

This paragraph below is from the Hawaii Administrative Rules of the Office of Elections regarding accountability and security of ballots.

Proper chain of custody of ballots is described below but the county does not adhere to this law.

Haw. Code R. § 3-177-453

Section 3-177-453 - Accountability and security of ballots

(a) The chief election officer or designated representative shall maintain a complete count of marksense ballots. All ballots shall be safeguarded to prevent mishandling or misuse.

(b) The clerk shall maintain a complete and current count of all marksense ballots issued, spoiled, and received in their county. The accounting of marksense ballots by the clerk shall be recorded on forms prescribed by the chief election officer.

Haw. Code R. § 3-177-453

[Eff JUL 26 2020] (Auth: HRS § 11-4) (Imp: HRS §§ 11-109, 11-152)

This is email correspondence confirming the County of Kauai does not acknowledge that proper chain of custody of ballots is state law and is required and further states they do not adhere to chain of custody procedures in their election

From: Lyndon Yoshioka <lyoshioka@kauai.gov>

Sent: Friday, January 27, 2023 5:10 PM

To: Ralph Cushnie <ralph@cushniecci.com>

Cc: melrapozo@gmail.com; Mel Rapozo <mrapozo@kauai.gov>; Jade Tanigawa <jtanicawa@kauai.gov>

Subject: RE: Chain of Custody Documentation

As noted during our meeting on Wed, 1/11/23, the chain of custody process utilized by our office, including any documentation, was developed for our own internal use and is not mandated by Hawai'i law.

Apologies for the delay, attached are envelope counts from the 2022 General Election the you requested earlier.

Mahalo.

From: Lyndon Yoshioka <lyoshioka@kauai.gov>

Sent: Thursday, August 4, 2022 8:18 AM

To: Ralph Cushnie <ralph@cushniecci.com>

Cc: Jade Tanigawa <jtanicawa@kauai.gov>

Subject: RE: Daily Auditable Accounting of Ballots Received Via Drop Box and USPS 2022 Primary Election

Current ballot envelope manual hand-counts are depicted below. Envelopes from the different sources were mixed up on 7/28 and 7/29 so only a total is reported. However, the bulk did come from the USPS. As stated previously these manual counts are only used to gauge work flow and resource allocation.