	ADDRESS	CITY	ZIP	PHONE (H)	PHONE (W)	PHONE (C)	EMAIL	COST CENTER	POSITION	WORKAREA	STATUS IN	STATUS AS	NPD NAME
AHPUCK	PRISCILLA	I	P.O. BOX 284	HONOKAA	96727	8087758081				COH	HAWAII - PRECINCT OFFICIAL	01-01 Honokaa High Sch	6. Ready to Assign	2. Assigned	
BATALONA	JOANNA	J	P.O. BOX 1125	HONOKAA	96727			8087471102		COH	HAWAII - VOTER ASSISTANCE OFFICIAL	01-01 Honokaa High Sch	6. Ready to Assign	2. Assigned	
BERTELMANN	MOANIKAMALINAMA	M	P.O. BOX 26	KAMUELA	96743			8088546678		COH	HAWAII - PRECINCT OFFICIAL	01-01 Honokaa High Sch	6. Ready to Assign	2. Assigned	
BRYSON	CARBOYGL	K	1472 KILAUEA AVE	HILO	96720	8087750646	8089348786	8084300286		COH	HAWAII - PRECINCT OFFICIAL	01-01 Honokaa High Sch	6. Ready to Assign	2. Assigned	
DELA CRUZ	JODEAN	M	P.O. Box 28	Honokaa	96727					COH	HAWAII - PRECINCT OFFICIAL	01-01 Honokaa High Sch	6. Ready to Assign	2. Assigned	
DELA ROSA	SUNNIE		PO BOX 1302	HONOKAA	96727	8087751074		8087568146		COH	HAWAII - PRECINCT OFFICIAL	01-01 Honokaa High Sch	6. Ready to Assign	2. Assigned	
DOMINGUEZ	COREY	M	P.O. BOX 5121	HONOKAA	96727	8087757156		8087562722		COH	HAWAII - CHAIRPERSON (4 UNIT)	01-01 Honokaa High Sch	6. Ready to Assign	2. Assigned	
ESQUERRA	GENARA	L	PO BOX 1593	KAPAAU	96755	8087750180				COH	HAWAII - PRECINCT OFFICIAL	01-01 Honokaa High Sch	2. No Class Assigned		
ESQUERRA	ROXANE	M	PO BOX 6366	KAMUELA	96743	8087750180				COH	HAWAII - PRECINCT OFFICIAL	01-01 Honokaa High Sch	2. No Class Assigned		
FUJIOKA	KATHERINE	L	P.O. BOX 51007	HONOKAA	96727	8087750768				COH	HAWAII - PRECINCT OFFICIAL	01-01 Honokaa High Sch	6. Ready to Assign	2. Assigned	
GREEN	MYRNA	K	P.O. BOX 1766	HONOKAA	96727	8087757368		8089600366		COH	HAWAII - PRECINCT OFFICIAL	01-01 Honokaa High Sch	6. Ready to Assign	2. Assigned	
KANEKO	CAYSEN-KYLE	K	P.O. BOX 26	KAMUELA	96743			8088546926		COH	HAWAII - VOTER ASSISTANCE OFFICIAL	01-01 Honokaa High Sch	6. Ready to Assign	2. Assigned	
LEVITA	BARBARA	J	P.O. BOX 1903	HONOKAA	96727	8087751035		8087563016		COH	HAWAII - PRECINCT OFFICIAL	01-01 Honokaa High Sch	6. Ready to Assign	2. Assigned	
LUCE	CHRISTY	A	P.O. BOX 1134	HONOKAA	96727	8087751502				COH	HAWAII - PRECINCT OFFICIAL	01-01 Honokaa High Sch	6. Ready to Assign	2. Assigned	
OFFENBAKER	SERENA	N	PO BOX 241	HONOKAA	96727	8087751404		8084301359		COH	HAWAII - PRECINCT OFFICIAL	01-01 Honokaa High Sch	6. Ready to Assign	2. Assigned	
RODRIGUES	CHARLOTTE	K	P.O. BOX 348	HONOKAA	96727	8087750050		8089606343		COH	HAWAII - PRECINCT OFFICIAL	01-01 Honokaa High Sch	6. Ready to Assign	2. Assigned	

Positions: HAWAII - CHAIRPERSON (1 UNIT), HAWAII - CHAIRPERSON (2 UNIT), HAWAII - CHAIRPERSON (3 UNIT), HAWAII - CHAIRPERSON (4 UNIT), HAWAII - CHAIRPERSON (MAX), HAWAII - PRECINCT OFFICIAL, HAWAII - VOTER ASSISTANCE OFFICIAL

5. Have selected all the Work Areas (DP 01-01 through DP 07-05), selected Chair, VAO and PO Only:

HRM Flexible Report Generator

Instructions

Select filtering criteria. Click Build Report to view the report. (NOTE: If Class is selected, all other filters are disabled. Also, if a person's name is different between elections, information from an election other than the most recent one may be displayed.) Address displayed is the mailing address.

Election {Required} 2012 General Election <hr/> Cost Center COH <hr/> Class All <hr/> Status - INTAKE All <hr/> Status - ASSIGNMENT All <hr/> Font Size <input type="radio"/> 8 <input checked="" type="radio"/> 10 <input type="radio"/> 12 <input type="radio"/> 14 <hr/> Report Width <input type="radio"/> Small <input checked="" type="radio"/> Medium <input type="radio"/> Large <input type="radio"/> X-Large <hr/> Optional Fields <input type="checkbox"/> Notes	Work Area All <div style="border: 1px solid black; padding: 2px; font-size: small;"> 01-01 Honolulu Pkwy Sch 01-02 Hawaii Elem Sch 01-03 Popoia Sch 01-04 Honolulu High School 01-05 Kaneohe Elem Sch 01-06 Kaneohe Elem Sch 01-07 Kaneohe Elem Sch 01-08 Kaneohe Elem Sch 01-09 Kaneohe Elem Sch 01-10 Kaneohe Elem Sch 01-11 Kaneohe Elem Sch 02-02 28th Karakule Tennis Stnd 02-03 Kailua Elem Sch 02-04 Waialae Elem Sch 02-05 Waialae Elem Sch 02-06 Waialae Elem Sch 02-07 Waialae Elem Sch 02-08 Waialae Elem Sch 02-09 Waialae Elem Sch 02-10 Waialae Elem Sch 02-11 Waialae Elem Sch 02-12 Waialae Elem Sch 02-13 Waialae Elem Sch 02-14 Waialae Elem Sch 02-15 Waialae Elem Sch 02-16 Waialae Elem Sch 02-17 Waialae Elem Sch 02-18 Waialae Elem Sch 02-19 Waialae Elem Sch 02-20 Waialae Elem Sch 02-21 Waialae Elem Sch 02-22 Waialae Elem Sch 02-23 Waialae Elem Sch 02-24 Waialae Elem Sch 02-25 Waialae Elem Sch 02-26 Waialae Elem Sch 02-27 Waialae Elem Sch 02-28 Waialae Elem Sch 02-29 Waialae Elem Sch 02-30 Waialae Elem Sch 02-31 Waialae Elem Sch 02-32 Waialae Elem Sch 02-33 Waialae Elem Sch 02-34 Waialae Elem Sch 02-35 Waialae Elem Sch 02-36 Waialae Elem Sch 02-37 Waialae Elem Sch 02-38 Waialae Elem Sch 02-39 Waialae Elem Sch 02-40 Waialae Elem Sch 02-41 Waialae Elem Sch 02-42 Waialae Elem Sch 02-43 Waialae Elem Sch 02-44 Waialae Elem Sch 02-45 Waialae Elem Sch 02-46 Waialae Elem Sch 02-47 Waialae Elem Sch 02-48 Waialae Elem Sch 02-49 Waialae Elem Sch 02-50 Waialae Elem Sch 02-51 Waialae Elem Sch 02-52 Waialae Elem Sch 02-53 Waialae Elem Sch 02-54 Waialae Elem Sch 02-55 Waialae Elem Sch 02-56 Waialae Elem Sch 02-57 Waialae Elem Sch 02-58 Waialae Elem Sch 02-59 Waialae Elem Sch 02-60 Waialae Elem Sch 02-61 Waialae Elem Sch 02-62 Waialae Elem Sch 02-63 Waialae Elem Sch 02-64 Waialae Elem Sch 02-65 Waialae Elem Sch 02-66 Waialae Elem Sch 02-67 Waialae Elem Sch 02-68 Waialae Elem Sch 02-69 Waialae Elem Sch 02-70 Waialae Elem Sch 02-71 Waialae Elem Sch 02-72 Waialae Elem Sch 02-73 Waialae Elem Sch 02-74 Waialae Elem Sch 02-75 Waialae Elem Sch 02-76 Waialae Elem Sch 02-77 Waialae Elem Sch 02-78 Waialae Elem Sch 02-79 Waialae Elem Sch 02-80 Waialae Elem Sch 02-81 Waialae Elem Sch 02-82 Waialae Elem Sch 02-83 Waialae Elem Sch 02-84 Waialae Elem Sch 02-85 Waialae Elem Sch 02-86 Waialae Elem Sch 02-87 Waialae Elem Sch 02-88 Waialae Elem Sch 02-89 Waialae Elem Sch 02-90 Waialae Elem Sch 02-91 Waialae Elem Sch 02-92 Waialae Elem Sch 02-93 Waialae Elem Sch 02-94 Waialae Elem Sch 02-95 Waialae Elem Sch 02-96 Waialae Elem Sch 02-97 Waialae Elem Sch 02-98 Waialae Elem Sch 02-99 Waialae Elem Sch 03-01 Waialae Elem Sch 03-02 Waialae Elem Sch 03-03 Waialae Elem Sch 03-04 Waialae Elem Sch 03-05 Waialae Elem Sch 03-06 Waialae Elem Sch 03-07 Waialae Elem Sch 03-08 Waialae Elem Sch 03-09 Waialae Elem Sch 03-10 Waialae Elem Sch 03-11 Waialae Elem Sch 03-12 Waialae Elem Sch 03-13 Waialae Elem Sch 03-14 Waialae Elem Sch 03-15 Waialae Elem Sch 03-16 Waialae Elem Sch 03-17 Waialae Elem Sch 03-18 Waialae Elem Sch 03-19 Waialae Elem Sch 03-20 Waialae Elem Sch 03-21 Waialae Elem Sch 03-22 Waialae Elem Sch 03-23 Waialae Elem Sch 03-24 Waialae Elem Sch 03-25 Waialae Elem Sch 03-26 Waialae Elem Sch 03-27 Waialae Elem Sch 03-28 Waialae Elem Sch 03-29 Waialae Elem Sch 03-30 Waialae Elem Sch 03-31 Waialae Elem Sch 03-32 Waialae Elem Sch 03-33 Waialae Elem Sch 03-34 Waialae Elem Sch 03-35 Waialae Elem Sch 03-36 Waialae Elem Sch 03-37 Waialae Elem Sch 03-38 Waialae Elem Sch 03-39 Waialae Elem Sch 03-40 Waialae Elem Sch 03-41 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Report Title (250 Character Max):

6. This is a "portion" of the entire Report, reflecting a Total Count of 560, which excludes Facility Officials.

From this report, we highlight the entire document (Control + A), copy (Control + C), then paste (Control + V) onto an Excel spreadsheet.
 See attached PDF: 2012 COH Flexible Report Chair, VAO, PO 9_25_12.pdf

HRM Report: 9/25/2012 11:03:51 AM Election: 2012 General Election Cost Center: COH 9/26/2012 11:03:51 AM

Total Count: 560

LAST NAME	FIRST NAME	MI	ADDRESS	CITY	ZIP	PHONE (H)	PHONE (W)	PHONE (C)	EMAIL	COST CENTER	POSITION	WORKAREA	STATUS IN	STATU AS
ABARCAR	CAROLE	M	68-1785 MELIA ST, #104	WAIKOLOA	96736	8089838582				COH	HAWAII - PRECINCT OFFICIAL	07-02 Waikoloa Elem Sch	5. Ready to Assign	2. Assign
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ABRAHAM	DAVIS	K	44 PAIPAI ST	HILO	96720	808959327				COH	HAWAII - PRECINCT OFFICIAL	02-05 Waialeale High Sch	5. Ready to Assign	2. Assign
ABRAHAM	LEONETTE	M	44 PAIPAI ST	HILO	96720	808959327				COH	HAWAII - PRECINCT OFFICIAL	02-04 Waialeale Elem Sch	5. Ready to Assign	2. Assign
ABRAHAM	WILLOUGHBY		44 PAIPAI ST	HILO	96720	808959327		8083452028		COH	HAWAII - PRECINCT OFFICIAL	02-04 Waialeale Elem Sch	5. Ready to Assign	2. Assign
ACDAL	KRISTY	L	PO BOX 91	HONOKAA	96727	8084367978	8088858866			COH	HAWAII - PRECINCT OFFICIAL	07-05 Waimea New Hope Church	5. Ready to Assign	2. Assign
ACDAL	LORRAINE	G	P.O. BOX 91	HONOKAA	96727		8087750944			COH	HAWAII - PRECINCT OFFICIAL	07-04 Waimea Civic Ctr	5. Ready to Assign	2. Assign
ACOL	LINA	L	77-6484 MAILE ST	KAILUA-KONA	96740	8083296513		8083339652		COH	HAWAII - PRECINCT OFFICIAL	06-02 Kahakai Elem Sch	5. Ready to Assign	2. Assign

Jamae K.K. Kawauchi
September 25, 2012
Page 6

From the Excel spreadsheet we are able to sort the information by Position, or Workarea, or Status.

Judy can work with Debbie to generate periodic recruitment status reports.

Judy currently has a copy of the October 2012 Calendar of Chair/Voter Assistance Official General Debriefing schedule. With the anticipated recruitment of additional election day workers, please provide us a copy of the revised calendar reflecting training dates and times.

If you have any questions, or need additional information, please email or call Judy Gold at 1-800-442-8683.

STN:JG:cr
OE-296-12

CarrollCox.com



**STATE OF HAWAII
OFFICE OF ELECTIONS**

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

SCOTT T. NAGO
CHIEF ELECTION OFFICER

September 26, 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:

This is written in response to your September 25, 2012, letter taking issue with our office's declining of your prior request for records related to our August 31, 2012 letter to your Board of Ethics.


As you are aware, Council Chair Dominic Yagong is the subject of a complaint before the Board of Ethics relating to elections. Additionally, you are in charge of elections as the County Clerk and you were appointed by the County Council headed by Council Chair Yagong. Finally, you appeared at the Board of Ethics hearing with Council Chair Yagong and testified before Board of Ethics.

It is our understanding that government officials who are the subject of an ethics complaint before your Board of Ethics are not entitled to legal representation from your Corporation Counsel. If this is correct, then it is not clear to us when any government official could, assuming it is permissible, use government resources to gather evidence related to an ethics complaint such as a letter on county letterhead, signed by someone in their official capacity, seeking records related to a matter pending before the Board of Ethics. Such matters are outside of our jurisdiction and we take no position on the matter.

Jamae K.K. Kawauchi
September 26, 2012
Page 2

In the end, we believe our prior letter speaks for itself. If you choose to pursue this further with the Office of Information Practices, we welcome the opportunity to discuss the matter with them, if they believe it is appropriate.

Very truly yours,



SCOTT T. NAGO
Chief Election Officer

Str:ahs:CR
Oe-297-12

Enclosures

cc: Dominic Yagong, Chair, Hawaii County Council
Councilmember Fred Blas
Councilmember Brenda Ford
Councilmember Pete Hoffman
Councilmember Donald Ikeda
Councilmember Dennis "Fresh" Onishi
Councilmember K. Angel Pilago
Councilmember Brittany Smart
Councilmember J. Yoshimoto
John Dill, Chair, Board of Ethics
Renee Schoen, Board of Ethics Counsel
Katherine A. Garson, Assistant Corporation Counsel
Michael Udovic, Deputy Corporation Counsel
Office of Information Practices
Elections Commission

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www.hawaii.gov/elections

SCOTT T. NAGO
CHIEF ELECTION OFFICER

August 31, 2012

VIA EMAIL (mfujio@co.hawaii.hi.us)

Mr. John Dill, Chair
Board of Ethics, County of Hawaii
333 Kilauea Avenue, Second floor
Hilo, Hawaii 96720

Dear Mr. Dill:

We have received a complaint regarding Council Chair Dominic Yagong's involvement in the county election office. As county ethics matters are outside of our jurisdiction, we take no position on the matter, and are asking you to investigate and to take appropriate action.

The complainant alleges that Council Chair Yagong's involvement in the county election is a conflict given that his daughter is a candidate on the General Election ballot.

As background, a recent media story has stated the following:

County Council Chair Dominic Yagong says he is now going to take a far more active role in helping lead Hawaii County Elections Office, despite saying right after he lost in his bid to become Hawaii County Mayor that he would focus his time on getting his daughter, Chelsea Yagong, elected as County Council Member for District 1.

Sherry Bracken, Hawaii County Elections MIA at Voting Debrief Monday, Big Island News Center (August 27, 2012) (emphasis added).

We take no position as to the accuracy of this story or as to whether Council Chair Yagong said or did not say he would take a more active role in helping lead the Hawaii County Elections Office, whether at one point in time he said he would focus his time on getting his daughter elected, or whether this may or may not impact your county ethics laws.

Mr. John Dill
August 31, 2012
Page 2

For your information, the election laws provide in regards to precinct officials the following:

No parent, spouse, reciprocal beneficiary, child, or sibling of a candidate shall be eligible to serve as a precinct official in any precinct in which votes may be cast for the candidate; nor shall any candidate for any elective office be eligible to serve as a precinct official in the same election in which the person is a candidate. No candidate who failed to be nominated in the primary or special primary election shall be eligible to serve as a precinct official in the general election next following;

HRS § 11-72(b)(3) (emphasis added).

As such, if Council Chair Yagong sought to be a precinct official, he would clearly not be allowed to as his daughter is on the ballot. Additionally, in the spirit of HRS § 11-72(b)(3) the State does not hire election day officials who are parents, spouses, reciprocal beneficiaries, children, or siblings of a candidate on the ballot.

However, it is our understanding that Council Chair Yagong is not acting as a precinct official. As such, we apparently have no clearly applicable state law that would apply to this situation.

Having said that, we recognize that the County Clerk, who administers elections for the County of Hawaii, is appointed by the County Council, of which Mr. Yagong is the chair, and what is inappropriate for a precinct official may or may not impact your analysis of what is ethically appropriate conduct for an elected official in the County of Hawaii. Additionally, we are not in a position to comment on what the distinct roles and responsibilities may be of the Council Chair and the County Clerk, in regards to elections, and what the roles and responsibilities of their staff may be in regards to elections.

Section 3-6. Organization of the Council; Officers; Employees.

(a) The council shall elect from among its members a chairperson and a vice chairperson, each of whom shall serve at its pleasure. Until such time as the chairperson and presiding officer shall be elected, the mayor shall preside at such meeting, provided that the mayor shall not have a vote. The chairperson shall preside at council meetings. If at any meeting the chairperson is not present or unable to act, the vice chairperson shall then preside. In the absence of the chairperson and vice chairperson, the council shall elect from among its members a temporary presiding officer.

Mr. John Dill
August 31, 2012
Page 3

(b) The council shall appoint the county clerk which position shall be exempt from civil service laws and classifications. The county clerk shall:

- (1) Be the clerk of the council.
- (2) Be custodian of the county seal.
- (3) Conduct all elections held within the county.
- (4) Appoint the deputy county clerk, with the approval of the council, and such position shall be exempt from civil service laws and classifications.
- (5) Perform such other functions as the council may prescribe.
- (6) Appoint necessary staff for which appropriations have been made by the council, subject to civil service laws and classifications, and exercise the same power with respect to the personnel of the clerk's office as the department heads in the executive branch, with the exception of the office of the legislative auditor.

Section 3-6, County of Hawaii Charter (emphasis added).

Given the importance of maintaining the integrity of our elections, we would ask you to quickly resolve whether there is an ethical problem or not. Our elections are only as good as the trust the public has in our electoral system.

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

Very truly yours,



SCOTT T. NAGO
Chief Election Officer

C: Dominic Yagong, Chair, Hawaii County Council
Councilmember Fred Blas
Councilmember Brenda Ford
Councilmember Pete Hoffman
Councilmember Donald Ikeda
Councilmember Dennis "Fresh" Onishi
Councilmember K. Angel Pilago
Councilmember Brittany Smart
Councilmember J. Yoshimoto
Jamae Kawauchi, County Clerk
Elections Commission

To: <Elections@hawaii.gov>, "Fujio, Mary" <mfujio@co.hawaii.hi.us>
From: "Kawauchi, Jamae" <jkawauchi@co.hawaii.hi.us>
Date: 08/31/2012 11:12AM
Cc: "Yagong, Dominic" <DYagong@co.hawaii.hi.us>, "Ikeda, Donald" <DIKEDA@co.hawaii.hi.us>, "Yoshimoto, J" <JYoshimoto@co.hawaii.hi.us>, "Onishi, Dennis" <donishi@co.hawaii.hi.us>, "Blas, Fred" <fblas@co.hawaii.hi.us>, "Smart, Brittany" <bsmart@co.hawaii.hi.us>, "Ford, Brenda" <BFord@co.hawaii.hi.us>, "Pilago, Angel" <apilago@co.hawaii.hi.us>, <phoffman@co.hawaii.hi.us>
Subject: RE: Attn: Mr. John Dill, Chair - Board of Ethics, County of Hawaii

Dear Mr. Nago:

This message is to confirm that I have received a copy of your letter addressed to the Board of Ethics and that I will be discussing your letter with the office of the corporation counsel. Please forward to me all records relating to this matter as soon as possible.

JAMAE K. K. KAWAUCHI
Hawaii County Clerk

-----Original Message-----

From: Elections@hawaii.gov [<mailto:Elections@hawaii.gov>]

Sent: Fri 8/31/2012 10:50 AM

To: Fujio, Mary

Cc: Yagong, Dominic; Ikeda, Donald; Yoshimoto, J; Onishi, Dennis; Blas, Fred; Smart, Brittany; Ford, Brenda; Pilago, Angel; phoffman@co.hawaii.hi.us; Kawauchi, Jamae
Subject: Attn: Mr. John Dill, Chair - Board of Ethics, County of Hawaii

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To: <Elections@hawaii.gov>, "Fujio, Mary" <mfujio@co.hawaii.hi.us>
From: "Kawauchi, Jamae" <jkawauchi@co.hawaii.hi.us>
Date: 08/31/2012 11:23AM
Cc: "Yagong, Dominic" <DYagong@co.hawaii.hi.us>, "Ikeda, Donald" <DIKEDA@co.hawaii.hi.us>, "Yoshimoto, J" <JYoshimoto@co.hawaii.hi.us>, "Onishi, Dennis" <donishi@co.hawaii.hi.us>, "Blas, Fred" <fblas@co.hawaii.hi.us>, "Smart, Brittany" <bsmart@co.hawaii.hi.us>, "Ford, Brenda" <BFord@co.hawaii.hi.us>, "Pilago, Angel" <apilago@co.hawaii.hi.us>, <phoffman@co.hawaii.hi.us>
Subject: RE: Attn: Mr. John Dill, Chair - Board of Ethics, County of Hawaii

Dear Mr. Nago:

In follow-up to my message sent on 08-31-2012 at approximately 11:15 a.m., and to clarify, please consider my request for documents related to this matter a UIPA request to you and the elections commission.

JAMAE K. K. KAWAUCHI
Hawaii County Clerk

-----Original Message-----

From: Elections@hawaii.gov [<mailto:Elections@hawaii.gov>]
Sent: Fri 8/31/2012 10:50 AM
To: Fujio, Mary
Cc: Yagong, Dominic; Ikeda, Donald; Yoshimoto, J; Onishi, Dennis; Blas, Fred; Smart, Brittany; Ford, Brenda; Pilago, Angel; phoffman@co.hawaii.hi.us; Kawauchi, Jamae
Subject: Attn: Mr. John Dill, Chair - Board of Ethics, County of Hawaii

CarrollCox.com



STATE OF HAWAII
OFFICE OF ELECTIONS
802 LEHUA AVENUE
PEARL CITY, HAWAII 96782
www.hawaii.gov/elections

SCOTT T. NAGO
CHIEF ELECTION OFFICER

August 31, 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 written in response to your August 31, 2012, correspondence seeking records related to our forwarding of a complaint to your Board of Ethics.

Given the nature of the request, your request is denied. Specifically, the records you seek are "[g]overnment records that, by their nature, must be confidential in order for the government to avoid the frustration of a legitimate government function." HRS § 92F-13(3).

It is our understanding that an agency may withhold records where necessary to protect the identity of a source who furnished information to the agency under an express or implied promise of confidentiality. Additionally, it is our understanding that an agency may withhold investigative reports and materials related to an uncompleted civil, criminal, or administrative proceeding.

As noted in the Office of Information Practices own materials, "[a]ccess to investigative records before an investigation is concluded could frustrate a legitimate government function where (1) the target of the investigation could obtain premature access to the government's case; (2) witnesses could be subject to reprisal or harassment; (3) evidence could be destroyed; or (4) witnesses could become unwilling to provide information to the agency." UIPA Manual (2011).

Very truly yours,

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

SCOTT T. NAGO
Chief Election Officer

cc: Dominic Yagong, Chair, Hawaii County Council
Councilmember Fred Blas
Councilmember Brenda Ford
Councilmember Pete Hoffman
Councilmember Donald Ikeda
Councilmember Dennis "Fresh" Onishi
Councilmember K. Angel Pilago
Councilmember Brittany Smart
Councilmember J. Yoshimoto
John Dill, Chair, Board of Ethics
Elections Commission



County of Hawai'i
Office of the County Clerk
JAMAE K. K. KAWAUCHI
County Clerk

25 Aupuni Street, Suite 1402 • Hilo, Hawai'i 96720
(808) 961-8255 • Fax (808) 961-8912

Sent via electronic mail to elections@hawaii.gov; no hard copy to follow

September 24, 2012

Scott T. Nago
Chief Election Officer, State of Hawaii
Office of Elections
802 Lehua Avenue
Pearl City, Hawaii 96782

Regarding: Request to Access a Government Record(s) dated August 31, 2012

Dear Mr. Nago:

This letter is in follow up to your correspondence dated August 31, 2012 concerning the above-referenced matter. Your letter denies the Hawaii County Clerk's request to seek all government records related to your forwarding of a complaint to the County of Hawaii Board of Ethics.

HRS § 92F-13(3)

Based on your letter, it is my understanding that you are denying the Hawaii County Clerk's request based on HRS § 92F-13(3) because it is your understanding that an agency may withhold records where necessary to protect the identity of a source who furnished information to the agency under an express or implied promise of confidentiality. I request further information.

Please provide me with your documentation evidencing "[a]n express or implied promise of confidentiality" that supports your withholding of government records.

Please provide me with your legal authority to support your assertion that the State Office of Elections may withhold government records where necessary to protect the identity of a source who furnished information to the agency under an express or implied promise of confidentiality. It is my understanding that the relevant statutes and administrative rules

governing the State Office of Elections do not appear to allow you to deny a request for a government record, pursuant to an express or implied promise of confidentiality, or otherwise.

Assuming that you are able to provide me with appropriate legal authority to support your denial of the Hawaii County Clerk's request for government records, please provide me with the government records that are requested, redacted in compliance with HRS § 92F-13(3), and disclosing the remaining parts of the government records.

UIPA Manual (2011)

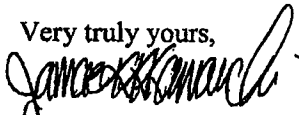
Based on your letter, it is my understanding that you are denying the Hawaii County Clerk's request based on the UIPA Manual (2011) because it is your understanding that an agency may withhold investigative reports and materials related to an uncompleted civil, criminal, or administrative proceeding. I request further information.

Please provide me with your legal authority to support your assertion that the State Office of Elections may withhold government records related to an uncompleted civil, criminal, or administrative proceeding. It is my understanding that the relevant statutes and administrative rules governing the State Office of Elections do not appear to support your denial of a request to access a government record based upon civil, criminal or administrative proceedings.

Assuming that you are able to provide me with appropriate legal authority to support your denial of the Hawaii County Clerk's request for government records please provide me with the government records that are requested, redacted in compliance with UIPA Manual (2011), and disclosing the remaining parts of the government records.

Thank you in advance for your consideration of my request. As more than ten (1) days have passed since the date of my original request, and assuming that the requested government records are to be released to me, in whole or redacted, please forward the requested information to me as soon as possible. Should you have any questions concerning this letter, please do not hesitate to contact me at (808) 961-8271.

Very truly yours,


JAMAE K. K. KAWAUCHI
Hawaii County Clerk

cc: Hawaii County Council
State of Hawaii Elections Commission
State of Hawaii Office of Information Practices



**STATE OF HAWAII
OFFICE OF ELECTIONS**

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

SCOTT T. NAGO
CHIEF ELECTION OFFICER

October 2, 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:

The State of Hawaii looks forward to working with the County of Hawaii on successfully executing the 2012 General Election. With that in mind, we wish to inform you of the greater role that the State will be taking in the conducting of the 2012 General Election in the County of Hawaii. Specifically, we are rescinding any prior delegation of state responsibilities to the County of Hawaii for the 2012 General Election. This will provide the County of Hawaii the ability to focus its resources on its core responsibilities.

As you are aware, the counties are statutorily responsible for voter registration and absentee voting. HRS §§ 11-11 & 15-4. Additionally, given that the Office of Elections is based on Oahu, we have historically delegated state responsibilities to the neighbor island counties, pursuant to HRS § 11-2(a).

This delegation of responsibility has been financially offset through the proration schedule between the counties and the State in which various expenses by the neighbor island counties are charged to the State as part of the overall apportioning of costs between the State and counties under HRS § 11-184 for combined State and county elections. Additionally, the State provides technical support and works with the counties to ensure that the state responsibilities are met.

For the City and County of Honolulu, as we are based here, the Office of Elections does not delegate any state responsibilities to it. Instead, the City and County of Honolulu focuses on voter registration and absentee voting and the Office of Elections focuses on the operation of polling places and the counting of

ballots. However, these state and county responsibilities do not occur in a vacuum, but instead involve the State and county working together.

As you know, the counties register voters, assign them to the appropriate polling place, and permit them to vote by absentee mail or at an absentee walk location. HRS §§ 11-11, 15-4, and 15-7. These county responsibilities have a direct impact on the successful operation of the polling places by the State on election day.

For example, the registering and assigning of voters comes with the associated responsibility to mail voters a Notice of Voter Registration and Address Confirmation Card (i.e. "yellow card") which informs voters of where they have been assigned to vote to ensure that voters go to the right polling place on election day.

Additionally, in order for the state precinct officials at the polling places to do their job, they have to know who is eligible to vote. This is accomplished through poll books containing the names of all registered voters in the precinct, along with appropriate notations, such as whether the voter has already voted by absentee ballot, and as such, should not be provided a ballot. These poll books, with the correct information to allow or not allow the voter to vote, must be provided sufficiently in advance to the State so they can be packed into the precinct cans that will be delivered to the polling places on election day.

Associated with this, are the inevitable correction orders that are issued as a result of voters updating their voter registration due to a recent move or a voter voting by absentee ballot. These correction orders must also be provided in time to be included in the precinct can, so the precinct officials can update the poll books with the correction order information.

On election day, the important responsibilities of the county continue. For example, voters are able to update their voter registration, if they have recently moved into a new precinct or if their name has changed. While a precinct official may provide a voter a registration affidavit for such situations, it is ultimately up to the county clerk to transfer the voter to the appropriate precinct in the voter registration rolls or to otherwise update the rolls. HRS § 11-21. As such, on election day, calls to control center regarding voter registration must be escalated up to the county clerk and his or her staff, as only they have authority to update the voter registration rolls. Additionally, any voter registration challenges that escalate up to the State Board of Registration will require the county clerk's participation.

Also, on election day, the county clerk must complete his or her responsibilities in regards to the absentee ballots and transfer custody of those ballots to the State to be counted by the voting system. Specifically, upon receipt of the absentee ballot the county clerk prepares the ballots for counting pursuant to HRS §§ 15-9 and 15-10. This involves, in part, checking the signature against county records and ensuring that the envelope appear not to have been tampered with. HRS §§ 15-9 & 15-10. Throughout election day, the “[t]ransfer of voted absentee ballots between the chief election officer or designated representative and the respective clerk shall be accomplished using the seal certification process in section 3-172-72 with forms prescribed by the chief election officer.” HAR § 3-174-15(3). The final transfer of voted absentee ballots occurs after the close of polls, as the county clerk must process all absentee ballots received prior to the close of polls. HRS § 15-9 & HAR § 3-174-15(4)

Needless to say, a successful election requires the State and the counties to work together for the common good of the electorate. With that in mind, as we have rescinded any prior delegation of state responsibilities to the County of Hawaii for the 2012 General Election, we would appreciate your assistance in ensuring a seamless transfer of those responsibilities.

For example, with respect to the operation of the polling places, control center, and counting center, we will be retrieving all precinct cans, supply boxes, and similar items associated with the polling places, control center, and counting center. Additionally, all information associated with stipended volunteers, who are paid for by the State, such as the precinct officials, delivery and collection personnel, facility officials, and similar election day officials should be transferred to the State.

Polling Places

In regards to the operation of the polling places, as you are aware, it is critical to ensure that the polling places are adequately supplied. With this in mind, we are asking for the return of all precinct cans, supply boxes, and the contents that are packed into said precinct cans and supply boxes. This would include, among other things, cell phones. The Office of Elections will be packing the precinct cans and supply boxes for delivery to the polling places. The Office of Elections will also be handling the delivery and collection teams and the associated delivery and retrieval of these items from the polling places.

To the extent any polling place after the Primary Election has asked the County of Hawaii to take back the voting booths, due to a lack of space between the Primary and General Elections, we would also request to be provided those booths. We will make arrangements for the booths to be re-delivered to the

polling places in close proximity to the election so the assigned facility official can set up the polling place.

Additionally, as polling places need to be adequately staffed with trained personnel, we are asking for the names of any individuals or groups that your office has made contact with regarding the possibility of serving as precinct officials, which have not already been entered into the Phoenix database.

We will be dedicating our personnel to recruit the required number of officials to staff the polling places. Trainings for precinct officials will be conducted by the Office of Elections and its precinct trainers. On that note, we ask for the return of the Office of Elections' training equipment, such as the laptop computer, projector, microphone, speaker, poster boards, sample supply box, sample precinct can, and video conference monitor.

Control Center

Control center, where precinct officials will be able to call for support, will be based at the State Office Building in Hilo. We ask for any state supplies associated with the control center, such as our digital telephone and our server (i.e. the monitor, keyboard, and server). As with the polling places, we also ask for the names of any individuals or groups that your office has made contact with regarding the possibility of working in the control center, which have not already been entered into the Phoenix database. We will be dedicating our personnel to recruit the required number of officials to staff the control center. Trainings will be conducted by the Office of Elections and its trainers.

The control center will be dispatching trouble shooters as needed to polling places on election day. Similar to the polling places, these positions need to be adequately staffed with trained personnel. As such, we are asking for the names of any individuals or groups that your office has made contact with for these positions, which have not already been entered into the Phoenix database. We will be recruiting and training said individuals. In terms of trouble shooter supplies, we ask that you turn over all cell phones, trouble shooter supply boxes, steel ballot boxes, and similar trouble shooter supplies.

To the extent your office receives any calls on election day regarding the operation of the polling places, we will provide you an Office of Elections number to have said calls transferred to our office.

Counting Center

The counting center for the counting of ballots will be based at the State Office Building in Hilo. All absentee ballots should be delivered to this location

Jamae K.K. Kawauchi
October 2, 2012
Page 5

for processing. We will coordinate with Hart Intercivic to ensure that all machinery is installed at the State Office Building. Additionally, we will coordinate with the official observers to ensure their presence on election day and prior to election day for the testing of the machines.

I will be contacting you, in the immediate future, to further discuss a seamless transition of responsibilities back to the State and to coordinate how the State and the County of Hawaii will work together to ensure a successful 2012 General Election for the public.

Very truly yours,



SCOTT T. NAGO
Chief Election Officer

STB:AHS:cr
OE-301-12

c: Hawaii County Council
Elections Commission
Jeffrey Kuwada, County of Maui, Clerk
Bernice Mau, City & County of Honolulu, Clerk
Ricky Watanabe, County of Kauai, Clerk

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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

October 2, 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:

This is a follow-up to our previous correspondence about the greater role that the State will be taking in the conducting of the 2012 General Election in the County of Hawaii. Specifically, we are rescinding any prior delegation of state responsibilities to the County of Hawaii for the 2012 General Election.

With this in mind, it is appropriate to reconfirm that HRS § 11-184 and the proration schedule, previously agreed upon between the county clerks and the State of Hawaii, that implements the statute will continue to be the basis for cost sharing between the State of Hawaii and the County of Hawaii. A copy of the proration schedule is attached for your reference.

A review of the proration schedule and HRS § 11-184 reflects that there are three general categories of election expenses in combined state and county elections: (1) expenses that the State shall pay and be responsible for; (2) expenses that that the county shall pay and be responsible for; and (3) remaining expenses divided in half between the State and counties, with the counties' share being prorated among themselves, based on their proportion of the total of registered voters at the General Election.

For ease of reference, the proration schedule contains seven categories: (1) Precinct Operations; (2) Counting Center Operations/Computer Services; (3) Ballot Operations; (4) Voter Services; (5) Elections Administration/Miscellaneous; (6) Campaign Spending; and (7) Reapportionment. Depending on the category or subcategory, expenses may be state or county responsibilities, or they may be a prorated responsibility.

Jamae K.K. Kawauchi
October 2, 2012
Page 2

Essentially, all state responsibilities that the County of Hawaii did on behalf of the State of Hawaii will now be done by the State for the 2012 General Election. Other than reasonable and necessary transition services, there should be no assessment of charges by the County of Hawaii to the State of Hawaii for performing state responsibilities. As for county responsibilities, the County of Hawaii is still expected to perform all of its county responsibilities as reflected by the proration schedule and HRS § 11-184.

In regards to matters for which the State and County of Hawaii are equally responsible for the cost or there is a proration of costs between the State and the counties, lead responsibility will be with the State of Hawaii, except in regards to absentee postage and the microfilming of polling place information, for which the County of Hawaii will have lead responsibility.

If you have any 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-301-12

Enclosure

cc: Hawaii County Council
Elections Commission
Jeffrey Kuwada, County of Maui, Clerk
Bernice Mau, City & County of Honolulu, Clerk
Ricky Watanabe, County of Kauai, Clerk

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2010 PRORATION SCHEDULE - DIVISION OF EXPENSES FOR COMBINED STATE & COUNTY ELECTIONS

Rev. June 23, 2010

Item	Division Per	Citation:	2010	Cost Element
	Subsection of		Agreement	
	HRS 11-184	HRS 11-184		
I. PRECINCT OPERATIONS				
A. Precinct Officials				
1. Recruitment				
a. Staff overtime - county and state employees	S	1A & 1F	S	POP REC
a. Materials & supplies	S	1A & 1F	S	POP REC
2. Training				
a. Staff overtime - county and state employees	S	1B	S	POP TRA
b. Equipment, materials, supplies, and freight	S	1B	S	POP TRA
c. Travel expenses (per diem, airfare, rental car)	S	1A & 1D	S	POP DAY
3. Election Day Compensation (includes Facility Officials)				
B. Polling Place Operations				
1. Precinct Supplies				
a. Staff overtime - county employees	P	3A	50%	POP SUP
b. Staff overtime - state employees	P	3A	P	POP SUP
c. Supplies (e.g. poll books, record books, signs, freight)	P	3A	50%/P	POP SUP
2. Facilities				
a. Staff overtime - county and state employees	S	1D	S	POP FAC
b. Rental of facilities	S	1D	S	POP FAC
c. Telephones	S	1D	S	POP FAC
d. Police for traffic control	S	1D	S	POP FAC
e. Polling place assessments	S	1D	S	POP FAC
3. Delivery/Collection of Equipment				
a. Staff overtime - county and state employees	S	1D	S	POP DEL
b. Freight charges	S	1D	S	POP DEL
c. Rental vehicle and gas	S	1D	S	POP DEL
4. Maintenance of Equipment				
a. Staff overtime - county and state employees	C	2C & 2D	C	POP EQP
b. Maintenance and storage	C	2C & 2D	C	POP EQP
5. Microfilming and Reproduction of Polling Place Documents				
Notification of Voters re: Polling Place Changes	C	Agreement 2A	50%	POP MGT
Initiating jurisdiction requesting polling place change	C	Agreement	100%	POP MGT

2010 PRORATION SCHEDULE - DIVISION OF EXPENSES FOR COMBINED STATE & COUNTY ELECTIONS

Item	Citation:		2010	Cost Element
	Division Per	Subsection of		
	HRS 11-184	HRS 11-184	Agreement	

C. Control Center (includes Troubleshooters)					
1.	Recruitment		Agreement	S	POP CON
	a. Staff overtime - county and state employees		Agreement	S	POP CON
	b. Materials & supplies				
2.	Training				
	a. Staff overtime - county and state employees		Agreement	50%	POP CON
	b. Equipment, materials and supplies		Agreement	50%	POP CON
	c. Travel expenses (per diem, airfare, rental car)		Agreement	50%	POP CON
3.	Election Day Compensation		Agreement	50%	POP CON
4.	Facilities (telephones, security)		Agreement	50%	POP CON
5.	Meals		Agreement	50%	POP CON
6.	Equipment, Materials and Supplies		Agreement	50%	POP CON
7.	Police for Troubleshooting		Agreement	50%	POP CON
8.	Board of Registration		Agreement	50%	POP CON
	a. Staff overtime - county and state employees	S	1C	S	POP BOR
	b. Compensation, mileage, travel expenses	S	1C	S	POP BOR
D. Supply Collection Officials					
1.	Recruitment				
	a. Staff overtime - county and state employees	P	3A	S	POP SC
	b. Materials & supplies	P	3A	S	POP SC
2.	Training				
	a. Staff overtime - county and state employees	P	3A	50%	POP SC
	b. Equipment, materials and supplies	P	3A	50%	POP SC
	c. Travel expenses (per diem, airfare, rental car)	P	3A	50%	POP SC
3.	Election Day Compensation	P	3A	50%	POP SC
E. Absentee Voting					
1.	Staff Overtime - county and state employees	C	2E	C	POP AB
2.	Delivery Charges (rental vehicles, gas, personnel)		Agreement	C	POP AB
3.	Freight (instruction, forms, supplies)		Agreement	C	POP AB
4.	Meals	C	2E	C	POP AB
5.	Envelopes and supplies	C	2A	C	POP AB
6.	Printed instructions and forms (includes AB voting brochure)		Agreement	P	POP AB
7.	Postage	P	3E	50%	POP AB

2010 PRORATION SCHEDULE - DIVISION OF EXPENSES FOR COMBINED STATE & COUNTY ELECTIONS

Item	Division Per	Subsection of	2010	Cost Element
	HRS 11-184	HRS 11-184	Agreement	

Citation:

II. COUNTING CENTER OPERATIONS/COMPUTER SERVICES

- A. Counting Center Officials
 - 1. Recruitment
 - a. Staff overtime - county and state employees
 - b. Materials & supplies
 - 2. Training
 - a. Staff overtime - county and state employees
 - b. Equipment, materials and supplies
 - c. Travel expenses (per diem, airfare, rental car)
 - 3. Election Day Compensation (includes Official Observers)
 - a. Staff overtime - county and state employees
 - b. Travel expenses (per diem, airfare, rental car)
 - c. Election Day Compensation (includes Official Observers)
 - B. Development, Installation, and Testing of Computer Hardware and Software
 - 1. Staff Overtime - county and state employees
 - 2. Travel Expenses (per diem, airfare, rental car)
 - 3. Supplies
 - 4. Freight
 - 5. Observer's Test Expenses
 - C. Counting Center Operations
 - 1. Staff Overtime - county and state employees
 - 2. Facilities (e.g., telephone, custodial, security)
 - 3. Meals
 - 4. Equipment, Materials, Supplies and Freight
 - D. Poll Book Audit
 - a. Staff Overtime - state employees
 - b. Travel Expenses (per diem, airfare, rental car)
 - E. Results of Votes Cast booklets
- III. BALLOT OPERATIONS**
- A. Candidate Filing
 - 1. Staff Overtime
 - a. County employees
 - b. State employees
 - 2. Printing of Materials (manuals, nomination papers)

2010 PRORATION SCHEDULE - DIVISION OF EXPENSES FOR COMBINED STATE & COUNTY ELECTIONS

Item	Division Per	Subsection of	2010	Cost Element
	HRS 11-184	HRS 11-184	Agreement	
3. Freight		Agreement	50%	BOP CAN
4. Travel Expenses for Programmers (per diem, airfare, rental car)		Agreement	50%	BOP CAN
5. Telecommunication		Agreement	50%	BOP CAN
6. Training		Agreement	S	BOP CAN
B. Ballot Preparation/Production				
1. Staff Overtime	P	3D	P	BOP BAL
a. County employees (includes quality control)		Agreement	50%	BOP BAL
b. State employees (includes proofing)		Agreement	P	BOP BAL
2. Printing	P	3B	P	BOP BAL
C. Ballot Packing/Delivery/Collection/Storage				
1. Staff Overtime				
a. County employees		Agreement	50%	BOP PDC
b. State employees		Agreement	P	BOP PDC
2. Ballot Inspection and Packing		3D	P	BOP PDC
3. Freight	P			
a. Outgoing to neighbor island counties		Agreement	P	BOP PDC
b. Incoming to State for storage		Agreement	S	BOP PDC
4. Equipment, Materials and Supplies		Agreement	S	BOP PDC
5. Delivery Charges (rental vehicles, gas, mileage, personnel)		Agreement	50%	BOP PDC
D. Delivery/Collection Officials				
1. Recruitment				
a. Staff overtime - county and state employees		Agreement	S	BOP PDC
b. Materials and supplies		Agreement	S	BOP PDC
2. Training				
a. Staff overtime - county and state employees		Agreement	50%	BOP PDC
b. Equipment, materials and supplies		Agreement	50%	BOP PDC
c. Travel expenses (per diem, airfare, rental car)		Agreement	50%	BOP PDC
3. Election Day Compensation		3C	50%	BOP PDC
4. Mileage for Private Vehicles	P		50%	BOP PDC
5. Ballot Transport Services (ground & air)		Agreement	50%	BOP PDC

2010 PRORATION SCHEDULE - DIVISION OF EXPENSES FOR COMBINED STATE & COUNTY ELECTIONS

Item	Division Per	Subsection of	2010	Cost Element
	HRS 11-184	HRS 11-184	Agreement	

Citation:

IV. VOTER SERVICES

A. Voter Registration

1. Regular
 - a. Maintenance of voter registration records
 - b. Temporary election workers
 - c. Deputy Registrars
2. Extraordinary

C	2A	C	VS VR
C	2A	C	VS VR
C	2A	C	VS VR
S	1G	S	VS VR

B. Voter Education

1. Services
2. Materials and Supplies
3. Freight
4. Travel Expenses (per diem, airfare, rental car)
5. County Only Requirements

S	1G	S	VS VE
S	1G	S	VS VE
S	1G	S	VS VE
S	1G	S	VS VE
	Agreement	C	VS VE

C. Multi-lingual: Special Needs

1. Services
2. Materials and Supplies
3. Advertising
4. Proclamations
5. Travel Expenses (per diem, airfare, rental car)
6. County Only Requirements

P	Agreement	P	VS LAN
P	3B	P	VS LAN
P	3B	P	VS LAN
P	3B	P	VS LAN
	Agreement	P	VS LAN
	Agreement	C	VS LAN

V. ELECTIONS ADMINISTRATION/MISCELLANEOUS

A. Election Proclamation

1. Announcement of Date, Time, Contests, Locations (polls)
2. Administrative Rules

P	3B	P	EA MGT
	Adm. Rules	S	EA MGT

B. District Coordinators

1. Staff Overtime - county employees
2. Compensation
3. Mileage and Fuel Expenses

	Agreement	50%	EA DC
	Agreement	50%	EA DC
	Agreement	50%	EA DC

C. Other Current Expenditures

1. Supplies
2. Freight

	Agreement	P	EA MGT
	Agreement	50%	EA MGT

2010 PRORATION SCHEDULE - DIVISION OF EXPENSES FOR COMBINED STATE & COUNTY ELECTIONS

Item	Citation:		2010 Agreement	Cost Element
	Division Per	Subsection of		
	HRS 11-184	HRS 11-184		

- 3. Telephones
- 4. Equipment Rental
 - a. Photocopier
 - b. Other (e.g., AC)

VI. CAMPAIGN SPENDING

- A. Administration
 - Staff Overtime - county employees

VII. REAPPORTIONMENT

- A. Notification cards

Agreement	S	EA MGT
Agreement	P	EA MGT
Agreement	P	EA MGT
Agreement	S	CS MGT
Agreement	50%	REAP MGT



**STATE OF HAWAII
OFFICE OF ELECTIONS**

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

SCOTT T. NAGO
CHIEF ELECTION OFFICER

October 3, 2012

ALOHA!

As an Election Day Official we want to convey our appreciation for your service to the State of Hawaii during the Primary Election. We again ask for your assistance in the General Election.

Ultimately, as you well know, no election can be successful without the hundreds of Election Day Officials, such as yourself, who take time out of their busy lives to serve their community on election day.

As you may have heard, the Office of Elections will be taking on a greater role in conducting the 2012 General Election in the County of Hawaii. We hope that by doing so, we can best support your efforts to help voters in your community to exercise their right to vote on election day.

The Office of Elections has established an office in the Hilo State Office Building and will coordinate all activities out of that building. In the coming weeks, you will be directly contacted by our staff to confirm your availability to serve in the General Election. If you agree, your duties and responsibilities will remain the same as they were in the Primary Election.

If you have any questions or if you know of anyone else who wishes to serve on election day, please feel free to call us at 1-800-422-VOTE (8683) or send us an email at elections@hawaii.gov.

Very truly yours,

SCOTT T. NAGO
Chief Election Officer