

KENNETH G. GOODENOW
County Clerk



RODNEY OSHIRO
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County of Hawai'i
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December 17, 2009

Sent via e-mail to keoff@co.hawaii.hi.us; no hard copy will follow

Honorable Edmund Haitsuka and Members of the
County of Hawai'i Charter Commission
c/o Hawai'i County Council
25 Aupuni Street
Hilo, Hawai'i 96720

Dear Chairman Haitsuka and Commission Members:

RE: Comments about Charter Amendment Proposal CA-27

Thank you for the opportunity to comment on proposed Charter amendment CA-27 that replaces section 3-4 of the current Charter regarding vacancies on the County Council.

Pat Nakamoto, our Elections Division head, and I provide the following comments:

- 1) Under proposed section 3.4(a), "[i]f the term is less than 6 months, the county council shall appoint a successor by majority vote," however, under subsection (a)(1), applicants for the vacant position "shall file nomination papers (following standard election practices)". Currently nomination papers are issued and filed for individuals running for elected office. Nomination papers as defined in Hawai'i Revised Statutes Chapter 12 do not exist for an appointed office. Furthermore, nomination papers are under the purview of the state chief election officer.
- 2) Subsection (a)(3) provides that the county clerk shall provide copies of "the applications" to the county council. This is the only reference to an "application" in this section and it is unclear what is sufficient or required.

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- 3) CA-27 provides that a special election be called if there is more than six months left in the remainder of a council term. Depending on the number of candidates who might run for a vacant council seat, it is possible that a special election would cost County taxpayers between \$150,000 and \$200,000.

If I can provide further information or assistance, please do not hesitate to contact me at 961-8271.

Yours, very truly,

A handwritten signature in dark ink, appearing to read "K. Goodenow", with a long horizontal flourish extending to the right.

KENNETH G. GOODENOW
County Clerk