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**2009-2010
HAWAI'I COUNTY
CHARTER COMMISSION**

To: Edmund K. Haitsuka, Chair
Members of the Hawai'i County Charter Commission

From: Levi K. Hookano, Attorney

Date: April 23, 2009

Re: Article III, Section 3-3: Qualifications; Definition of "Qualified Elector"

Chair Haitsuka and Members of the Charter Commission,

At the April 9, 2009 Charter Commission meeting, a question was raised regarding the definition of "qualified elector" as contained in Article III, section 3-3 of the Charter. This memo will attempt to explain the meaning of "qualified elector" as used in that section.

The full text of Article III, section 3-3 states:

A person must be a citizen of the United States of America and have been a duly *qualified elector* of the county for at least one year immediately preceding election or appointment to the county council. A person must also have been a resident and registered voter of the district from which the person is to be elected or appointed for at least ninety (90) days immediately preceding the primary election or the appointment. [Emphasis added]

I am of the opinion that the term "qualified elector" means a person who is a registered voter. Blacks Law Dictionary and other sections of the Charter give guidance in this area.

Black's Law Dictionary, Eighth Edition ("Black's"), defines "qualified elector" as "a legal voter; a person who meets the voting requirements for age, residency, and registration and who has the present right to vote in an election." Black's also defines "voter" as a person who has the qualifications necessary for voting, or a qualified voter. This is consistent with the definition of "voter" in the Hawai'i Revised Statutes ("HRS") § 11-1 as "any person duly registered to vote."

Section 15-1 of the Charter supports the idea that "qualified elector" means a registered voter. Hawai'i Revised Statutes § 1-16 states that "[l]aws in pari materia, or upon the same subject matter, shall be construed with reference to each other. What is clear in one statute may

be called in aid to explain what is doubtful in another.” In this situation, the term “qualified elector” is also used in section 15-1(b) of the Charter, and its use is helpful in determining the meaning of that term in section 3-3.

According to Charter section 15-1(b), a petition to amend the Charter must be “signed by qualified electors equal in number to at least twenty percent of the registered voters for the last preceding general election.” Further in that section, it mentions that the County Clerk shall examine the petitions to verify if it contains “a sufficient number of apparently genuine signatures of *registered voters*.” [Emphasis added]. Since courts must, if possible, give meaning to all parts of a law, it can be logically inferred that “qualified electors” means “registered voters” as used in section 15-1(b) as the Clerk could not be verifying the signatures of anyone else.¹ Using this reasoning, it can then be inferred that the term “qualified elector” as used in section 3-3 means “registered voter.”

If you have any further questions on this matter, please do not hesitate to contact me.



Levi Hookano
Commission Attorney

Cc: Karen Eoff, Commission Secretary

¹ See *State v. Taylor*, 49 Haw. 624, 635, 425 P.2d 1014, 1022 (1967).