

**REPORT OF THE COMMITTEE ON  
EXECUTIVE MATTERS AND LEGAL AFFAIRS**

**Voting Members**

Ron Menor, Chair; Carol Fukunaga, Vice-Chair,  
Ikaika Anderson, Stanley Chang, Breene Harimoto, Ann H. Kobayashi,  
Joey Manahan, Ernest Y. Martin, Kymberly Marcos Pine

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Committee Meeting Held  
August 26, 2014

Honorable Ernest Y. Martin  
Chair, City Council  
City and County of Honolulu

Mr. Chair:

Your Committee on Executive Matters and Legal Affairs, to which was referred Resolution 14-196 entitled:

"RESOLUTION URGING THE HAWAII STATE LEGISLATURE AND THE STATE OFFICE OF ELECTIONS TO REVISE APPLICABLE STATUTES AND RULES AS NECESSARY TO ENSURE INTEGRITY OF ELECTIONS IN THE STATE OF HAWAII,"

introduced on August 20, 2014, reports as follows:

The purpose of this Resolution is to urge the Hawaii State Legislature and the State Office of Elections to revise the applicable statutes and rules as necessary to ensure that: 1) the election process is transparent, 2) all ballots are counted, transmitted, verified, and reported in a timely fashion, and 3) any ballots that cannot be verified shall be deemed null and void.

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**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ADOPTED ON SEP 10 2014

COMMITTEE REPORT NO. 243

# REPORT OF THE COMMITTEE ON EXECUTIVE MATTERS AND LEGAL AFFAIRS

## Voting Members

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Your Committee amended the Resolution to a CD1 version that makes the following changes:

1. Adds a new WHEREAS clause to list multiple problems in previous elections in Hawaii and includes facts from 5<sup>th</sup> WHEREAS clause in original resolution.
2. Adds a new WHEREAS clause to include the Pew Charitable Trusts elections ranking of Hawaii (42<sup>nd</sup>)
3. Adds a new WHEREAS clause to state that improvements in elections management have not occurred.
4. Amends final WHEREAS clause to include elections management procedures as a necessity to maintain transparency and public confidence in the integrity of the elections process.
5. Amends first BE IT RESOLVED clause to add language to point 1) to ensure that elections officials are held accountable for problems in elections they oversee.
6. Amends the BE IT FINALLY RESOLVED clause to include the Lieutenant Governor, Senate Minority, House Minority, and the State Elections Commission's three investigative subcommittees.
7. Makes technical and non-substantive amendments.

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CITY AND COUNTY OF HONOLULU  
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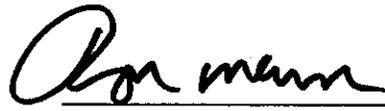
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Your Committee received oral testimony from the League of Women Voters of Hawaii offering comments on the measure.

Your Committee on Executive Matters and Legal Affairs is in accord with the intent and purpose of Resolution 14-196, as amended herein, and recommends its adoption in the form attached hereto as Resolution 14-196, CD1. (Ayes: Menor, Anderson, Chang, Fukunaga, Harimoto, Kobayashi, Manahan, Pine - 8; Noes: None; Excused: Martin - 1.)

Respectfully submitted,

  
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Committee Chair

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**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ADOPTED ON SEP 10 2014

COMMITTEE REPORT NO. 243



## RESOLUTION

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URGING THE HAWAII STATE LEGISLATURE AND THE STATE OFFICE OF ELECTIONS TO REVISE APPLICABLE STATUTES AND RULES AS NECESSARY TO ENSURE INTEGRITY OF ELECTIONS IN THE STATE OF HAWAII.

WHEREAS, on August 9, 2014, the State Office of Elections held the 2014 primary election; and

WHEREAS, on August 10, 2014, the State Office of Elections released the final printouts of the election results; and

WHEREAS, on August 13, 2014, after a post-election audit, State Office of Elections officials were informed that 800 ballots from Maui County were counted on primary election night but had not been transmitted to State election headquarters; and

WHEREAS, according to published reports, State Office of Elections officials waited until August 15, 2014 to notify the public that the ballots were not included in the final printout since the ballots were not transmitted to State election headquarters; and

WHEREAS, according to media reports in prior Hawaii elections:

- During the 1998 general election, seven ballot tabulation machines malfunctioned, contrary to the initial claims by the contractor, Election Systems & Software, that there were no hardware, software or ballot problems;
- On November 2, 2004, the general election final vote count for the state was delayed due to the late-night discovery of approximately 4,000 mail-in absentee ballots;
- For the 2010 primary election, 1,600 absentee ballots in Hawaii Kai and Portlock mistakenly did not include the State Senate District 25 race, and the Office of Elections mailed corrected ballots even though many voters had already mailed in their ballots;
- In 2010 four people on the Big Island voted twice and 50-60 people were registered to vote more than once, according to an audit by the county clerk;
- For the 2012 primary election, on the Big Island multiple polling places opened late due to supply and delivery problems, resulting in the



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Governor extending voting by 90 minutes in Hawaii County to compensate; and

- During the 2012 general election at least 24 polling places ran out of paper ballots resulting in voters leaving without casting their votes;

and

WHEREAS, Hawaii was ranked a dismal 42<sup>nd</sup> by The Pew Charitable Trusts in its 2012 Elections Performance Index; and

WHEREAS, it is the Council's belief that all elections require the highest level of transparency in order to ensure the integrity of the election process; and

WHEREAS, neither the Hawaii Revised Statutes nor the Hawaii Administrative Rules set forth requirements regarding timely reporting of ballots that have failed to be transmitted from the counties to the State election headquarters and the procedures for counting and verifying such ballots; and

WHEREAS, in spite of issues throughout the years, the Office of Elections continues to be plagued by problems of machine malfunctions, printing errors, voter registration errors, ballot delivery delays, and ballot shortages; and

WHEREAS, it is the Council's belief that requirements regarding the timely reporting of ballots that have failed to be transmitted to State election headquarters, and the stringent enforcement of those requirements, and improvements to the management of elections procedures are necessary to maintain public confidence in the integrity in the election process; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that the Hawaii State Legislature and the State Office of Elections are urged to revise the applicable statutes and rules as necessary to ensure that:

- 1) the election process is transparent and elections officials are held accountable for problems during the elections they oversee,
- 2) all ballots are counted, transmitted, verified, and reported in a timely fashion,
- 3) any ballots that cannot be verified shall be deemed null and void;

and



RESOLUTION

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BE IT FINALLY RESOLVED that copies of this Resolution be transmitted to the Governor, Lieutenant Governor, Senate President, Speaker of the House, Senate Minority, House Minority, the State Elections Commission and its three investigative subcommittees, and the State Chief Elections Officer of the State of Hawaii.

INTRODUCED BY:

Joey Manahan

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DATE OF INTRODUCTION:

August 20, 2014  
Honolulu, Hawaii

Councilmembers