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COUNTY OF MAUI, STATE OF HAWAII

APPROVED 2/27/2012

CHARTER COMMISSION
PUBLIC HEARING

Held at the Wailuku Community Center, 395 Waena Place, Wailuku, Maui, Hawaii, commencing at 6:30 p.m., on Wednesday, January 18, 2012.

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ATTENDANCE
BOARD MEMBERS PRESENT:
Joshua A. Stone, Chair
Wayne N. Hedani, Vice-Chair
Artemio C. Baxa, Member
Stephanie S. Crivello, Member
David P. DeLeon, Member
Frank R. De Rego, Jr., Member
Clifford P. Hashimoto, Member
Susan A. Moikeha, Member
Linda Kay Okamoto, Member
Flo V. Wiger, Member
STAFF PRESENT:
Edward S. Kushi, Jr., First Deputy Corporation Counsel
Lisa Kahuhu, Supervising Law Technician
OTHERS PRESENT:
Vanessa Medeiros
Roy Vandoorn
Stephanie Ohigashi
Alexa Basinger

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(Wednesday, January 18, 2012, 6:30 p.m.)
* * *

CHAIR STONE: I'd like to say thank you for everybody here for attending our public meeting of the Charter Commission. My name is Josh Stone, I am the Chairman of the Commission.

If you need, there are copies of Maui County Charter Amendments available over here with Lisa Kahuhu, as well as copies of tonight's agenda.

As per our rules, all discussions tonight will be pertaining to the Maui County Charter. If people would like to sign up to testify, we'll take some time to allow you to sign up. And while we are doing that, we can address some other orders of business.

First, I'd like to call this meeting to order, as of 6:30 p.m., and introduce our Commissioners that are present. If we could quickly go down the table, if you could state your name and where you're from. And, actually, if we could hand the microphone down to Flo.

Thank you.

COMMISSIONER WIGER: Flo Wiger, Lahaina.
COMMISSIONER CRIVELLO: Stacy Crivello, Molokai.
COMMISSIONER HASHIMOTO: Clifford Hashimoto, Hana.

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VICE-CHAIR HEDANI: Wayne Hedani, from Wailuku.
CHAIR STONE: Josh Stone, from Paia.
COMMISSIONER MOIKEHA: Susan Moikeha, from Kula.
COMMISSIONER OKAMOTO: Kay Okamoto, from Lanai.
COMMISSIONER BAXA: Artemio Baxa, from Makawao.
COMMISSIONER DELEON: Dave DeLeon, Haiku.
COMMISSIONER DE REGO: Frank De Rego, Kahului.
CHAIR STONE: Very good. Thank you very much, Commissioners.

Also, I would like to present our staff. We have Ed Kushi, Jr. over there, who is our Deputy Corporation Counsel. As well as Lisa Kahuhu, who is our Supervising Law Technician. And, also, Tonya McDade, who is our court reporter. Thank you for being here.

And I would also like to thank Akaku for coming tonight. Thank you very much for putting this out to the public.

This meeting tonight is primarily to get the public's input on the Proposed Charter Amendments that the Charter Commission are actively working on, some of which will most likely be put forward to the voters in

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1 the November elections. We're also here to receive new
 2 Charter Amendment Proposals, if any.
 3 We have copies of the Draft Proposals and
 4 Draft Proposal Questions, again, with Lisa Kahuhu,
 5 available to everybody here tonight. If you need to see
 6 that, it's in our agenda. So pick up that agenda with
 7 Lisa Kahuhu.
 8 Before I begin with oral testimony, and before
 9 we begin calling people up, I would like to go over our
 10 oral testimony rules. We'll call up each public
 11 testifier in the order that they registered to testify.
 12 Each person will have five minutes to testify on items
 13 concerning our Maui County Charter.
 14 Lisa, if you could please call up our first
 15 public testifier.
 16 MS. KAHUHU: Vanessa Medeiros.
 17 CHAIR STONE: Go ahead, Vanessa. Thank you
 18 for coming here tonight.
 19 MS. MEDEIROS: Sure. Where do you want me to
 20 stand?
 21 CHAIR STONE: If you could take that chair.
 22 MS. MEDEIROS: I'll make this real quick
 23 because I have a meeting across the street. And my
 24 name's Vanessa Medeiros. I am testifying as an
 25 individual.

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1 I have comments about two items.
 2 Item Number 1, about increasing the terms of
 3 councilmembers from two to four years, I would recommend
 4 that this whole Number 1 be deleted from these proposed
 5 amendments. Primarily, as far as I am concerned, our
 6 councilmembers have not earned the right or
 7 responsibility to serve us on four-years term. And I
 8 say this because they have not been responsive to the
 9 people and to the voters.
 10 And our ability to vote every two years is the
 11 only mechanism that we have to keep them on task, to let
 12 them know that, hey, in any two-year term, you can be
 13 voted out. And so that, to me, is probably the -- the
 14 greatest method of evaluation that we as voters can use.
 15 And it's not anything to say about their
 16 abilities to -- to do things or not do things. I am
 17 just saying this is the only means and method we, as
 18 voters, have to evaluate their work or non-work.
 19 The second item is Number 4, which refers to
 20 amend -- amend to delete the reference to nonpartisan
 21 elections. I would recommend that we keep this
 22 nonpartisan. I think, by having nonpartisan elections,
 23 you would have more people participating. If you go
 24 back to the old way of partisan elections, you know,
 25 we're going to end up in the same kind of thing that's

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1 happening in Congress right now. And, you know, all of
 2 that is just ending up with nothing being done. And as
 3 citizens here, you know, we don't deserve that.
 4 So those are my only two comments. Thank you
 5 very much.
 6 CHAIR STONE: Thank you very much, Vanessa.
 7 One second, just in case the Commissioners need some
 8 clarification. Thank you.
 9 Commissioners, clarification from our
 10 testifier's testimony?
 11 COMMISSIONER MOIKEHA: Thank you for your
 12 testimony.
 13 You know, as I've listened to the public have
 14 opinions, either two-year or four-year terms, it's
 15 pretty subjective either way. Do you agree that there
 16 should be a maximum limit where they could never return
 17 again? So if it's a two-year -- every two years, say a
 18 maximum of five, so total of 10 years?
 19 MS. MEDEIROS: Well, I think that's what --
 20 the way it is right now, it's a maximum. And I think
 21 the biggest difference is the fact that they can go off
 22 for a two-year term and they can come back. You know,
 23 that's -- that's a double-edged sword because, you know,
 24 when you have a really good person, you would love that
 25 person to come back, but when you have a really bad

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1 person, then name recognition usually votes them in.
 2 It's -- it's a really tough double-edged sword. I
 3 would, in my recommendation, keep it the way it is,
 4 every two years, maximum five years. Hopefully, they go
 5 on to bigger and better things.
 6 COMMISSIONER MOIKEHA: But they could return
 7 because there's no limitation right now? I mean, they
 8 have to go off, but they can come back.
 9 MS. MEDEIROS: Right. And like I said, from
 10 my viewpoint, it's a tough double-edged sword.
 11 COMMISSIONER MOIKEHA: Okay. Thank you.
 12 CHAIR STONE: Thank you very much,
 13 Commissioners. Commissioner De Rego.
 14 COMMISSIONER DE REGO: So it's a double-edged
 15 sword. So if you had your druthers, one way or the
 16 other -- I am going to try to nail you on this -- would
 17 you want to -- would you rather have them leave and make
 18 room for somebody else, or would you rather have them
 19 come back?
 20 MS. MEDEIROS: You know, it's tough. Like I
 21 said, it's -- you know, it's -- there are some great
 22 people that serve, that, you know, you would love for
 23 them to -- to come back. I am hoping -- and, you know,
 24 the scary part is the ones who come back, it's sort of
 25 like the ones who have no life, you know. And I'm sorry

<p style="text-align: right;">Page 9</p> <p>1 to say that. And I am saying this in open testimony. 2 But those are the ones that have no life, because they 3 find it necessary to have to come back. Most of the 4 people who serve, and serve out their 10 years, usually 5 go on to other things or to serve our community in other 6 ways. You know, if they find that they have to come 7 back, then I am almost questioning why they're doing 8 that. You know, it may be self-serving. 9 CHAIR STONE: Thank you. Commissioners, 10 further clarification? 11 (No Response.) 12 CHAIR STONE: No. Vanessa, thanks so much for 13 coming here tonight. 14 MS. MEDEIROS: Thank you. 15 CHAIR STONE: Thank you. 16 Lisa, next testifier, please. 17 MS. KAHUHU: Roy Vandoorn. 18 CHAIR STONE: Roy, thank you for coming this 19 evening. 20 MR. VANDOORN: Good evening. My name is Roy 21 Vandoorn. And I would like to thank all of you for 22 coming this evening and giving the community, both of 23 us -- 24 (Laughter.) 25 MR. VANDOORN: -- an opportunity to testify.</p>	<p style="text-align: right;">Page 11</p> <p>1 elect officials to Washington, and giving us a 2 Washington type government, is a bad idea. I don't 3 think it's possible to overstate how bad an idea this 4 one is. 5 I read a letter in The Maui News that 6 supported changing to partisan election because it would 7 increase the number of folks who vote. There's, 8 actually, two problems with this argument: 9 The first problem is, if you think back to 10 your elementary school science class, it talked about 11 when you run an experiment and you want to draw a 12 conclusion, you can only change one variable. Okay. 13 When we eliminated partisan -- when we went to 14 nonpartisan elections, we didn't eliminate, we just -- 15 we didn't change just one variable, we changed multiple 16 variables. So there is no way to make that correlation 17 between that change and voter turnout. 18 The second thing is, I don't think -- and with 19 all due respect to the previous testifier, I don't think 20 that getting more people voting is the objective. We 21 want to get more informed people voting. This is a 22 quality issue, not a quantity issue. 23 So I would like to see people -- you know, if 24 you're going to do something around the elections, I 25 would like to see you -- and this is outside the scope</p>
<p style="text-align: right;">Page 10</p> <p>1 I would like to address four issues this 2 evening. And Mr. De Garo, is that how -- 3 COMMISSIONER DE REGO: De Rego. 4 MR. VANDOORN: De Rego. You will be able to 5 pin me down. 6 COMMISSIONER DE REGO: Okay. Good. Awesome. 7 MR. VANDOORN: I would like to talk about 8 district voting, partisan elections, councilmember term 9 limits, and the number of issues that this Commission 10 will place on the ballot. 11 Relative to district voting, I want to express 12 my extreme disappointment that this Commission, after 13 all the public testimony and letters to The Maui News, 14 that you will not allow the citizens of Maui to decide 15 this issue. I am still hopeful that you will do the 16 right thing and allow this issue to be decided by all 17 the citizens, and not be decided by this Commission. 18 My second issue is partisan elections. Today, 19 we have an extremely well functioning government. The 20 Mayor's Office is working very well with the Council, 21 and the councilmembers seem to be working very well with 22 each other. We have another example, which is 23 Washington, which is not working well. Congress has an 24 approval rating of 11 percent. The idea of changing the 25 way we elect our County officials to mirror the way we</p>	<p style="text-align: right;">Page 12</p> <p>1 of the Charter, I acknowledge that -- but I would rather 2 see things that would make it easier for people to 3 become better informed. I don't think looking at the 4 ballot, and looking for an "R" or a "D" or a "G" or a 5 "T" or an "I" or an "L" makes an informed voter. I 6 would like to see people understand -- get to know the 7 individuals and understand the issues. 8 So I am very opposed to going partisan. I 9 would actually like to see the Charter say something 10 like "this is a nonpartisan county." I think it fosters 11 cooperation rather than divisiveness that we're seeing 12 in Washington. 13 On the third issue, council -- on 14 councilmember term limits, my choice is not exactly 15 aligned with the proposal. My choice is actually two 16 four-year terms. And I think the bigger issue of -- 17 between the amount of time and the length of the terms, 18 for me, personally, it's the length of time in office 19 that's much more important. I would like to see a 20 maximum of eight years. You know, if it's 10 or 12, I 21 would probably still vote for it. And that is 10 years, 22 thank you for your service, don't let the door hit you 23 on the way out, and you don't come back. 24 So, sir, that's -- 25 COMMISSIONER DE REGO: Thank you.</p>

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1 MR. VANDOORN: There is another issue that
 2 I've heard being discussed around term limits. And
 3 that's when the clock starts. So if you have a
 4 councilmember today that served 10 years, and they're on
 5 their sabbatical and this Charter amendment passes,
 6 should they be able to run again? And my answer is no.
 7 As far as I am concerned, when the Charter amendment
 8 passes, the clock starts at Statehood Day, or August
 9 21st, 1959. So anyone that has served the period of
 10 time or more specified, whatever the -- you know, eight,
 11 10, 12, if you've served more than that, you are no
 12 longer capable of running for Council.
 13 Finally, I have heard it suggested to you
 14 folks that you limit the number of Charter Amendments on
 15 the ballot to like five. And I don't think that's a
 16 good idea. This is a once-in-a-10-year opportunity.
 17 Now, putting 20 items on the ballot, that might be a bit
 18 much, but I think you should not eliminate important
 19 items by some artificial limit. So don't pick five,
 20 don't pick a number out that you're going to limit
 21 yourselves to. Take a look at what's important, you
 22 know. And if there's -- and really try to get all of
 23 the important issues on the ballot. Because 2021 is a
 24 long time away -- or 2022.
 25 Thank you for allowing me to testify this

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1 evening.
 2 CHAIR STONE: Thank you very much, Roy.
 3 Commissioners, clarification on Roy's
 4 testimony? Commissioner DeLeon.
 5 COMMISSIONER DELEON: You had science class in
 6 elementary school?
 7 MR. VANDOORN: I had science class in
 8 elementary school.
 9 COMMISSIONER DELEON: Wow. I am impressed.
 10 On the question of district voting, if the
 11 matter were to go to the ballot, what do you think would
 12 happen?
 13 MR. VANDOORN: I think it would pass.
 14 COMMISSIONER DELEON: And what gives you that
 15 impression?
 16 MR. VANDOORN: I believe that people resonate
 17 with the concept of one person, one vote. And if it
 18 comes in the ballot and we have the debate across the
 19 County, people are going to realize a lot more than they
 20 do today, that, depending where you live, your
 21 councilperson could be representing a district of 7,000
 22 people or a district of 21,000 people. And that feels
 23 unfair. And when the community feels that something's
 24 unfair, they're going to want fairness. And I think it
 25 becomes a fairness issue. And when it becomes fairness,

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1 it's going to pass.
 2 COMMISSIONER DELEON: Okay. Thank you.
 3 CHAIR STONE: Thank you.
 4 Commissioners, further clarification?
 5 Commissioner Wiger, please.
 6 COMMISSIONER WIGER: Thank you very much for
 7 your testimony, Mr. Vandoorn. I thought it was very
 8 concise and to the point. And I understood it. So the
 9 fact that I am asking a question now is not because of
 10 what you said; I just want to be really clear that I get
 11 this.
 12 You said that two four-year terms, maximum of
 13 eight, you could live with five -- or, I mean, you could
 14 live with -- with 10 or 12 in terms of years. Would you
 15 cut those on the four, five and six, or would you cut
 16 them in a different way, if it was more than eight, if
 17 it was 10 or 12?
 18 MR. VANDOORN: Well, it depends if we go to
 19 four-year terms or two-year terms. If we're two-year
 20 terms, I would definitely, you know, throw myself on the
 21 tracks at 10.
 22 COMMISSIONER WIGER: Okay.
 23 MR. VANDOORN: If we go to four-year terms,
 24 then the natural number probably would be 12.
 25 COMMISSIONER WIGER: Okay. I just -- I wanted

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1 to be clear about that. Thank you very much.
 2 CHAIR STONE: Thank you.
 3 Commissioners, further clarification?
 4 (No Response.)
 5 CHAIR STONE: No. Okay. Thanks, Roy, so much
 6 for your testimony.
 7 MR. VANDOORN: You're very welcome.
 8 CHAIR STONE: Much appreciated.
 9 Lisa, do we have another testifier?
 10 MS. KAHUHU: Stephanie Ohigashi.
 11 CHAIR STONE: Stephanie, thank you for coming
 12 this evening. I wish you the best of luck on your stall
 13 tactics.
 14 MS. OHIGASHI: Thank you. Thank you very
 15 much. And, actually, yes, I'll just help you stall.
 16 I really didn't come here to testify. I came
 17 here to -- I am a placeholder. You've heard of those.
 18 They get paid, but I volunteered tonight. Actually, my
 19 boss is on his way from the Legislature, Councilmember
 20 Victorino, the one with the high name recognition.
 21 (Laughter.)
 22 MS. OHIGASHI: But, anyway -- no, I am just
 23 kidding. He's working and meeting with a lot of very
 24 good elected hard-working officials on behalf of Maui
 25 County.

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1 But since I am here, I did want to speak on my
 2 own behalf -- not to confuse me with my boss -- about
 3 issue Number 16 and 17, because I think I can speak to
 4 those.

5 In my prior life, I was the chairwoman of the
 6 Democratic Party. I've been a lifelong democrat because
 7 my uncle was the mayor, and I grew up on the steps of
 8 County building when it was just -- you know, the
 9 Planning Department was the County building before. And
 10 so they had closed door meetings back then. There was
 11 no such thing as Sunshine.

12 But interesting enough, you know, 16 and 17
 13 speak to me because we have experience of people calling
 14 and wanting to run for office. "Oh, I want to sign up
 15 as a democrat." And, "I just moved from Oregon, I want
 16 to run for office, and we do things different in Oregon,
 17 and so I want to bring some of what I know." And I have
 18 a hard time with that because I think if someone wants
 19 to represent the people of Wailuku, then they need
 20 time -- 90 days might be a bit short -- to know what's
 21 happening at Kainani Street or Nakoa Drive or Maui Lani
 22 or Waikapu. So I think a year of experience, reading
 23 The Maui News, going to community meetings, gives them a
 24 foundation. And so I would really like to see that you
 25 change that from 90 days to one year for a Council

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1 candidate.

2 Also, with the Mayor, I think it goes with the
 3 territory that, equally, they should come from the same
 4 timeframe of 90 days to a year.

5 As far as district voting is concerned and --
 6 and all of that, I think I'll leave that to my boss
 7 because I know he wants to speak to it, if he ever gets
 8 here.

9 And one of the things that -- I know this is a
 10 hard job for you, but, with public servants, there's the
 11 desire in people wanting to serve. And sometimes they
 12 want to return, not because they have no life or nothing
 13 to do, it's because they love serving the public.
 14 They've got a lot of knowledge, they've got a lot of
 15 compassion, they've got kokua, and they want to do it
 16 because they know how to do it. And so I want to, you
 17 know, give a high five to people who want to serve,
 18 because, you know, they don't make that much money.
 19 It's really volunteerism at its best.

20 That's all I have to say. I hope the next
 21 person has as much things to say.

22 CHAIR STONE: Thank you, Stephanie.
 23 MS. OHIGASHI: You're welcome.
 24 CHAIR STONE: Commissioners, clarification?
 25 Commissioner DeLeon, please.

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1 COMMISSIONER DELEON: So what's his ETA?
 2 MS. OHIGASHI: It was 6:15, you know, so --
 3 CHAIR STONE: We'll give it a break after you,
 4 Stephanie.

5 MS. OHIGASHI: Okay. Thank you so much.
 6 CHAIR STONE: Commissioners, any further
 7 clarification for Stephanie?
 8 (No Response.)
 9 CHAIR STONE: No. Thank you so much for your
 10 testimony.

11 MS. OHIGASHI: You're welcome.
 12 CHAIR STONE: Lisa, anybody else signed up to
 13 testify as of right now besides Councilman Victorino?
 14 MS. KAHUHU: Alexa Basinger.
 15 CHAIR STONE: Alexa, thank you very much for
 16 coming.

17 MS. BASINGER: I'll walk real slow, I guess.
 18 CHAIR STONE: Very good. Take your time.
 19 MS. BASINGER: Aloha, Chair and Commissioners.
 20 CHAIR STONE: Aloha.
 21 MS. BASINGER: I, first of all, want to
 22 commend all of you for the work you do.
 23 I am here tonight as Chair of the Maui
 24 Redevelopment Agency. And our agency was asked for
 25 comments by you. And we did, in fact, send you our

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1 comments. Our agency is not under the Charter, so we
 2 actually had no comments to make on -- on any other
 3 issues as regarded to rules, et cetera, for commissions.
 4 I am simply here to say I understand how hard
 5 the work is, Chair and Members. And that I am glad you
 6 are all here.

7 I was here just the other night in this same
 8 room for the Maui Police Department's annual go around
 9 to everyone and talk story. And there were maybe 20
 10 people in the crowd. But you could tell that the Police
 11 Chief was disappointed. And he kept apologizing. And
 12 he kept saying, you know, "I'm sorry. I wish there were
 13 more people." So I went up after and I said, "You know,
 14 maybe it's a good thing because it means you're doing
 15 your job." So I would say the same thing, you might
 16 want to think that maybe the Charter isn't really
 17 broken. I know you hear differently, but maybe the
 18 community is okay with it.

19 That's all I have to say. Thank you.
 20 CHAIR STONE: Thank you, Alexa. We very much
 21 appreciate it.
 22 Commissioners, any questions or clarifications
 23 for Alexa?
 24 COMMISSIONER OKAMOTO: I have one.
 25 CHAIR STONE: Kay.

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1 COMMISSIONER OKAMOTO: Thank you, Alexa. I
 2 just had to keep you up there a bit.
 3 So if you're saying that, you know, a lot of
 4 people don't show up because they may not see a problem,
 5 if this Commission came out and had absolutely no
 6 Charter issues on the ballot, would you say that that's
 7 a failure of this Commission or that that's looking at
 8 the Charter as being what it's supposed to be? Just
 9 your opinion.
 10 MS. BASINGER: In my personal opinion, I am an
 11 advocate of honoring all those that came before us to
 12 serve our community. And I think that, through the
 13 years, from those who wrote the first Charter, we have
 14 an opportunity every 10 years to improve upon it, and it
 15 has been improved upon. But I would say it's -- it's
 16 balanced, Kay. I think it's not a failure of the
 17 Commission.
 18 COMMISSIONER OKAMOTO: Thank you.
 19 CHAIR STONE: Thank you.
 20 Commissioners, anything further?
 21 (No Response.)
 22 CHAIR STONE: No. Alexa, thanks so much for
 23 being here this evening. Thank you.
 24 Lisa, anybody -- any other testifiers?
 25 MS. KAHUHU: No, Chair.

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1 CHAIR STONE: I am going to take a recess
 2 until 7:05. So, Commissioners, let's take a quick
 3 break, and then I'll see you guys back here at 7:05.
 4 Thank you very much.
 5 (Recess, 6:54 p.m. to 7:05 p.m.)
 6 CHAIR STONE: I'll call this meeting back to
 7 order as of 7:05 p.m. And I am going to do a door
 8 check. Do I see the illustrious Councilmember
 9 Victorino? Not yet, but I am sure he's rushing here.
 10 Actually, I would like to take this time. We
 11 had a question at the Lanai meeting concerning a no vote
 12 on the ballot when looking at Charter proposals that are
 13 on the ballot. Ed did some research for us. So if
 14 somebody can hand Ed a microphone, he'll fill us in on
 15 what a non-marked vote for a Charter amendment means.
 16 MR. KUSHI: Mr. Chair, it happened at the
 17 Lanai meeting. And I guess the specific question was,
 18 somebody testified, if there's so many ballot issues,
 19 what if you have a multitude of blank or spoiled
 20 ballots, what does it mean. Of course, I could not
 21 sleep over the weekend, and so I looked it up. And I
 22 did tentatively say, my initial thinking was, a blank or
 23 spoiled ballot would be a no vote. Okay. On further
 24 research and in discussing this matter with the County
 25 Clerk, Jeff Kuwada, and he discussing it with the State

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1 Elections Office -- and, also, we found a memo from my
 2 office, from then Corporation Counsel Brian Moto, in
 3 2002, to then Clerk Roy Hiraga, not on point, but
 4 basically covers the issue. We found out that -- let me
 5 first back up.
 6 Section 50-10, HRS, which is the chapter on
 7 Charter Commissions and -- basically, Charter
 8 Commissions, states as follows: "Each elector may vote
 9 for the proposed charter and for any proposed
 10 alternative. Blank ballots and spoiled ballots shall
 11 not be counted in determining majority of the votes.
 12 Any proposition receiving a majority of the votes cast
 13 at the charter election shall be considered approved by
 14 the electors," et cetera, et cetera. That being the
 15 case, the express language of this section comes to the
 16 conclusion that a blank -- on any specific charter
 17 proposal, blank or spoiled ballots on that proposal will
 18 not be counted towards the vote count. So, basically,
 19 they're not "no" votes, they're not "yes" votes, of
 20 course, they're basically --
 21 COMMISSIONER DELEON: Blank.
 22 MR. KUSHI: -- blank. They're not counted.
 23 Example: If you had 100 ballots issued and you have 40
 24 "yes" votes and you have 30 "no" votes and you have 30
 25 blank votes. Majority of 100 is, you know, 51, but you

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1 don't count the 30 blank votes. You count -- basically,
 2 your majority is based on 70. So in that case, half,
 3 35. So 40 votes would advance saying it passes.
 4 So, again, backtrack, blank or spoiled ballots
 5 are not counted towards the majority.
 6 Having said that, because of the specific
 7 language on Charter Commission and Charter Amendments,
 8 the State Constitution, in voting on constitutional
 9 amendments, it's the opposite. A blank vote on a State
 10 Constitutional amendment is counted as a no.
 11 So I think that covers the issue.
 12 CHAIR STONE: Very good, Ed. You did your
 13 homework. Thank you very much.
 14 MR. KUSHI: I can sleep now.
 15 COMMISSIONER DE REGO: Now you can sleep.
 16 CHAIR STONE: It only took you a week to come
 17 up with that, Ed? That's good. No. It's very much
 18 appreciated, Ed. Thank you so much. That's some really
 19 important clarification.
 20 COMMISSIONER OKAMOTO: Could I ask Ed?
 21 CHAIR STONE: Yes, of course, you can,
 22 Commissioner Okamoto.
 23 COMMISSIONER OKAMOTO: So, Ed, in reality, 10
 24 percent of the voters could pass something?
 25 MR. KUSHI: Yes.

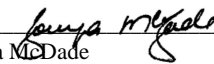
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1 COMMISSIONER DE REGO: Yes.
 2 COMMISSIONER OKAMOTO: Okay. Now, why is it
 3 different from Charter and State Constitution?
 4 MR. KUSHI: I think the State constitutional
 5 amendment provisions is more specific. It does say a
 6 blank or spoiled ballot.
 7 CHAIR STONE: Thank you. Any further
 8 clarification from Ed, guys?
 9 (No Response.)
 10 CHAIR STONE: No. Very good.
 11 If there are no objections, except from
 12 Stephanie, I'll be closing oral testimony at this time.
 13 And, also, without objection, I am going to be
 14 accepting our public communications into the record.
 15 Commissioners, any discussion on the testimony
 16 received this evening?
 17 (No Response.)
 18 CHAIR STONE: No. Thank you very much.
 19 We do have a meeting tomorrow, 6:30 p.m., in
 20 Hana, at Helene Hall. And I hope to see all of you guys
 21 there.
 22 Without objection, I will adjourn this meeting
 23 as of 7:10 p.m. Thanks so much for everybody being
 24 here. Aloha to our testifiers. Thank you very much.
 25 And you all have a great evening.

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1 (Meeting adjourned, 7:11 p.m.)
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1 CERTIFICATE
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 4 I, TONYA MCDADE, Certified Court Reporter of
 5 the State of Hawaii, do hereby certify that the
 6 proceedings contained herein were taken by me in machine
 7 shorthand and thereafter was reduced to print by means
 8 of computer-aided transcription; and that the foregoing
 9 represents, to the best of my ability, a true and
 10 accurate transcript of the proceedings had in the
 11 foregoing matter.
 12 I further certify that I am not an attorney
 13 nor an employee of any of the parties hereto, nor in any
 14 way concerned with the cause.
 15 DATED this 16th day of February, 2012.
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 19 Tonya McDade
 20 Certified Shorthand Reporter #447
 21 Registered Professional Reporter
 22 Certified Realtime Reporter
 23 Certified Broadcast Reporter
 24
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