

MINUTES – DRAFT

REGULAR MEETING OF THE
STATEWIDE ELECTIONS ACCESSIBILITY
NEEDS ADVISORY COMMITTEE

NOVEMBER 14, 2023 @ 1:30 PM

Pursuant to Section 92-3.7, Hawaii Revised Statutes, the Statewide Elections Accessibility Needs Advisory Committee will be meeting remotely using interactive conference technology. Members of the public may have participated in the meeting via Zoom.

Committee Members in Attendance:

Patricia Morrissey, Chair
James Gashel, Vice Chair
Kathryn Keim
Sheryl Nelson

PROCEEDINGS

I. Call to Order

The regular meeting of the Statewide Elections Accessibility Needs Advisory Committee was called to order by Chair Morrissey at 1:30 p.m.

II. Roll Call

All members of the Statewide Elections Accessibility Needs Advisory Committee were present at the meeting with the exceptions of Committee Members Anand and Nelson.

III. Approval of minutes for the October 3, 2023, meeting

Vice Chair Gashel made a motion to approve the minutes for the meeting of October 3, 2023, which was seconded by Committee Member Keim, and approved by the Committee.

IV. Presentation – Electronic ballot delivery

Paul Ray, Enhanced Voting

Mr. Ray, Director of Operations, shared a presentation and demo on the electronic voting system. For background, he shared that Enhanced Voting has operated since 2013 and currently works with 16 states including New York, Virginia, Georgia, Kentucky, Arkansas, Oregon, and Utah. The

company partnered with the Office of Elections' (OE) previous electronic ballot vendor, Five Cedars.

Donald Sakamoto, Chair for the City & County of Honolulu Elections Accessibility Needs Advisory Committee, asked how Enhanced Voting accommodates the blind and deaf.

Mr. Ray explained that they work with the Center of Civic Design for developing the website. He explained that the website is fully accessible with features including adjustable text size for users with low vision. Additionally, he shared that they work with accessibility and advocacy groups who review the website and provide feedback.

Mr. Ray went on to demonstrate the electronic ballot user-experience. The demonstration outlined the following steps: ballot marking instructions, marking your ballot, reviewing your ballot, and returning your ballot. He highlighted features such as dynamic popups that provide notice to a user if they overvote. He further explained the identification process and stated that users can also access their electronic ballot through devices that are not traditional computers.

Committee member Nelson joined the meeting at 2:10pm.

The Committee asked that a recording of the electronic ballot demo be available to the public for voter education. Mr. Ray added that a sample electronic ballot can also be publicly available for testing. Vice Chair Gashel suggested that a sample electronic ballot be available for the Committee to test by January 15, 2024, and that a sample electronic ballot be available for the public to test by February 15, 2024.

V. Report on the status of recommendations made to the Office of Elections by the Committee

Nedielyn Bueno, Voter Services Section Head, OE, provided a status report on the Committee's recommendations:

Committee requested an update on outreach: Ms. Bueno reported that OE has secured voter education presentations and resource tabling opportunities with organizations including United Self Help, East Hawaii Disability Forum, and Access to Independence.

Committee requested that OE review the election laws and identify statutes that include the term "voter with special needs" and look into amending the term to "voter with accessibility needs": Ms. Bueno reported that HRS § 11-10.5 and 11-10.6, were changed to "voter with special needs" with the passage of Act 14, SLH 2023, and the website is expected to be updated by

the end of the year by the Revisor of Statutes with the updated language.

She continued that in regard to the remaining statutes, HRS § 11-107 and 15-5, they use the term “voter with special needs” to refer not only to voters who may have a disability but also to voters who have circumstances that would not otherwise allow them to receive and return a ballot by mail in a timely manner (e.g. a military, overseas, or similar voter who is out of the state), and that these voters are permitted to receive and return their ballot by electronic transmission. She explained that given that these statutes are not solely specific to accessibility and that there could be unforeseen consequences from amending them, OE does not plan on submitting a bill regarding them.

Vice Chair Gashel shared that he did not agree with OE’s interpretation of HRS § 11-107. He recommended that OE and the Committee’s general counsel take another look at their interpretation of the law.

VI. Discussion relating to mobile voting, electronic ballot delivery, and return

The Committee had no further discussion for this agenda item. Vice Chair Gashel recommended that the item be removed from future meeting agendas.

VII. Discussion of candidate forums in partnership with League of Women Voters

Chair Morrissey, recommended that the Committee partner with the League of Women Voters and Hawaii Disability Rights Center to conduct multiple candidate forums. The Committee further discussed whether they are permitted to do so. Vice Chair Gashel expressed that his understanding is that the Committee can participate in candidate forums to speak solely on the accessibility of the electoral process and not to sponsor a candidate forum or ask candidates about their positions on disability issues.

Ms. Bueno shared that OE does not participate in candidate forums because it could be viewed as OE participating in a campaigning event.

Given the discussions, Chair Morrissey concluded that the Committee is not a vehicle for conducting candidate forums.

Julia Althoff, DD Council, expressed that she is happy to talk with Chair Morrissey outside of her role with the Committee about the forums that the DD Council conducts. She shared that the DD Council has already established events that she feels would accomplish what Chair Morrissey envisions.

VIII. General discussion on issues for voters with disabilities

Chair Morrissey began discussions on obtaining a budget for the Committee. Vice Chair Gashel suggested that the Committee develop a bill for an appropriation to specify what the money would be used for. He suggested that the budget include spending for printed materials, outreach, and voter education.

The Committee discussed the availability of auxiliary aids/services for the virtual meetings. Committee Member Nelson expressed that closed captioning and sign language be provided for all meetings. Anthony Akamine, Election Information Specialist, OE, shared that the services are provided upon request.

Vice Chair Gashel suggested that the next meeting be held on January 2, 2024.

IX. Adjournment

Committee Member Nelson made a motion to adjourn the meeting, which was seconded by Vice Chair Gashel, and approved by the Committee.

To: Statewide Elections Accessibility Needs Advisory Committee

From: Office of Elections

Re: Status Report Relating to Recommendations Received by the Statewide Elections Accessibility Needs Advisory Committee

The following is a status update relating to discussions from the Statewide Election Accessibility Needs Advisory Committee at the **November 14, 2023** meeting:

- Enhanced Voting
 - Enhanced Voting and OE completed a demonstration ballot for the public to utilize practicing to mark the ballot. The demonstration ballot will be posted on the Office of Elections' website at elections.hawaii.gov.

The following is a status update relating to discussions from the Statewide Election Accessibility Needs Advisory Committee at the **October 3, 2023** meeting:

- Outreach

The Office of Elections have secured voter education presentations and resource tabling with the following organizations:

- United Self Help
- Hawaii Youth Challenge Academy
- Active Senior Fair
- White Cane Walk and Vision Awareness
- Hope Services Hawaii
- East Hawaii Disability Forum
- Long-Term Care Ombudsman Program
- DOE Transition Coordinator quarterly meeting
- Access To Independence
- Access To Independence Youth

OE recently disseminated its first e-newsletter for the 2024 Elections to various groups and organizations. A link to subscribe to the Office of Elections' e-newsletter has been added to the Elections Accessibility Needs Advisory Committee webpage.

- Election laws referencing "voter with special needs"

The committee requested that OE review the election laws and identify statutes that include the term "voter with special needs" and look into amending the term to "voter with accessibility needs".

In reviewing the state capitol's website, which provides the text of all state statutes, OE identified HRS §§ 11-10.5, 11-10.6, 11-107, and 15-5 as referencing the term "voter with special needs."

Of these statutes, HRS §§ 11-10.5 and 11-10.6, were changed to "voter with special needs" with the passage of Act 14, SLH 2023. The website is expected to be updated by the end of the year by the Revisor of Statutes with the updated language.

In regard to the remaining statutes, HRS §§ 11-107 and 15-5, they use the term "voter with special needs" to refer not only to voters who may have a disability but also to voters who have circumstances that would not otherwise allow them to receive and return a ballot by mail in a timely manner (e.g. a military, overseas, or similar voter who is out of the state). These voters are permitted to receive and return their ballot by electronic transmission. Given that these statutes are not solely specific to accessibility and there could be unforeseen consequences from amending them, we do not plan on submitting a bill regarding them.

The following is a status update relating to discussions from the Statewide Election Accessibility Needs Advisory Committee at the **September 5, 2023** meeting:

- The committee recommended the Office of Elections to look at ways to streamline the ballot return process.

The Office of Elections is working with Enhanced Voting to streamline the electronic ballot delivery and return processes.

Receiving the electronic ballot – The voter will receive an email from their County Elections Division with instructions on how to access their electronic ballot using a link that will direct the voter to an online ballot delivery and return portal. The voter logs into the portal using credentials associated with their voter registration.

Marking the electronic ballot – Once the voter is logged on to the portal, the voter may choose to mark their ballot within the portal or mark offline using their own compatible device.

Returning the electronic ballot – After voting the ballot, the voter has the option to return their voted ballot through the portal. The voter will still have the option to return their voted ballot via email, mail or fax.

Demonstration HTML Ballot and Portal – The vendor is finalizing the HTML demonstration ballot that will be available to the public and incorporated within the office's voter education efforts.

The Office of Elections is targeting to test the system in the coming weeks to review the workflow. The Office of Elections will continue to keep the committee apprised on its progress.

The following is a status update relating to discussions from the Statewide Election Accessibility Needs Advisory Committee at the **May 23, 2023** meeting:

- The committee recommended the Office of Elections to look at ways to streamline the ballot return process.

The Office of Elections is working with Enhanced Voting to streamline the electronic ballot delivery and return processes.

Receiving the electronic ballot – The voter will receive an email from their County Elections Division with instructions on how to access their electronic ballot using a link that will direct the voter to an online ballot delivery and return portal. The voter logs into the portal using credentials associated with their voter registration.

Marking the electronic ballot – Once the voter is logged on to the portal, the voter may choose to mark their ballot within the portal or mark offline using their own compatible device.

Returning the electronic ballot – After voting the ballot, the voter has the option to return their voted ballot through the portal. The voter will still have the option to return their voted ballot via email, mail or fax.

Demonstration HTML Ballot and Portal – The vendor is finalizing the HTML demonstration ballot that will be available to the public and incorporated within the office's voter education efforts.

The Office of Elections is targeting to test the system in the coming weeks to review the workflow. The Office of Elections will continue to keep the committee apprised on its progress.

The following is a status update relating to discussions from the Statewide Election Accessibility Needs Advisory Committee at the **February 15, 2023** meeting:

- Legislation relating to the Statewide Voters with Special Needs Advisory Committee.

Senate Bill 179 passed through the Legislature and has been enacted as Act 14 renaming the committee to the Statewide Elections Accessibility Needs Advisory Committee. Likewise, the name change also applies to the county committees renaming them to County Elections Accessibility Needs Advisory Committees.

The webpage has been updated with the new name.

The committee requested assistance from the Office of Elections to inquire with the County Elections Divisions regarding the number of alternate format ballot (AFB) voters.

There are about 300 voters that have requested to receive an AFB ballot statewide.

The committee requested for the Office of Elections to arrange for a representative who manages the electronic ballot process to attend a future meeting

The Office of Elections has arranged a meeting on May 19 with James Gashel and an Office of Election staff who manages the electronic ballot process.

The following is a status update relating to discussions from the Statewide Voters with Special Needs Advisory Committee meeting on **December 7, 2022**.

- The committee requested assistance from the Office of Elections to disseminate the committee's 2022 Elections Voter Experience Survey.

The Office of Elections assisted in the dissemination of the 2022 Elections Voter Experience Survey to state departments, county agencies, organizations that work directly with persons with disabilities and special needs, and media. The following confirmed dissemination of the survey within their network via avenues such as newsletters and social media platforms.

- Hawaii State DD Council
 - SPIN Network
 - DVR/DHS service for the Blind
 - Access To Independence
 - Aloha Independent Living Hawaii
 - Hawaii Club House network
 - Hawaii SAAC Network
 - Lanakila Multi-purpose Senior center
 - Oahu Veterans Center
 - Maui Economic Opportunity Senior Group
- The committee requested assistance in drafting a bill to be submitted to the Legislature to consider amending the committee name from Special Needs Advisory Committee to the Statewide Voters Elections Accessibility Advisory Committee. Likewise, the bill also includes a request to amend the committee names for all four counties for consistency.

The Office of Elections drafted a bill that has since been introduced by both legislative bodies, House Bill 131 and Senate Bill 179.

- The committee agreed to have written meeting minutes to replace written summaries as its official record of meetings.

The Office of Elections will provide assistance in drafting minutes to serve as the committee's official record of meetings. The minutes from the December 7, 2022 meeting were forwarded to committee members for review and for approval at the February 15, 2023 meeting. Approved minutes will be posted to the Statewide Voters with Special Needs Advisory Committee webpage and the Office of Elections will keep on file all written minutes on behalf of the committee.