



STATE OF HAWAII
OFFICE OF ELECTIONS
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FACTSHEET

2010 Constitutional Amendment Questions and City/County Charter Amendments and Initiatives

AMENDMENTS TO THE STATE CONSTITUTION PROPOSED BY THE TWENTY-FIFTH LEGISLATURE

RELATING TO THE BOARD OF EDUCATION

Shall the Board of Education be changed to a board appointed by the Governor, with the advice and consent of the Senate, as provided by law?

H.B. No. 2376, H.D. 3, S.D. 2, C.D. 1

RELATING TO THE TAX REBATE REQUIREMENT

Shall the legislature be provided with the choice, when the state general fund balance at the close of each of two successive fiscal years exceeds five per cent of the general fund revenues for each of the two fiscal years, to provide a tax refund or tax credit to the taxpayers of the State, or to make a deposit into one or more funds, as provided by law, which shall serve as temporary supplemental sources of funding for the State in times of an emergency, economic downturn, or unforeseen reduction in revenue?

S.B. No. 2807, S.D. 2, H.D. 2, C.D. 1

**AMENDMENTS TO THE HAWAII COUNTY CHARTER
PROPOSED BY THE HAWAII COUNTY CHARTER COMMISSION**

RELATING TO THE ESTABLISHMENT OF AN OPEN SPACE FUND

Shall the Charter of the County of Hawai'i be amended by (1) establishing a public access, open space and natural resources preservation fund to set aside a minimum of one percent of real property tax revenues; (2) allowing additional revenue from grants and private contributions, voluntary contributions specified on the real property tax bill, proceeds from the sale of general obligation bonds, other council appropriations, and any other source of revenue; (3) specifying that this fund shall be used solely to purchase or otherwise acquire lands or property entitlements in the county for public outdoor recreation and education, and to pay the principal, interest and premium due on bonds issued for this fund; (4) requiring any balance remaining in the fund at the end of the fiscal year shall not lapse; and (5) authorizing the county council to establish by ordinance procedures for the administration and expenditure of moneys in this fund?

RELATING TO RECALL

Shall the Charter of the County of Hawai'i be amended to (1) change the number of signatures required to recall an official elected at-large or by voters of the entire county to twenty-five percent of the total valid votes cast for the office subject to the recall petition in the last election; (2) change the number of signatures required to recall a district council member to twenty-five percent of the total valid votes cast for the district office subject to the recall petition in the last election; (3) require signers of a recall petition to also provide the month and day of their birth and the last four digits of their social security number; (4) provide more time for the gathering of signatures; and (5) give the county clerk five more days to verify a supplemental petition?

RELATING TO CHARTER AMENDMENT PETITIONS

Shall the Charter of the County of Hawai'i be amended to (1) change the number of signatures required for a charter amendment petition to 20% of the total ballots cast in the last general election; (2) require signers of a charter amendment petition to also provide the month and day of their birth and the last four digits of their social security number; and (3) give the county clerk additional time to verify such a petition?

RELATING TO CIVIL SERVICE LAWS

Shall the Charter of the County of Hawai'i be amended to (1) remove various references to civil service laws; (2) delete section 7-1.5, relating to position classification plan; compensation, in its entirety; (3) delete section 7-2.5, relating to dismissal, suspension, demotion, or grievance, in its entirety; (4) add a new subsection to section 13-3 relating to civil service and exemptions; and (5) delete section 13-9, relating to non-civil service status and classification, in its entirety?

RELATING TO THE REAPPORTIONMENT COMMISSION

Shall the Charter of the County of Hawai'i be amended by (1) renaming the reapportionment commission to the redistricting commission; (2) requiring the commission members be appointed by July 1 of the year prior to a redistricting year; (3) requiring the commission to file a report with the redistricting plan to explain the commission's reasoning for the plan and how the plan complies with redistricting criteria; (4) requiring the commission to hold at least one public hearing in each council district prior to completing a draft of the plan; (5) requiring the commission to hold at least one public hearing in both east Hawai'i and west Hawai'i after completing a draft of the plan; and (6) requiring the commission to adhere to the redistricting criteria in the Charter?

RELATING TO PRESERVATION OF NATURAL AND CULTURAL RESOURCES

Shall the Charter of the County of Hawai'i be amended by adding a new section to Article XIII to recognize that the county shall conserve and protect Hawai'i's natural beauty and all natural and cultural resources and shall promote the development and utilization of these resources in a manner consistent with their conservation and in furtherance of the self-sufficiency of the county?

RELATING TO GRAMMAR, SPELLING, AND FORMATTING OF THE CHARTER

Shall the Charter of the County of Hawai'i be amended by correcting various grammatical, spelling, and formatting errors throughout the Charter?

RELATING TO THE DEPARTMENT OF WATER SUPPLY

Shall the Charter of the County of Hawai'i be amended to (1) rename the head of the department of water supply to manager-chief engineer; and (2) correct the title of the director of public works?

RELATING TO DATA SYSTEMS

Shall the Charter of the County of Hawai'i be amended to (1) rename the data systems department to the department of information technology and; (2) move the department from Article V, under the mayor and staff agencies, to Article VI, under the managing director?

RELATING TO THE FIRE DEPARTMENT

Shall the Charter of the County of Hawai'i be amended to move the fire department from Article VI, under the managing director, to Article VII, under the direction of the fire commission?

RELATING TO THE DUTIES OF THE DIRECTOR OF ENVIRONMENTAL MANAGEMENT

Shall the Charter of the County of Hawai'i be amended to allow the mayor to prescribe other duties as directed for the director of environmental management?

RELATING TO THE QUALIFICATIONS OF THE DIRECTOR OF ENVIRONMENTAL MANAGEMENT

Shall the Charter of the County of Hawai'i be amended to require the director of the department of environmental management to possess an engineering degree or a degree in a related field?

RELATING TO THE DUTIES OF THE PROSECUTING ATTORNEY

Shall the Charter of the County of Hawai'i be amended by adding new subsections to Article IX, section 9-3, to permit the prosecuting attorney to (1) research, evaluate, and make recommendations regarding crime, crime prevention, and the criminal justice system to the governor, the legislature, the judiciary, the county council, the mayor, the Hawai'i police department, and other criminal justice agencies, or the general public; (2) provide crime prevention training programs for law enforcement agencies, citizens, businesses, and civic groups; (3) develop public education programs to provide the general public information that will assist citizens to prevent crime and to avoid being victims of crime; and (4) receive and expend financial grants, donations and other funds as permitted by law for crime research, prevention, and education?

RELATING TO TERMS OF MERIT APPEALS BOARD MEMBERSHIP

Shall the Charter of the County of Hawai'i be amended to systematically stagger the terms of the membership of the merit appeals board upon the expiration of the member's term set to expire on December 31, 2010 so that no more than a single board member's term will expire in any given year?

RELATING TO REMOVAL OF DIRECTORS SERVING UNDER COMMISSIONS

Shall the Charter of the County of Hawai'i be amended to (1) require the merit appeals board, liquor commission, and water board to issue a statement of reasons for the removal of their respective department heads; and (2) allow the director of human resources, director of liquor control, fire chief, and manager of the department of water supply an opportunity to respond to the statement of reasons for removal at a hearing of the board or commission prior to a vote to remove the respective department head?

RELATING TO APPOINTMENT OF CHARTER COMMISSION MEMBERS

Shall the Charter of the County of Hawai'i be amended by requiring the members of the charter commission be appointed by July 1 of the year prior to a charter review year?

RELATING TO MEMBERSHIP ON BOARDS AND COMMISSIONS

Shall the Charter of the County of Hawai'i be amended by (1) providing that members of boards and commissions who do not receive compensation from their employers during the time they are serving on boards and commissions may be reimbursed by the county for actual work hours lost at the straight time rate of pay of such members in their regular employment; and (2) lowering such reimbursement to two times the state minimum wage hour rate?

RELATING TO ELECTRONIC POSTING OF SPECIAL MEETING NOTICES

Shall the Charter of the County of Hawai'i be amended to require, when possible, electronic posting of special meeting notices of the council, boards, and commissions?

RELATING TO PUBLICATION OF NOTICES VIA AN ELECTRONIC MEDIUM

Shall the Charter of the County of Hawai'i be amended by requiring notices published in the newspaper to also be distributed via an electronic medium, such as the Internet?

**AMENDMENTS TO THE MAUI COUNTY CHARTER
PROPOSED BY THE MAUI COUNTY COUNCIL**

PERTAINING TO THE AFFORDABLE HOUSING FUND

Should a minimum of two percent (2%) of the certified real property tax revenues for fiscal years 2008 through 2015 be appropriated into an affordable housing fund to be used for the provision, protection, and expansion of affordable housing and suitable living environments for persons of very low to gap income?

RELATING TO FINANCIAL DISCLOSURE STATEMENTS OF CANDIDATES FOR ELECTIVE COUNTY OFFICE

Should candidates for elective County office be required to file financial disclosure statements concurrently with the filing of nomination papers, instead of allowing financial disclosures to be filed within 15 days of filing nomination papers?

RELATING TO THE BUDGET ORDINANCE AND CAPITAL PROGRAM ORDINANCE

Should the Charter be revised, effective as of January 1, 2011, to: (1) Reduce by ten days the amount of time the mayor has to veto budget and capital program ordinances; (2) Extend by ten days, to March 25 of each year, the deadline for the mayor to submit to council annual budget and capital program ordinance proposals; and (3) Extend by ten days, to June 10 of each year, the date by which Council must pass annual budget and capital program ordinances?

**AMENDMENTS TO THE KAUAI COUNTY CHARTER
PROPOSED BY THE 2010 CHARTER REVIEW COMMISSION**

RELATING TO COUNTY COUNCIL TERMS

Shall the term of office for councilmembers be extended from two to four years with a limit of two consecutive four year terms?

RELATING TO QUALIFICATIONS FOR MANAGING DIRECTOR

Shall the Mayor's Administrative Assistant, whose title shall be changed to Managing Director, be required to have appropriate job qualifications and perform certain duties?

RELATING TO FINANCIAL PROCEDURES

Shall the Charter provisions relating to centralized purchasing and disposition of surplus property be changed to conform with State law?

RELATING TO BIDDING REQUIREMENTS FOR COUNTY CONTRACTS

Shall the dollar limit without competitive bidding for contracts with County officers, employees or firms in which an officer or employee has a substantial interest, be increased from \$500 to \$1,000?

RELATING TO POST EMPLOYMENT REQUIREMENTS FOR COUNTY CONTRACTS

Shall the County extend from six months to one year the timeframe prohibiting the County from entering into a contract with a former County employee or a firm that is represented by a former County employee, for those contracts where the former County employee participated in the subject matter while employed with the County?

RELATING TO DISCLOSURES

Shall any employee delegated to act on behalf of the Director or Deputy Director of Finance be required to file a disclosure statement with the County Board of Ethics?

RELATING TO TIME EXTENSION FOR ETHICS ADVISORY OPINIONS

Shall the time in which the County Board of Ethics has to render advisory opinions be extended from 30 days to 45 days, which opinions shall be binding on the Board, unless changed or revoked by the Board?

**AMENDMENTS TO THE CHARTER
OF THE CITY AND COUNTY OF HONOLULU
PROPOSED BY THE CITY COUNCIL**

The full text of the charter amendments covered by this ballot is available for inspection. Ask an election official for it, if you wish to see it.

Shall the Revised City Charter be amended to create a semi-autonomous public transit authority responsible for the planning, construction, operation, maintenance, and expansion of the City's fixed guideway mass transit system?

Shall the Revised City Charter be amended to prohibit a newly-appointed city officer, for a period of twelve months from the start of the officer's current employment with the city, from participating in or making any decision with respect to any city matter with which he or she was directly involved while working for a private entity in the twelve-month period immediately preceding the start of the officer's current city employment and where such prior involvement on behalf of a private entity may tend to impair the independence of judgment in the performance of the officer's official duties?

Shall the Liquor Commission be allowed to hire and dismiss its Administrator and Deputy Administrator in the same fashion as department heads appointed by the mayor?

Shall the Revised Charter of the City and County of Honolulu, be amended to remedy language inconsistencies and to clarify the provisions of the Ordinances by Initiative Power, Article III, Chapter 4, and to make conforming amendments to other sections of the Charter?

Shall the Revised City Charter be amended to update provisions and to provide for the disposal of City personal property by rules and regulations of the Director of Budget and Fiscal Services, and other conforming amendments?

Shall the Revised City Charter be amended to create an office of housing directly under the mayor, to be headed by an administrator who shall be appointed by the mayor, subject to council confirmation, and who may be removed by the mayor?