

KENNETH G. GOODENOW
County Clerk



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January 20, 2010

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

Honorable Edmund Hiatsuka 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 Hiatsuka and Commission Members:

RE: Comments about Charter Amendment Proposal CA-12 (Draft 2)

Thank you for the opportunity to comment on proposed Charter amendment CA-12 (Draft 2) which would amend section 15-1 "Initiation of Amendments or Revisions" of Article XV "Charter Amendment or Revision" of the current Charter. My office is grateful to the Commission for its earlier action of amending proposed amendment CA-12 by adding the inclusion of a residence address to the information required by signers of a Charter amendment petition.

After discussing this matter with Election Administrator Pat Nakamoto, I respectfully request that the Commission amend CA-12 (Draft 2) by deleting the language "votes cast in the last preceding general election" and replacing that language with "total ballots cast in the last preceding general election" or in the alternative "valid votes cast in the last preceding general election". I believe either of these of these phrases would be clearer than the language "votes cast". I also note that the certified results provided by the State Office of Elections are by total ballots cast and the current Charter language found in Section 13-27 "County Election" uses the term "all votes validly cast."

CA-12 (Draft 2) would also provide the county clerk thirty, as opposed to twenty, working days to complete the examination of any petition filed pursuant to Section 15-1. The Office of the County Clerk supports this amendment to the Charter.

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Re: CA-12 (Draft 2)

January 20, 2010

Page 2

Lastly, CA-12 (Draft 2) also proposes to amend section 15-1(b) by requiring persons signing a petition to add the month and day of their birth date and the last four digits of their social security number. While not very difficult, this provision would require our office to verify this additional information. I note, however, that it is our office's interpretation of the Charter to require all items called for in the Charter, i.e., if this proposal were to be adopted, a person who listed an incorrect date of birth or the last four digits of their social security number, or left the space for this information blank, would not have their name counted in determining whether the petition contained a sufficient number of signatures. In my opinion, providing a date of birth or the last four digits of a social security number is not necessary. While it might be argued that having the last four digits of a social security number may assist our office in cases of an illegibly printed name, this has not been a common issue in the past. We have no objection to stating that the name listed on a petition be reasonably similar to their name as it appears on the general county register, but note that this has always been our office's practice, e.g., the name "Bobby Smith" would be accepted for a person registered as "Robert Smith".

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. G. Goodenow", written in a cursive style.

KENNETH G. GOODENOW