

NOTICE TO REQUESTER

TO: **Corinne Solomon**
(Requester's name)

FROM: **Elections Division, Office of the County Clerk**
(Agency, and agency contact person's name, telephone number, & email address)

DATE THAT THE RECORD REQUEST WAS RECEIVED BY AGENCY: July 1, 2022

DATE OF THIS NOTICE: July 11, 2022

GOVERNMENT RECORDS YOU REQUESTED (attach copy of request or provide brief description below):

In electronic format I request the Policy and procedures manual or instructions, guidebook, or handbook for ballot collection box procedures (or instructions) for the 2022 Primary election. If this is not the correct terminology kindly respond with the correct wording to be used for a resubmission.

THIS NOTICE IS TO INFORM YOU THAT YOUR RECORD REQUEST:

Will be granted in its entirety.

Cannot be granted. Agency is unable to disclose the requested records for the following reason:

Agency does not maintain the records. (HRS § 92F-3)

Other agency that is believed to maintain records: _____

Agency needs further clarification or description of the records requested. Please contact the agency and provide the following information: _____

Request requires agency to create a summary or compilation from records, but requested information is not readily retrievable. (HRS § 92F-11(c))

Will be granted in part and denied in part, OR Is denied in its entirety

Although the agency maintains the requested records, it is not disclosing all or part of them based on the exemptions provided in HRS § 92F-13 and/or § 92F-22 or other laws cited below.

(Describe the portions of records that the agency will not disclose.)

RECORDS OR
INFORMATION WITHHELD

APPLICABLE
STATUTES

AGENCY
JUSTIFICATION

n/a

REQUESTER'S RESPONSIBILITIES:

You are required to (1) pay any lawful fees and costs assessed; (2) make any necessary arrangements with the agency to inspect, copy or receive copies as instructed below; and (3) provide the agency any additional information requested. If you do not comply with the requirements set forth in this notice within 20 business days after the postmark date of this notice or the date the agency makes the records available, you will be presumed to have abandoned your request and the agency shall have no further duty to process your request. Once the agency begins to process your request, you may be liable for any fees and costs incurred. If you wish to cancel or modify your request, you must advise the agency upon receipt of this notice.

METHOD & TIMING OF DISCLOSURE:

Records available for public access in their entireties must be disclosed within a reasonable time, not to exceed 10 business days from the date the request was received, or after receipt of any prepayment required. Records not available in their entireties must be disclosed within 5 business days after this notice or after receipt of any prepayment required.

HAR § 2-71-13(c). If incremental disclosure is authorized by HAR § 2-71-15, the first increment must be disclosed within 5 business days of this notice or after receipt of any prepayment required.

Method of Disclosure:

- Inspection at the following location: _____
- As requested, a copy of the record(s) will be provided in the following manner:
 - Available for pick-up at the following location: _____
 - Will be mailed to you.
 - Will be transmitted to you by other means requested: Emailed to: request+pvkyd3s9mf@foi.uipa.org

Timing of Disclosure: All records, or the first increment if applicable, will be made available or provided to you:

- On July 11, 2022.
- After prepayment** of 50% of fees and 100% of costs, as estimated below.

For incremental disclosures, each subsequent increment will be disclosed within 20 business days after:

- The prior increment (if one prepayment of fees is required and received), or
- Receipt of each incremental prepayment, if prepayment for each increment is required.

Records will be disclosed in increments because the records are voluminous and the following extenuating circumstances exist:

- Agency must consult with another person to determine whether the record is exempt from disclosure under HRS chapter 92F.
- Request requires extensive agency efforts to search, review, or segregate the records or otherwise prepare the records for inspection or copying.
- Agency requires additional time to respond to the request in order to avoid an unreasonable interference with its other statutory duties and functions.
- A natural disaster or other situation beyond agency's control prevents agency from responding to the request within 10 business days.

ESTIMATED FEES & COSTS AND PAYMENT:

FEES: For personal record requests under Part III of chapter 92F, HRS, the agency may charge you for its costs only, and fee waivers do not apply.

For public record requests under Part II of chapter 92F, HRS, the agency is authorized to charge you fees to search for, review, and segregate your request (even if a record is subsequently found to not exist or will not be disclosed in its entirety). The agency must waive the first \$30 in fees assessed for general requesters, OR in the alternative, the first \$60 in fees when the agency finds that the request is made in the public interest. Only one waiver is provided for each request. See HAR §§ 2-71-19, -31 and -32.

COSTS: For either personal or public record requests, the agency may charge you for the costs of copying and delivering records in response to your request, and other lawful fees and costs.

PREPAYMENT: The agency may require prepayment of 50% of the total estimated fees and 100% of the total estimated costs prior to processing your request. If a prepayment is required, the agency may wait to start any search for or review of the records until the prepayment is received by the agency. Additionally, if you have outstanding fees or costs from previous requests, including abandoned requests, the agency may require prepayment of 100% of the unpaid balance from prior requests before it begins any search or review for the records you are now seeking.

The following is an itemization of what you must pay, based on the estimated fees and costs that the agency will charge you and the applicable waiver amount that will be deducted:

For public record requests only:

Fees: Search	Estimate of time to be spent: _____ hours (\$2.50 for each 15-minute period)	\$
Review & segregation	Estimate of time to be spent: _____ hours (\$5.00 for each 15-minute period)	\$
Fees waived	<input type="checkbox"/> general (\$30), OR <input type="checkbox"/> public interest (\$60) (Only one waiver per request)	<\$ _____>
Other	_____	\$
	(Pursuant to HAR §§ 2-71-19 & 2-71-31)	
Total Estimated Fees:		\$0.00

For public or personal record requests:

Costs: Copying	Estimate of # of pages to be copied: _____ (@ \$ _____ per page, pursuant to HRS § 92-21)	\$
Delivery	Postage	\$
Other	_____	\$
Total Estimated Costs:		\$0.00

TOTAL ESTIMATED FEES AND COSTS from above: \$0.00

- The estimated fees and costs above are for the first incremental disclosure only. Additional fees and costs, and no further fee waivers, will apply to future incremental disclosures.**
- PREPAYMENT IS REQUIRED** (50% of fees + 100% of costs, as estimated above) \$
- UNPAID BALANCE FROM PRIOR REQUESTS** (100% must be paid before work begins) \$

TOTAL AMOUNT DUE AT THIS TIME \$0.00

Payment may be made by: cash
 personal check payable to _____
 other _____

For questions about this notice or the records being sought, please contact the agency person named at the beginning of this form. Please note that the Office of Information Practices (OIP) does not maintain the records of other agencies, and a requester must seek records directly from the agency it believes maintains the records. If the agency denies or fails to respond to your written request for records or if you have other questions regarding compliance with the UIPA, then you may contact OIP at (808) 586-1400, oip@hawaii.gov, or 250 South Hotel Street, Suite 107, Honolulu, Hawaii 96813.

PLACE OF DEPOSIT COLLECTION PROCEDURE



ELECTIONS DIVISION
OFFICE OF THE COUNTY
COUNTY OF KAUA'I

Revised June 26, 2022, v1.1

Disclaimer

This document is intended as a reference source only and should not be construed as the authority for the administration of elections or constituting legal advice.

Readers should consult the Hawai'i Revised Statutes and other sources for a complete and legal basis of the law or seek assistance from a licensed private attorney.

While every effort was made to keep this document up to date, if any item or section is outdated, the outdated material shall not affect other items or sections of this document that can be given effect without the outdated section or item, and to this end the sections of this Manual are severable.

TABLE OF CONTENTS

1	Overview	
1.1	Terms and Acronyms	1
1.2	Authority.....	1
1.3	Organization.....	2
2	Personnel	
2.1	Election Staff.....	2
2.2	Dropbox Lockers.....	2
2.3	Watchers.....	2
3	Places of Deposit	
3.1	Locations.....	3
3.2	Dropbox Deployment.....	3
3.3	Dropbox Maintenance.....	3
3.4	Dropbox Retrieval.....	3
4	Ballot Collection	
4.1	Documentation.....	4
4.2	Collection Process.....	4
4.3	Transport Container Security.....	4
4.4	Processing at Election Division.....	5
5	Election Day	
5.1	Personnel.....	5
5.2	Logistics.....	6
5.3	Close of Polls.....	6
6	Appendix	
6.1	Place of Deposit Locations.....	8
6.2	Place of Deposit Collection Record.....	9
6.3	Late Invalid Envelope.....	10

1 OVERVIEW

1.1 Terms and Acronyms.

Americans with Disabilities Act or **ADA** means the Americans with Disabilities Act of 1990 with amendments.

Ballot Dropbox or **Dropbox** means the apparatus set up by the County Clerk for receiving and securing voted ballots pursuant to HRS § 11-109.

Ballot Envelope means the envelope containing a voter's voted ballot.

County means the County of Kaua'i, State of Hawai'i.

County Clerk or **Clerk** means the County Clerk of the County of Kaua'i, State of Hawai'i.

DOJ means the U.S. Department of Justice.

Dropbox Late Invalid Envelope or **DLIE** means the envelope develop to secure ballots there were left outside a locked Dropbox.

Dropbox Locker or **DL** means a volunteer Election Day official whose responsibility is to lock the Dropbox at the close of polls on Election Day.

Elections Administrator or **EA** means the Elections Administrator of the Elections Division, Office of the County Clerk, County of Kaua'i, State of Hawai'i.

HAR means Hawai'i Administrative Rules.

HRS means Hawai'i Revised Statutes.

Place of Deposit or **POD** means the location designated by the County Clerk for the placement of a Ballot Dropbox pursuant to HRS § 11-109.

Staff means employees of the Office of the County Clerk, County of Kaua'i.

State means the State of Hawai'i.

Volunteer means an individual from the public assisting with an election process.

Watcher means an individual appointed by a political party pursuant to HRS § 11-77 to watch an election process.

1.2 Authority.

1.2.1 The Office of the County Clerk through its Elections Division is authorized to administer all official elections conducted in the County of Kaua'i, State of Hawai'i pursuant to:
(1) U.S. Constitution;

- (2) Help America Vote Act of 2002 (HAVA);
- (3) Hawai'i State Constitution;
- (4) Hawai'i Revised Statutes;
- (5) Hawai'i Administrative Rules;
- (6) Charter of the County of Kaua'i; and
- (7) Kaua'i County Code 1987 as amended.

1.2.2 Specifically, the Office of the County Clerk is responsible for conducting "*...all elections held within the county pursuant to this charter, the laws of the State of Hawai'i or the United States of America.*" Section 5.01 (B) (4) of Article V of the Charter of the Kaua'i County. Emphasis added.

1.2.3 Additional information is available on the State Office of Elections webpage at: <https://elections.hawaii.gov/resources/election-laws/>

1.3 Organization.

1.3.1 The County Clerk serves at the department head for the Office of the County Clerk, which is comprised of the Council Services and Elections Divisions.

1.3.2 The County Clerk delegates oversight of all Federal, State, and County elections conducted in the County of Kaua'i to the Elections Administrator.

1.3.3 The EA serves as the division head for the Elections Division and oversees all election Staff and Volunteers in the County. The EA reports directly to the County Clerk.

2 PERSONNEL

2.1 Staff.

Staff shall be responsible for maintaining, deploying, and retrieving Dropboxes from the field, and shall be the only individuals authorized to collect ballots pursuant to Hawai'i law and procedures described in the document.

2.2 Dropbox Lockers.

Dropbox Lockers are members of the public who reside in the general area where a Dropbox is located and are only responsible for locking the Dropbox at the close of polls on Election Day.

2.3 Watchers.

A Watcher is a Volunteer from the public who is appointed by a political party to watch an election process. A Watcher shall serve in a purely observational capacity, shall have no authority over the process that they are watching, and shall

serve at no cost to the County or State. The absence of a Watcher shall not be cause for delaying or rescheduling any planned process.

3 PLACES OF DEPOSIT

3.1. Locations.

3.1.1 Places of Deposit (POD) shall be established in locations which are commonly known to area residents. The list of current PODs is depicted in Appendix 6.1.

3.1.2 The placement of Droboxes shall be in a visible location which is accessible pursuant to the DOJ's Americans with Disabilities Act Checklist for Polling Place.

3.2 Dropbox Deployment.

3.2.1 Dropboxes shall be deployed at approximately the same time that ballots are initially mailed to voters.

3.2.2 Deployment may be staggered to accommodate logistical or location specific issues.

3.2.3 Dropboxes shall be secured to a fixed object at each Place of Deposit.

3.3 Drobox Maintenance.

3.3.1 Prior to deployment Dropboxes shall be examined to ensure that the exterior and interior of the unit is clean.

3.3.2 Locks, doors, and the envelope chute shall be examined to ensure that they are clean, clear of obstruction, and functioning properly.

3.3.3 Dropboxes shall be examined and cleaned at every ballot collection.

3.3.4 Damaged Dropboxes shall not be deployed. A Dropbox damaged in the field shall be removed from service and a report shall be filed with the Kaua'i Police Department, if applicable.

3.3.5 A damaged Dropbox shall be replaced as soon as possible if a spare is available and an announcement shall be issued to inform the public of the temporary or permanent unavailability of the POD as applicable.

3.4 Dropbox Retrieval.

3.4.1 Staff shall retrieve and transport Dropboxes back to the Elections Division as soon after the election as practicable.

- 3.4.2 Retrieval may be staggered to accommodate logistical or location specific issues.

4 BALLOT COLLECTION

4.1 Documentation.

- 4.1.1 A Place of Deposit Collection Record form (Form) shall be completed to document the collection of ballots from each Dropbox. A sample of the Form is depicted in Appendix 6.2.
- 4.1.2 Staff shall be responsible for completing applicable items of the Form in ink. The field count of ballots from each Dropbox shall be recorded in the Note(s) section on the upper portion of the Form.
- 4.1.3 Watchers, if present, may confirm that the information recorded on the Form is correct by initialing in the Note(s) section on the upper portion of the Form.
- 4.1.4 The ballot count recorded in the No. Envelopes field in the lower portion of the Form shall be the official count of ballots collected from the Dropbox.

4.2 Collection Process.

4.2.1 Staff shall be responsible for:

- (1) Removing all ballots and confirming that the Dropbox is empty;
- (2) Securing ballots in a transport containers per procedure;
- (3) Examining the Dropbox to ensure it remains secured to the fixed object and is in proper working order; and
- (4) Ensuring the ballot bin door is locked after ballots are removed.

- 4.2.2 Prior to Election Day any voter appearing at the Dropbox before the transport container is sealed shall be allowed to place their ballot in the container.

4.3 Transport Container Security.

- 4.3.1 A uniquely numbered wire hasp seal shall be properly affixed to the transport container to prevent it from being opened without cutting the seal or damaging the container.
- 4.3.2 Upon completion of the Form, the white (original) copy shall be placed in the clear pouch affixed to each transport container and the yellow (NCR copy) shall be sealed inside the container with the ballots.

- 4.3.3 When collecting ballots, transport vehicles shall:
- (1) Be locked when occupants exit the vehicle to collect ballots and shall not be left unattended for prolonged periods of time;
 - (2) Proceed directly from one Dropbox to the next using the most direct route of travel possible; and
 - (3) Only stop at Dropbox locations and engage in functions relevant to the secure collection and transport of ballots to the Elections Division.

4.4 Processing at Election Division.

4.4.1 Staff shall document the receipt of transport containers on the White (original) copy of the Form by:

- (1) Recording the container arrival time in the Time ARRIVED field;
- (2) Confirming that the seal no. used to secure the container and seal no. recoded on the White copy of the Form match;
- (3) Cutting and removing the seal and taping it in the designated area;
- (4) Removing and counting the number of envelopes in the container and recording the number in the No. Envelopes field; and
- (5) Initialing in the Staff Initials field.

4.4.2 The number of ballots collected from each Dropbox shall be entered into a spreadsheet or similar document for future reference.

4.4.3 The White (original) and Yellow (NCR copy) of the Form shall be filed together for future reference.

4.4.4 Ballots collected from each Dropboxes shall be kept together until ballots are manually sorted into districts and precincts.

5 ELECTION DAY

5.1 Personnel.

5.1.1 Two (2) Election Staff.

5.1.2 Seven (7) Election Day volunteers.

5.1.3 Watchers, if any.

5.2 Logistics.

- 5.2.1 Dropboxes on the island shall be divided into two (2) service areas: Kōloa to Waimea and Waipouli to Hanalei. (Office Staff shall be responsible for servicing the Dropbox in the front of the Elections Division.)
- 5.2.2 Staff shall be responsible for collecting ballots from each service area.
- 5.2.3 A Dropbox Locker shall be assigned to each Dropbox.
- 5.2.4 Staff and Dropbox Lockers shall be provided with the keys for their assigned Dropbox ballot chute.
- 5.2.5 Staff shall be provided with the ballot box keys for all Dropboxes in their service area.

5.3 Close of Polls.

- 5.3.1 All Staff and Dropbox Lockers shall use the time at <https://time.gov/> and shall be at their assigned Dropbox prior to the close of polls at 7:00 p.m. on Election Day.
 - (1) A Staff person shall be assigned to each of the last Dropboxes at the extreme ends of the island.
 - (2) A Dropbox Locker shall be at all other Dropboxes.
- 5.3.2 At the close of polls, Staff and Dropbox Lockers shall position and lock the Dropbox chute plate into the ballot chute to prevent additional ballots from entering the Dropbox. A voter appearing at the Dropbox before the ballot chute is locked shall be allowed to place their ballot in the Dropbox.
- 5.3.3 After properly installing and locking the ballot chute, Dropbox Lockers shall not under any circumstances reopen the Dropbox and shall immediately leave the area.
- 5.3.4 Staff collecting ballots shall only travel directly between Dropboxes in their assigned service area and shall collect ballot pursuant to Section 4.
- 5.3.5 Ballots left by voters who show up at the Dropbox while ballots are being transferred into the transport container or ballots found outside a locked Dropbox shall be deemed late invalid and shall not be counted.
 - (1) Late invalid ballots shall not be comingled with valid ballots that are placed in the Dropbox prior to the close of polls on Election Day.

- (2) The quantity shall be recorded in the Note(s) field in the upper portion of the Place of Deposit Collection Record form.
- (3) Information on a Dropbox Late Invalid Envelope (DLIE) shall be recorded to document the late ballots and the corresponding late ballots shall be secured inside.
- (4) The DLIE shall be sealed inside the corresponding transport container.

6 APPENDIX

6.1 Place of Deposit Locations

NO.	LOCATION
1	Hanalei Neighborhood Center
2	Princeville Library
3	Kīlauea Neighborhood Center
4	Waipouli Shopping Center
5	Elections Division
6	Kōloa Neighborhood Center
7	Kalāheo Neighborhood Center
8	Hanapēpē Neighborhood Center
9	Waimea Neighborhood Center

6.2 Place of Deposit Collection Record

PLACE OF DEPOSIT COLLECTION RECORD	
Date	Location
Time ARRIVED	Time DEPARTED
Inspection Check List <input type="checkbox"/> Secured to fixed object with wheels locked. <input type="checkbox"/> Exterior clean. <input type="checkbox"/> Interior clean and dry. <input type="checkbox"/> Collection bin clean and dry. <input type="checkbox"/> Deposit chute unlocked and free of obstruction. <input type="checkbox"/> Doors locked.	
Note(s)	Seal No.
	Staff Initials
Time ARRIVED	Seal No.
Note(s)	<i>Tape seal here on ORIGINAL COPY</i>
No. Envelopes	Staff Initials
Office of the County Clerk, County of Kaua'i WHITE Original / YELLOW Copy	

6.3 Dropbox Late Invalid Envelope.

DROPBOX LATE INVALID

YEAR:	ELECTION: <input type="checkbox"/> Primary <input type="checkbox"/> General
LOCATION: <input type="checkbox"/> Hanalei Neighborhood Center <input type="checkbox"/> Princeville Library <input type="checkbox"/> Kilauea Neighborhood Center <input type="checkbox"/> Waipouli Shopping Center <input type="checkbox"/> Elections Division <input type="checkbox"/> Kōloa Neighborhood Center <input type="checkbox"/> Kalāheo Neighborhood Center <input type="checkbox"/> Hanapēpē Neighborhood Center <input type="checkbox"/> Waimea Neighborhood Center	
DATE:	TIME:
NOTE(S):	
INITIAL(S):	

Document History

Date	Version	Comments
06/15/2020	1.0	Origination v1.0
06/26/2022	1.1	Clarifying language and enhanced documentation