



Chief election officer grilled by commission, many call for his ousting

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Chief election officer Scott Nago (in green) speaks before the state Elections Commission.

Chief election officer Scott Nago was in the hot seat Friday as the state Elections Commission discussed what happened during this month's primary election.

Under questioning by commissioners, Nago said "I did not have the authority to extend the polls once the polls opened" to allow residents impacted by Iselle to vote.

Nago also told the commission that he did not give more time to hold a makeup election for two Big Island precincts because he did not want to create a "disparate class of voters" and felt it was important to hold an election as soon as possible "for finality" once he was told roads were passable and people had access to a polling place.

As for the changes in the process, Nago said on the Friday before the election, he was told by Big Island Civil Defense that certain roads were impassable, which prompted the decision to do mail-in votes. When he was told the following Monday that the roads were passable, he decided to do walk-in votes instead.

Nago also admitted that, in hindsight, he should have made known the presence of the Maui card that held 800 votes and released those results, instead of waiting to include them with the Puna election the night of August 15.

Before the meeting concluded, the commission decided to conduct three separate investigations. One will look into Nago's handling of the election process, a second will explore the Puna election, and a third will review Maui's votes and results after a card containing 800 votes failed to be counted in initial primary results.

"We need to validate what he had to say today. We want to validate some things in our mind about the process," said William Marston, chairman, State Elections Commission. "Without doing that, we would be remiss in our jobs."

When asked if the commission would add a discussion on Nago's future in the position on the agenda for its next meeting on October 3, Marston responded, "I can't tell you whether we'll do that or not."

As part of the agenda, the commission also reviewed preparations and staffing for the general election on November 4 and, in executive session, went over all litigation, including **Rep. Colleen Hanabusa's lawsuit against Nago** (<http://khon2.com/2014/08/14/judge-big-island-primary-election-will-happen-friday/>).

Many called for Nago's ousting during the public testimony portion of the meeting, including state Sen. Sam Slom (R-East Oahu) and Big Island councilwoman Brenda Ford. "The integrity of the election process is in jeopardy," Slom said.

When asked whether he had any comment, Nago responded, "No, we're just preparing for the general election, that's all." Nago said he would participate in all three investigations.

Meanwhile, state Senate President Donna Mercado Kim, who did not testify but sat through some of the testimony, told KHON2 she believes the commissioners should conduct their own investigation into what happened. If that doesn't happen, Kim said the state Senate may conduct its own inquiry.

Kim said she's questioned Nago's ability to serve as chief election officer from day one.

Nago has worked for the Office of Elections since 1998 and became chief election officer in 2010.

According to the **Hawaii Revised Statutes**

(http://www.capitol.hawaii.gov/hrscurrent/Vol01_Ch0001-0042F/HRS0011/HRS_0011-0001_0006.htm):

§11-1.6 Appointment of the chief election officer; requirements; term; restrictions; salary; reappointment; removal.

(g) The chief election officer may be removed by the elections commission at any time for good cause.

However, as state Sen. Clayton Hee, chair of the Senate Committee on Judiciary and Labor, previously pointed out, "Your Committee finds that **existing law**

(http://www.capitol.hawaii.gov/hrscurrent/Vol01_Ch0001-0042F/HRS0011/HRS_0011-

[0007_0005.htm](#))... does not empower the Commission to take disciplinary action toward the Chief Election Officer, if necessary.”

In 2013, **SB 853** (http://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=SB&billnumber=853&year=2014) was introduced to require the elections commission to conduct a performance evaluation of the chief election officer every six months. Common Cause Hawaii said the bill made it to Conference Committee, and had initially passed until clerks realized that the vote was null because the committee did not have quorum. The error was caught after the Conference Committee deadline.

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