

# Executive Summary

## *Report of the Election Oversight Committee*

March 1999

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After both the 1998 primary and general elections, candidates raised questions about irregularities in voting and discrepancies in the results. A court-ordered manual vote count revealed that seven precinct scanning machines had malfunctioned. The resulting controversy, combined with the change to a new electronic voting system, led to suspicions of fraud or incompetence. In order to restore voter confidence, the Legislature in Senate Concurrent Resolution No. 31, S.D. 1 ordered the chief election officer to conduct a complete audit of the 1998 general election results. The vendor of the electronic voting system, Electronic Systems & Software (ES&S) agreed to underwrite the cost of the audit. To enhance the credibility of the audit, the Legislature established an Election Oversight Committee composed of a representative of the Federal Election Commission, a representative of the Houston-based Election Center, and the State Auditor. This report from the Election Oversight Committee presents its findings and recommendations on the objectivity and accuracy of the audit and the electronic vote counting process.

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### Findings

The Committee found that the audit demonstrated that the results of the 1998 general elections were accurate and trustworthy. The audit was conducted professionally and with integrity in accordance with established procedures. These procedures conform with fundamental principles of vote counting in a democracy. The Committee also found that improvements can be made in state election law and to strengthen the Office of Elections.

The audit indicates that discrepancies in the 1998 general election were confined to seven malfunctioning precinct scanners. The overall results were accurate and the audit reveals no change in the outcome of any race. The 1998 general election has now been counted at least three times: in November 1998, in the 1999 audit using high speed infrared central counters and then using high speed visible light central counters. Finally, manual audits were done in selected races and precincts. The results from all the counts were very similar, varying from each other, for the most part, by less than 1 percent. We believe the ES&S has satisfied its obligation to the State to resolve problems raised by its equipment during the 1998 elections.

The audit was conducted with integrity. Prior to the audit, the Office of Elections issued a manual of procedures that would be implemented for the audit. These procedures were adaptations of ones used during the 1998 general election. The manual identified teams that would be responsible for various aspects of the audit, their role and responsibilities, and the procedures they had to follow. We found that the teams operated as instructed by the manual. Open participation, witnessing of the process, and monitoring were maintained throughout by a team of official



observers. The official observers are representatives of political parties and organizations like the League of Women Voters and the media. Many of the official observers are experienced in elections and in computer operations. The Association of Clerks and Election Officers of Hawaii made up of county clerks and registrars from each of the counties also monitored closely all operations. Watchers and other interested individuals were allowed to view the operations from behind a rail.

To improve the State's electoral process, we believe that the Legislature should establish a task force to conduct a comprehensive study of the State's election laws. Many are predicated on a punchcard system that is no longer viable. New provisions are also needed in areas relating to recounts and voting systems. In addition, new rules are needed to implement the law properly. A review of state election laws should include the question of the placement of the chief election officer and the Office of Elections. Currently, no one maintains oversight of or is accountable for the chief election officer. An Election Appointment Panel has only the power to hire and fire the chief election officer. We believe that an elected official should appoint the chief election officer. In most other states, this is the secretary of state who has functions similar to those of Hawaii's lieutenant governor. To maintain the continuity of the Office of Elections, certain technical positions in the office should be made civil service positions.

To further strengthen the Office of Elections, we believe that the State's election officers should be given opportunities for continuing professional education. Workshops, seminars, and contact with fellow election administrators on the mainland would do much to help them become more familiar with technological advances, federal requirements, system requirements, and potential problems posed by various types of voting equipment.

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## Recommendations

We recommend that the Legislature:

1. Establish a task force to conduct a comprehensive study of the State's election laws. The task force should be composed of the chairs of Senate and House Committees on the Judiciary, the chief election officer, representatives from the Association of Clerks and Election Officers of Hawaii, the Election Advisory Committee, the political parties, and other organizations active in the electoral process like the League of Women Voters.
2. The Legislature should also consider ways to promote professional development of the State's election staff.

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