

July 28, 2008

Kevin Cronin
Chief Elections Officer
Office of Elections
802 Lehua Avenue
Pearl City, Hawai'i 96782

Dear Chief Elections Officer Cronin:

My name is Francisco Figueiredo. As a registered voter living in State House District 24, I challenge the nomination papers filed by Isaac Choy for that District. This challenge is brought pursuant to HRS § 12-8(a). I request that you conduct an investigation of the legality of Mr. Choy's nomination as a candidate for HD24 and render a preliminary decision within five days of the date of this letter as required by HRS § 12-8(d).

The Democrat Party of Hawai'i attempted to name Mr. Choy as the party candidate to fill the "vacancy" created when Representative Kirk Caldwell withdrew from the race for House District 24. Mr. Choy filed nomination papers with the Office of Elections on July 28, 2008.

Mr. Caldwell informed the Office of Elections on July 22, 2008 that he had withdrawn from the House District 24 race. The Office of Elections confirmed the withdrawal by a notice posted on its website the same day. Mr. Caldwell then filed nomination papers for Honolulu City Council District 5 the same day. And the Office of Elections accepted Mr. Caldwell's nomination for Council District 5 the same day. Since Mr. Caldwell could not legally file "for more than one office," HRS § 12-3(c), and the Office of Elections could not legally accept invalid nomination papers for filing, HRS § 12-3(f), Mr. Caldwell had necessarily withdrawn from the House District 24 race before he filed for the Council District 5 race.

Assuming the Democrat Party had a right to fill the vacancy created when Mr. Caldwell withdrew, the Party was required to "notif[y] the chief election officer or clerk" of its selection "not later than 4:30 p.m. on the third day after the vacancy occur[ed] . . ." Because Mr. Caldwell created the vacancy on July 22, 2008, Democrat Party had until 4:30 p.m. on July 25, 2008 to fill the vacancy and notify the Office of Elections. The Democrat Party did not act in time. The Democrat Party's attempt to fill the vacancy a day later is void on its face. Accordingly, I ask that the Office of Elections invalidate the nomination papers filed by Mr. Choy.

Please contact me if I can provide additional information regarding this challenge. My address is 1615 Wilder Avenue, Apt 402, Honolulu, Hawai'i, 96822. You may reach me there or by telephone at (808) 384-7800

Sincerely,

Francisco Figueiredo

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