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STATE OF HAWAII  
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F.M. SCOTTY ANDERSON, and SCOTT T. NAGO

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAI'I

CITY AND COUNTY OF HONOLULU,  
COUNTY OF HAWAI'I, COUNTY OF MAUI,  
COUNTY OF KAUA'I,

Plaintiffs,

vs.

DAVID Y. IGE, GOVERNOR, STATE OF  
HAWAI'I, in his official capacity; DOUGLAS  
S. CHIN, LIEUTENANT GOVERNOR,  
STATE OF HAWAI'I, in his official capacity;  
F.M. SCOTTY ANDERSON, CHAIRPERSON,  
ELECTIONS COMMISSION, in his official  
capacity; and SCOTT T. NAGO, CHIEF  
ELECTION OFFICER, in his official capacity,

Defendants.

and

TAX FOUNDATION OF HAWAI'I,

*Amicus Curiae.*

CIVIL NO. 18-1-1326-08 JPC  
(Declaratory Judgment; Injunctive Relief)

**STATE DEFENDANTS' ANSWER TO  
SECOND AMENDED COMPLAINT  
FOR DECLARATORY AND  
INJUNCTIVE RELIEF, FILED  
AUGUST 29, 2018; CERTIFICATE OF  
SERVICE**

**STATE DEFENDANTS' ANSWER TO SECOND AMENDED COMPLAINT  
FOR DECLARATORY AND INJUNCTIVE RELIEF, FILED AUGUST 29, 2018**

Defendants DAVID Y. IGE, GOVERNOR, STATE OF HAWAI'I, DOUGLAS S. CHIN, LIEUTENANT GOVERNOR, STATE OF HAWAI'I, F.M. SCOTTY ANDERSON, CHAIRPERSON, ELECTIONS COMMISSION, and SCOTT T. NAGO, CHIEF ELECTION OFFICER ("collectively "State Defendants"), by and through their attorneys, Russell A. Suzuki Attorney General of Hawai'i, and Patricia Ohara, and Valri Lei Kunimoto, Deputy Attorneys General, pursuant to Hawaii Rules of Civil Procedure Rule 8, hereby respectfully submit their Answer to the Second Amended Complaint for Declaratory and Injunctive Relief, filed August 29, 2018 ("Second Amended Complaint") by Plaintiffs CITY AND COUNTY OF HONOLULU, COUNTY OF HAWAI'I, COUNTY OF MAUI, and COUNTY OF KAUA'I (collectively "Plaintiff Counties"), as follows:

**FIRST DEFENSE**

1. The Second Amended Complaint fails to state a claim upon which relief can be granted against State Defendants.

**SECOND DEFENSE**

2. In response to the allegations in paragraph 1 of the Second Amended Complaint, State Defendants admit that the Second Amended Complaint speaks for itself. However, State Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations contained in paragraph 1 and accordingly, deny the remaining allegations of that paragraph.

3. In response to the allegations in paragraph 3 of the Second Amended Complaint, State Defendants admit that the Hawai'i State Constitution speaks for itself. However, State Defendants are without knowledge or information sufficient to form a belief as to the truth or

falsity of the remaining allegations contained in paragraph 3 and accordingly, deny the remaining allegations of that paragraph.

4. In response to the allegations in paragraph 4 of the Second Amended Complaint, the proposed constitutional amendments speak for themselves. However, State Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations contained in paragraph 4 and accordingly, deny the remaining allegations of that paragraph.

5. In response to the allegations in paragraph 5 of the Second Amended Complaint, State Defendants admit that the State of Hawai'i has sources of tax revenues that are not available to the Counties. However, State Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations contained in paragraph 5 and accordingly, deny the remaining allegations of that paragraph.

6. In response to the allegations in paragraph 9 of the Complaint, State Defendants admit that the statute speaks for itself. However, State Defendants deny the remaining allegations of that paragraph.

7. In response to the allegations in paragraph 12 of the Second Amended Complaint, State Defendants that the ballot question reads as stated. However, State Defendants deny the remaining allegations of that paragraph and subparagraphs.

8. State Defendants admit the allegations in paragraph 2 of the Second Amended Complaint.

9. State Defendants deny the allegations in paragraphs 6, 8, 10, 11, 13, 14, 15, 16, and 17 of the Second Amended Complaint.

10. State Defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of paragraph 7 and paragraphs 1 and 2 of the Prayer for Relief, and accordingly deny the same.

11. State Defendants deny each and every allegation not specifically admitted to above.

WHEREFORE, State Defendants respectfully request that this Honorable Court:

1. Dismiss this Complaint in its entirety, with prejudice; and
2. Order such other and further relief as this Court deems just and proper.

DATED: Honolulu, Hawai'i, September 18, 2018.

RUSSELL A. SUZUKI  
Attorney General

*Valri Lei Kunimoto*

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ELECTION OFFICER, in his official capacity,

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CIVIL NO. 18-1-1326-08 JPC  
(Declaratory Judgment; Injunctive Relief)

**CERTIFICATE OF SERVICE**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing document was duly served by

U.S. Mail, postage prepaid to the following persons at their last known addresses:

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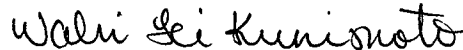
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DATED: Honolulu, Hawai'i, September 18, 2018.

RUSSELL A. SUZUKI  
Attorney General



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