

NOTICE TO REQUESTER

TO: Ralph Cushnie

FROM: Office of Elections, (808) 453-VOTE (8683), elections@hawaii.gov

DATE THAT THE RECORD REQUEST WAS RECEIVED BY AGENCY: June 12, 2025 (#1466)

DATE OF THIS NOTICE: June 26, 2025, July 30, 2025

GOVERNMENT RECORDS YOU REQUESTED (attach copy of request or provide brief description below):

Please provide all communications between the Office of Elections and County of Kauai for the month of December

THIS NOTICE IS TO INFORM YOU THAT YOUR RECORD REQUEST:

☐ Will be granted in its entirety.

☐ Cannot be granted. Agency is unable to disclose the requested records for the following reason:

☐ Agency does not maintain the records. (HRS § 92F-3)

Other agency that is believed to maintain records:

☐ Agency needs further clarification or description of the records requested. Please contact the agency and provide the following information:

☐ Request requires agency to create a summary or compilation from records, but requested information is not readily retrievable. (HRS § 92F-11(c))

☒ Will be granted in part and denied in part, OR ☐ Is denied in its entirety

Although the agency maintains the requested records, it is not disclosing all or part of them based on the exemptions provided in HRS § 92F-13 and/or § 92F-22 or other laws cited below.

(Describe the portions of records that the agency will not disclose.)

RECORDS OR
INFORMATION WITHHELD

APPLICABLE
STATUTES

AGENCY
JUSTIFICATION

Response:

You request is granted in part and denied in part. To the extent your request is denied in part, it is due to it involving categories of documents exempt from disclosure under HRS § 92F-13(1), (3), and (4) (i.e. "Government records which, if disclosed, would constitute a clearly unwarranted invasion of personal privacy;" "Government records that, by their nature, must be confidential in order for the government to avoid the frustration of a legitimate government function;" and "Government records which, pursuant to state or federal law including an order of any state or federal court, are protected from disclosure").

1st Increment (July 30, 2025)

The 1st increment of documents is attached.

REQUESTER'S RESPONSIBILITIES:

You are required to (1) pay any lawful fees and costs assessed; (2) make any necessary arrangements with the agency to inspect, copy or receive copies as instructed below; and (3) provide the agency any additional information requested.

For questions about this notice or the records being sought, please ask the agency's contact person named at the top of this form. Also, please submit your payment, if any, to the agency at the address listed at the top of this form. **DO NOT SEND YOUR PAYMENT** to the Office of Information Practices (OIP) unless you are requesting records directly from OIP.

If you do not comply with the requirements set forth in this notice within 20 business days after the postmark date of this notice or the date the agency makes the records available, you will be presumed to have abandoned your request and the agency shall have no further duty to process your request. Once the agency begins to process your request, you may be liable for any fees and costs incurred. If you wish to cancel or modify your request, you must advise the agency upon receipt of this notice.

Please note that the Office of Information Practices (OIP) does not maintain the records of other agencies, and a requester must seek records directly from the agency it believes maintains the records. If the agency denies or fails to respond to your written request for records or if you have other questions regarding compliance with the UIPA, then you may contact OIP at (808) 586-1400, ois@hawaii.gov, or 250 South Hotel Street, Suite 107, Honolulu, Hawaii, 96813.

METHOD & TIMING OF DISCLOSURE:

Records available for public access in their entireties must be disclosed within a reasonable time, not to exceed 10 business days from the date the request was received, or after receipt of any prepayment required. Records not available in their entireties must be disclosed within 5 business days after this notice or after receipt of any prepayment required. HAR § 2-71-13(c). If incremental disclosure is authorized by HAR § 2-71-15, the first increment must be disclosed within 5 business days of this notice or after receipt of any prepayment required.

Method of Disclosure:

- ☐ Inspection at the following location:
- ☐ As requested, a copy of the record(s) will be provided in the following manner:
 - ☐ Available for pick-up at the following location:
 - ☐ Will be mailed to you.
 - ☐ Will be transmitted to you by other means requested:

Timing of Disclosure: All records, or the first increment if applicable, will be made available or provided to you:

- ☐ On _____, 20____.
- ☐ **After prepayment** of 50% of fees and 100% of costs, as estimated below.

For incremental disclosures, each subsequent increment will be disclosed within 20 business days after:

- ☐ The prior increment (if one prepayment of fees is required and received), or
- ☐ Receipt of each incremental prepayment, if prepayment for each increment is required.

Records will be disclosed in increments because the records are voluminous and the following extenuating circumstances exist:

- ☐ Agency must consult with another person to determine whether the record is exempt from disclosure under HRS chapter 92F.
- ☐ Request requires extensive agency efforts to search, review, or segregate the records or otherwise prepare the records for inspection or copying.
- ☐ Agency requires additional time to respond to the request in order to avoid an unreasonable interference with its other statutory duties and functions.
- ☐ A natural disaster or other situation beyond agency's control prevents agency from responding to the request within 10 business days.

ESTIMATED FEES & COSTS AND PAYMENT:

FEES: For personal record requests under Part III of chapter 92F, HRS, the agency may charge you for its costs only, and fee waivers do not apply.

For public record requests under Part II of chapter 92F, HRS, the agency is authorized to charge you fees to search for, review, and segregate your request (even if a record is subsequently found to not exist or will not be disclosed in its entirety). The agency must waive the first \$30 in fees assessed for general requesters, OR in the alternative, the first \$60 in fees when the agency finds that the request is made in the public interest. Only one waiver is provided for each request. *See HAR §§ 2-71-19, -31 and -32.*

COSTS: For either personal or public record requests, the agency may charge you for the costs of copying and delivering records in response to your request, and other lawful fees and costs.

PREPAYMENT: The agency may require prepayment of 50% of the total estimated fees and 100% of the total estimated costs prior to processing your request. If a prepayment is required, the agency may wait to start any search for or review of the records until the prepayment is received by the agency. Additionally, if you have outstanding fees or costs from previous requests, including abandoned requests, the agency may require prepayment of 100% of the unpaid balance from prior requests before it begins any search or review for the records you are now seeking.

The following is an itemization of what you must pay, based on the estimated fees and costs that the agency will charge you and the applicable waiver amount that will be deducted:

For public record requests only:

Fees: Search	Estimate of time to be spent: ____ hours (\$2.50 for each 15-minute period)	\$ ____
Review & segregation	Estimate of time to be spent: ____ hours (\$5.00 for each 15-minute period)	\$ ____
Fees waived	<input type="checkbox"/> general (\$30), OR <input type="checkbox"/> public interest (\$60) <\$ ____> (Only one waiver per request)	
Other	Click or tap here to enter text. (Pursuant to HAR §§ 2-71-19 & 2-71-31)	\$
Total Estimated Fees:		\$ ____

For public or personal record requests:

Costs: Copying	Estimate of # of pages to be copied: _____ (@ \$ ____ per page, pursuant to HRS § 92-21)	\$
Delivery	Postage	\$
Other	Click or tap here to enter text.	\$
Total Estimated Costs:		\$

TOTAL ESTIMATED FEES AND COSTS from above: \$

- ☐ **The estimated fees and costs above are for the first incremental disclosure only. Additional fees and costs, and no further fee waivers, will apply to future incremental disclosures.**
- ☐ **PREPAYMENT IS REQUIRED** (50% of fees + 100% of costs, as estimated above) \$
- ☐ **UNPAID BALANCE FROM PRIOR REQUESTS** (100% must be paid before work begins) \$

TOTAL AMOUNT DUE AT THIS TIME

\$

Payment may be made by: ☐ cash
☐ personal check payable to:
☐ other

Submit your payment to the agency at the address listed at the beginning of this form, including the name of the agency's contact person.

From: [Lyndon Yoshioka](#)
To: [OE.Elections](#)
Subject: [EXTERNAL] 2024 Charter Amendment Certificate of Results - County of Kauai
Date: Monday, December 23, 2024 10:13:58 AM
Attachments: Certificate of results 2024 Charter Amendments County of Kauai SIGNED 2024-1223.pdf

Attached please find a signed copy the Certificate of Results for Charter Amendments adopted in the County of Kaua'i during the 2024 General Election. The original copy will be placed in the mail today, 12/23/2024.

Mahalo!

Lyndon M Yoshioka
Office of the County Clerk
County of Kaua'i
4396 Rice Street
Lihu'e, Hawai'i 96766
808.241.4188 (Phone)
808.241.6349 (Fax)

CONFIDENTIALITY NOTICE: This message is covered by the Electronic Communications Privacy Act, Title 18, United States Code, §§ 2510-2521. This e-mail and any attached files are deemed privileged and confidential, and are intended solely for the use of the individual(s) or entity to whom this e-mail is addressed. If you are not one of the named recipient(s) or believe that you have received this message in error, please delete this e-mail and any attached files from all locations in your computer, server, network, etc., and notify the sender IMMEDIATELY at [REDACTED]. Any other use, re-creation, dissemination, forwarding or copying of this e-mail and any attached files is strictly prohibited and may be unlawful. Thank you for your cooperation.

JADE K. FOUNTAIN-TANIGAWA
County Clerk

Telephone: (808) 241-4800
TTY: (808) 241-5116



LYNDON M. YOSHIOKA
Deputy County Clerk

Facsimile: (808) 241-6207
E-mail: elections@kauai.gov

**ELECTIONS DIVISION
OFFICE OF THE COUNTY CLERK**
4386 RICE STREET, SUITE 101
LĪHUʻE, KAUAI, HAWAII 96766-1819

December 23, 2024

The Honorable Scott T. Nago
Chief Election Office
State of Hawai'i, Office of Elections
802 Lehua Avenue
Pearl City, Hawai'i 96782

Dear Mr. Nago:

**RE: CERTIFICATE OF RESULTS, 2024 CHARTER AMENDMENTS,
COUNTY OF KAUAI**

Enclosed is the Certificate of Results for the 2024 Charter Amendments that were duly adopted by a majority of votes cast in the General Election held on Tuesday, November 5, 2024, in the County of Kauai.

Should you have any questions, please feel free to contact the Office of the County Clerk, Elections Division at (808) 241-4800. Thank you for your attention to this matter.

Sincerely,

JADE K. FOUNTAIN-TANIGAWA
County Clerk

Enclosures

cc: Office of the County Clerk, Elections Division
County of Kauai, Office of Boards and Commission.

**CERTIFICATE OF RESULTS
2024 CHARTER AMENDMENTS
COUNTY OF KAUAI**

I, Jade K. Fountain-Tanigawa, County Clerk of the County of Kaua'i, do hereby certify that the following Charter Amendments were duly adopted by a majority of the votes cast on the questions at the General Election held on Tuesday, November 5, 2024, in the County of Kaua'i:

RELATING TO POLICE COMMISSION INVESTIGATIONS

"Shall the Police Commission's 90-day window for reporting written investigation results start when the Commission receives the investigation report?"

YES 20,167
NO 4,924

RELATING TO COST CONTROL COMMISSION REPORTS

"Shall the Cost Control Commission be authorized to recommend increased costs if they are expected to generate future cost savings or efficiencies?"

YES 14,212
NO 10,062

RELATING TO THE PUBLIC ACCESS, OPEN SPACE & NATURAL RESOURCES PRESERVATION FUND

"Shall up to 5% of the County's Open Space Fund be available for the maintenance of lands, property entitlements, or improvements that were paid for by the Fund?"

YES 21,418
NO 3,677

RELATING TO SURETY BONDS

"Shall the Charter be amended to allow the use of insurance policies for certain or all employees to protect the County against financial loss?"

YES 15,941
NO 7,890

RELATING TO EX-OFFICIO YOUTH POSITION ON COUNTY BOARDS AND COMMISSIONS

"Shall the Charter be amended to establish ex-officio positions for youth on Boards and Commissions to be filled by Kaua'i resident high school juniors or seniors?"

YES 17,329
NO 7,285

The aforementioned duly adopted Charter Amendments are published in summary form. Pursuant to Article XXIV of The Charter of the County of Kaua'i, the entire text of duly adopted Charter Amendments can be viewed online at www.kauai.gov/elections or by contacting the Office of the County Clerk, Elections Division at (808) 241-4800.

In witness whereof, I have hereunto set my hand and caused the Seal of the County of Kaua'i, State of Hawai'i, to be affixed on this 23rd day of December 2024.

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line extending to the right.

JADE K. FOUNTAIN-TANIGAWA
County Clerk, County of Kaua'i

From: [OE.Elections](#)
To: [Henricks, Jon](#); [REDACTED]
Marielle E. Ramos; [Jade Tanigawa](#); [REDACTED] [Geri Unciano](#); [REDACTED] [Quidilla, Rex](#);
[REDACTED] [OE.Elections](#)
Subject: Dicks, et al vs. State, Office of Elections
Date: Monday, December 2, 2024 2:00:37 PM
Attachments: Final Dismissal.pdf

Aloha,

Please see attached order from the Supreme Court.

Mahalo,
Office of Elections
(808) 453-VOTE(8683)
[REDACTED]

**Electronically Filed
Supreme Court
SCEC-24-0000761
02-DEC-2024
12:35 PM
Dkt. 17 ORD**

SCEC-24-0000761

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

KARL ORLANDO DICKS and EMIL SVRCINA, Plaintiffs,

vs.

STATE OF HAWAI‘I OFFICE OF ELECTIONS and SCOTT NAGO, Defendants.

ORIGINAL PROCEEDING

ORDER DISMISSING ELECTION COMPLAINT
AND DENYING PETITION FOR WRIT OF MANDAMUS

(By: Recktenwald, C.J., McKenna, Eddins, Ginoza, and Devens, JJ.)

On November 8, 2024, an Election Complaint (Complaint) was filed by Plaintiffs Karl Orlando Dicks and Emil Svrcina (collectively, Plaintiffs), which we construe as a general election contest and petition for writ of mandamus. As a general election contest, we find and conclude that Plaintiffs' Complaint does not challenge the election results of any race in the 2024 general election.

A general election complaint, at minimum, must plead that the conduct in question by an election official could cause a

difference in the election results of a race in the 2024 general election. See Hawai'i Revised Statutes (HRS) § 11-172 (Supp. 2021). Plaintiffs' Complaint does not state a claim under HRS § 11-172. The Complaint instead seeks a declaration that early voting, mail-in voting, and Act 136 of the 2019 Hawai'i Session Laws are unconstitutional or illegal.

Moreover, a petition for writ of mandamus is not intended to be used in lieu of normal court procedures, including normal appellate procedures, that could be (and could have been) used to address Plaintiffs' questions of law concerning an Act that has been effective since 2019 and related election procedures. See Womble Bond Dickinson (US) LLP v. Kim, 153 Hawai'i 307, 319, 537 P.3d 1154, 1166 (2023); see also HRS § 632-1 (2016).

It is ordered that the general election complaint is dismissed for failure to state a claim and the petition for writ of mandamus is denied.

DATED: Honolulu, Hawai'i, December 2, 2024.

/s/ Mark E. Recktenwald

/s/ Sabrina S. McKenna

/s/ Todd W. Eddins

/s/ Lisa M. Ginoza

/s/ Vladimir P. Devens



From: [Tenn, Aulii C](#)
To: [REDACTED]; [Geri Unciano](#); [REDACTED]; [Ruiz, Rhowell](#)
Cc: [Nago, Scott T](#); [Uyeda, Kristen E](#); [Kiaaina, Holly-Ann K](#); [Schulaner, Aaron H](#); [Schaefer, Matthew I](#)
Subject: 12/13 Meeting at OE
Date: Monday, December 9, 2024 8:05:52 AM

Aloha,

We will be ordering bento from Tanioka's for lunch on Friday, 12/13. The bento includes mochiko chicken and Korean pork for \$9.37 (tax included). If you can please let us know the order for your office attendees by Tuesday, 12/10.

Additionally, if you can please confirm the number of attendees from your office so that we know how many chairs.

Thanks,
Aulii

From: [Schaefer, Matthew I](#)
To: [Geri Unciano](#)
Cc: [Uyeda, Kristen E](#); [Amanca, Jaycee Y](#)
Subject: Re: TV - General Election Debrief
Date: Friday, December 6, 2024 6:24:13 AM

Good morning Geri,

I was wondering if we could move your meeting up to 11:30 AM today?

Thank you,

Matthew

Get [Outlook for iOS](#)

From: Schaefer, Matthew I <[REDACTED]>
Sent: Wednesday, November 27, 2024 4:29:40 PM
To: Geri Unciano <[REDACTED]>
Cc: Uyeda, Kristen E <[REDACTED]> Amanca, Jaycee Y
<[REDACTED]>
Subject: Re: TV - General Election Debrief

Sounds great Geri!

Happy Thanksgiving !

Matthew

From: Geri Unciano <[REDACTED]>
Sent: Wednesday, November 27, 2024 3:49 PM
To: Schaefer, Matthew I <[REDACTED]>
Cc: Uyeda, Kristen E <[REDACTED]> Amanca, Jaycee Y
<[REDACTED]>
Subject: [EXTERNAL] RE: TV - General Election Debrief

Hi Matthew,

That would be fine.

Geri

From: Schaefer, Matthew I <[REDACTED]>
Sent: Wednesday, November 27, 2024 9:09 AM
To: Geri Unciano <[REDACTED]>
Cc: Uyeda, Kristen E <[REDACTED]> Amanca, Jaycee Y


Subject: TV - General Election Debrief

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

Aloha Geri,

I hope you're doing well over there in Kauai. Congrats we made it through the General Election !

Would I be able to ask if we could schedule a meeting with you for a TV Kauai County Debrief next week 12/6 @1PM?

If another day or time works better for you please let us know and I'd be happy to work you to schedule things.

Thank you,
Matthew