



*For release  
3 pm*

**OFFICE OF THE CITY CLERK**  
CITY AND COUNTY OF HONOLULU  
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DENISE C. DE COSTA  
CITY CLERK

August 1, 2008

**FOR IMMEDIATE RELEASE**

**Statement Issued by the Honolulu City Clerk  
Regarding Mr. Kirk Caldwell's candidacy for Council District V**

Based on a ruling by the State Chief Elections Officer regarding Mr. Kirk Caldwell's withdrawal from the State House District 24 contest, received by my office on Saturday, July 26, 2008, I am compelled to determine that Mr. Caldwell's nomination papers cannot be considered validly filed. By virtue of the State's ruling that the withdrawal was not effective until Wednesday, July 23, 2008, the issue of the sufficiency of the signatures on Mr. Caldwell's nomination papers is essentially moot.

However, given the media reports of a staff member in my office assisting by providing a final qualifying signature, the matter deserves a statement.

In most instances, the candidate filing process is a smooth one. However, confusion caused by late entries and exits into election contests creates at best, a clumsy situation for election offices to administer. Unfortunately, much has been written and said to impugn the integrity and professionalism of election officials.

At the candidate filing deadline, the Office of the City Clerk and the State Office of Elections have historically allowed for the completion of the candidate filing process beyond 4:30 p.m. as long as all resources (qualified signers, nomination fees, etc.) were available on the premises of the election office at the close of candidate filing. To implement this, doors are locked at 4:30 p.m. to prevent further entry into the candidate filing area. Both partisan and non-partisan candidates have utilized this reasonable and fair approach to access the election ballot successfully over the years.

Mr. Caldwell's nomination papers as originally submitted contained 17 signatures, of which one was a duplicate and two were not registered to vote in the district. Of the non-qualifying signatures, one of those signatures was from a resident of the district who had just submitted an application to re-register that same day. However, according to state law, that signature could not be counted

since the voter registry did not reflect the same information when the nomination papers were presented for filing.

The employee of my office who volunteered to provide the final signature to allow the completion of Mr. Caldwell's filing process did so as a well-intended gesture and did not even know Mr. Caldwell. Nothing more.

The State Office of Elections candidate filing procedure manual states that no additional signatures may be obtained on nomination papers after payment of nomination fees. The payment of fees occurs after nomination papers are verified, deficiencies allowed to be corrected, and the nomination affirmations signed. The final qualifying signature on Mr. Caldwell's nomination papers was obtained prior to the payment of fees and was acceptable within the procedures.

Three days after the candidate filing deadline the State Chief Elections Officer in an objection and decision on a state candidacy matter unilaterally determined that all signatures must be present on nomination papers prior to the 4:30 p.m. deadline. This action was a complete departure from both our offices' practice for many years. This three-day "after-the-fact" decision is surprising and philosophically troubling.

The new "signed, sealed and delivered" policy will place late entry candidacies at the mercy of election offices and their ability to issue nomination papers near the 4:30 p.m. deadline. The policy may also have an adverse effect upon a candidate's ability to circulate nomination papers and complete their candidate filing process. Election officials past and present have always done their best to afford the greatest access to the ballot. This new policy ensures that this will no longer be the case.

In the future, my office will abide by this new policy and practice despite the negative consequence it will have on ballot access in Hawaii. I will also issue an advisory to staff members and recommend they refrain from signing nomination papers for any candidate while in the office. However, it is still ultimately the individual's choice and a constitutional right to sign a candidate's nomination papers.

In the end, my office conducted itself in an open, fair, and inclusive manner consistent with past practice and procedure. We appreciate the public's patience throughout this confusing process and look forward to implementing the 2008 elections. I will have no further news media comment on this matter.