

COMMUNITY VOICE

Election Problems: The Solutions Are Coming

Several legislative measures are aimed at making elections officials more accountable when problems arise.

APRIL 6, 2015 • By Zach Johnson  Carmille Lim 

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Do you remember last year's controversial Primary Election? As a result of Tropical Storm Iselle hitting Hawaii Island on Primary Election Day, voter access was questioned, public confidence in the office of Elections diminished, and flaws in Hawaii's election laws were exposed.

Lawmakers have taken the initiative to introduce bills that would address concerns raised in the 2014 Primary election: [House Bill 612 HD2](#) aims to keep elections fair by disallowing election results to be shared during postponed elections, until after all precincts have "closed."

[House Bill 376 HD2](#) and [Senate Bill 622 SD1](#) increase the accountability of the Chief Elections Officer, by requiring the Elections Commission to a performance review of the CEO after every general election.

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A special primary election was held in Puna in 2014 after Tropical Storm Iselle kept people from getting to the polls.

In the 2014 primary election, the two leading Democratic candidates running for Senate, Brian Schatz and Colleen Hanabusa, were separated by a mere 1,782 votes. However Tropical Storm Iselle left directly impacted two precincts in Puna, which left voters in those communities unable to get to the polls on Election Day.

Initially Scott Nago, the Chief Election Officer, announced that absentee ballots would be mailed to the 8,200 voters in the two closed precincts. Then three days later Nago proclaimed that a walk-in election would be held instead, and this “makeup election” would be held on Aug. 15, just six days after the Primary Election day, while residents were still digging themselves out from storm damage.

Subsequently, there were voters that wanted to exercise their right vote, but were unable to.

Not only were elections administrators criticized for their “flip flop” decision, they were criticized for not adequately communicating changes to the affected voters.

Additionally, although a “make up” election was planned for the two affected precincts, ballot counts of the ongoing election were posted during this postponement period, which prompted the concern that prior knowledge of the unfinished election may have skewed the ending outcome.

HB 612 SD1, introduced by Reps. Cindy Evans and Mark Nakashima, attempts to address this issue by prohibiting the disclosure of votes cast in a postponed election for a limit of seven days after the election.

Issues in the election were not limited to Hawaii County. Roughly 800 mail-in absentee ballots from Maui went uncounted until elections administrators discovered these “missing” ballots four days after the Au. 9 primary.

Chief Election Officer Scott Nago admitted that although the office’s normal internal audit caught the mistake, he waited two days to report the problem, and felt that it would be appropriate to simply include these results in the final ballot count.

While logically, that might have made sense, members of the public and the media criticized Scott Nago for a lack of communication, which ultimately contributed further to lowering the public’s confidence in the Office of Elections.

In response to these issues constituents have urged legislators to introduce bills to increase the level of accountability within the Office of Elections. HB 376 HD2, introduced by Reps. Joy San Buenaventura and Matt LoPresti, designates the Chief Election Officer as an at-will-employee (which means that the employer for any reason can fire the employee) and would require the Elections Commission to conduct a performance evaluation after a general election. This gives the Election Commission basis to dismiss the Chief Election Officer should he or she not meet performance requirements that the Commission will establish.

Similarly, SB 622 SD1, introduced by Sens. Les Ihara, and Donovan Dela Cruz, requires the Elections Commission to conduct the performance evaluation, and submit a written report regarding the evaluation to the Legislature for review.

Preserving the integrity of our elections is paramount. The 2014 Primary Election showed us that Hawaii's elections laws inadequately protect our elections systems in the wake of a natural disaster. This occurrence also unveiled how significant communication from elections administrators affect public trust in elections.

Bills like HB 612, HB 376, and SB 622 take steps to strengthen our election laws, and provide greater accountability of our top election administrator.

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Carmille Lim

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Common Cause is of great value to our state, and this op-ed is another example of it! Hope the lege is reading this!

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This past election is not the first where there were 'questionable' results/actions. Reform is needed because we should not have to 'question' the integrity of our elections. Very glad to hear that these bills are being put forth, and I hope positive change comes of it.

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