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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 HAWAII

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 JOINDER TO
FEDERAL AND STATE
DEFENDANTS' SUMMARY
JUDGMENT MOTIONS AND
OPPOSITIONS (DKT NOS. 140,
142)

JUDGE: Honorable Jill A. Otake

Trial Date: None.

UNITED STATES OF AMERICA;

LLOYD J. AUSTIN III,
in his official capacity as the 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 JOINDER TO FEDERAL AND
STATE DEFENDANTS' SUMMARY JUDGMENT MOTIONS AND
OPPOSITIONS (DKT NOS. 140, 142)**

Defendant GLEN TAKAHASHI hereby files this substantive joinder seeking the same relief as the movants/respondents in the Federal and State Defendants' summary judgment motions and oppositions. (DKT Nos. 140,142).

The congressional intent to treat citizens living in the territories differently from those in the military and living in foreign countries is clear from the plain language of UOCAVA and UMOVA. There is a rational basis for such a distinction: to preserve the voting rights of those sworn to defend the United States by putting their lives in danger, on the one hand, and those serving diplomatic missions in foreign countries. In both situations there is an overriding need of the executive branch of the federal government to station citizens abroad to serve

national interests. Ordinary citizens who move to the territories, on the other hand, do so voluntarily, and are free to return to the states in which they lived previously: they are not stationed outside of the United States to serve a national interest.

As for the distinction between those living in the Commonwealth of the Northern Marianas and those living in other territories, it is merely an historical accident. Had CNMI already been a commonwealth before UOMOVA was enacted, there is every reason to believe that Congress would have treated CNMI the same as the other territories.

In the final analysis, to grant Plaintiffs the relief they seek would contravene the clear intent of Congress and the Hawaii Legislature, something which a court should be highly reluctant to do. And the Supreme Court has made clear in the past year that federal courts should not interfere with state election laws unless there is a clear racially discriminatory intent.

DATED: Honolulu, Hawai‘i, December 22, 2021.

DANA M.O. VIOLA
Corporation Counsel

By /s/ Robert M. Kohn
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