BEFORE THE BOARD OF REGISTRATION

FOR THE COUNTY OF MAUI

MICHAEL PHOENIX DUPREE, Appellant, vs. SOLOMON P. KAHO'OHALAHALA and JEFFREY T. KUWADA, in his official capacity as County Clerk of Maui, Appellees.	)	APPEAL NO. 10-01 NOTICE OF FURTHER HEARING; ATTACHMENTS 1 & 2

NOTICE OF FURTHER HEARING

TO: Kenneth R. Kupchak, Esq.
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Attorney for Appellee Jeffrey T. Kuwada, Maui County Clerk

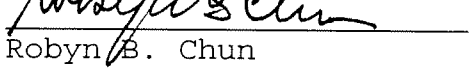
Hon. Solomon P. Kaho'ohalahala
200 South High Street
Wailuku, Maui, Hawai#i 96793
pili_sol@yahoo.com

Appellee

PLEASE TAKE NOTICE that a further hearing in the above-entitled appeal will be conducted on Monday, July 19, 2010, at Hale Kupuna O Lanai, 1144 Ilima Avenue, Lanai City, 96763, beginning at 9:00 a.m. The purpose of the further hearing will be to continue to hear the appeal of Appellant Michael Phoenix Dupree, as referenced in his Notice of Appeal dated November 12, 2009, attached hereto as Attachment 1, which appeals the ruling of the Maui County Clerk dated November 2, 2009, which is attached hereto as Attachment 2. The appeal is brought pursuant to Haw. Rev. Stat. § 11-26 and will be conducted under the procedures of Haw. Rev. Stat. ch. 91. Any party may retain counsel if the party so desires or appear on their own behalf. All parties shall be prepared to present evidence and argument on all of the issues presented in the Notice of Appeal.

DATED: Honolulu, Hawaii, June 16, 2010.

For the Maui Board of Registration



Robyn B. Chun
Deputy Attorney General

Attachment 1

IN THE BOARD OF REGISTRATION COUNTY OF MAUI

MICHAEL PHOENIX DUPREE, **Appellant,** **vs.** **SOLOMON P. KAHO'OHALAHALA,** **Appellee.**	**NOTICE OF APPEAL**

OFFICE OF ELECTIONS
'09 NOV 12 P12:30

NOTICE OF APPEAL

Notice is hereby given that Appellant, MICHAEL PHOENIX DUPREE, by and through his attorneys Kenneth R. Kupchak and Robert H. Thomas, appeals to the Board of Registration of the Islands of Maui, Molokai, Lanai, and Kahoolawe the decision of the County Clerk, JEFFREY T. KUWADA regarding the voter registration of SOLOMON P. KAHO'OHALAHALA.

On October 24, 2009, Appellant sent a letter to the County Clerk, challenging the right of Appellee to be registered as a voter on the Island of Lanai under HRS §11-25(a). Appellant stated in his letter that Appellee has not met the residency requirements set out in HRS §11-13, as clarified in the recent decision of the Hawaii Supreme Court affirming the rejection of Mr Kahoohalahala's previous attempt to register as a voter on Lanai in July, 2008, (Dupree v. Hiraga, No. 29464, 2009 Hawaii LEXIS 253 (Haw. Oct. 20, 2009)) and therefore should not be allowed to register to vote on Lanai. On November 2, 2009, the County Clerk rejected Appellant's challenge and sent written notice that Appellee had been registered in the precinct of Lanai.

This appeal is being brought to the Board of Registration under HRS §11-26(b) and HAR §2-51-43. Appellant argues that the decision of the County Clerk is erroneous, and continues to assert that Appellee is not a resident of Lanai and does not have the right to be a registered voter in the Lanai precinct.

DATED: Honolulu, Hawaii, November 12, 2009.

Respectfully submitted,

DAMON KEY LEONG KUPCHAK HASTERT

KENNETH R. KUPCHAK
ROBERT H. THOMAS

Attorneys for Appellant-Appellee
MICHAEL P. DUPREE

Attachment 2

JEFFREY T. KUWADA
County Clerk

LANCE TAGUCHI
Deputy County Clerk

OFFICE OF THE COUNTY CLERK

COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
http://www.co.maui.hi.us/county/clerkSub/

COPY

'09 NOV -4 A11:32 OFFICE OF ELECTIONS

November 2, 2009

Registered Mail

Mr. Michael J. Dupree
P.O. Box 631919
Lanai City, Hawaii 96763

Dear Mr. Dupree:

SUBJECT: RULING ON CHALLENGE BY VOTER

On October 27, 2009, the Office of the County Clerk, County of Maui, received your letter dated October 24, 2009 which challenged the AFFIDAVIT ON APPLICATION FOR VOTER REGISTRATION ("voter registration application") of Solomon P. Kaho`ohalahala dated October 20, 2009. In your letter, you allege that Mr. Kaho`ohalahala "does not live [on Lanai]." You also allege that Mr. Kaho`ohalahala "does not own a home or a car [on Lanai]."

Based upon his voter registration application and additional information supplied by him, I accepted Mr. Kaho`ohalahala's voter registration application dated October 20, 2009 and placed his name on the general register as a voter in District-Precinct 13-7, Lanai. Therefore, your challenge pursuant to Haw. Rev. Stat. § 11-25(a) is not sustained.

RIGHT TO APPEAL Pursuant to Haw. Rev. Stat. § 11-26(b), you have the right to appeal my decision. You have ten (10) days from the date of service of my decision to appeal to the Board of Registration. Please note that service of this decision is deemed complete upon its deposit in the mail.

Address your appeal to:

Chair of the Board of Registration: Islands
of Maui, Molokai, Lanai, and Kahoolawe
c/o Office of Elections
802 Lehua Avenue
Pearl City, Hawaii 96782

Very truly yours,

JEFFREY T. KUWADA
County Clerk

cc: Kevin Cronin, Chief Election Officer