

SPECIAL COUNCIL MEETING

FEBRUARY 16, 2023

The Council Meeting of the Council of the County of Kaua'i was called to order by Council Chair Mel Rapozo at the Council Chambers, 4396 Rice Street, Suite 201, Līhu'e, Kaua'i, on Thursday, February 16, 2023, at 11:31 a.m., after which the following Members answered the call of the roll:

Honorable Addison Bulosan
Honorable Bernard P. Carvalho, Jr.
Honorable Felicia Cowden
Honorable Bill DeCosta
Honorable Mel Rapozo

Excused: Honorable KipuKai Kuali'i

Council Chair Rapozo: As you folks have heard former Councilmember Luke A. Evslin is no longer a councilmember, he is a State Representative, so we are operating with five (5) Members today.

APPROVAL OF AGENDA.

Councilmember Carvalho moved for approval of the agenda, as circulated, seconded by Councilmember DeCosta.

Council Chair Rapozo: Is there any discussion? Hearing none.

There being no one present to provide testimony, the meeting proceeded as follows:

The motion for approval of the agenda, as circulated, was then put, and carried by a vote of 5:0:1 (*Councilmember Kuali'i was excused*).

Council Chair Rapozo: Clerk, can you read the next item?

COMMUNICATION:

C 2023-37 Communication (02/06/2023) from Council Chair Rapozo, transmitting for Council consideration, a Resolution Opposing House Bill 132 And Senate Bill 180 Introduced In The 2023 Hawai'i State Legislative Session.

Councilmember Carvalho moved to receive C 2023-37 for the record, seconded by Councilmember Cowden.

Council Chair Rapozo: Is there any discussion or public testimony? We will take the public testimony when we get to the Resolution, this is just the communication.

The motion to receive C 2023-37 for the record was then put, and carried by a vote of 5:0:1 (*Councilmember Kualii was excused*).

Council Chair Rapozo: Motion is carried. Next item, please.

RESOLUTION:

Resolution No. 2023-21 – RESOLUTION OPPOSING HOUSE BILL 132 AND SENATE BILL 180 INTRODUCED IN THE 2023 HAWAII STATE LEGISLATIVE SESSION

Councilmember Carvalho moved for adoption of Resolution No. 2023-21, seconded by Councilmember DeCosta.

Council Chair Rapozo: With that, we will take public testimony.

JADE K. FOUNTAIN-TANGIAWA, County Clerk: Council Chair, we do have registered speakers.

Council Chair Rapozo: Before we suspend the rules, I wanted to share the reasoning for this Resolution and why it is here today. I know we will have a lot of people testifying and I am going to ask that we stick to the subject matter of the Resolution. It is very simple. The State law requires that post-election audits be done before certification, and that audit shall include an audit of no less than ten percent (10%) of the precincts that all the paper ballots will be counted and compared with the machines output. That is what the law says. I can remember back in 2005, I was on the Council when the State introduced this new idea of having machine voting. I remember the public being concerned about accuracy. It is not suspicious, it is just that we all have computers, we all have stoves, we all have microwaves, we all have electronics, and sometimes there is a glitch. The State consciously put the language in the statute because that would give the people confidence that the machines could be trusted—that is it. Thanks to many of you and others in the State, we find out that it was not being done. That in fact they were not counting the paper ballots by hands, even though the State clearly requires that. The State Legislature, in this session, decided to introduce bills in the House and Senate that would remove the requirement for those audits to be random and for audits to require the hand-tally counts of paper ballots. The argument by the State Office of Elections, the Chief Election Officer Scott Nagao is that the Attorney General said the method they are using, using digital images is sufficient. My question is, “if it is sufficient, why the need to change the law?” If you are telling me that what you have been doing is okay with the current law, then why would you change the law? I felt the best way, as the Kaua‘i County Council, which we really have no control over the Office of Elections, we do have a statute that protects that integrity as the County Council to send a policy statement over to the State Legislature to tell them, “Leave the statute as-is and require the hand-tally counts of no less than ten percent (10%) of the precincts.” That is why we are here today. I do not believe we need to read the Resolution, unless someone wants us to read the Resolution, I am going to forgo that for time sake. I think you all read the Resolution. With that, I will suspend the rules.

There being no objections, the rules were suspended to take public testimony.

Ms. Fountain-Tanigawa: Council Chair, the first registered speaker is Gail Smith, followed by Ralph Cushnie.

Council Chair Rapozo: I know this is a very passionate issue for some, I am just going to ask that everyone be civil and focus on the issue at-hand, which is the State law which is trying to be amended. Let us focus on that. Thank you. How many speakers signed up to testify? How many of you are going to testify today?

Ms. Fountain-Tanigawa: We have eight (8) registered speakers.

Council Chair Rapozo: Everyone has six (6) minutes to testify, but we will give you three (3) minutes at a time, just so the people on the bottom of the list do not have to wait one-hour to testify. Give your best in your first three (3), and if you feel like you want to come back afterwards, you are more than welcome to come back. Three (3) minutes, because we have so many speakers. Thank you.

GAIL SMITH: This will not be three (3) minutes, but you can ask me questions if you want to.

Council Chair Rapozo: Please state your name for the record.

Ms. Smith: I am Gail Smith.

Council Chair Rapozo: When you come up, state your name, the green light means to start, orange gives you thirty (30) seconds, and red means your time is up.

Ms. Smith: My name is Gail Smith. "To the Kaua'i County Council. As an Official Observer who volunteered during this past 2022 Primary and General Elections here on Kaua'i at the Counting Center, I, Gail Smith, observed that the Primary Election post-election audit was not conducted as to Hawai'i Revised Statutes (HRS) 16-42 Section (b)(3) which is to compare the electronic ballot tallies to the hand-tallies of paper ballots. Instead, the electronic ballot tallies were compared to hand-tallies of the electronic ballot reports, not the hand-tallies of the actual paper ballots. The General Election audit was similarly conducted as the Primary Election, hand-tallying the electronic ballot images and comparing it to the electronic ballot reports. But this time, with a request from some of the observers, the auditors also counted the randomly selected paper ballots and compared it with the electronically generated report. This time, the ballots were in VBSs organized by districts/precincts and so the two (2) precincts to be audited were easily retrieved. If a true audit is to occur, hand counting of the actual documents (paper ballots) in focus is an important procedure to be utilized, and then compared to an electronically generated report which should confirm the accuracy of the final report." I heard the term "trust, yet verify," and when we verify, we need to verify the real document. "I support Resolution No. 2023-21 to oppose HB 132 and SB 180. Respectfully, Gail Adeline Lizama Smith."

Council Chair Rapozo: Thank you very much. Next speaker.

Ms. Fountain-Tanigawa: Ralph Cushnie, followed by James Rosa.

RALPH CUSHNIE: Thank you, Councilmembers. My name is Ralph Cushnie. Thank you very much for writing this Resolution. Some things to think about and basically the difference between hand counting and using an electronic machine. The use of electronic machine centralizes the counting. Back in the days when we had precinct paper ballots, the people used to count the ballots themselves in each precinct. Now we have gone to an electronic voting machine and the electronic voting machine counts the ballots. We have election observers, but they do not count the ballots. No one is allowed to look at the election machines ahead of time, because the machines are proprietary. You can look into the source code and ask how is this machine adding the votes together. I do not know what needs to be proprietary as far as going, "You are adding one plus one, plus one, plus one," there is no negative, there are no fractions. There should not be any reason why someone could not look at the source code of the machine ahead of time. So, we are not doing that, and at the end of the audit, what we found out is you are supposed to be looking, as Council Chair Rapozo said, at the paper ballots, randomly picking ten percent (10%) of the precincts, and the hand counting the paper ballots in those precincts, all of them—all the races on that ballot. If there is anything unusual that is happening, then you would pick that up, by doing that. HRS 16-42 was written just for that purpose, which says, "Randomly select ten percent (10%) and hand count"—so that is not being done. The way the bill is worded in the SB 132, it says, "It adds requirements to the Elections Office to do,"—this lessens the requirements, it is false advertisement. There is less checks and balances; there is pretty much no checks and balances. It is basically a "shell game" what they are doing right now.

Council Chair Rapozo: Thirty (30) seconds.

Mr. Cushnie: I will come back and add more to this, but it is a shell game and we need to know that what the people voted for is what is being reported, otherwise, how do you know? Thank you.

Council Chair Rapozo: Thank you. Next speaker.

Ms. Fountain-Tanigawa: Next speaker is James Rosa, followed by Laura Cushnie.

JAMES ROSA: Good morning, everyone. A lot of familiar faces here.

Council Chair Rapozo: Mr. Rosa, please state your name.

Mr. Rosa: James Rosa. I am very concerned, because I believe every single one of our votes count without a doubt. I am here today distinctly opposed to electronic ballots. I am a paper ballot guy. I am a federal firearms dealer with two (2) federal licenses for over thirteen (13) years. The Bureau of Alcohol, Tobacco, Firearms (ATF), that is a federal agency that I must answer to. They do not allow electronic paperwork. The Bureau of Alcohol, Tobacco, Firearms and Explosives

(ATF) Form 4473 (Firearms Transaction Record), is required every time someone picks up a firearm, I must supply it and I have to keep it until I die or I dissolve my company, which I send to them. There is always a backup, an accurate count because electronics are not one hundred percent (100%). Forms and paperwork are one hundred percent (100%). They can audit me anytime they want, anytime they want to find a firearm, they give me twenty-four (24) hours to go back in my archives of probably forty (40) to fifty (50) cases, numerically or to find the result of that paperwork, and it cannot be manipulated, so I am here today to say I do not agree with the electronic ballot, because there is no backup, who is going to audit it. They can audit me anytime they want and they will find the truth. I am totally against electronic ballots, we need paper backups and we need to conduct audits on this island where anyone can view the process. God bless, and thank you for the time.

Council Chair Rapozo: Thank you. Next speaker.

Ms. Fountain-Tanigawa: Laura Cushnie, followed by Dr. Christopher Lyden.

LAURA CUSHNIE: Hi, Laura Cushnie. I will keep it very short and sweet. Thank you very much for presenting this Resolution, because we the people and you should do everything in our power to assure everyone in the State of Hawai'i that we have a fair and free election. Thank you very much.

Council Chair Rapozo: Thank you. Next speaker.

Ms. Fountain-Tanigawa: Dr. Christopher Lyden, followed by Tom Stanton.

DR. CHRISTOPHER LYDEN: Good morning. I am Christopher Lyden, and I want to first start by thanking Council Chair Rapozo for bringing this bill forward. I think it is highly important, not just because I have been a retired doctor on this island for many years, but I also have participated in recent elections over the last number of years as an election observer. I have seen things that some...I was worried about in the 2020 election that I personally sat and watched what the computers were doing and what they were counting and sending out and found what I considered to be some possible discrepancies and was concerned about—they were all done electronically. They would be sent to Honolulu might be different than what people are personally voting here on-island. I cannot speak to any other island, but I am happy to hear and support all of you in bringing forth something like that, because it is simply demands election integrity. As was mentioned, every person in this State, in this County, in this nation has the ability to vote and legally vote, and should have that vote counted. Any discrepancies in that need to be addressed. Are they done internally? Typically, I do not think so, but I also was one of the few, I know Gail was there, a former fire chief, and I...we sat in front at the last post-election audit and we sat there and watched and went through every...more than ten percent (10%) of the paper ballots. What we pleasantly found was it was accurate and everything seemed to correspond to what it should be. What surprised me though, is, that is within our County, the other counties of the State did not seem to do that. They did not follow the law. We insisted that it was followed exactly, we discussed this with Lyndon and others, and I was happy to see them step forward and said, "We are going to follow

the law precisely.” I was happy to see that. I was happy to be a part of it, because election integrity is of vital importance in this entire process and going forward, and I thank all of you for having the ethics to say it is not right to eliminate that, to say, “Well, if there is a problem in auditing things, if something might not be right, let us just eliminate the audit.” If you are worried about cheating, let us eliminate examining any possibility of that. That makes no sense. This way each of you are supporting the people of Kaua‘i, the people in the State, to make sure things are done properly and ethically and so I thank each one of you today for voting for this today, and just the importance of it. I was happy to be a part of it and give my time to assure that through these audits and through observing the elections, and so I hope I will be able to do it in the future, but I thank everyone of you for being here today, and for you, Council Chair Rapozo, for bringing this forward. Thank you.

Council Chair Rapozo: Thank you.

Ms. Fountain-Tanigawa: Tom Stanton, followed by LeVana Lomma.

TOM STANTON: *Aloha*, my name is Tom Stanton. I want to say thank you to Council Chair Mel Rapozo for what I consider to be a tremendous leadership on this topic. Your knowledge of why we need these audits provided for HRS 1642 is excellent, you know exactly why we should have these audits, and really if you do not have the audits that are provided for in 1642, voters just as importantly candidates, have no way of really knowing if the vote counting machines have accurately counted the votes. At the end of the day, they are machines. As Council Chair Rapozo’s said machines can sometimes malfunction. I am not saying anything nefarious is going on, but something could happen to the machines. Without those paper ballot audits, there is simply no way to tell if those machine results are accurate. One thing I do know in talking to people about this issue across the state is it does not matter what political party you are from, it does not matter if you are a progressive democrat, a libertarian, an independent, a republican—everyone wants their vote to count. That is essential. HRS 1642 is essential to that effort. Again, I just want to commend each of every member of this Council for the support of this. It is a tremendous statement that will be heard across the State. I am very proud to be a part of this movement and this Resolution, because Kaua‘i has a wonderful independent sovereign spirit and you folks are taking it upon yourselves to take a stand for this. For that, I say thank you and that is my testimony.

Council Chair Rapozo: Next speaker.

Ms. Fountain-Tanigawa: LeVana Lomma, followed by Susan Strom.

Council Chair Rapozo: I would like to say real quick, I know a lot of people are coming up saying thank you Council Chair Rapozo, the bottom line is that Sunshine Law prohibits us from having all our names on this Resolution. I would suspect that if we could put all of our names on this Resolution, I think all of our names would be on this Resolution. Thank you, though, I appreciate that.

LEVANA LOMMA: Thank you all very much. I appreciate that. It is a definitely a very important Resolution. My name is LeVana Lomma with For Our Rights, we are a local grassroots nonprofit, which started a couple years ago. I am

here representing For Our Rights and the many Hawai'i residents that we serve. Resolution No. 2023-21 is very important. Over the last several years we have definitely seen that there has been a growing lack of confidence in our voting system. HRS Section 1642 provides a safeguard to ensure election integrity in Hawai'i. Yet it seems like it has been completely overlooked by the Office of Elections, and when it was brought to their attention, instead of actually following the letter of the law, it seems they decided they wanted to instead change the letter of the law. This, of course, definitely does not help when it comes to having a sense of security in our voting system in Hawai'i. If our votes are to be counted by machines rather than by the hands of the people of Hawai'i, we must be afforded the ability to ensure that count is accurate through a hand counted audit. We must preserve our election laws as they are currently written in order to ensure that the will of the people dictates the actions of our government. If we eliminate the only method of assurance that those who are elected are in fact the people that we have chosen to represent us, than we really have no liberty at all. HB 132 and SB 180, I believe, must not be passed if we hope to ever restore faith in our voting process here in Hawai'i. For that reason, we stand in strong opposition to HR 132 and SB 180 and definitely offer this testimony in support of Resolution No. 2023-21 and ask that the Council please vote to pass this Resolution today. Thank you.

Council Chair Rapozo: Thank you so much.

Ms. Fountain-Tanigawa: Susan Strom, followed by Jason Bryant.

SUSAN STROM: Aloha, I will make this brief. My name is Susan Strom. Thank you very much for bringing this proposal forward. I think that voter integrity is a huge critical issue right now, and we are witnessing that globally in Brazil (inaudible .265 :25:35). Pennsylvania itself is passing a resolution to ban voter machines altogether for this reason. These machines are manufactured, people will say they are manufactured the Country, but not all the pieces are. Some of these chips come from China and other places where they can be altered to do just about anything they need to do. With the high technology capabilities nowadays, it is having a foreign interest involved in our secure...what should be secure elections. That is a huge national security issue. Like I said some are voting to ban machines altogether, but until you can have that type of security guaranteed within the machines, I think that is something to be considered as well. This is a great start though and I appreciate this effort and this movement. The only other thing I wanted to add is, two (2) things, one, I talk to people locally. I think a lot of people loss confidence in our political management from the State down. I ask people if they are still voting, and they respond no and they say their votes do not count anymore. There are things with machines, they do not trust their vote, and they are not even bothering, which puts us in further despair as far as trying to get the right things to accomplish for this beautiful island and her people, who should be the first priority, always the first priority over anything else. The last thing I want to say is when we have these types of issues with tabulations. It leaves a lot of open loopholes for a selection rather than election, and I think that is a dire situation and should be considered at every level. Starting from the grassroots up, I, again want to thank you for this and I hope this will push this forward with all the strength and might you have. Thank you for your time.

Ms. Fountain-Tanigawa: Jason Bryant, followed by Forest Callahan.

JASON BRYANT: Hi, my name is Jason Bryant. I am a cyber security engineer and have been one for about fifteen (15) years. I think my testimony will be a little bit different because irrespective of the political topic, what I see is the movement from hand tabulation to digital tabulation. Typically, when that occurs, right, an audit is still necessary. In every case, right, whether or not what is occurring in the voting machine and that software is a black box, what the input is and what the outputs are is usually validated by a human, and that is how we can determine whether the device is trusted, right? If we think about that in the context of going to Costco. We ring up our goods on a computer. What that computer does and how it does what it does is a black box, because we do not know what that is. But what is fair and transparent, when it is done is, you get to count your items, you get to see what your totals were, and when you leave Costco, someone double checks that. I spent the entire morning trying to read through these two (2) bills and I just do not see how we are having fair and valid validation through the language changes. If the original laws, right, were so strenuous that the current digital system cannot be audited in accordance with the law, I feel that relaxing the law to allow a failing system to continue to go unvalidated is wrong, irrespective of the topic. I truly thank the Council for this Resolution and challenging something that is not transparent. Whether or not it is voting, or how we even collect our money at the Department of Motor Vehicles (DMV), I hope we continue to fight things that are transparent. Thank you very much.

Council Chair Rapozo: Thank you.

Ms. Fountain-Tanigawa: Last registered speaker is Forest Callahan.

FOREST CALLAHAN: Good morning, my name is Forest Callahan. Again, thank you all for giving us the opportunity to come up and submit testimonies. I will keep it nice and short. Just for the record, let it reflect I am here in support of the Resolution opposing those two (2) bills, HB 132 and SB 180. Instead of me giving a testimony...on the record I support what everyone had said, and not to be redundant, but I wanted to ask a question, because maybe I can leave here more educated on how the process works here. To my understanding are all Councilmembers in support of this Resolution or is it just Mel? How does this work?

Council Chair Rapozo: They can answer it later.

Mr. Callahan: I think it is the whole purpose...do we need to cut the cameras?

Council Chair Rapozo: I will leave it up to them if they want to raise their hand if they support the Resolution, because I do not know, to be honest.

Mr. Callahan: Councilmember Cowden, do you support the Resolution?

Councilmember Cowden: Yes.

Mr. Callahan: Councilmember Bulosan, do you support this Resolution, on the record?

Councilmember Bulosan: Yes.

Mr. Callahan: Do you support this Resolution, Councilmember DeCosta?

Councilmember DeCosta: What do you think, Mr. Callahan?

Mr. Callahan: Exactly.

Councilmember DeCosta: Why even ask?

Mr. Callahan: And then, finally, Councilmember Carvalho... Just so we are clear, because we are all wondering. We all go through the charades. I yield my time.

Council Chair Rapozo: Thank you, sir. I think that is the first time we have ever got polled from the audience.

Councilmember Cowden: Yes.

Council Chair Rapozo: I do not want that to be the precedent.

Councilmember DeCosta: I have a question for Mr. Callahan.

Council Chair Rapozo: Mr. Callahan, could you come back up?

Councilmember DeCosta: We are only allowed to ask questions, not discuss until later, but please tell me who gave you this dynamic demeanor growing up? Who do we congratulate for making a product like this?

Mr. Callahan: People like Mel Rapozo. You know me from when I was pretty young from Waimea High School, and they had to put me in the back, because I was the humbug in the front. I always had a question, I always had to say something, because I had to know. I figured maybe everyone had the same wonder and curiosity as me. Not to offend any of you, but I figure I just had to ask, we all had the same questions, I think, and now we know. I appreciate that.

Council Chair Rapozo: I just wanted to let Councilmember DeCosta know that I told him to pick me. He could not see that part. Thank you. Next speaker, Clerk.

Ms. Fountain-Tanigawa: Council Chair, we have no further registered speakers.

Council Chair Rapozo: Is there anyone that did not register that wants to speak for the first time?

ROSEMARIE JAUCH: Good morning. My name is Rosemarie Jauch and I am part of the election integrity team for the Kaua'i Republican Party. I was also a candidate for County Council. I was eliminated in the Primary by about two hundred (200) votes. I involved myself in the election follow-up, I was also part of the first ever signature verification observation. Based on what I reported from my experience doing that, there is enough red flags to oppose HB 132 and SB 180. I am in favor of the Resolution today and I will yield my time.

Council Chair Rapozo: Thank you very much. Mr. Hart. Is there anyone else for the first time?

BRUCE HART: For the record, Bruce Hart. I would like to thank the entire Council for supporting this. What the State Legislators have done is wrong. It is wrong. I have been wondering for the last several days if our honorable senators and our congressional representatives know about this. What is on paper...what was put on paper at the Philadelphia Convention, the Constitution of the United States, the Declaration of Independence, the Bill of Rights, and the fact out of those that the people get to vote is foundational to this republic. You strip away an accurate vote and the rest of it crumbles. The people, our representatives govern by the consent of the government, and it has always been my opinion that the greatest duty and responsibility of any elected representative of the people is to protect their liberties, and this is not doing that. Thank you.

Council Chair Rapozo: Thank you.

Ms. Fountain-Tanigawa: Chair, we have another registered speaker. Stuart Wellington.

STUART WELLINGTON: For the record, Stuart Wellington. I just want to thank the Council for sponsoring this Resolution. I support the Resolution. To be simple, I think an audit is just to ensure everyone that we have done is correct. Just to give you a scenario of what I think about is if I went on a trip and got on a bus and a machine told me that everyone got on board, I would still do a headcount just to check. Thanks again, everyone. I support the Resolution.

Council Chair Rapozo: Thank you. Is there anyone else wishing to testify for the first time? If not, second time? I think it was Mr. Cushnie that had...please.

Mr. Cushnie: Again, thank you. My name is Ralph Cushnie. The final thing I wanted to bring up is every aspect of the audit is controlled by the electronic machine company. The audits that are being done...there is nothing out of their control. There is no randomness and the images that they are looking at, they produce. That is a problem, when someone who is being audited controls one hundred percent (100%) of the audit. In no parts of our lives did we ever see that in your treasury to your bank account—there are external controls, there are external audits. That cannot stand. That needs to change. Last year, I met with Lyndon and Jade and the internal counting procedures of the County to not jive with the counts that the State is coming up with, that is a problem. The County numbers—that is a problem.

Councilmember Cowden: I have a question.

Council Chair Rapozo: Councilmember Cowden.

Councilmember Cowden: When you are saying that, can you give us just a little clarity what does not jive? Are you talking about 2022 or are you talking about a different year?

Mr. Cushnie: That was 2020.

Councilmember Cowden: Is that chain or custody, what is it?

Mr. Cushnie: The County does not keep chain of custody documentation. There is no crosscheck of numbers. We do not know that...they are collecting ballots and they are coming up with a number and it is different from the State's numbers.

Councilmember Cowden: Total number of votes?

Mr. Cushnie: Total number of votes.

Councilmember Cowden: Is different than what the State says?

Mr. Cushnie: Correct.

Councilmember Cowden: By how much?

Council Chair Rapozo: Before we...

Councilmember Cowden: Oh, too much detail? Okay.

Council Chair Rapozo: Hang on, hang on, because I want to make sure...because this is not a trial. The bottom line is this, and I think we explained this when we had the meeting, Mr. Cushnie, is that the collection of the data and the numbers of the 2020 Elections, there were some issues, but the raw data that was provided to the public was raw data, was data prior to unsigned ballots. Again, the issue that we are talking about today is the statute and changing the statute, and that is what I want to focus the topic on.

Mr. Cushnie: That is the need for counting the paper.

Council Chair Rapozo: Correct, and that is why we are here today.

Mr. Cushnie: We are having discrepancies with that. The only way to rectify that is to count the paper.

Council Chair Rapozo: Correct.

Councilmember Cowden: And the reason I was asking is just trying to make sure if these two (2) bills are stopped, that our existing statute would address the problem.

Council Chair Rapozo: Correct.

Councilmember Cowden: That was my reason for asking the question.

Council Chair Rapozo: Thank you.

Mr. Cushnie: With the cyber security, the best way to eliminate issues with cyber security is to eliminate the cyber and go to all paper ballots. Before we went to the electronic voting machines, we were able to do a vote in one day. Everyone would vote in their precinct, they would count it, and they would have resulted that day. It takes us seven (7) weeks now to do an election, so you cannot say that the electronic voting machines are better, because they are not and we have no assurance. Thank you.

Council Chair Rapozo: Thank you. Is there anyone else wishing to testify?

Ms. Jauch: I am back, did you miss me?

Council Chair Rapozo: Yes.

Ms. Jauch: Rosemarie Jauch. I would like to speak to the cyber security necessitating the paper audits. As part of the first observation team, signature verification, I did report my findings. Approximately fifteen percent (15%) of the verifications were rejected because there was a missing signature of reference. There was also a substantial percentage of signatures not corresponding with their digital signature. I reported it. Those are significant numbers—fifteen percent (15%) for no reference signature. On the last day of processing, I asked, “What do you attribute that high percentage to,” and it was explained to me that it was a scanning issue. This was the day after the elections took place, and I asked, “How do you cure these?” According to HRS, the voter has to be contacted to cure their vote. They said, “We do not do that, we have another method,” and I said, “What is that?” “We give it to our supervisor.” That happens with no transparency at all and it violates HRS. We need to have audits, we need to have observers.

Council Chair Rapozo: Thank you. Is there anyone else wishing to testify? Mr. Hart.

Mr. Hart: For the record, Bruce Hart. I just want to take a moment...the last two (2) speakers, I am in support of why do we not just go back to paper ballots. I think that our State Legislators—we need some assurance, the people, and going back to paper ballots will give us that assurance. Go back to the way it was. I will mention mail-in ballots, too. Let us go back to the restrictions that were placed on mail-in ballots way back. Thank you.

Mr. Stanton: Thank you. Tom Stanton. I just wanted to say that I can see that the intent of this Council is to facilitate more transparency in our election process. I want to commend that. I would like to offer a bridge to see if maybe the Council can continue to help revised the procedures that we have in place could...obviously you are in support of the paper ballot audits, which are fantastic. There are other issues that can be discussed and I look at this as a very important meeting, because of your openness and your support for election integrity. I just hope to continue that process with this Council and I thank you for the energy that you are putting out for that. Thank you.

Council Chair Rapozo: Is there anyone else? If not, we will call the meeting back to order. Councilmember DeCosta.

There being no further public testimony, the meeting was called back to order, and proceeded as follows:

Councilmember DeCosta: I want to thank all of our constituents for showing up, testifying. I look at some of our younger adults in the audience, great getting involved. I want to touch up on a couple things. I want to commend Jason Bryant. I think he gave a great example of that receipt at Costco, you spend four hundred (400) to five hundred dollars (\$500), we walk through the line, we check our receipt, they count our items, that is what they do. They count our items so they know the accuracy of the receipt. If anyone is like my wife, she sits down and goes through the receipt again. I am impressed. I am also impressed with the bus count example, made by Stuart Wellington. Going on the bus, taking our children to Vegas, Disneyland, we always making sure that the boys are on the bus, but when you hit the bus, the bus driver keeps a tally of how many bus riders there are. When you are in line at Disneyland, do you not go through a revolving, a walkthrough, where they count how many people go through, and they only allow so many people on the ride. I remember when I was in college and you would only have six (6) people on that ride, but there were seven (7) of us, we would squeeze two (2) people through that counter, and you would actually get on that ride with your college buddies. But is it actually six (6) people on that ride or seven (7), because that counter only counted six (6) people going through. The point I am trying to make is that the electronic ballot count came into play and I not saying I believe it, what I am trying to give some constructive information for all of you to understand, it came into play because the paper ballot took a lot of time, employee power, and money to do. I am going to relate that to when Mr. Cushnie would hand draw plans and today, we have systems like Computer Aided Design (CAD), where you can draw plans on the computer and it can simulate exactly what you are going to build. When you go to the bank and you deposit money, do you not see the bank teller counting money? But when you bring in a large amount of cash, they put it on the counter, and it counts the bills. Do we trust that machine that just counted the bills? Do we trust the teller who just counted the bills? I just wanted to shed light on this matter. It was transparent that we would go through some type of digital thing, because that is how technology goes. I like the fact that we are going to have an audit, I like the fact that we are going to go back and double check our work, but I just wanted you folks to know that it is a technology and the movement in technology—the reason why this transpired to what it is. Thank you.

Council Chair Rapozo:

Councilmember Cowden.

Councilmember Cowden: I want to thank the room for coming for the movement that has made an effort on this. I am presuming that most all of you are in support of this Resolution. I know when I was first contacted, I believe it was through the Cushnies, I went to a meeting that was rather large, and I thought this cannot be accurate, but I listened. I heard. I followed up with it and I have paid a lot of attention, I attended these meetings that happened in these National Association of Counties (NACo), and I appreciate the courage it takes to stand up. I saw how many people were at those meetings that have positions in which they have something to lose, whether that is contracts or jobs. It takes courage. It is difficult to question the systems, sometimes. I want you to know that your effort took me from...I would never even have looked at it, honestly, if you had not brought me there and then having spent about, seems like eight (8) months in this conversation, I am really appreciative that we are able to put this Resolution forward. It will be interesting what all the other counties make a choice to do, because I know the other counties are all involved in the same thing. I just want to value our own team in the County that does the elections as they are being directed by the State. I do not think there is any intention to not do the right thing from here. They, probably like me, are walking in faith. I appreciate that it should not be about faith, it should be about accuracy and transparency. Thank you for calling it to our attention and I am strong and wanting to be a part of what takes this step forward, as we communicate to our State what we need to do. Thank you.

Council Chair Rapozo:

Councilmember Carvalho.

Councilmember Carvalho: Thank everyone for being here. I mean we are totally on the same page. It is all about being accountable to the people, that is the bottom line for me. I understand the process. I know there is all these other options and opportunities, but at the end of the day it has to be what is in favor for the people who can feel competent and feel supportive of the process. This is just that step forward, I appreciate the Resolution. I want you to know that we are totally there, we are hearing you. It is on the table and we are moving in the right direction to hold everyone accountable, but more importantly to be accountable to the people. That is where I am at. I just wanted to say that and *mahalo* everyone for being here and we look forward to furthering discussion, but we are moving in the right direction. *Mahalo*.

Council Chair Rapozo:

Councilmember Bulosan.

Councilmember Bulosan: I am in support of this Resolution. The testimonies are always amazing and the fact that we have almost every seat filled here gets me super excited. I get super pumped up because it is like...I dreamed of sitting in this seat when I was first elected, that all these seats would be filled all the time for every issue. That means the community is engaged and everything is not just being done on this side of the street, but it is really being done on that side of the street. That is what I viewed government as. It is not a system that we try to check and balance with, it is our system, it is your system, it is our role for us to be part of it, and this engagement gets me excited. The reality is that there is over one thousand (1,000) bills that get proposed at the State level, and for any of you to follow all one thousand (1,000) to make sure it is representing you is nearly impossible, so I want

to thank our staff here that helps us track these bills. Just at the State level and at the Federal level, so we can always be accountable to the system that we have. I received an email asking if I support or do not support this, and for the record I will always speak of these topics that come through on the floor, so that the entire public can hear. I never want to respond without getting information so that everyone will not know. Just so you know, one of the testifiers came up asking how we felt, there is a part of this process that enables us to have that discussion, so everyone can hear. It is not just this "closed door" discussion. I really appreciate you asking the question, and I am glad that this was brought up. If this was not going to be done through a Resolution by Council Chair Rapozo, I am sure it would have come up by any of us, because this is a very important topic for us to make sure that everything is accountable and that we have this ability to do these checks and balances. Thank you for being here. I really appreciate it.

Councilmember DeCosta: Before Chair closes, I wanted to reiterate what Dr. Lyden brought to light here on the floor is that you and Ms. Smith, and I believe you mentioned one more person was actually in the room verifying and watching the County, and you were very...you did not use the word "impressed," but you used the word "assured." You were assured that it was tallied correctly. I just wanted to give credibility to our Elections Office here on Kaua'i, you folks witnessed that there were some corrections going on with the way that they counted the ballots. Correct? Thank you for that. Sometimes we get misled with all types of misinformation on social media and today you verified that you were watching the tallying of the ballots and you folks were confident...is that a word that it was done professionally? Okay. Thank you.

Council Chair Rapozo: Thank you. Is there any further discussion? I just want to say that I want to echo the *mahalo* to our Elections Office and I did meet with Lyndon, Jade and Ralph, and there were some concerns from the 2020 Election as far as how we dealt with it. It was the first time it went to total mail-in ballots, it was brand new. I am not here to defend anyone, I am just telling you what I saw with my eyes, there was much improvement in the 2022 Election as far as keeping track. The reason for this Resolution is that it is an issue of confidence, and accountability as it relates to an audit. There is a lot more that are our County will work on as it relates to how we handle the elections, but as far as the audit, I do not believe there was any type of manipulation of machines here on Kaua'i. I just do not. But I cannot defend that. I cannot defend it if we do not have an audit. If I do not have a place to go back and say, "No, we did ten percent (10%), we did two (2) of the precincts, and Honolulu did the same thing," and you know what, after the ten percent (10%) of all the precincts the numbers all match, it is very hard to continue that story of manipulation of the day. If we do not have that audit, if we do not have the paper counting, I cannot defend it and then I cannot do anything to stop that misinformation that is flowing, or what could be accurate information being floated on the internet. We just cannot dispute it. That is all this is about. The problem is the State who used this 1642 as the reason to convince the people of Hawai'i to accept voter machines. It is the exact same State, yes, different people, but the same government that is trying to take away what they put in to assure the people that these machines work properly. That is what bothers me. The second thing that bothers me is that—I am not an attorney. I always wanted to be an attorney, but my scores were too high. It says, "Allows the Chief Elections Officer to rely on electronic

tallies created directly by the electronic voting systems if the Chief Elections Officer conducts a post-election precertification audit,” which means before you certify the election, you have to do this audit, “of a random sample,” random is one of the words they want to remove, “of not less than ten percent (10%) of the precincts employing electronic voting system to verify that the electronic tallies generated by the system in those precincts equal hand tallies of the votes on the paper ballots generated by the system.” They want to take out hand tallies. Again, a fifth grader can understand that. This Legislature is trying to remove that. To remove the one piece of legislation that even helps us feel better about that reliability of these machines. The more difficult thing is it is moving, it has already gone through a House Committee and a Senate Committee with no “noes,” all ayes. My concern is this...we have done resolutions on this table before that went to the State and got ignored. The four (4) of us were in Washington D.C. meeting with other counties throughout the country, but we also met with our sister counties of the other islands, and they were shocked that this was even going through. They did not even know. Have you heard any media piece either in the newspaper or television about this issue? Anyone? They have made it...they are doing this under the radar and no one knows. Not one piece of coverage. Enough that even our sister...and if not for Ralph and your team here letting us know, we would not have known. All we know next election this would have been done. The people in the mainland that I spoke to from small counties to big counties, cities, they were shocked that we were even talking about this. It is an embarrassment for our State to even think that the people are that stupid, so my challenge to all of you...this is going to pass today. A copy of this Resolution will go to the Governor, Senator Kouchi, Representatives Nakamura and Morikawa, and Mayor Kawakami, and probably should have amended this to add Luke, but I am just going to hand it to him before he leaves today.

Ms. Jauch: Sakai.

Council Chair Rapozo: Excuse me.

Ms. Jauch: Sakai, he is the one who introduced it.

Council Chair Rapozo: Who.

Councilmember Cowden: Scott.

Council Chair Rapozo: Saiki.

Councilmember Cowden: Saiki.

Council Chair Rapozo: We will make sure we get it out to every single representative and senator. But my point is this, they do not care. That is why it is important, the challenge is for this...I do not think we had this many people in here for a long time, you all need to contact Kouchi, Nakamura, Morikawa, and Evslin. You folks need to tell them what you told us. That is where that happens, not here.

Ms. Jauch: I had my law firm do it twice. They ignore us.

Council Chair Rapozo: I did not mean to upset you. My point is only the people can change their minds and if they move forward with this, if these two (2) bills pass, then it is the people and us to make sure that every voter in the State understands who screwed the people. That is my personal opinion and I do not speak for these folks, but this is just how I feel. This is serious. This is probably one of the important resolutions I have ever introduced in my career, because it impacts the voting integrity, the election integrity of our State. I cannot imagine anything else more important. This is the fundamental basis of putting us here. I will end with this...maybe I should not be here, maybe I lost the election. I do not know. Maybe the machine has screw up. A mentor told me once, it is better to lose the right way than to win the wrong way, and I stand by that. With that, motion is to approve. Roll call.

The motion for adoption of Resolution No. 2023-21 was then put, and carried by the following vote:

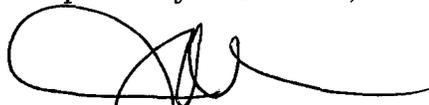
FOR ADOPTION:	Carvalho, Chock, Cowden, DeCosta, Kaneshiro	TOTAL – 5,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kuali'i	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Five (5) ayes.

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 12:30 p.m.

Respectfully submitted,



JADE K. FOUNTAIN-TANIGAWA
County Clerk

:dmc