

January 7, 2010

To: The Charter Commission

RE: CA-12 ARTICLE XV- INITIATIVE OF AMENDMENTS OR REVISIONS OF THE CHARTER;

Why requiring residence addresses is an unnecessary impediment to Petition Initiatives.

Aloha Commissioner members-

Please consider removing the requirement for residence addresses to qualify signatures on petition initiatives for charter amendments. This amendment was added to **CA 12- Initiative of Amendments or Revisions the Charter** on first reading. We request you return to the originally proposed language. This requirement represents an obstacle to a petition initiative drive. The right to use petition initiatives is a citizen's right to direct democracy and the goal of a petition initiative is to get the measure on the ballot to let the people decide at the polls. Initiative petitions are a valuable check and balance on a non-responsive government. I don't believe there has ever been a petition initiative drive in Hawaii county where there were enough valid signatures to place the question on the ballot. This time-consuming step is only undertaken when the government is non-responsive, as it was in case of the 2% for the Land Fund where we had to resort to a petition initiative drive, after the council voted no twice. This was a voter's mandate when 67% of voters approved the measure at the polls.

The goal should be to validate signatures, not to invalidate signatures. This is a difficult process for the Clerk's office because their system uses social security numbers for access. The Freedom of Information Act and Privacy Act of 1974, made it illegal to ask for full social security numbers. The clerk's office therefore has to manually go to each voter's file to validate his or her signature. There are three reasons, why the League of Women Voters felt residence addresses were unnecessary:

1. **MANUAL REVIEW OF SIGNATURES:** A residence address should be unnecessary information for the clerk to qualify voter's signatures because they need to verify information from the voter's file, which they access by the voter's name. All the information is there to qualify and validate a signature.
2. **NO RESIDENCE ADDRESS:** Many people do not know their address in rural areas because they use P.O. Boxes. These people are penalized from participating.
3. **RESIDENCE ADDRESS NO MATCH-** Voters signatures should not be invalidated because they left off the suffixes rd., st. or ave. This is an easy thing to verify when they go to the voter's folder. For example, signatures were invalidated because the person said 73-4786 Plumeria and left off the St., so this signature would be invalidated.

A MANUAL REVIEW OF SIGNATURES must be done to verify each signature. Which means checking each folder for each voter who signed the petitions. This is necessary because their system is set up to be accessed by social security numbers. Since the Privacy Act was passed in 1974, it is illegal to ask for social security numbers. ON PAGE 6, number 13 of the Certificate of Insufficiency (attached) Clerk Kiriu states: " In the past, when social security numbers were required to be provided on a petition, the Office of the County Clerk used the social security numbers as the initial method of globally locating where the persons were registered to vote in the County of Hawaii. Without this precise locator now, the elector's name was used to manually search the general register." Therefore the Clerk's office, working with an antiquated system has to look up each voter's file to validate signatures where they have residence addresses, PO Box addresses, birthdates etc.

NO RESIDENCE ADDRESS (use of PO Boxes): 500 signatures were invalidated because there is no residence address. (See "e" on page 7- Letter of Insufficiency). Over the 4 months that more than

200 volunteers collected almost 10,000 signatures, we found that a surprising number of people do not know their residence address. They never use their residence address, because they live in rural areas, have no delivery by the postal service to their homes and go to the Post Office to get their mail. In the June 13, 2006 Letter from Clerk Kiriu to Debbie Hecht, (attached) on Page 2, #6 asks why signatures had no residence address. The answer was: "In these instances, the person did not provide a residence address or he/she provide a mailing address instead." In addition, each year the Clerk mails out the yellow cards to verify your voter's registration. If you use a PO Box, this yellow card is sent to the PO Box, since they have to go to the voter's file to verify information they HAVE this information to use to validate signatures.

RESIDENCES ADDRESS NO MATCH: 1,578 signatures were invalidated because the residence address was no match, which is 18% of all of the signatures that were invalidated. (See page 10 on the Certificate of Insufficiency) When the Save Our Lands Citizens Committee asked the clerk to clarify why the residence address was no match, the clerk's answer on page 2 and 3 of the 6/13/06 letter to the committee stated: "There were several reasons why the residence address on the petition did not match the residence address provided on the Voter Registration Affidavit Form. This may have been caused by (1) a person moving and not re-registering with new residence address; (2) the house number was incorrect against the SVRS; (3) the suffix (Highway, Center, Court, Place, Street, Avenue) was omitted or did not match, provided there are more than one suffixes to an address; or (4) the street name was incorrect against the SVRS."

In 2006, we needed to collect 4,846 valid signatures to get the measure on the ballot of whether or not to set aside 2% of property taxes each year. A bill to set aside property taxes to acquire land in Hawaii County had been proposed to the council twice and rejected twice. In 2006, according to the Clerk's office we collected 8,780 signatures (see Certificate of Insufficiency- page 10). We actually were told in the June 13, letter #1 (attached) that we could collect an additional 1,500 signatures but then the clerk's office and corporation counsel said they would not accept the additional signatures. Out of the 8,780 signatures only 3,982 were deemed valid- so that 45.4% of the signatures collected were invalidated. Out of the invalidated signatures, 2,078 or 23.6% of signatures were invalidated because there was no residence address or the address was incorrect.

Please vote to delete this requirement for residence addresses to validate a citizen's signature. This requirement, coupled with the requirement for the number of signatures equal to 20% of the number of voters who voted in the last election (the highest requirement in the State of Hawaii), and requiring each petition be notarized, makes it nearly impossible to have a successful initiative petition drive. By making the requirements too difficult, you remove petition initiative as a tool to provide a check and balance on government. The goal of the petition initiative is to get the measure on the ballot to let the people decide.

Please call with questions.

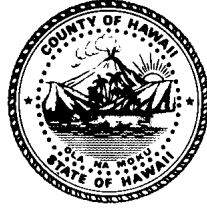
Sincerely,

Debbie Hecht, Coordinator, Save our Lands Citizens Committee

P.O. Box 4148 Kailua- Kona, HI 96745 (808) 989-3222 hecht.deb@gmail.com

Attachments:

1. Certificate of Insufficiency from County Clerk Connie Kiriu of July 2006 (which includes a copy of the petition that was used)
2. June 13, 2006- Letter of explanation from County Clerk Kiriu to Save Our Lands Citizens Committee RE: Certificate of Insufficiency (NOTE: This letter was sent after the first rounds of signatures were submitted, and before all signatures were turned in to the County.)



County of Hawai'i
Office of the County Clerk

25 Aupuni Street
Hilo, Hawaii 96720

Telephone: (808) 961-8255 Facsimile: (808) 961-8912

June 13, 2006

Ms. Debbie Hecht, Coordinator
Save Our Land Citizen's Committee
PO Box 4148
Kailua-Kona, HI 96745

Dear Ms. Hecht and Committee Members:

This is in response to your letter dated June 8, 2006, requesting answers to several questions posed about the Certificate of Insufficiency. We will answer your questions in the order given:

1. *In your phone message you asked that we turn in the additional petitions on the 16th and again on the 19th. This would help your staff have time over the weekend to count signatures. Would petitions turned in on the 19th be reviewed quickly enough to meet the June 21st deadline that was set forth in your letter of March 29, 2006, so that you could submit a Letter of Sufficiency by June 23 to get on the Council agenda for the first reading of July 7th?*

We hope that, by turning the bulk of the signatures in on the 16th, we would have a jump start on the validation process over the weekend. If a small portion is turned in on the 19th, we would have already started with the validation. We view June 19th as the official submittal date. Our goal is to submit the Certificate to the Council on Monday, June 26, 2006. The Council Chair and the Finance Committee Chair have agreed to waive the Certificate and to allow submittal to the Council for its July 7, 2006, meeting.

2. *We request to review the individual petitions with the rejected signatures so we could understand why each signature was deemed invalid.*

A copy of the petitions and the accompanying worksheets will be available when you come to the Elections Office at the Prince Kuhio Mall on Friday, June 16, 2006, at 3:00 p.m.

3. *How long is the County required to keep the original petitions?*

The Office of the County Clerk retains the original petitions for five years according to its retention schedule. However, we currently have initiative petitions dating back to the 1980s.

4. *What is the date of the list of registered voters that is being used to verify signatures?*

We use our computerized Statewide Voter Registration System (SVRS) to verify signatures. As soon as a Voter Registration Affidavit Form is received and audited, the information is input into the SVRS. The list is current and real time.

Members of the Committee are concerned that some voters who registered as late as last fall are not listed on the voter list that we received from your office. How do you account for voters who registered to vote more recently?

The list you received was run on January 27, 2006. Anyone who was properly registered to vote before that date should be on the list. Please have the person(s) who says he/she registered to vote last fall contact the Elections Division (961-8277). If a voter registered recently, we checked the petition signature date against the voter registration entry date in the SVRS. If the Voter Registration Affidavit Form information was entered after the signature date, the signature was invalid.

5. *What is the amount of time after the Elections office receives the Wiki Wiki registration form until the voter is actually a registered voter in your files? What is the last date you will accept voter registration forms and allow someone to vote in the upcoming November election?*

It takes not more than one week to perform the intake and audit process.

The last day to register for the General Election is October 9, 2006, at 4:30 p.m.

6. *The Notice of Insufficiency stated that 229 signatures had no residence address. Please clarify which signatures had addresses that were deemed invalid and why.*

In these instances, the person did not provide a residence address or he/she provided a mailing address instead (e.g., P.O. Box).

7. *The Notice of Insufficiency stated that 517 signatures had residence address no match. Please clarify which signatures had addresses that were deemed invalid and why.*

There are several reasons why the residence address on the petition did not match the residence address provided on the Voter Registration Affidavit Form (Statewide Voter Registration System). This may have been caused by (1) a person moving and not re-registering with new residence address; (2) the house number was incorrect against the SVRS; (3) the suffix (Highway, Center, Court, Place, Street, Avenue) was omitted or did not match, provided there are more than one suffixes to an address; or (4) the street name was incorrect against the SVRS.

8. *The Notice of Insufficiency stated that 26 signatures were not Hawaii County. Is your office using a statewide list? How do these signatures differ from "people not registered to vote"? Does that mean that they were registered elsewhere?*

We are on a computerized and networked Statewide Voter Registration System (SVRS). The names of people who were not registered to vote could not be found on the SVRS. If the names were located on the SVRS, but were registered under one of the other three counties (Oahu, Kauai and Maui), they were coded as "NHC".

9. *You stated that 2 signatures had no printed name. Volunteers have asked, if the person printed their name in the wrong box, then signed in the other box, would this make the signature invalid?*

If the printed name and signature were reversed, the signature was deemed valid.

10. *The Notice of Insufficiency stated that there were 332 signatures with no signature date. Please clarify which signatures had no signature date and clarify if your office has deemed signatures to be invalid because the month and day were stated, but there was no year stated.*

If the day, month, year or combination thereof, was missing, the signature was deemed incomplete and invalid.

11. *The Notice of Insufficiency stated that there were 26 Prior signature dates. What does that mean?*

Prior Signature Date (PSD) means that 26 people signed the petition prior to the Voter Registration Affidavit Form being received and entered into the SVRS.

12. *The Notice of Insufficiency stated that there were 20 duplicate signatures. Did they have the same address? Several people called me after they received their yellow voter registration cards and said that they wrote their address incorrectly, and I told them to sign again. If they did so, would their signature be invalid because they signed twice?*

Signatures are considered a duplicate when all information provided is the same. If someone re-signed the petition, only the signature with the incorrect information would be invalidated.

13. *The number of signatures missing is of course self-explanatory.*
14. *Often a husband and wife would sign the petition one after the other and just use the common ditto sign (" ") under the address or date. Would this render the following signature invalid?*

Yes. The elector is expected to enter his/her complete information.

We appreciate the hard work and long hours the Committee and its volunteers are putting into making this petition drive successful. The information you required on the petition was exact as we had requested. In fact, the four digit social security numbers and date of birth also helped to validate some voters. While ballot access is a democratic principle we uphold, like nomination and party petitions, we try to be fair and consistent when applying the validation procedures. Hopefully, the voters you ask to sign the petition will be serious and diligent about their commitment to the initiative. When signatures were illegible or hard to decipher, attempts were made several times by more than one person to locate the voter in the SVRS. When the residence address was close, but did not match, we looked up the original Voter Registration Affidavit Form on microfilm to make sure it was not our inputting error.

Hopefully, this helps you instruct signature gatherers to assure that information provided on the petition is complete and accurate.

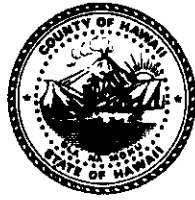
Should you have any additional questions, please feel free to contact me.

Sincerely,

Constance R. Kiriu
County Clerk

xc: Elections Administrator Pat Nakamoto
Corporation Counsel Lincoln Ashida

CONSTANCE R. KIRIU
County Clerk



WILLIAM E. SMITH
Deputy County Clerk

OFFICE OF THE COUNTY CLERK

Elections Division
County of Hawai'i
Hawai'i County Building
25 Aupuni Street
Hilo, Hawai'i 96720

In the Matter of the)	
Initiative Petition of)	
Save Our Land Citizens')	CERTIFICATE OF INSUFFICIENCY;
Committee)	EXHIBITS "A", "B", "C", "D"
_____)	Original and First Supplementary Petition

**CERTIFICATE OF INSUFFICIENCY
ORIGINAL AND FIRST SUPPLEMENTARY PETITION**

Pursuant to Article XI, Hawai'i County Charter, the initiative petition submitted by the SAVE OUR LAND CITIZENS' COMMITTEE, entitled "Initiative petition-amending Chapter 2, Article 42, of the Hawai'i County Code," is hereby certified and deemed to be insufficient. The petition must contain 4,846 valid signatures to be deemed sufficient. The Save Our Land Citizens' Committee filed a petition containing 3,001 signatures on May 17, 2006, and a supplementary petition containing 5,781 signatures on June 16 and 19, 2006. It is determined that a total of 3,982 signatures submitted by the Save Our Lands Citizens' Committee were qualified and valid. This is 864 signatures below that required to be deemed sufficient.

Pursuant to Section 11-5(a) and (b), Article XI, Hawai'i County Charter, the following findings, which will be presented to the Committee as outlined herein, show the particulars wherein the petition is not sufficient. The Save Our Land Citizens' Committee is hereby notified that pursuant to the Section 11-5, Article XI, Hawai'i County Charter:

1. If a majority of the Committee elects to amend the petition, you must notify the Clerk. If not, you are hereby notified that the Clerk shall present this certificate to

the County Council at its meeting on July 7, 2006, at which time you may request that the County Council approve or reject the certificate or substitute its own determination of sufficiency of the petition by resolution. You are hereby notified that the review actions of the County Council shall be final.

2. The committee may elect to file a supplementary petition upon additional papers within ten days following receipt of this certificate.

The above is based on the applicable law, the documents received, the evaluation of the documents conducted by my staff and the following findings.

FINDINGS

1. The sufficiency of the petition was determined based upon the provisions of Article XI, Hawai'i County Charter; informal written and verbal opinions from the Office of the Corporation Counsel relating to the social security number requirement, the required number of signatures necessary to determine sufficiency, and the validation of signatures; and, to the extent applicable and practicable, the basic procedures used to evaluate nomination papers and qualifying political parties. Every signature line was manually evaluated by staff members from the Election Division of the Office of the County Clerk from May 17-June 5, 2006, and June 16-26, 2006.

2. Section 11-2(c), Hawai'i County Charter, relating to Submission Requirements, reads as follows:

Each initiative petition and each referendum petition must be signed by qualified voters of the county equal in number to at least fifteen percent of the total number of persons who voted in the county for the office of the mayor in the most recent second special election, or, if there had not been a second special election, in the last preceding general election.

3. It is determined that the Committee needs 4,846 valid signatures of qualified voters to be deemed sufficient based on 32,305 total votes cast for mayor in the 2004 special election $\times 15\% = 4,846$ qualified voters.

It should be noted that 57,994 electors turned out to vote in the 2004 General Election; however, the mayor's race was determined in the first Special Election. If the General Election voter turnout was used to calculate the required number of signatures, the required number of qualified signatories would have been 8,699. In view of the ambiguous language of the Charter, it was determined that the interpretation should err on the side of the petitioning electorate by using the lower number of 4,846.

4. Section 11-3 and Section 11-4, Hawai'i County Charter, read as follows:

Section 11-3. Petitioners' Committee. For each initiative or referendum petition there shall be a petitioners' committee representing all the petitioners, which committee shall be composed of five members who shall be qualified voters of the county and signers of the petition. The committee shall be responsible for circulation of the petition and for assembling and filing the petition in proper form. The committee shall have the power to amend or withdraw the petition as provided in this charter.

Section 11-4. Initiative and Referendum Petitions: Forms and Sufficiency.

- (a) Initiative and referendum petitions shall be governed by the rules regarding form and sufficiency set forth in this section, as well as by such other rules as the county council may impose by ordinance, consistent with the provisions and with the spirit and purpose of the charter.
- (b) For immediate acceptance of petitions, the clerk of the council shall require that:
 - (1) The petitions indicate by name and address, the five signers who constitute the petitioners' committee for that petition.
 - (2) The petitions indicate the address, to which all notices for petitioners' committee are to be sent.
 - (3) The signatures to petitions be filed on paper of uniform size and style and assembled as one instrument. Upon presentation, petitions which reasonably comply with this subsection (a) shall be accepted by the clerk without delay; petitions shall be rejected for non-compliance.
 - (4) Electors signing such petition shall print their names, add their signatures, residence addresses, social security numbers and the dates of signing on said petition.
- (c) For purposes of certification, any petition shall be found insufficient which:

- (1) Is signed by less than the required number of qualified voters of the county.
- (2) Proposes, or requests appeal of, an ordinance not subject to the powers of initiative or referendum.
- (d) Signatures are invalid and petitions insufficient:
 - (1) If signers are not given an opportunity to read the full text of the proposed ordinance under an initiative petition, or the designation and description of the ordinance in question under a referendum petition, and if the full text of a proposed ordinance or ordinance under question is not contained in or attached to each signature paper or set of signature papers of an initiative or referendum petition, respectively, throughout circulation.
 - (2) If affidavits (executed by the circulators for each set of signature papers) are not attached to the papers at the time of filing of petition with the clerk of the council. Each affidavit shall attest to the effect that: a particular individual personally circulated an identifiable set of papers; each paper bears a stated number of signatures; each signature on a paper was affixed in the circulator's presence; each signature is the genuine signature of the person whose name it purports to be.
- (e) Individual signatures may be withdrawn within fifteen days after the filing of an initiative or referendum petition with the clerk of the council by the filing of a written request therefore, by the individual, with the clerk of the council.

5. On May 17, 2006, the Save Our Land Citizens' Committee submitted an initiative petition consisting of 409 pages addressed to the Hawai'i County Council, assembled as one instrument, containing the full text of the ordinance proposed by the committee. A copy of the proposed ordinance is attached as Exhibit "A" and incorporated into this certificate by reference.

6. The Save Our Land Citizens' Committee is comprised of five members who are qualified voters of the County and are signers of the petition:

NAME	DATE/PAGE SIGNED PETITION
Deborah A. Hecht	April 10, 2006/Page 0000211
Karen Clarkson	May 4, 2006/Page 0000009
Wendy Scott-Vance	April 17, 2006/Page 0000143
Michael L. Varney	May 30, 2006/Page 0000953
Steven A. Hirakami	April 20, 2006/Page 0000107

7. Each signature page of the petition indicated the names and addresses of the members of the Petitioners' Committee and the address to which all notices could be sent--Post Office Box 4148, Kailua-Kona, Hawai'i 96745.

8. Each signature page contained a space for (a) each signer to print their name as registered to vote, (b) the signature, (c) the street address as shown on voter registration application, (d) the date of signing, (e) the last four social security number digits, (f) an email address, and (g) birth date. A page of the petition, attached as Exhibit "B" and incorporated into this certificate, is submitted as a sample page (with the information relating to the signers of that page omitted.)

9. While Section 11-4(b)(4), Article XI, Hawai'i County Charter, requires electors to provide their social security numbers on the petition, it was determined that social security numbers could not be legally required on the petition based on the federal privacy law. Therefore, although not mandated, the Petitioners' Committee decided to include the option for an elector to provide the last four digits of the person's social security number and the person's birth date.

10. The pages were on papers of uniform size and style and assembled as one instrument. The instrument was submitted and reviewed in the presence of two members of the Committee.

11. The 409 pages were time stamped, paginated, and accepted after it was determined that each set of pages was accompanied by an Affidavit executed by the circulator of the pages attesting to the effect that the person circulated a set of papers, each page bore a stated number of signatures, each signature was affixed in the circulator's presence and each signature

was the genuine signature of the person whose name it purported to be. A copy of one of the Affidavits is attached as Exhibit “C” and incorporated into this certificate by reference.

12. The 409 pages submitted were processed after it was determined, in the presence of two members of the Committee, that a copy of the proposed ordinance (Exhibit “A”) was on the reverse side of, or attached to, each page at the time of signing. The 409 signature pages contained 3,001 signatures or names.

13. Of those signatures or names, a manual review was conducted of each signature line to determine if the name and address provided by the signer matched the general register (Statewide Voter Registration System.) Because no ordinance had been adopted to guide the sufficiency and validation process, candidate nomination and political party petition procedures were used to guide the validation process.

In the past, when social security numbers were required to be provided on a petition, the Office of the County Clerk used the social security numbers as the initial method of globally locating whether persons were registered to vote in the County of Hawai‘i. Without this precise locator now, the elector’s name was used to manually search the general register (Statewide Voter Registration System).

The manual review included, but was not limited to, the following actions:

- a. Every name was compared to the general register (statewide voter registration system.) If it was determined that the name matched the name of a duly registered Hawai‘i County voter, and if the residence address matched the address in the general register, the signature was deemed valid assuming it was properly dated.

- b. Persons who were not registered through a search of the general register were invalidated (NR).
- c. The information in the column entitled “Today's Date” was checked to confirm that the signer indicated a proper date of signing. Persons who did not provide the date of signing, or provided an incomplete date, had their signatures invalidated (NSD).
- d. Further, persons who were not registered voters on the date of signing were invalidated. Persons from whom an executed voter registration affidavit was not received prior to or contemporaneously with the petition signing, were invalidated as having a “prior signature date (PSD)” The date check was made of every elector deemed to be a qualified voter.
- e. If the signer did not provide a residence address or if a post office box was provided, the signature was invalidated (NRA).
- f. If the residence address on the petition did not match the general register (Statewide Voter Registration System), the signature was invalidated (RANM).
- g. If the signer was a registered voter on Oahu, Maui, or Kaua‘i, the signature was invalidated (NHC).
- h. If the signer did not provide a printed name, the signature was invalidated (NPN).
- i. If the signer did not provide a complete signature date (day, month, year), the signature was invalidated (NSD).
- j. If the person did not sign the petition, the signature was invalidated.

- k. The last four digits of the person's social security number and the birth date were used to properly identify duplicate voters. The duplicate (or triplicate) name was invalidated (DUP).
- l. It should be noted that some signatures may have had more than one reason for its invalidity.

14. Finally, 450 randomly-selected signatures of the 3,001 signatures submitted were compared to those on file. No evidence was found to indicate that there was fraud or forgery.

15. Pursuant to Section 11-4(d), signers had until 4:30 p.m., Thursday, June 1, 2006, to file a written request with the Office of the County Clerk requesting that their signature be withdrawn. No request was received by that deadline date.

16. On June 5, 2006, a Certificate of Insufficiency, attached as Exhibit "D", determined that the initial petition contained 1,366 signatures of qualified voters of the County. The Certificate of Insufficiency was mailed by certified letter, return receipt on June 5, 2006, to the Committee. The Committee received the Certificate of Insufficiency on June 7, 2006.

17. By letter dated June 8, 2006, the Save Our Land Petitioners' Committee requested to amend the petition. Although the Committee had ten days to Saturday, June 17, 2006, to submit additional signatures, the official date to submit the amended petition was Monday, June 19, 2006.

18. On June 16 and June 19, 2006, the Save Our Land Petitioners' Committee submitted an additional 755 and 87 supplementary petition pages, respectively, for a total of 1,253 petition pages. One page (#0000589) was inadvertently stamped twice, which explains why the last page of the petition is numbered '0001254.' Petition pages were returned to the

Committee for lack of a notarized affidavit or because of the inaccuracy of a circulator's statement. Those pages have not been included in the supplementary total.

19. The supplementary petition contained a total of 5,781 signatories, for a total of 8,782 signatories on the petition.

20. On June 5, 2006, the Clerk received one request to withdraw the person's signature in the supplementary petition.

21. One signature was later disqualified when it was found that the petition was signed after the circulator's attestation date.

22. The official total number of signatures examined on the petition was 8,780.

23. The supplementary petition was processed using the same procedures applied during the initial petition described above. Two Petitioners' Committee Members observed the intake process on June 16, 2006, and one Petitioners' Committee Member observed the intake process on June 19, 2006.

24. 867 randomly-selected signatures of the supplementary petition were compared to those on file. No evidence was found to suggest fraud or forgery.

25. The term "qualified voter" is not defined in Article XI, Hawai'i County Charter, relating to Initiative and Referendum. Nevertheless, the following definition of "qualified voter" is found in Article XII, Section 12-1.1(c), relating to Recall:

The term "qualified voter" means a person who is registered to vote in the county on the date that the clerk begins the examination to determine the sufficiency of the signatures on the petition.

26. During the initial validation procedures, the signature date on the petition was compared against the date of voter registration. If the petition was signed prior to the voter registration date in the general register, the signature was invalidated (PSD). After legal

examination of the definition of “qualified voter”, it was determined that as long as the person had registered to vote when the petition was examined against the general register by the Office of the County Clerk, the signature should be validated. Thus, all signatures falling only under the “Prior Signature Date” criteria in both original and supplementary petitions were added to the valid signature total.

27. Based upon a thorough and comprehensive examination of each signatory against the general register (Statewide Voter Registration System), the voter registration information on file, applicable law and procedures, I find the following relating to the validity of the signatures submitted:

Total Signatures Required for Sufficiency	4,846
Total Signatures Submitted	8,782
Total Signatures Withdrawn At Signatory’s Request	-1
Total Signatures Invalidated Due To Discrepancies with Circulator’s Affidavit and Signatory’s Date	-1
Total Net Signatures Examined	8,780
Total Valid Signatures (includes 113 PSD Signatures)	3,982
Total Invalid Signatures	4,728
Additional Signatures Still Required for Sufficiency	864

*** Reasons for Invalidity***

Total Duplicate Signatures	185
Number of Signatures - No Residence Address (NRA)	500
Number of Signatures - Residence Address No Match (RANM)	1,578
Number of Signatures - Not Hawai’i County (NHC)	68
Number of - No Printed Name (NPN)	3
Number of Signatures - No Signature Date (NSD)	508

Number of Signatures - Duplicate (DUP)	185
Number of Signatures - Missing (NS)	8

***Some signatures may have had more than one reason for invalidity.

CONCLUSION

It is determined that the petition submitted by Save Our Land Citizens' Committee contains 3,982 valid signatures, which is 864 signatures below the required 4,846 signatures required for sufficiency.

A Certificate of Insufficiency is hereby issued in accordance with Section 11-5, Hawai'i County Charter.

A representative of the Committee will be invited by telephone, upon the signing and filing of this certificate, to pick up a copy of this certificate. This certificate will be mailed to Post Office Box 4148, Kailua-Kona, Hawai'i 96745 by regular mail and by certified or registered mail, return receipt requested. The certificate will also be emailed to Petition Committee Member Debbie Hecht. Copies of this certificate will be made available to the public on the day it is signed and filed after an initial attempt is made to contact the Committee by telephone.

DATED at Hilo, Hawai'i, this 26th day of June, 2006.



CONSTANCE R. KIRIU
COUNTY CLERK, COUNTY OF HAWAI'I

Initiative Petition Amendments as requested by Save Our Land Citizen's Committee:
The Proposed Ordinance is printed below. New material is underlined and material to be deleted is bracketed and stricken.

County of Hawaii, State of Hawaii - Ordinance No. _____

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 42, HAWAII COUNTY CODE 1983 (2005 EDITION), RELATING TO THE PUBLIC ACCESS, OPEN SPACE, AND NATURAL RESOURCES PRESERVATION COMMISSION.

OFFICE OF THE CLERK
MAY 17 2006

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAII:

SECTION 1. Chapter 2, Article 42, Section 2-214, Hawaii County Code 1983 (2005 Edition), is amended to read as follows:

Section 2-214. Public access, open space, and natural resources preservation fund.

(a) A public access, open space and natural resources preservation fund is hereby established. This special fund shall be administered and managed by the finance department.

(b) The fund shall consist of monies from:

- (1) The proceeds from the sale of any general obligation bonds, authorized and issued for the purposes of this article;
 - (2) Council appropriations for the purposes of this article;
 - (3) Any source of revenue dedicated by the Hawaii County Charter or the Hawaii County Code for the purposes of this article; ~~and~~
 - (4) Grants and private contributions intended for the purposes of this article; ~~and~~
 - (5) Two percent (2%) of Hawaii County real property tax revenues collected annually (including penalties).
- (c) In adopting each fiscal year's operating budget, the council shall appropriate a minimum of \$250,000 to the public access, open space and natural resources preservation fund.
- (1) ~~When the unencumbered balance in the fund (exclusive of bond proceeds) equals or exceeds \$5,000,000, no further county appropriations shall be made until the balance falls below \$5,000,000.~~
- (2) Nothing in this section shall prevent the council from appropriating amounts in excess of the above minimum amounts to this fund.

SECTION 2. Material to be repealed is bracketed and stricken. New material is underscored. In printing this ordinance, the brackets, bracketed material and underscoring need not be included.

SECTION 3. If any provision of this ordinance or the application thereof to any person or circumstance, is held invalid, such invalidity shall not effect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared to be severable.

SECTION 4. This ordinance shall take effect upon its approval.

RETURN ALL COMPLETED, NOTARIZED PETITIONS TO: Save Our Land Committee, PO BOX 4148, KAILUA-KONA, HI 96745

Note that first deadline for returning signatures via US mail is May 8th, FINAL DEADLINE for all signatures is May 26th, 2006

Committee: Wendy Scott-Vance, PO Box 785, Na'alehu, HI 96772; Debbie Hecht, PO Box 4148, Kailua-Kona, HI 96745; Mike Varney, PO Box 2891 Kamuela, HI 96743; Karen Clarkson, PO Box 1396, Honokaa, HI 96727; Steve Hirikami PO Box 1494, Pahoa, 96778.

I, Steven A. Hirakami, phone number 965-8253 circulated this petition which contains 8 signatures, each of which was affixed in my presence, Each of which is the genuine signature of the person whose name it purports to be.

Steven A. Hirakami sworn before me on this 15th day of May, 2006.

LORI ANNE Y. RICHARDS
Notary Public
STATE OF HAWAII

LORI ANNE Y. RICHARDS Notary, State of Hawaii My commission expires: 9-23-2009

Steven A. Hirakami

Initiative Petition Amendments as requested by Save Our Land Citizen's Committee:

The Proposed Ordinance is printed below. New material is underlined and material to be deleted is bracketed and stricken.

County of Hawaii, State of Hawaii- Ordinance No. _____

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 42, HAWAII COUNTY CODE 1983 (2005 EDITION), RELATING TO THE PUBLIC ACCESS, OPEN SPACE, AND NATURAL RESOURCES PRESERVATION COMMISSION.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAII:

SECTION 1 Chapter 2, Article 42, Section 2-214, Hawaii County Code 1983 (2005 Edition), is amended to read as follows:

Section 2-214. Public access, open space, and natural resources preservation fund.

(a) A public access, open space and natural resources preservation fund is hereby established. This special fund shall be administered and managed by the finance department.

(b) The fund shall consist of monies from:

- (1) The proceeds from the sale of any general obligation bonds, authorized and issued for the purposes of this article;
- (2) Council appropriations for the purposes of this article;
- (3) Any source of revenue dedicated by the Hawaii County Charter or the Hawaii County Code for the purposes of this article; [and]
- (4) Grants and private contributions intended for the purposes of this article; and
- (5) Two percent (2%) of Hawaii County real property tax revenues collected annually (including penalties).

(c) In adopting each fiscal year's operating budget, the council shall appropriate a minimum of \$250,000 to the public access, open space and natural resources preservation fund.

(1) ~~When the unencumbered balance in the fund (exclusive of bond proceeds) equals or exceeds \$5,000,000, no further county appropriations shall be made until the balance falls below \$5,000,000.~~

(2) Nothing in this section shall prevent the council from appropriating amounts in excess of the above minimum amounts to this fund.

SECTION 2. Material to be repealed is bracketed and stricken. New material is underscored. In printing this ordinance, the brackets, bracketed material and underscoring need not be included.

SECTION 3. If any provision of this ordinance or the application thereof to any person or circumstance, is held invalid, such invalidity shall not effect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared to be severable.

SECTION 4. This ordinance shall take effect upon its approval.

RETURN ALL COMPLETED, NOTARIZED PETITIONS TO: Save Our Land Committee, PO BOX 4148, KAILUA-KONA, HI 96745

Note that first deadline for returning signatures via US mail is May 8th, FINAL DEADLINE for all signatures is May 26th, 2006

Committee: Wendy Scott-Vance, PO Box 785, Na'alehu, HI 96772; Debbie Hecht, PO Box 4148, Kailua-Kona, HI 96745; Mike Varney, PO Box 2894, Kamuela, HI 96743; Karen Clarkson, PO Box 1396, Honokaa, HI 96727; Steve Hirikami PO Box 1494, Pahoa, 96778.

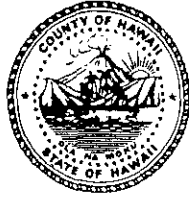
WENDY HOLDEN
Notary Public
County of Hawaii

Debby Hecht
phone number _____
circulated this petition which contains 8 signatures, each of which was affixed in my presence, Each of which is the genuine signature of the person whose name it purports to be.

Signed: Debbie Hecht Sworn before me on this 15th day of May 2006.

Wendy Holden Notary, State of Hawaii My commission expires: 11-19-2009

CONSTANCE R. KIRIU
County Clerk



WILLIAM E. SMITH
Deputy County Clerk

OFFICE OF THE COUNTY CLERK

Elections Division
County of Hawai'i
Hawai'i County Building
25 Aupuni Street
Hilo, Hawai'i 96720

In the Matter of the)
Initiative Petition of)
Save Our Land Citizen's)
Committee)
_____)

**CERTIFICATE OF INSUFFICIENCY;
EXHIBITS "A", "B", "C"**

CERTIFICATE OF INSUFFICIENCY

Pursuant to Article XI, Hawai'i County Charter, the initiative petition submitted by the SAVE OUR LAND CITIZENS' COMMITTEE, entitled: "Initiative petition-amending Chapter 2, Article 42, of the Hawaii County Code", is hereby certified and deemed to be insufficient. The petition was deemed insufficient on June 5, 2006 on the grounds that the petition "is signed by less than the required number of qualified voters of the County." The petition must contain 4,846 valid signatures to be deemed sufficient. The petition filed on May 17, 2006, contained 3,001 signatures. **The petition is deemed to contain 1,366 signatures of qualified voters of the County.** This number is 3,480 signatures of qualified voters less than required.

Pursuant to Section 11-5(a) and (b), Article XI, Hawai'i County Charter, the following findings, which will be presented to the committee as outlined herein, show the particulars wherein the petition is not sufficient. **The Save Our Land Citizens' Committee is hereby notified that pursuant to the Section 11-5, Article XI, Hawai'i County Charter:**

1. If a majority of the committee elects to amend the petition, you must notify the Clerk. If not, you are hereby notified that the Clerk shall present this certificate to

the County Council at its meeting on July 7, 2006, at which time you may request that the County Council approve or reject the certificate or substitute its own determination of sufficiency of the petition by resolution. You are hereby notified that the review actions of the County Council shall be final.

2. The committee may elect to file a supplementary petition upon additional papers within ten days following receipt of this certificate.

The above is based on the applicable law, the documents received, the evaluation of the documents conducted by my staff and the following findings.

FINDINGS

1. The sufficiency of the petition was determined based upon the provisions of Article XI, Hawai'i County Charter; informal written and verbal opinions from the Office of the Corporation Counsel relating to the social security number requirement, the required number of signatures necessary to determine sufficiency, and the validation of signatures; and, to the extent applicable and practicable, the basic procedures used to evaluate nomination papers. Every signature line was manually evaluated by staff members from the Elections Division of the Office of the County Clerk.

2. On May 17, 2006, The Save Our Land Citizens' Committee submitted an initiative petition consisting of **409 pages** addressed to the Hawai'i County Council, assembled as one instrument, containing the full text of the ordinance proposed by the committee. A copy of the proposed ordinance is attached as Exhibit "A" and incorporated into this certificate by reference.

3. The Save Our Land Citizens' Committee is comprised of five members who are qualified voters of the County and, with the exception of one committee member who did not sign the petition as submitted, are signers of the petition:

NAME	DATE/PAGE SIGNED PETITION
Deborah A. Hecht	April 10, 2006/Page 0000211
Karen Clarkson	May 4, 2006/Page 0000009
Wendy Scott-Vance	April 17, 2006/Page 0000143
Michael L. Varney	Signature not on petition
Steven A. Hirakami	April 20, 2006/Page 0000107

4. Each signature page of the petition indicated the names and addresses of the members of the petitioners' committee and the address to which all notices could be sent--Post Office Box 4148, Kailua-Kona, Hawai'i 96745.

5. Each signature page contained a space for (a) each signer to print their name as registered to vote, (b) the signature, (c) the street address as shown on voter registration application, (d) the date of signing, (e) the last four social security number digits, (f) an email address, and (g) birthdate. A page of the petition, attached as Exhibit "B" and incorporated into this certificate, is submitted as a sample page (with the information relating to the signers of that page omitted.)

While Section 11-4(b)(4), Article XI, Hawai'i County Charter, requires electors to print their names, add their signatures, residence addresses, social security numbers and the date on said petition, it was determined that social security numbers could not be legally required on the petition based on the federal privacy law. Therefore, although not mandated, the petitioners' committee decided to include the option for an elector to provide the last four digits of the person's social security number and the person's birthdate.

6. The pages were on papers of uniform size and style and assembled as one instrument. The instrument was submitted and reviewed in the presence of two members of the committee. Pursuant to Section 11-4(b)(3), Article XI, Hawai'i County Charter, which states:

Upon presentation, petition which reasonably comply with this subsection (a) shall be accepted by the clerk without delay; petitions shall be rejected for non-compliance.

The pages deemed acceptable were received for processing.

7. The 409 pages submitted were accepted after it was determined that each set of pages was accompanied by an Affidavit executed by the circulator of the pages attesting to the effect that the person circulated a set of papers, each page bears a stated number of signatures, each signature was affixed in the circulator's presence and each signature is the genuine signature of the person whose name is purports to be. A copy of one of the Affidavits is attached as Exhibit "C" and incorporated into this certificate by reference.

8. The 409 pages submitted were processed after it was determined, in the presence of two members of the committee, that a copy of the proposed ordinance (Exhibit "A") was on the reverse side of each page at the time of signing.

9. After reviewing Section 11-2(c), Article XI, Hawai'i County Charter, and after obtaining an opinion from the Office of the Corporation Counsel, it is determined that the committee needs 4,846 valid signatures of qualified voters to be deemed sufficient based on the following computation:

32,305 Total Votes Cast for Mayor in 2004 Special Election x 15%=4,846 Qualified Voters

It should be noted that there were also 1,002 "blank" votes, which contained no votes for any mayoral candidate and 1 "over" vote, which contained votes for more than one candidate for mayor. The "blank" votes and "over" vote were not counted in computing the total necessary signatures of qualified voters.

10. The 409 signature pages contained 3,001 signatures or names. Of those signatures or names, a manual review was conducted of each signature line to determine if the name and address provided by the signer matched the general register (statewide voter registration system.) In the past, when social security numbers were required to be provided on a petition, the Office of the County Clerk used the social security numbers as the initial method of globally locating whether persons were registered to vote in the County of Hawai'i. Without this precise locator, the elector's name was used to manually search the general register (statewide voter registration system.)

The manual review included, but was not limited to, the following actions:

a. The information in the column entitled "Today's Date" was checked to confirm that the signer indicated a proper date of signing. Persons who did not provide the date of signing, or provided an incomplete date, had their signatures invalidated. Further, persons who were not registered voters on the date of signing were invalidated. Persons from whom an executed voter registration affidavit was not received prior to or contemporaneously with the petition signing, were invalidated as having a "prior signature date." The date check was made of every elector deemed to be a qualified voter.

b. Every name was compared to the general register (statewide voter registration system.) If it was determined that the name matched the name of a duly registered Hawai'i County voter, and if the residence address matched the address in the general register, the signature was deemed valid assuming it was properly dated.

c. The last four digits of the person's social security number and the birthdate were used to properly identify duplicate voters.

d. Finally, 450 randomly-selected signatures of the 3,001 signatures submitted were compared to those on file. No evidence to indicate fraud or forgery was found.

11. Pursuant to Section 11-4(d), signers had until 4:30 p.m., Thursday, June 1, 2006, to file a written request with the Office of the County Clerk requesting that their signature be withdrawn. No requests were received by that deadline.

12. Based on the manual review of the signatures submitted, the voter registration information on file and applicable law, I find the following relating to the validity of the signatures submitted:

Total Signatures Required for Sufficiency	4,846
Total Signatures Submitted	3,001
Total Signatures Valid	1,366
Total Signatures Invalid	1,635
Additional Signatures Still Required for Sufficiency	3,480
***Reasons for Invalidity:	
Number of Signatures - Not Registered (NR)	615
Number of Signatures - No Residence Address (NRA)	229
Number of Signatures - Residence Address No Match (RANM)	517
Number of Signatures - Not Hawai'i County (NHC)	26
Number of - No Printed Name (NPN)	2
Number of Signatures - No Signature Date (NSD)	332
Number of Signatures - Prior Signature Date (PSD)	26

Number of Signatures - Duplicate (DUP) 20

Number of Signatures - Missing (NS) 5

***Some signatures may have had more than one reason for invalidity.

13. A representative of the committee will be invited by telephone, upon the signing and filing of this certificate, to pick up a copy of this certificate. This certificate will be mailed to Post Office Box 4148, Kailua-Kona, Hawai'i 96745 by regular mail and by certified or registered mail, return receipt requested. The certificate will also be emailed to petition committee member Debbie Hecht. Copies of this certificate will be made available to the public on the day it is signed and filed after an initial attempt is made to contact the committee by telephone.

DATED at Hilo, Hawai'i, this 5th day of June, 2006.



CONSTANCE R. KIRIU
COUNTY CLERK, COUNTY OF HAWAI'I