



**STATE OF HAWAII
OFFICE OF ELECTIONS**

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PEARL CITY, HAWAII 96782
elections.hawaii.gov

SCOTT T. NAGO
CHIEF ELECTION OFFICER

**TESTIMONY OF THE
CHIEF ELECTION OFFICER, OFFICE OF ELECTIONS
TO THE HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS
ON HOUSE BILL NO. 132
RELATING TO ELECTIONS**

February 2, 2023

Chair Tarnas and members of the House Committee on Judiciary & Hawaiian Affairs, thank you for the opportunity to testify in support of House Bill No. 132. This bill defines "direct recording electronic voting system," "marksense ballot voting system," and "mechanical tabulation system;" amends the definition of "electronic voting system" to include the mechanical tabulation system and marksense ballot voting system; and specifies additional requirements and procedures with which the Chief Election Officer must comply when using an electronic voting system, including procedures for conducting the post-election, pre-certification audit.

The Office of Elections supports this bill as it clarifies the use of electronic voting systems for the purpose of marking and counting ballots and auditing the results. Electronic voting systems were first used in Hawaii during the 1998 Elections. The technology involved with such systems has continued to evolve to improve the administration and security of elections.

As it relates to the conduct of election audits, post-election audits are conducted to confirm the results, ensuring the accuracy and integrity of the election. In Hawaii, we audit 10% of precincts randomly selected by Official Observers. This bill seeks to clarify and update the conduct of the audit used with modernized voting equipment and technology for elections by mail.

Ballots are scanned and counted through the electronic voting equipment. Since we have transitioned to elections by mail, ballots are processed and counted in the order they are received in contrast to a polling place model where the ballots are isolated to the assigned district/precinct only. Using the voting

equipment, the counted ballots can be filtered to the selected precinct and viewed to create a hand tally of expected results. Further, we are still able to track and go back to the individual source ballot and do a physical review as necessary.

The method of using the voting equipment to view the ballot and create a hand tally of expected results was used for the mail ballots in the 2022 Elections. We found it beneficial as we were able to check and confirm how the voting equipment counted a mark. We also compared and matched batches of the scanned ballots with the same batch of the physical ballots. For the voter service center ballots, as the voting equipment counting these ballots are different, we created the hand tally of expected results based on the physical ballot. We found more human errors were created in the audit process since the ballots had to be first manually sorted by district/precinct.

Thank you for the opportunity to testify in support of House Bill No. 132.

HB-132

Submitted on: 2/1/2023 7:15:12 AM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jamie Detwiler	Hawaii Federation of Republican Women	Oppose	Remotely Via Zoom

Comments:

TESTIMONY

HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

HB 132 RELATING TO ELECTIONS (SB 180)

Thursday, February 2, 2023, 2:00 pm

State Capitol Conference Room 325 via Videoconference

Submitted in STRONG OPPOSITION by Mrs. Jamie Detwiler, President, Hawai'i Federation of Republican Women, and lifelong resident of Hawai'i.

Honorable Chair Tarnas, Vice-Chair Takayama, and Committee Members,

I strongly oppose HB132 for the following reasons:

1. HRS 16-41 Definition:

HB132 proposes to amend the definition of electronic voting system to be a mechanical tabulation system. If a mechanical voting system is used in an election, it is exempt from audits.

According to the U.S. Election Assistance Commission (USEAC), audits are conducted to ensure that elections are operating accurately and complying with regulations or internal policies, and to promote voter confidence in the outcome of elections.

2. HRS 16-42. Electronic voting requirements. HB132 proposes to:

- Remove hand counting paper ballots in audits.
- Remove the random selection of 10% of the precincts to be audited.
- Remove the need to count all races on a ballot. The Chief Election Officer selects one race or question on the ballot to audit.

- Allow the use of ballot images to conduct the audit instead of original paper ballots. Ballot images can be compromised as evidenced by numerous forensic audits nationwide.
- Only allow checks and recounts of machines that are identified as having misreported results.

3. Maladministration and non-compliance of HRS 16-42 by the Office of Elections (OE). On November 14, 2022, I submitted a letter (certified and in-person) to the OE requesting an audit of the November 8, 2022, election in accordance with HRS 16-42. On December 12, 2022, I testified before the Election Commission regarding this matter. As of February 1, 2023, I have not received a response. HB 132 would remove the responsibility of the OE to comply with HRS 16-42. Furthermore, voters will no longer have the ability to hold the OE accountable. It will decrease voter confidence and silence the voices of the hard-working, tax paying citizens of Hawai'i.

4. HB132, if passed into law will have a negative impact on all Hawai'i residents today and for future generations to come no matter your political party of choice. Freedom and Liberty will be compromised without the checks and balances of an audit. This bill removes transparency and accountability from the Chief Elections Officer and the Office of Elections.

Please do not pass HB132. Please vote NO.

Thank you for the opportunity to testify.

HB-132

Submitted on: 1/31/2023 8:46:16 PM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ralph Cushnie	Individual	Oppose	Remotely Via Zoom

Comments:

I strongly ask you to vote against this bill. If passed, we will never know the true results of an election. Please see my comments below

Low lights of the bills:

Claims that there are additional requirements and procedures that the chief election officer must follow , but there are less requirements.

Redefines electronic voting system to be a mechanical tabulation system. Significance: if a mechanical voting system is used in an election it is excepted from audits.

Rewrites HRS 16-42:

Eliminates hand counting paper ballots in audits.

Eliminates the random selection of 10% of the precincts to be audited.

Eliminate the need to count all races on a ballot. Chief election officer can choose just one race or question on the ballot to audit.

Allows the use of ballot images to conduct the audit instead of original paper ballots. Ballot images can be compromised.

Only allows checks and recounts of machines that are identified as having misreported results.

1. have brought up these items as being non-compliant by the office of elections and filed a lawsuit with the State Supreme Court. In rebuttable the office of elections has responded saying they have been following the law that includes all these items. Now they are trying to change the law to reflect what they have been doing. Seems like an admission of guilt. If this is passed, we will never know if the results they are giving us in an election are accurate. We have filled a petition to the House as the State Supreme court dismissed our suit because they lacked original jurisdiction.

EXECUTIVE SUMMARY The people of Hawaii are not counting our vote in our elections - a company from the mainland is, and the people have no way of knowing the result they are producing are accurate results of the election. Every effort by the people to ensure the accuracy of elections pursuant to statute has been thwarted by the Office of Elections. HRS§ 16-42 requires that a random audit of ten percent of precincts be conducted to compare the votes cast on the paper ballot match the output of the electronic voting system. The Office of Elections has maladministered the application of this statute to avoid audits, and is now sponsoring a bill which negates and dilutes audit requirements in their entirety. The Office of Elections is operating in "bad faith" and not upholding the will of the people, as demanded by legislative action through statute, and which is intended to ensure the accuracy of our elections against any and all questions. The people maintain that without an accurate audit as intended by statute, the results of our elections are indeterminate.

Please VOTE NO to this Bill

HB-132

Submitted on: 2/1/2023 11:29:31 AM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Amanda Kwiatkowski	Individual	Oppose	Remotely Via Zoom

Comments:

We STRONGLY OPPOSE HB 132. Please do not let this bill go any further, according to the will of the people. After all, it is your duty as public trustees to carry out the people's wishes. We do not want this bill to proceed.

HB-132

Submitted on: 1/31/2023 9:13:48 PM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Adriel Lam	Individual	Oppose	In Person

Comments:

HB132 will further erode public trust and confidence in our elections system. It removes key language in HRS16-42 that should have been the safeguard to ensure accurate and accountable elections.

Instead, the Office of Election failure to abide by the provisions of HRS16-42 as written, is now being codified to ensure that sure failures continue and remove any assurance to the public regarding the accuracy and accountability of any election.

The Office of Elections has used pending litigation regarding HRS16-42 to preclude them from releasing publicly available documents. Pending litigation should also preclude the Office of Elections from making further changes to HRS16-42 until the courts have determined the applicability of equal protection under the law and safeguarding the right of every citizen's vote.

HB-132

Submitted on: 2/1/2023 1:58:05 PM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Scott Shedko	Individual	Oppose	Remotely Via Zoom

Comments:

Aloha,

I am opposing HB132 because we should not be making any part of our election exempt from audits.

To increase voter confidence in our election system, we should be making it more transparent, not more opaque, and we should be doing hand counts of random selections for every race on the ballot.

Thank you!

Scott Shedko

HB-132

Submitted on: 2/1/2023 8:02:45 PM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
james wallace	Individual	Oppose	In Person

Comments:

I am against HB132.This is coruption at its finest.We need to clean hawaii's swamp.We need the TRUE audit.Thats why theres so many fraud elections in hawaii.We need them to go to jail for fudging the numbers.

HB-132

Submitted on: 2/2/2023 6:24:38 AM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jr Tupai	Individual	Oppose	In Person

Comments:

Honorable Chair Tarnas, Vice-Chair Takayama, and Committee Members,

I strongly oppose HB132 for the following reasons:

1. HRS 16-41 Definition:

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According to the U.S. Election Assistance Commission (USEAC), audits are conducted to ensure that elections are operating accurately and complying with regulations or internal policies, and to promote voter confidence in the outcome of elections.

2. HRS 16-42. Electronic voting requirements. HB132 proposes to:

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- Remove the need to count all races on a ballot. The Chief Election Officer selects one race or question on the ballot to audit.
- Allow the use of ballot images to conduct the audit instead of original paper ballots.

Ballot images can be compromised as evidenced by numerous forensic audits nationwide.

- Only allow checks and recounts of machines that are identified as having misreported results.

In summary:

When the proclivity of those overseeing our elections process are to continually adjust and restructure the metrics that would ensure full disclosure of election procedures and outcomes we need to take a step back and realize that the futility in their reasoning for said adjustments is only to hide what the people are wanting to see; free and fair elections. These adjustments and change in verbiage will only aide in the deterioration of the public's trust in their election experience. Please do not pass HB132. Please vote NO. Thank you for the opportunity to testify. Aloha

HB-132

Submitted on: 1/31/2023 5:59:55 PM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
TERI SAVAIINAEA	Individual	Oppose	Written Testimony Only

Comments:

I recommend to oppose HB132.

HB-132

Submitted on: 1/31/2023 6:05:50 PM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Emil Svrčina	Individual	Oppose	Written Testimony Only

Comments:

In this current HI mail only election system - we as voters CAN NOT be assured that our ballots counted - not by Office of Elections workers not even from the Cast Vote Records Office of Elections is producing. Description of this bill makes it sound and it's being sold as "additional" requirements for the Chief Election Officer, but it's essentially just linked definitions to negate the audit requirement when using electronic voting systems.- so the purpose is THE OPPOSITE to dilute the audit requirements. This is very deceiving by the introducer mr. Saiki.and will cause our flawed election system and lack of transparency to continue if it passes. I strongly oppose such a dishonest bill..

HB-132

Submitted on: 1/31/2023 10:21:32 PM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Brett Kulbis	Individual	Oppose	Written Testimony Only

Comments:

Chair Tarnas,

I oppose HB-132. This limited audit should be done with the paper ballots. As an Official Observer I witnessed ballot tabulating errors within the images produced by the mechanical tabulator in the 2022 elections.

v/r

Brett Kulbis

HB-132

Submitted on: 2/1/2023 5:46:00 AM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Suzanne Martinson	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB132.

Voting machines can be tampered with. I believe audit requirements are necessary if the State Of Hawai'i continues to use voting machines.

Thank you,

Suzanne Martinson

HB-132

Submitted on: 2/1/2023 7:46:58 AM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Scott Adam	Individual	Oppose	Written Testimony Only

Comments:

Submitted in STRONG OPPOSITION by Scott Adam concerned citizen, We the People

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4. HB132, if passed into law will have a negative impact on all Hawaii residents today and for future generations to come no matter your political party of choice. Freedom and Liberty will be compromised without the checks and balances of an audit. This bill removes transparency and accountability from the Chief Elections Officer and the Office of Elections.

Please do not pass HB132. Please vote NO.

Thank you for the opportunity to testify.

HB-132

Submitted on: 2/1/2023 12:06:03 PM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Stephen Van Kleef	Individual	Oppose	Written Testimony Only

Comments:

Notice to Trustees: We the People have the Sole and Exclusive Right to Regulate, Audit and Request a Constant Account and Observance of ALL Election Processes

Notice to Agent is Notice to Principle and Notice to Principle is Notice to Agent

As one of the People, it is my wish and demand that you do not pass HB129, HB130, HB132, or any legislation that goes against the People, because the elections, all aspects, are the People's business.

I, one of the People of Hawai'i, Republican in form (as seen in the Hawai'i Bill of Rights Article 1 Section 1), Sui Juris, am submitting this notice that you and your agents may provide due care as the trustees and servants of the People.

Please Take Notice that the People of Hawai'i have taken the time to do the proper study to be able to come together across the islands to deal with matters of the common good. The people of Hawai'i have the sole and exclusive right and responsibility over government trustees and servants. There is no grant of power in government that is not delegated or given by the people. **Inherent means it cannot be taken away.**

Please Take Notice that the Constitution of the Republic of Hawai'i was established in 1894. When you took an Oath of Office you became a trustee, servant, of the People to do the People's business. **The Constitution is a living, breathing historical document that holds the true law.** All trustees took an oath to faithfully discharge their duties.(See evidence below)

Hawai'i State Bill of Rights, Article 1, Section 1: Political Power

All political power of this State is inherent in the people and the responsibility for the exercise thereof rests with the people. All government is founded on this authority.

Hawai'i State Constitution: Article 16, Section 4; Oath of Office:

All eligible public officers, before entering upon the duties of their respective offices, shall take and subscribe to the following oath or affirmation: "I do solemnly swear (or affirm) that I will

support and defend the Constitution of the United States, and the Constitution of the State of Hawai‘i, and that I will **faithfully** discharge my duties as ... to best of my ability." As used in this section, "eligible public officers" means the governor, the lieutenant governor, the members of both houses of the legislature, the members of the board of education, the members of the national guard, State or county employees who possess police powers, district court judges, and all those whose appointment requires the consent of the senate.

Constitution of the United States: Article 6, Clause 3:

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, **shall be bound by Oath or Affirmation, to support this Constitution;** but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

Maxim of Law 51b: The government is to be subject to the law, for the law makes government. C.L.M.

Maxim of Law 51o: All political power is inherent in the people by decree of God, thus none can exist except it be derived from them. American Maxim

Maxim of Law 84c: Punishment is due if the words of an oath be false. *Black's* 840

Please Take Notice that We the People have the sole and exclusive right to regulate, audit and request a constant account and observance of all election processes. The elections are the Peoples. As trustees, servants, you are hired as an agent of the People and therefore, your conduct, actions and those things to which you are employed, makes you, at all times, reportable and accountable to the People.

Please Take Notice that all laws made by the legislature must not derogate any constitutional right or liberty. Any law repugnant to the constitution is null and void. (See evidence below)

Marbury v. Madison, 5 U.S. (2 Cranch) 137, 180 (1803)

"... the particular phraseology of the constitution of the United States confirms and strengthens the principle, supposed to be essential to all written constitutions, that a law repugnant to the constitution is void, and that courts, as well as other departments, are bound by that instrument."

"In declaring what shall be the supreme law of the land, the Constitution itself is first mentioned; and not the laws of the United States generally, but those only which shall be made in pursuance of the Constitution, have that rank".

"All law (rules and practices) which are repugnant to the Constitution are VOID".

Please Take Notice that as the trustees of the People, you have not been granted the authority to interfere with our elections or go against any of our guaranteed Constitutional Rights and Liberties. Any and all contracts, bills or legislation that derogate from the rights expressly declared in the Constitutions or not in pursuance of the laws declared therein are considered a trespass against the People of the 50 American states, with full knowledge, intent and malice. Therefore, it is my wish, order and demand that all trustees, servants and government agents honor and uphold their Oaths of Office to support and defend the Constitution of the United States and the Constitution of the State of Hawai'i. We the People demand that you faithfully discharge all duties of your public office.

Please Take Final Notice that the trustees and servants of the People have not been granted the authority to change or attempt to change the form of government that We the People have established. Any attempt to persuade, deceive, or convince The People that their form of government is democratic in form will be considered a trespass against the people of the 50 American States. If you believe as trustees, servants and agents of the People that you have been granted the authority to arbitrarily change our Republican form of government, make contracts, bills or legislation that go against our guaranteed rights or that you are not bound by your oath of office, please provide me with the constitutional provisions granting you such authority within (5) days, by affidavit, sworn under penalty of perjury. Failure to respond, by affidavit, in the allotted time frame means that you agree by acquiescence, that all statements in this notice are true and fact. Further you agree that you are willingly deceiving the people with full intent, knowledge, and malice if you do not uphold your Oath of Office and our Republican form of government.

HB-132

Submitted on: 2/1/2023 12:07:09 PM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cynthia Van Kleef	Individual	Oppose	Written Testimony Only

Comments:

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HB132
Testimony in Opposition
Corinne Solomon
Oahu Resident

I strongly oppose HB132.

In 2020 the Office of Elections violated Hawaii State law during the post-election pre-certification audits and did not randomly audit 10% of precincts as required by HRS§ 16-42. This was brought up repeatedly in Elections Commission meetings and never remedied.

In 2022 HRS§ 16-42 was again violated, this time by using ballot images in lieu of paper ballots for the post-election audits. There is an active lawsuit brought by the Hawaii Republican Party against the Office of Elections on the ballot image issue. This case is still active.

Now we see that the “remedy” is to rewrite the laws that were broken in 2020 and 2022, laws which were written to meet best practices standards for conducting post-election pre-certification audits.

Current HRS§ 16-42:

*(3) The chief election officer conducts a post-election, pre-certification **audit of a random sample of not less than ten per cent of the precincts employing the electronic voting system**, to verify that the electronic tallies generated by the system in those precincts equal hand tallies of the **paper ballots** generated by the system in those precincts;*

Here is some of the text in HB132:

*(3) The chief election officer conducts a post-election, pre-certification audit of **a random sample of** not less than ten per cent of the precincts **[employing the electronic voting system]**, to verify that the **[electronic tallies generated by]** results from the system **[in those precincts]** with respect to a selected contest or ballot question equal **[hand tallies]** a tally of the **[paper]** ballots **[generated by the system in those precincts; and]** or voter verifiable paper audit trails;*

*(4) **The audit may be conducted with scanned images of the ballots** or voter verifiable paper audit trails **and involve a contest or ballot question.** To the extent technology permits other forms of duplication or reproduction, **the technology likewise may be used in lieu of the physical paper ballots** or voter verifiable paper audit trails;...*

Using paper ballots for audits and randomly selecting precincts for audits are **considered best practices for post-election audits** by several non-partisan federal election organizations.

US Election Assistance Commission (EAC) 2020 [Post-Election Audits:](#)

Post-Election Audit Best Practices:

...” a state’s chief election official or local election official **randomly** selects the designated percentage of total precincts”...

Usage of Ballot Images in Post-Election Audits:

...” **ballot image audits have raised concerns** among some election integrity and security experts because the review is only of digital images and not the official paper record.”

EAC 2021 [Election Audits Across the United States:](#)

“In general, a state’s chief election official, an independent audit board, or local election official **randomly selects the precincts**, devices, or ballots subject to the audit, according to a pre-determined formula.”

“Traditional post-election audits are usually conducted by hand tallying a sample of **paper records and comparing the results to electronic reports** produced by voting systems”...

Brennan Center for Justice: 2019 [Post-election Audits: Restoring Trust in Elections](#)

document goes in depth into audit best practices. Note that Hawaii uses a fixed-percentage audit model.

“There are three basic categories of post-election audits described in current law, proposed bills, and academic literature.

They are as follows: A. Fixed-Percentage Audit Model.

In this model, **jurisdictions are required to randomly select a fixed percentage of precincts** or machines to audit. All voter verifiable paper records for the selected precincts or machines are hand-counted and compared to the electronic tallies.”

Selecting Votes to be Audited

“Use Transparent and Random Selection Processes for All Auditing Procedures.

Audits are more likely to prevent fraud and produce greater voter confidence in election results if the public can verify that the paper records, machines, or precincts to be audited are chosen in a truly random manner.”

“Post-election audits of voter-verifiable **paper records** are a critical tool for detecting ballot-counting errors, discouraging fraud, and improving the security and reliability of electronic voting machines in future elections. “

Ensuring Overall Audit Effectiveness

“... a single unexplained **discrepancy between the paper records and electronic tallies is a strong indication of a software problem of some kind**. Any such discrepancy, even if it is just one vote and can have no effect on the outcome, is **grounds for a review of voting machine software code.**”

National Association of Secretaries of State (NASS)

2021 [NASS Task Force on Vote Verification: Post-election Audit Recommendations](#)

Post-Election Audits Overall

“Post-election audits also generally take place in a designated percentage of **randomly selected precincts**, tabulators and/or ballots after the election.”

Hawaii’s Lt. Governor, Sylvia Luke, is a [member](#) of NASS. I hope she is aware of HB132, which completely goes against audit best practices endorsed by NASS, the EAC, and the Brennan Center for Justice.

HB132 appears to be written in response to corrective actions pursued by those fighting for election integrity and has nothing to do with following national standards on audit best practices, which should be what our election laws reflect.

"Ours is a government of liberty, by, through and under the law. No man is above it, and no man is below it."

- President Theodore Roosevelt

HB-132

Submitted on: 2/1/2023 2:52:43 PM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
David Ruiz	Individual	Oppose	Written Testimony Only

Comments:

No

HB-132

Submitted on: 2/1/2023 3:39:58 PM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mary Smart	Individual	Oppose	Written Testimony Only

Comments:

I am in strong opposition to this bill.

Instead of weakening an already weakened election process due to the "all mail-in" vote legislation (as well as the extended election period, the lack of voter ID requirements, the lack of citizenship validation, the poorly maintained voter rolls and the numerous vulnerabilities known in electronic voting and tabulating machines), require the Office of Elections to follow the safeguards in place. The Office of Elections has been derelict in following state laws and especially in keeping voter rolls up to date. I attended an Elections Office meeting via zoom and heard the Elections Officer state that it takes him and his office about 18 years to remove a name from the elections roll. I hope that isn't true. We need up to date voter rolls prior to the biennial elections.

The solution to election integrity is to enforce the laws, not change them to accommodate the Election Officer's ineffective performance. Holding the Elections Officer accountable for following all provisions of the law to include a random audit of 10% of the precincts (not pre-selected ballots), using the paper ballots (not scanned images that may have been manipulated), are just for two examples of needed enforcement. Anyone who has worked in the cyber security field knows that electronic machinery can be programmed/hacked/intentionally connected to the internet/fed with an outside data drive to report false results. Clint Curtis has been testifying about this type of subverion for years.

The registered voters deserve to know that the Election process provides valid results. This bill would remove the audit protections we need. We need more protections, not less.

Do not pass HB132. Vote NO.

HB-132

Submitted on: 2/1/2023 4:01:50 PM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jill Eveland	Individual	Oppose	Written Testimony Only

Comments:

Strongly oppose this bill. We need transparency and truth!

HB-132

Submitted on: 2/1/2023 4:09:07 PM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Wendy Nguyen	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill.

HB-132

Submitted on: 2/1/2023 4:40:10 PM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Riley Murphy	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB132

HB-132

Submitted on: 2/1/2023 5:21:35 PM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sonny Lopez	Individual	Oppose	Written Testimony Only

Comments:

Oppose

HB-132

Submitted on: 2/1/2023 5:29:42 PM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Melissa Rothe	Individual	Oppose	Written Testimony Only

Comments:

I opposed this

HB-132

Submitted on: 2/1/2023 5:43:55 PM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Andrew Crossland	Individual	Oppose	Written Testimony Only

Comments:

HB-132

Submitted on: 2/1/2023 5:44:50 PM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
George Wong	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill

HB-132

Submitted on: 2/1/2023 5:48:45 PM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
James Isa	Individual	Oppose	Written Testimony Only

Comments:

I respectfully oppose this bill. Mahalo

HB-132

Submitted on: 2/1/2023 5:51:49 PM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
James R Cabodol Jr	Individual	Oppose	Written Testimony Only

Comments:

I oppose bill HB132 because we need a better election tally system, I believe with this last election the results was disappointing.with this current bill that you are trying to introduce it's not for fair elections

HB-132

Submitted on: 2/1/2023 5:56:44 PM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
LARRY FORTUNO	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB132.

HB-132

Submitted on: 2/1/2023 6:09:06 PM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
MANOJ SAMANTA	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill. Passing it will lead to widespread cheating.

HB-132

Submitted on: 2/1/2023 6:19:23 PM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Paul F Giles	Individual	Oppose	Written Testimony Only

Comments:

Oppose.

HB-132

Submitted on: 2/1/2023 6:21:35 PM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Erica	Individual	Oppose	Written Testimony Only

Comments:

I stand in opposition of this bill which appears to be another way to remove transparency from the election process, which will cause the public to lose faith in our elections and those who administer them.

HB-132

Submitted on: 2/1/2023 7:16:27 PM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
tania victorine	Individual	Oppose	Written Testimony Only

Comments:

I absolutely OPPOSE THIS BILL!!!

HB-132

Submitted on: 2/1/2023 7:16:27 PM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Janice Giles	Individual	Oppose	Written Testimony Only

Comments:

We don't want any more electronic ballot counting. We want hand counting.

HB-132

Submitted on: 2/1/2023 7:31:04 PM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
kamakani de dely	Individual	Oppose	Written Testimony Only

Comments:

I oppose this strongly!

I strongly oppose HB 132.

From my understanding, this bill will lead for future elections to rely heavily on an automatic tabulation system that fully runs on machines. This will further restrict “we the people” from any sort of transparency regarding the elections; whether the number of ballots counted or even if the voters’ ballots are counted.

There are four paragraphs that I want to highlight from this bill:

- 1) “Electronic voting system” means the method of recording votes which are counted by **automatic tabulating equipment**. The term includes, but is not limited to, the mechanical tabulation system, including a marksense ballot voting system, that involves the tabulation of paper ballots, and the direct recording electronic voting system that generates a voter verifiable paper audit trail.
- 2) “Mechanical tabulation system” **means an automatic tabulation system, including a marksense ballot voting system, that tabulates paper ballots**. The term does not include a direct recording electronic voting system.
- 3) “Marksense ballot voting system” means **a mechanical tabulation system using paper ballots and optical scanning, digital scanning, or similar technology equipment**, for which:
- 4) "The audit may be conducted with scanned images of the ballots or voter verifiable paper audit trails and involve a contest or ballot question. To the **extent technology permits other forms of duplication or reproduction, the technology likewise may be used in lieu of the physical paper ballots or voter verifiable paper audit trails;**"

The bolded points of the paragraphs emphasizes that the paper ballots in future elections will be tabulated in an “automatic system.” “Automatic” system utilizes technology to *digitally* scan, count and verify ballots. Relying on this system to scan the ballots is extremely risky as the machines utilized maybe subjected to software or hardware issues during the elections. There is little to no concrete information regarding who (besides the Chief Elections Officer and County Clerk) will physically certify that this tabulation system is working not only correctly, but with complete transparency. Any troubleshooting shall lie solely on individuals who knows the software systems that runs the machine (technicians or the developers). Errors that occur during the election process will only make Hawai’i’s elections less transparent to not only voters, but to the people in general.

To gain the public’s full trust of the election system, paper ballots should be counted and scanned by hand. Technology (or voting machines in general) of this scale should not be deciding the future of our elections. There are many ways to accomplish this without the reliance on machines. For instance, if I remember correctly, there were opportunities for ballot counting during the 2018 elections. And I assume, that a good portion of the volunteers were students from the colleges or even the public high schools. Especially for the juniors and seniors in the high schools, having volunteer openings will be great opportunities for them to learn the

importance of their civic duty and the common law. Complete, physical transparency shall always be a part of the elections as we, as citizens of the United States, have the right to know if our ballots have been counted – our voices need to be heard.

HB-132

Submitted on: 2/1/2023 8:13:29 PM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Laurie Langton	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill! You cannot randomly change the rules because you simply don't like them. We are a Republic with conditions and rules set forth for fair and free elections. Changing the processes for audits and accountability is criminal! When a governing body changes and removes accountability measures, that state becomes a tyrannical body. You have sworn an oath to uphold the constitution and as public servant you must do so.

We have seen an onslot of questionable and outright illegal behavior around the country in regard to elections. Do you think it is in the interest if the people to remove accountability and checks and balances in this area? Do you think this will instill more trust in the elections by the people?

Know that the people of Hawai'i will not take this change lightly. I find it unacceptable the legislature would even consider this bill. Please vote wisely and represent the people as you are sworn and paid to do.

HB-132

Submitted on: 2/1/2023 8:19:12 PM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jen	Individual	Oppose	Written Testimony Only

Comments:

As one of the People, it is my wish and demand that you do not pass HB129, HB130, HB132, or any legislation that goes against the People, because the elections, all aspects, are the People's business.

The Hawaii State Constitution is clear on one day elections:

Article 2 Section 8 General Election shall be held on the first Tuesday after the first Monday in November... It does not say 14-days of voting. The legislature can not bypass the Hawaii State Constitution. Article 17, section 2 is clear: in order to change anything in the Hawaii State Constitution, there must be a Constitutional Convention.

This Bill - HB 132 does nothing to fix the problems with elections or electronic voting systems, the audits that do not follow the current law, nor a 14-day Election period that costs more money to the tax-payers of Hawaii than is necessary. It gives too much power to a select few who are not elected by We The People.

Some solutions to the problems of untrustworthy elections and a huge problem of logistics and lack of man-power for elections in Hawaii:

- Smaller precincts
- Education of the populace on the importance of 1-day voting and being a part of the process
- Counting of the **paper ballots** in front of the citizenry at the precinct.

The postcards sent out to the voters, to alert them of their precincts and districts **can include** a call-to-action alerting the people of the need of **volunteers** in the election process in their precinct for a 1-day vote. The result would be that the counties would have more volunteers than they know what to do with. It is our right and civic duty to be included in the process of Election Day.

To fund these volunteers with a small compensation for their time and service, the counties can redistribute the funds going to workers of the voting and counting center that add up during a 14-day process. (France is able to do a one day vote with many millions of voters. They go home before midnight with the results called). Also, the unnecessary millions of dollars spent on electronic voting systems can be used to compensate the volunteers for their service and time **and educate the populace on the importance of civic duty, the constitutions and their rights as citizens of a republic. (We are not a democracy).**

Election day can be a holiday, so that **all** can vote. I believe this will inspire people/the citizenry a rightful sense of patriotism, pride in one's state and country, and their civic duty of voting for their public servants – the ones who will carry out the business of the people.

Nobody trusts the results of the elections.

Nobody can verify what happens on the hardware and software levels of the electronic voting systems because the state does not have access to the proprietary code. The counties do not employ people who can understand the hardware and software, so they outsource to private companies. Electronic voting machines across the United States have been proven to be connected to the internet and hackable.

Here are the Ten Points to True Election Integrity:

1. Clean the voter Rolls. The voter rolls are a huge mess.
2. Ban All Electronic Elections Equipment - They can not be trusted
3. Voter ID with Paper Ballots Only
4. Ban Mail-In Voting
5. Ban Early Voting
6. Drastically Smaller Precincts
7. Ban Ballot Harvesting
8. Election Day is a Holiday
9. New Reporting Requirements for Transparency
10. Heavy Prison Sentences for All Who Commit Fraud

Remember you took an oath to uphold the Constitution of Hawaii and the United States. We the People do not want more nonsense in our elections. It is our election.*

Therefore, it is my wish and demand that you do not pass HB129, HB130, HB132, or any legislation that goes against the People, because the elections, all aspects, are the People's business.

I am submitting this notice and testimony that you and your agents may provide due care as the trustees and servants of the People.

There is no grant of power in government that is not delegated or given by the people. **Inherent means it cannot be taken away.**

The Constitution of the Republic of Hawaii was established in 1894. When you took an Oath of Office you became a trustee, servant, of the People to do the People's business. **The Constitution is a living, breathing historical document that holds the true law.** All trustees took an oath to faithfully discharge their duties.(See evidence below)

Hawaii State Bill of Rights, Article 1, Section 1: Political Power

All political power of this State is inherent in the people and the responsibility for the exercise thereof rests with the people. All government is founded on this authority.

***Hawaii State Constitution: Article 16, Section 4; Oath of Office:**

All eligible public officers, before entering upon the duties of their respective offices, shall take and subscribe to the following oath or affirmation: "I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States, and the Constitution of the State of Hawaii, and that I will **faithfully** discharge my duties as ... to best of my ability." As used in this section, "eligible public officers" means the governor, the lieutenant governor, the members of both houses of the legislature, the members of the board of education, the members of the national guard, State or county employees who possess police powers, district court judges, and all those whose appointment requires the consent of the senate.

***Constitution of the United States: Article 6, Clause 3:**

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, **shall be bound by Oath or Affirmation, to support this Constitution;** but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

We the People have the sole and exclusive right to regulate, audit and request a constant account and observance of all election processes. The elections are the Peoples. As trustees, servants, you are hired as an agent of the People and therefore, your conduct, actions and those things to which you are employed, makes you, at all times, reportable and accountable to the People.

All laws made by the legislature must not derogate any constitutional right or liberty. Any law repugnant to the constitution is null and void. (See evidence below)

Marbury v. Madison, 5 U.S. (2 Cranch) 137, 180 (1803)

"... the particular phraseology of the constitution of the United States confirms and strengthens the principle, supposed to be essential to all written constitutions, that a law repugnant to the constitution is void, and that courts, as well as other departments, are bound by that instrument."

"In declaring what shall be the supreme law of the land, the Constitution itself is first mentioned; and not the laws of the United States generally, but those only which shall be made in pursuance of the Constitution, have that rank".

"All law (rules and practices) which are repugnant to the Constitution are VOID".

REMEMBER YOUR OATH

HB-132

Submitted on: 2/1/2023 8:30:59 PM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lisa Toriki	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill. Did our elected leaders, including our newly elected Governor, proclaim that there will be more transparency?? If our elections are truly on the up and up, why do we need such a bill as this??? This bill gives the appearance that our government is attempting to hide either malfeasance or incompetence. Which is it? Either way, passing this bill will not promote any attempt at transparency. "Those who have nothing to hide, hide nothing" Our government should be an open book for the people of this State and our Country.

HB-132

Submitted on: 2/1/2023 8:34:31 PM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Virginia Enos	Individual	Oppose	Written Testimony Only

Comments:

"OPPOSE"

HB-132

Submitted on: 2/1/2023 8:56:54 PM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jane Yasui	Individual	Oppose	Written Testimony Only

Comments:

I oppose hb132. We need more transparency in our elections. I would rather have paper ballots hand counted. Machines can be hacked from the internet. Why the change? Sounds like you want to hide something.

We need more transparency in our elections otherwise our republic is gone.

Thank you for your time.

Jane Yasui

HB-132

Submitted on: 2/1/2023 9:00:26 PM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Alberta Lono	Individual	Oppose	Written Testimony Only

Comments:

I opposed HB 132.

HB-132

Submitted on: 2/1/2023 9:20:52 PM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kim Cordery	Individual	Oppose	Written Testimony Only

Comments:

I appose HB132 because there needs to be accountability in our election process.

HB-132

Submitted on: 2/1/2023 9:33:06 PM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Gary cordery	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill, the people of Hawaii are entitled to an election process that provides the maximum amount of accountability.

I believe Hawaii should return to a paper ballot, one person one vote with an ID.

HB-132

Submitted on: 2/1/2023 9:41:34 PM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Vivek Pathela	Individual	Oppose	Written Testimony Only

Comments:

OPPOSE HB132.

HB-132

Submitted on: 2/1/2023 10:14:31 PM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
mele beter	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose HB132 relating to elections! We need to uphold the integrity of our voting process, and should increase the protocols related to auditing! It's very evident this state has felt with auditing issues.

HB-132

Submitted on: 2/1/2023 10:15:32 PM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Levana Lomma	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose HB 132 because it is an attempt to eliminate the only safe-guard we have that ensures our votes are being counted accurately. You can't just change the law when you get caught breaking it. This bill **MUST NOT PASS**.

Testimony Opposing HB132

February 1, 2023

Chair David Darnas

Vice Chair Gregg Takayama

and Representatives

Sonny Ganaden

Troy N. Hashimoto

Daniel Holt

Linda Ichiyama

Greggor Ilagan

Sam Satoru Kong

John M. Mizuno

Kanani Souza

Judiciary and Hawaiian Affairs Committee

Hawai'i State Legislature

Hawai'i State Capitol

415 South Beretania St.

Honolulu, HI 96813

Subject: HB132 -Testimony Opposing

Bill HB132 reminds me of the huge Trojan horse the Greeks built to gain entry to the city of Troy. The Greeks pretended to leave in defeat and offered the Trojan horse as an offering to Troy's goddess Athena. However, within its bowels were Greek soldiers waiting to be let into the city. The Trojan horse was eventually brought into Troy and in the quiet darkness, the soldiers birthed from the horse to open Troy's gates to the Greek hordes waiting for their opportune moment. Well, this is what HB132 is all about and its destructive ways are described here as follows:

1. HB132 claims there are additional requirements and procedures that the Chief Election Officer must follow, but there are less requirements than HRS 16-42.
2. HB132 redefines electronic voting system to be a mechanical tabulation system. And if a mechanical voting system is used in an election it is excepted from audits. This is opposite to HRS 16-42.
3. HB132 emasculates HRS 16-42. The Office of Elections and the Elections Commission fail in even ensuring that HRS 16-42 is implemented and followed.
4. HB132 eliminates hand counting paper ballots in audits.
5. HB132 removes the random selection of 10% of the precincts to be audited.

In the 2022 General Election, only one precinct was audited in the General Election but it was not done with hand counting ballots but with machine counted scanned images. This is in violation of HRS 16-42.

Testimony Opposing HB132

6. HB132 throws out the need to accomplish hand counts for all races on a ballot.
7. HB132 permits the use of ballot images to suffice for current requirement to conduct a hand count audit of 10% of the ballots for each race that utilizes a voting machine. Why is this wrong? Answer: Ballot images can be compromised. The scanning functions of the voting machines can be manipulated to change the scanning sensitivities to affect the vote count one way or the other. There is also internal programming that can change the sorting logic where one vote can change its candidate count destination.
8. HB132 will restrict the scope of needed audits as it only allows checks and recounts of machines that are identified as having misreported results.

The Office of Elections has used the contents of HB132 now as arguments to dismiss the many complaints of the 2022 elections. Because of the sheer volume of affidavits, complaints and

Ralph Cushnie filed a petition to the House of Representatives as the State Supreme Court dismissed his law suit because they lacked original jurisdiction.

court cases, the Office of Elections via the Office of the Governor and the majority of legislators are now trying to cover up their cover up. We have brought up these items as being non-compliant by the Office of Elections and filed a lawsuit with the State Supreme Court. In rebuttable, the Office of

Elections has responded saying they have been following the law that includes all these items. Now they are trying to change the law to reflect what they have been doing. **Doesn't this seem like an admission of guilt.** If HB132 is passed, we will never know if the results they are giving us in an election are accurate.

IN SUMMARY:

Under the leadership of our State Government, the Office of Elections is not counting our votes in our elections, and neither are the people of Hawaii is counting our votes. On the contrary, a company from the mainland is, and the people of Hawaii have no way of knowing the result of this process are producing accurate results of our elections.

Every effort by the people to ensure the accuracy of elections pursuant to statute has been thwarted by the Office of Elections. HRS§ 16-42 requires that a random audit of ten percent of precincts be conducted to compare the votes cast on the paper ballot match the output of the electronic voting system. Every race that uses voting machines require 10% of its ballots to undergo a hand count audit and not a scan image count.

**Righteousness and justice
are the foundation of Your
throne; Mercy and truth go
before Your face.**

Psalm 89:14 NKJV

Testimony Opposing HB132

The Office of Elections has maladministered the application of this statute to avoid audits, and is now sponsoring a bill which negates and dilutes audit requirements in their entirety. The Office of Elections is operating in "bad faith" and not upholding the will of the people, as demanded by legislative action through statute, and which is intended to ensure the accuracy of our elections against any and all questions.

The people maintain that without an accurate audit as intended by statute, the results of our elections are indeterminate. This is the primary reason why the majority of the people of Hawaii feel disenfranchised by the State Government's lack of due process and disrespect for the rule of law.

Please VOTE NO on this bill.

Mahalo for your time. Respectfully submitted,

Wendell Elento
Constitutional Student
Grandfather, father and lover of Hawaii and all of its people
c. (808) 670-6565 e. elentow@gmail.com

HB-132

Submitted on: 2/1/2023 10:28:43 PM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Maren Cantrell	Individual	Oppose	Written Testimony Only

Comments:

No. I oppose this bill.

Concerned Citizen,

Maren Cantrell

HB-132

Submitted on: 2/1/2023 11:07:38 PM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
JoAnn Salakielu	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill. You need to do everything you can to make sure elections are fair, honest and transparent and without possibility of improprieties.

HB-132

Submitted on: 2/1/2023 11:21:17 PM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Vicki Colt	Individual	Oppose	Written Testimony Only

Comments:

I adamantly oppose HB132

HB-132

Submitted on: 2/2/2023 12:43:09 AM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Manulani Garcia	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB132. Election integrity must be upheld. We should have laws that make elections/election process more transparent and accountable, not less. This is why i do not support HB132.

HB-132

Submitted on: 2/2/2023 1:29:06 AM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jennifer Cabjuan	Individual	Oppose	Written Testimony Only

Comments:

Oppose!!!

Still waiting for a proper audit of 2000 election...

HB-132

Submitted on: 2/2/2023 3:13:00 AM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Luis Ma	Individual	Oppose	Written Testimony Only

Comments:

Basically, both parties and individual citizen lose big confidence on states and federal election process and procedure. Some election procedure and practices from past 2016, 2020 and 2022 election in Hawaii is very shady and questionable. Especially with 2020 and 2022 with Hawaii pass election bill during 2019 all for massive mail-in voting ballots, which open a door for fraud and ballots easy loose chain of custody. This new bill HB 132 create less transparency and less secure, more people going to lose confidence in state's election. SO I am strong oppose HB 132.

HB-132

Submitted on: 2/2/2023 4:17:46 AM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Richard Todd Rentz	Individual	Oppose	Written Testimony Only

Comments:

It is, as if, Hawaii is turning into a Banana Republic! We need stronger election laws and voter integrity! The elections need more scrutiny and Scott Nago should be investigated.

HB-132

Submitted on: 2/2/2023 5:27:58 AM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Trevor Enos	Individual	Oppose	Written Testimony Only

Comments:

I OPPOSE HB132

HB-132

Submitted on: 2/2/2023 6:59:20 AM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ruben Ongos	Individual	Oppose	Written Testimony Only

Comments:

A thorough audit should be done if there are any and all evidence of fraud in the election process. Count all races on the ballot!!...I OPPOSE THIS BILL!!

HB-132

Submitted on: 2/2/2023 7:01:52 AM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nikki Anzai	Individual	Oppose	Written Testimony Only

Comments:

Strongly oppose this bill.

HB-132

Submitted on: 2/2/2023 7:11:38 AM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Heather Lauro	Individual	Oppose	Written Testimony Only

Comments:

I adamantly oppose this bill. Officials need to FOLLOW the law instead of REWRITING them to suit their agenda. Disgusting how Hawaii has no clue how to honor the US Constitution and protect its citizens.

HB-132

Submitted on: 2/2/2023 7:12:41 AM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dalene McCormick	West Hawaii GOP	Oppose	Written Testimony Only

Comments:

I think it will be criminal if Hawaii legislators move forward with HB132. It's quite ironic how Hawaii citizens have recently called out the office of elections for not following post election audits as outlined in HRS 16-42 because they are not selecting 10% of the precincts by county and comparing the paper ballots to the tabulated ballots for all races. HRS 16-42 post election audits were written as a countermeasure for the allowance of the state to implement electronic voting equipment. 10% random audit to paper ballots provides a very slim margin to identify issues, and HB132 changes that margin to zero.

It's funny how you are not revealing the name of the entity who submitted this bill. I have to believe it's one of the unelected state/county workers who run our elections. As a voter in this state I do not want to see this bill move forward. I hope legislators remember that they work for the people and should uphold the will of the people.

Do you know the Office of Elections is being sued for not following the process in HRS 16-42. So as a countermeasure, an unidentified person submits a bills that eliminates the paper audit. This is disgusting, unethical, non transparent, corrupt, and further displays the erosion of trust between the people, the government, and elections. Mail in voting was suppose to increase voter participation but has had the opposite affect. Do you think further legislation that erodes the security of our elections is the right move?

Thank you for your time and listening to your citizens.

HB-132

Submitted on: 2/2/2023 7:37:08 AM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Larry Duclayan	Individual	Oppose	Written Testimony Only

Comments:

I OPPOSE HB132.

Mahalo!

LD

HB-132

Submitted on: 2/2/2023 8:23:09 AM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Marcelle Liana	Individual	Oppose	Written Testimony Only

Comments:

I Strongly OPPOSE HB132! There should be more transparency in our elections and true audits. We need election integrity if you want the Hawaii people to vote. I strongly OPPOSE this bill 132!

HB-132

Submitted on: 2/2/2023 8:36:02 AM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ryan-Nicholas: Luther	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill due to the facts below:

- 1) Eliminates the random selection of 10% of the precincts to be audited
- 2) Eliminates the need to count all races on a ballot
- 3) The Chief Election Officer can choose just one (1) race or question on the ballot to audit
- 4) Allows the use of ballot images to conduct the audit instead of original paper ballots, and ballot images can be compromised

HB-132

Submitted on: 2/2/2023 9:00:55 AM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kamaleioilikeamaikalani Pai	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose HB132 bill.

HB-132

Submitted on: 2/2/2023 9:20:59 AM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Loke	Individual	Oppose	Written Testimony Only

Comments:

Oppose

HB-132

Submitted on: 2/2/2023 9:59:57 AM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jonathan Wilkins	Individual	Oppose	Written Testimony Only

Comments:

This is not good for the well-being of our state.

HB-132

Submitted on: 2/2/2023 10:44:33 AM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Monique Perreira	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill!

HB-132

Submitted on: 2/2/2023 11:08:57 AM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jamie Irvine	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB 132!

HB-132

Submitted on: 2/2/2023 12:37:30 PM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Keikilani Ho	Individual	Oppose	Written Testimony Only

Comments:

When you break a law, you are to be held accountable for it. You don't change it. There were 13 of their own statutes that they broke which we submitted a complaint against in the Hawaii Supreme Court. This bill screams FRAUD at all levels. Any legislator that supports this bill, supports a fraudulent election. You are put in place to be a voice for the people. Not to silence them. Do what is right.

HB-132

Submitted on: 2/2/2023 1:14:38 PM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kelvien Dixon	Individual	Oppose	Written Testimony Only

Comments:

A lot of questionable things things happen during 2020 and 2022 races. So our current laws need to stay in place

HB-132

Submitted on: 2/2/2023 1:16:52 PM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Vincent r Golio	Individual	Oppose	Written Testimony Only

Comments:

I oppose this legislative bill.

In the State of Hawaii House of Representatives

2023 Testimony on HB132 - Concerning Election Law

Testimony

With great respect for the important, meaningful, and difficult work this body does on our behalf, in representing and leading the People, I must respectfully urge each of you to vote against HB 132 for the reasons set forth below:

1. It does violence to the Democrat Party Platform, and the foundational principles of law upon which the following language is based:

"Democrats will strengthen our democracy by guaranteeing that every American's vote is protected..."

"We must give voters the confidence that their ballot was counted as cast by supporting mandatory, statistically meaningful post-election audits and full transparency of all election results and data."

"Democrats will also increase oversight of private election vendors to ensure voting systems are secure and worthy of voters' trust. We will not tolerate election interference and will protect the integrity of our elections from all enemies, foreign and domestic."

2020 Democrat Party Platform, page 56

This bill would offer total control over the State's election to the vendors, and relieve the OE and AG's from doing even the bare minimum to ensure accountability and transparency in our elections. They (the AG and the OE) have been caught red-handed (as a matter of record), belligerently defying this body and the statutory Will of the People - and their response appears to be an attempt to change the law, greatly overstepping their authority and role as stewards of the law. In *Olmstad v. United States*, ((1928) 277 U.S. 438), the court ruled that "*Crime is contagious. If the Government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy.*"

It is precisely this kind of dishonest behavior that is costing our taxpayers both dollars and precious trust in our government, which is why it must be opposed. This bill may actually have evidentiary value in court to show that the OE and AG's were violating the existing election law with full knowledge and intention; it appears to have been brought as a direct response to litigation where incontrovertible evidence has emerged that they broke these very provisions meant to strengthen security and integrity in our elections. Now they have the audacity to attempt to undermine election integrity by removing what little remains of public oversight; how dare they bring this bill? This should outrage each of us. It is a slap

in the face for everyone who won their elections fair and square. The bill wears a mask which falsely represents its actual effects - to the point of being outrageous. This is **not** the role of the attorney general's office; their job is to represent the collective interests of the People by upholding the legitimate exercise of State authority, and not to betray the trust of the people. This bill is an insult against the authority of this body and all that it stands for. It is an insult against the Democratic Party Platform. It is an insult against the federal and state constitutions. Worse, it is a grave insult against the Representatives here today, and every person who voted for them. I urge you all to respond with appropriate severity to respond to the extreme misbehavior here represented by the introduction of this bill - and act to restore faith, trust, and confidence in this Government.

Thank you all for the work that you do in serving and representing the People of Hawaii in these difficult times. Hawaii needs strong hearts to overcome the dividing issues to see the common ground of unity that brings all Americans together, especially in these uncertain times.

Sincerely,

Austin Martin

HB-132

Submitted on: 2/2/2023 1:40:17 PM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jessica Caiazzo	Individual	Oppose	Written Testimony Only

Comments:

Strongly oppose!

Aloha,

LATE *Testimony submitted late may not be considered by the Committee for decision making purposes.

With the assistance of an attorney who performed a quick review of the proposed revisions to HR §16-42 which are found in HB 132, and I am writing to highlight and summarize the key findings of that review.

HRS § 16-42 governs the use of electronic voting systems and sets specific audit requirements which must be met before the chief election officer “may rely on electronic tallies created directly by electronic voting

systems, in lieu of counting the paper ballots by hand or with a mechanical tabulation system.” The purpose any voting system audit is to examine the processes used to collect and count votes, by re-counting a sample of those votes in order to confirm the accuracy of the results. Electronic voting systems present unique audit issues because of the possibility that external interference with those electronic systems that may go undetected. Auditing procedures which involve hand counts therefore serve an essential function of assessing

how well electronic voting machines are functioning and ensuring that the votes cast using these machines are counted properly and accurately.

The exclusive use of paper ballots and then a full hand count of all those ballots would obviously be the safest and most accurate voting and auditing procedure. However, HRS § 16-42, as currently written, strikes a balance with efficiency, and allows for the alternate procedure of “rely[ing] on electronic tallies” if certain safeguards are in place. The

proposed revisions to HRS § 16-42 found in HB 132 remove or significantly weaken many those safeguards around electronic voting machines, and therefore make our state's elections potentially far more vulnerable to manipulation.

The key proposed HB 132 revisions are as follows:

A. §16-42 (a)

No electronic voting system shall be used in any election unless it [~~generates~~] involves a paper ballot or voter verifiable

~~paper audit trail [that may be inspected and corrected by the voter before the vote is cast, and unless every paper ballot or voter verifiable paper audit trail is retained as the definitive record of the vote cast].~~ The chief election officer shall prescribe the method of marking the ballot and associated instructions for voting associated with the electronic voting system.

- This provision removes the requirement that the electronic voting system “generates” a paper ballot and

substitutes it with the more amorphous term “involves”.

- It also removes the requirement that the paper ballot be of a form that “may be inspected and corrected by the voter before the vote is cast” and that the chief election officer retain “every paper ballot or voter verifiable paper audit trail is retained as the definitive record of the vote cast.”
- This essentially allows the chief election officer to employ electronic voting

systems that do not create the far more secure paper ballots.

B. §16-42 (b)

~~The chief election officer [may rely on electronic tallies created directly by electronic voting systems, in lieu of counting the paper ballots by hand or with a mechanical tabulation system if:], in using an electronic voting system, shall ensure that:~~

- This revision removes the specific requirements detailed in in HRS §16-42 (b) as

mandated pre-requisites to the chief election officer's reliance on electronic tallies in lieu of counting paper ballots and replaces the mandate with the much weaker requirement that the chief election officer "shall ensure that" the requirements are met.

C. §16-42 (b)(3)

The chief election officer conducts a post-election, pre-certification audit of ~~[a random sample of]~~ not less than ten per cent of the precincts ~~[employing~~

~~the electronic voting system], to verify that the [electronic tallies generated by] results from the system [in those precincts] with respect to a selected contest or ballot question equal [hand tallies] a tally of the [paper] ballots [generated by the system in those precincts; and] or voter verifiable paper audit trails;~~

- This proposed revision removes the requirements that: 1) precincts which employ electronic voting systems are the ones chosen to be audited, and 2) that the

precinct sample be chosen randomly. Under the proposed revised language, the chief election officer, therefore could purposefully (as opposed to randomly) select for audit only precincts that do NOT use electronic voting systems to meet the 10% sampling requirement, and then declare that the sample size requirements for auditing electronic voting systems have been met.

- The revisions also allow the chief election officer to audit only “selected contests” as

opposed to every contested office or issue on a ballot.

- Finally, the proposed revisions explicitly remove the requirement that only paper ballots be used in the audit and gives the chief election officer a choice of paper ballots “or voter verifiable paper audit trails.”

D. §16-42 (b)(4)

The audit may be conducted with scanned images of the ballots or voter verifiable paper audit trails and involve a contest

or ballot question. To the extent technology permits other forms of duplication or reproduction, the technology likewise may be used in lieu of the physical paper ballots or voter verifiable paper audit trails;

- This proposed revision also acts to remove the requirement that only physical paper ballots be used in an audit by allowing the chief election officer to choose either scanned images or paper ballots.
- It also allows for other non-

paper ballot “forms of duplication or reproduction” to be used for audits, at the choice of the chief election officer in the future.

Due to time constraints other troubling language in the proposed revisions, in particular the use of the word “misreporting” instead of “discrepancies” in §16-42 (b)(6)-(9) were not fully analyzed but should be in the future.

Mahalo,

Laura Nakanelua

HB-132

Submitted on: 2/2/2023 2:29:41 PM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Candace Basilio	Individual	Oppose	Written Testimony Only

Comments:

Oppose

HB-132

Submitted on: 2/2/2023 3:39:49 PM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Chloe S	Individual	Oppose	Written Testimony Only

Comments:

As a citizen concerned with our state's election integrity, I *strongly* oppose HB132

HB-132

Submitted on: 2/2/2023 3:56:08 PM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Thomas Stanton	Individual	Oppose	Written Testimony Only

Comments:

Dear Legislators,

I respectfully ask that you oppose HB 132. The intent of the bill is to eliminate the paper ballot risk limited audits of the vote counting machines as required by HRS 16-42. HRS 16-42 requires that 10% of all Precincts audit the vote counting machine results against the voter verifiable paper audit trail which are the paper ballots. These audits are the only way to check the accuracy of the machine vote counts and without these audits voters and candidates will have no assurance or way of knowing that the machine vote counts are accurate.

Mahalo,

Tom Stanton

HB-132

Submitted on: 2/2/2023 4:36:55 PM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Scott Fong Jr	Individual	Oppose	Written Testimony Only

Comments:

I Do not support this bill plain and simple.

HB-132

Submitted on: 2/2/2023 6:10:45 PM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Deirdre Madrid	Individual	Oppose	Written Testimony Only

Comments:

Ballot images can easily be compromised and edited. Original paper ballots only should be counted.

HB-132

Submitted on: 2/2/2023 9:07:32 PM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Gail Smith	Individual	Oppose	Written Testimony Only

Comments:

An American citizen's right to vote and then have that vote counted accurately with cross checking the scanned reports to the actual paper ballots insure the integrity and honesty in the election process. The election audits required by HRS 16-42, if conducted correctly by current law, ensure accuracy and integrity.

I oppose the passage of HB 132 which revamps and appears to eliminate the auditing process to rely only on the scanned ballot images and reports. Using such terminology as "mechanical tabulation system and marksense ballot voting system" seems to omit the cross checking to the actual voting paper documents. I hope you consider the importance of auditing with integrity and continue to use the original paper ballots when conducting an election audit.

Respectfully submitted,

Gail Smith

HB-132

Submitted on: 2/2/2023 9:23:29 PM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sunshine	Individual	Oppose	Written Testimony Only

Comments:

I Oppose HB132!

HB-132

Submitted on: 2/2/2023 11:21:10 PM

Testimony for JHA on 2/2/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mr. & Mrs. O'Neill	Individual	Oppose	Written Testimony Only

Comments:

I respectfully urge you to oppose HB 132. If this passes we will never have another legitimate election. This needs to be stopped , now !