

# ASSESSMENT OF 2020 ELECTIONS, STATEWIDE, STATE OF HAWAII, DEPARTMENT OF DEFENSE, OFFICE OF HOMELAND SECURITY

State of Hawaii  
October 29, 2020

## ASSESSMENT REPORT PRE-GENERAL ELECTION



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## *Table of Contents*

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Summary .....	3
After Action Review .....	3
Agency Cooperation .....	4
Security and Planning .....	5
Ballot Mailing .....	6
Place of Deposit Locations .....	7
Poll Watchers .....	8
Conclusion .....	9

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## *Summary*

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This Pre-General Election Assessment Report is a brief extension of the Post-Primary Election Assessment Report as issues and concerns have been discussed and reviewed. The time leading up to the General Election was a short one with only around 90 days. This short amount of time is prohibitive to make any major changes or implement any new policies, however it did give enough time to review and discuss some of the issues that did arise during the Primary Election. The main time for implementing new initiatives will be the months following the General Election leading up through the next legislative session.

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## *After Action Review*

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### *Individual Meetings*

An after action review of the events leading up to and including Election Day is a very important opportunity for election officials to gather and reflect on how all of the election operations were executed. There are always going to be areas to improve, possible legislation to consider, and the ability to be proud of the vast majority of election operations that were executed flawlessly.

We have conducted meetings with election officials across Hawaii leading up to Election Day along with individuals from across state and federal officials. These meetings with a large group of people from various agencies is a great way to communicate overall messages, however in such a large group it is difficult to have a candid conversation about upcoming election operation logistics. Leading up to and after the Primary Election in August, we were able to successfully have a great exchange of ideas and concerns by visiting with county election officials in a one on one call.

Our plan for reviewing how the General Election was conducted is to have individual calls with each county election official regarding issues and concerns that took place to include the following:

- Ballot Drop off Box Locations (are more being set up)
- Voting Service Center Operations (COVID-19 preparations; volunteers)
- Poll Watchers (policy/procedures; disruption protocols; concerns)
- USPS (return mail)
- COVID-19 Preparations
- Communications (disinformation)

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## *Agency Cooperation*

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### *US Postal Service*

The USPS has had a very rough and concerning 2020 throughout the United States with Covid, states embracing vote by mail procedures in unprecedented numbers, and challenges with communicating to the public their ability to process ballots through the mail.

It is very encouraging that the USPS in Hawaii has been responsive with concerns that county and state election officials have had with postal operations. There are always going to be concerns and challenges in the process of mailing ballots.

The most important and most valuable form of cooperation is to continue the ongoing relationship with the leadership of the USPS in Hawaii. There are going to be issues and concerns that will arise and having a solid and open relationship with the USPS will help to alleviate the issue quickly.

### *State and Federal Agencies*

The cooperation we have received from various state and federal agencies has been very helpful in the sharing of information and ideas. We continue to receive timely security concerns from DHS, FBI, and others regarding continued concerns about the upcoming election. The amount of effort and inclusion of election security concerns on a national level, are a tremendously valuable resource for election officials to understand what some of the national concerns are and how they may be affecting Hawaii.

The amount of resources from various federal agencies allows for state and local election officials the opportunity to utilize these services. One of the main resources is the HSIN. The HSIN allows for all government officials to share information regarding all aspects of election security and election operations. There is a concern about what information should be shared with the group and who is responsible for sharing information. Setting up a clear set of sample protocols would encourage and simplify how best to share information. A policy and procedure needs to be set up so that election officials and other governmental officials all have an understanding of how the HSIN is to work and who has responsibility for sharing concerns as well as resolving those concerns within HSIN to help educate and clarify how these concerns may be affecting election operations.

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## *Security and Planning*

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### *Practicing Scenarios*

Prepare, prepare, and prepare some more is the motto of all election officials. Each election a new issue or concern arises and must be dealt with. Today's election official must be prepared for any and all issues that take place. One way to try and be as prepared as possible is to come up with various scenarios and working through how best to solve the problem. The FBI in coordination with DHS, DOJ, and other agencies conducted a test with election officials and discussed the following areas of potential concern:

- Voting precinct protesters
- USPS employee disposing of ballots in dumpsters
- Websites displaying misinformation about candidates
- Malicious email sent to state and county election officials
- Militia organizing an armed protest at polling place
- USPS ballot drop box destroyed and removed
- Official state election website defaced
- On election night, official posting of election results manipulated

As we continue to prepare for what may happen, it is best to utilize the experiences of other states and other election officials. Each election has some new problem that arises that allows for others to learn from how they handled the issue. Learning from other states is the best form of preparation. These best practices allow for everyone in the election process to be better prepared for what may come and how others have handled issues.

### *Communication Plans*

We have continued to see the need for more communication plans on election operation procedures. The misinformation campaigns and confusion from incorrect news stories need to have immediate, concise, and direct responses from either the state or county election offices. So many times when election concerns are presented, they can be taken care of very quickly with an official response from the state or county. A quick response team within the communications department can alleviate small issues that can quickly turn into major stories in a very short amount of time with various social media outlets. A comprehensive communications plan with sample press releases and sample social media responses is extremely valuable to have on hand ready to use during election season.

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## *Ballot Mailing*

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### *Ballot Mailed Dates*

Equal access to the polling booth has been a key factor in the success of conducting an election in the United States. There have been times when providing equal access to the voting booth has been strained for one reason or another. Every policy established by the legislature, election officials, and federal legislation must strive to achieve equal access for all voters.

On the official Hawaii election website, <https://elections.hawaii.gov>, it lists the dates that ballots were mailed for each of the four counties in Hawaii.

**Ballots Mailed:**

County of Hawaii: October 7, 2020

County of Maui: October 8, 2020

County of Kauai: October 9, 2020

City and County of Honolulu: October 5 & 6, 2020

Hawaii law 11-102, [https://www.capitol.hawaii.gov/hrscurrent/Vol01\\_Ch0001-0042F/HRS0011/HRS\\_0011-0102.htm](https://www.capitol.hawaii.gov/hrscurrent/Vol01_Ch0001-0042F/HRS0011/HRS_0011-0102.htm), states in part “...to enable voters to receive the ballot package approximately eighteen days before the election.” Based on state law, all ballots to Hawaii voters should have been received by voters “approximately eighteen days” which satisfies Hawaiian law.

A review needs to be conducted regarding why ballots were mailed on five different days and not all mailed at the same time. There is potential for complaints from voters that neighboring islands were mailed their ballots before others. If there is not a compelling argument for mailing the ballots on five different days, then a coordinated effort should be implemented, with USPS consultation, and all ballots should be mailed on the same day to ensure that all Hawaiian voters are treated equally with the amount of time they have to cast their ballot.

## Ballot Returned Date

With the additional scrutiny of the USPS, and potential disinformation being distributed through various social media outlets, a major concern was reminding voters that ballots must be received by Election Day at 7pm. This concern has grown exponentially with concerns about the USPS's timing on delivering mail leading up to Election Day.

Hawaii election officials and local media have done a fantastic job the week of August 26<sup>th</sup> reminding voters that their ballots must be received on or before Election Day. The noted online media highlights the state's emphasis on mailing your ballot by August 27<sup>th</sup> and after that date to use the ballot drop boxes located in various locations.



<https://www.hawaiipublicradio.org/post/hawaiis-2020-elections-todays-deadline-mail-ballots-and-what-do-if-you-miss-it#stream/0>  
<https://www.civilbeat.org/beat/hawaii-elections-office-wants-ballots-mailed-tuesday/>

### Ballots Returned: October 27, 2020

Last day to return your voted ballot by mail. After this date, voters must return their ballot to [a place of deposit \(ballot drop box\)](#).

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## *Place of Deposit Locations*

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As the first Primary Election and General Election are coming to an end in the first year of vote by mail in Hawaii, the location of place of deposits will need a review. In the preparation for the Primary Election in August, each county was tasked with the responsibility of determining how many places of deposit and what locations to place them. As each election comes and goes, more information and more voter trends will become evident and may require changes in places of deposit locations.

Just like in the “old days” whenever a polling location would change, a concerted effort takes place to notify those voters of their new voting location. Hawaii’s vote by mail procedures need to include a comprehensive policy to notify voters of this change. We understand that changes in place of deposit locations may be required in certain circumstances, we must be able to look to exact rules on when these changes can take place. Planning for the unforeseen is never easy, but as election officials have done for years is continuing to prepare for the unknown. Setting up policy on communications to the voters, justification for changing locations, timeliness of the change, and other factors need to be addressed so that everyone understands what the procedures are and how to implement them.

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## *Poll Watchers*

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### *Official Poll Watchers*

Each political party in Hawaii is allowed to designate one person per polling place/voter service center for each election. The political parties must notify the county clerk by 4:30 pm on October 14, 2020, the names of their poll watcher. A poll watcher may serve a partial day, however no more than one person may be at the location. A poll watcher is to be an observer only, however, should a poll watcher believe that an election violation has occurred, they are allowed to bring it to an election official’s attention. A poll watcher will also be identifiable with a type of name badge identifying their role and party.

### *International Observers*

At the invitation of the U.S. State Department, the Organization for Security and Cooperation in Europe (OSCE)’s Office of Democratic Institutions and Human Rights brings international election observers to the United States to see first-hand how elections work. These delegations most commonly visit during general elections, when teams of observers may observe at a dozen or more states. Each team prepares reports on their observations that are compiled to create a national-level



report of findings on the process. International election observation missions also offer recommendations on how the voter experience may be improved that are shared with election officials.

## ***Militia***

Federal and state laws generally use the term “militia” to refer to all able-bodied residents between certain ages who may be called forth by the government to defend the United States or an individual state. *See* 10 U.S.C. § 246. When not called forth, they are sometimes referred to as the “unorganized militia.” A group of people who consider themselves part of the able-bodied residents referred to as members of the militia under state or federal law is not legally permitted to activate itself for duty. A private militia that attempts to activate itself for duty, outside of the authority of the state or federal government, is illegal. All 50 states prohibit private, unauthorized militias and military units from engaging in activities reserved for the state militia, including law enforcement activities. The Hawaii Constitution forbids private military units from operating outside state authority.

## ***Other Observers***

Other observers may include individuals on an educational observation and these individuals are only permitted within the voter service center with prior approval by the election clerk.

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## ***Conclusion***

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Throughout the preparations for the Primary Election and through reviewing how the Primary Election was conducted, we continue to learn of ways that we can improve the election process. The General Election is the opportunity to take the initiative to implement minor changes to make the General Election as successful as the Primary Election. The standards that were developed and executed during the Primary Election proved to be extremely well prepared for and implemented. The next opportunity is to continue to improve and prepare for the unknown security concerns that may arise during the General Election.

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## *About the Author*

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The Gant Group Team is led by Jason Gant with extensive experience in election administration, vote by mail procedures, election hardware, election software, and overall project management provide Hawaii with the most effective team of election administration.



Former Secretary of State **Jason Gant** provides an election administration expert to the Team. Gant led the first in the nation use of the Department of Defense common access card to assist servicemen and women around the globe to vote. This new voting initiative successfully allowed servicemen and women to be able to register to vote, request an absentee ballot, receive an absentee ballot and mark an absentee ballot in seconds. This is only possible by utilizing the security of the common access card for validation to verify our overseas voters and turn a 60-day process into a less

than 5-minute transaction. The state-of-the-art voter registration system implemented by Gant included the highest level of internal and external security protocols, thus becoming one of the most secure election administration systems. Gant has the internal knowledge of working in and with government agencies from an election official's point of view that will assist in completing the research, analytics, and education aspects of this project. Implemented numerous election strategies and programs, including a voter look-up ap, a new voter registration system, an e-pollbook solution, a military voting system, an election night reporting system, an election cyber-security protocol system, as well as a host of other systems not related to elections. Developed election performance plans and budgets for each division within the Secretary of State's office during times of both increasing and decreasing funding authority, as well as skill in long range planning and for acquisition, physical and financial resources, and policy and strategic development. Prepared election research, reports, and options for local election officials, legislative committees, and Board of Election members on upcoming initiatives, as well as effectively defended policies, programs, decisions, or points of view in the face of heavy criticism in unstructured settings and public hearings. Knowledge of HAVA, MOVE, and other election laws, regulations, and legal decisions. Experience in the administration, management, or legal oversight of elections. Also served as the National Association of Secretaries of State Treasurer and Secretary as well as Chairman of the Business Services and the Elections Committees.