

DEPARTMENT OF THE CORPORATION COUNSEL

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Attorneys for Defendant
GLEN TAKAHASHI, in his capacity as
Clerk of the City and County of Honolulu

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAI'I

RANDALL JAY REEVES, VICENTE
TOPASNA BORJA, EDMUND
FREDERICK SCHROEDER, JR.,
RAVINDER SINGH NAGI, PATRICIA
ARROYO RODRIGUEZ, LAURA
CASTILLO NAGI, and EQUALLY
AMERICAN,

Plaintiffs,

vs.

SCOTT NAGO,
in his official capacity as Chief Election
Officer for the Hawaii Office of
Elections,

GLEN TAKAHASHI,
in his official capacity as Clerk of the
City and County of Honolulu;
(Caption continued on next page)

Civil No. CV 20-00433 JAO-RT

DEFENDANT GLEN
TAKAHASHI'S PARTIAL
JOINDER TO FEDERAL
DEFENDANTS' MOTION TO
DISMISS FOR LACK OF SUBJECT
MATTER JURISIDCTION [ECF
#74] AND MEMORANDUM IN
SUPPORT [ECF #75]

Trial Date: None.

KATHY KAOHU,
in her official capacity as Clerk of the
County of Maui;

UNITED STATES OF AMERICA,

CHRISTOPHER C. MILLER, in his
official capacity as the Acting Secretary of
Defense,

FEDERAL VOTING ASSISTANCE
PROGRAM, and

DAVID BEIRNE,
in his official capacity as Director of the
Federal Voting Assistance Program,

Defendants.

DEFENDANT GLEN TAKAHASHI'S PARTIAL JOINDER TO FEDERAL
DEFENDANTS' MOTION TO DISMISS FOR LACK OF SUBJECT MATTER
JURISIDCTION [ECF #74] AND MEMORANDUM IN SUPPORT [ECF #75]

Pursuant to Local Rule 7.7, Defendant Glen Takahashi, in his capacity as Clerk of the City and County of Honolulu, joins in part in the Federal Defendants' Motion to Dismiss (ECF Nos. 74, 75) on the grounds that Plaintiffs' alleged injury is not redressable by a favorable decision. Takahashi joins in the redressability arguments for the same reasons that the State Defendants discussed in their joinder (ECF #78), and for the following additional reasons.

The Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), § 3-301 ("Powers, Duties and Functions [of the City Clerk]") states

that the “city clerk shall...[c]onduct all elections held within the city and perform registration functions pursuant to this charter or **the laws of the state.**”

§ 3-301(2)(d) (emphasis added).

The laws of the state include various provisions referring to the clerk in both Chapter 15 (“Absentee Voting”) and Chapter 15D (“Uniform Military and Overseas Voters Act”) (UMOVA). See, e.g., HRS §§ 15-4 (“Request for absentee ballot”), § 15-5 (“Delivery of ballots”), 15D-13 (“Confirmation of receipt of application and voted ballot”), 15D-14 (“Use of voter’s electronic-mail address”), and 15D-15 (“Publication of election notice”).

Takahashi does not join in the remaining arguments raised by the Federal Defendants and expressly reserves the right to file a timely opposition thereto.

DATED: Honolulu, Hawai‘i, January 15, 2021.

PAUL S. AOKI
Acting Corporation Counsel

By /s/ *Robert M. Kohn*
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GLEN TAKAHASHI, in his capacity as
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Honolulu