



STATE OF HAWAII
OFFICE OF ELECTIONS
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FACTSHEET

**2008 Constitutional Convention and
Constitutional Amendment Questions and
City/County Charter Amendments and Initiatives**

STATE OF HAWAII CONSTITUTIONAL CONVENTION QUESTION

Shall there be a convention to propose a revision of or amendments to the Constitution?

**AMENDMENTS TO THE STATE CONSTITUTION
PROPOSED BY THE TWENTY-FOURTH LEGISLATURE**

Shall the age qualification for the office of governor and office of lieutenant governor be reduced from thirty years of age to twenty-five years of age?

PROPOSED AMENDMENTS TO THE HAWAI'I COUNTY CHARTER

The full text of the charter amendments covered by this ballot is available for inspection at your polling place. Ask an Election Official for it, if you wish to see it.

For each question:

If you agree with the proposal, VOTE "YES."

If you disagree with the proposal, VOTE "NO."

HAWAII: Windward and Leeward Planning Commissions

Should the County Charter be changed to increase the number of planning commissions for Hawai'i County from one for the entire county to two, a windward planning commission and a leeward planning commission?

HAWAII: Initiative and Referendum

Should Article XI of the County Charter, Initiative and Referendum, which authorizes voters to create, approve, or reject laws by popular vote, be amended by

- 1) providing that ordinances approved by initiative cannot be amended by the County Council for at least three years, except by a two-thirds vote;
- 2) giving the petitioner's committee, rather than the County Clerk, ultimate responsibility to provide a ballot title, question, and summary prior to the circulation of any petition;
- 3) requiring notice if the petition circulators were paid for their services;
- 4) changing identification requirements for electors signing petitions to add their month and day of birth and the last four digits of their social security number and remove the requirement to include their residence address;
- 5) requiring the publication in two daily newspapers with the largest circulation the ballot title, question, summary and arguments for and against the measure for three Sundays preceding the election;
- 6) adding a section of definitions to clarify terms; and
- 7) extending some of the timeframes for submission and review of petition documents?

HAWAII: Office of the Legislative Auditor

Should the County Charter be changed to establish an Office of the Legislative Auditor to perform independent audit functions and that would 1) give exclusive authority to the County Council to appoint the legislative auditor to a six-year term, subject to removal for cause by a two-thirds vote of the County Council; 2) set minimum qualifications for the legislative auditor; 3) make the legislative auditor, not the County Clerk, the administrative head of the office; 4) clarify that the legislative auditor has the authority to conduct performance and/or financial audits of any County agency or program; 5) grant the legislative auditor full access to any county employee or record not protected by law; 6) grant the legislative auditor full access to property, facilities, or equipment of any County agency or program; 7) authorize the legislative auditor to administer oaths, subpoena witnesses, and gather records pertinent to the audit; and 8) hire an outside attorney.

HAWAII: Civil and Criminal Penalties

Should County Charter section 13-11, Penalties, be changed to double the maximum fine for criminal penalties and make distinctions between civil and criminal penalties for violations of the Charter, ordinances, and rules and regulations?

PROPOSED AMENDMENT BY INITIATIVE TO THE HAWAII COUNTY CODE

The full text of the amendment to the Hawaii County Code covered by this ballot is available for inspection at your polling place. Ask an Election Official for it, if you wish to see it.

OBJECTIVE SUMMARY

Proposal:

The proposal would add an article to the Hawaii County Code titled and to be known as the "Lowest Law Enforcement Priority of Cannabis Ordinance". The proposed article would direct law enforcement officials of the County of Hawaii to treat the "adult personal use" of Cannabis as its lowest law enforcement priority and prohibit the county from accepting or expending funds for the marijuana eradication program and for enforcing potential offenses for the adult personal use of Cannabis. It requires the Hawaii County Council work with the Chief of Police to establish procedures for the acceptance of grievances for those who believe the Lowest Law Enforcement Priority provisions have been violated by local law enforcement and requires that the County Clerk send a letter on an annual basis to federal and state legislators requesting that State and Federal laws pertaining to private and personal adult use of Cannabis be repealed.

Present Provision:

The Hawaii County Code does not contain laws relating to Cannabis or the priorities of local law enforcement.

BALLOT QUESTION 1.

Should the Hawaii County Code be amended to add a new article that would be titled and known as the "Lowest Law Enforcement Priority of Cannabis Ordinance", which would (1) direct the county to make law enforcement related to Cannabis (marijuana) offenses, when the Cannabis is only intended for adult personal use, their lowest law enforcement priority; (2) define "adult personal use" to include the use of Cannabis on private property only by persons twenty one years of age or older; (3) prevent county law enforcement officials from accepting deputization or commissions from a federal law enforcement agency for purposes of investigating, citing, or arresting citizens or searching or seizing their property if doing so is inconsistent with the lowest law enforcement priority of Cannabis ordinance; (4) prohibit the Hawaii County Council from authorizing the acceptance of or issuing funding to be used to investigate, cite, arrest, prosecute, search or seize property from adults when doing so would be inconsistent with the lowest law enforcement priority for Cannabis policy; (5) and direct the County Council not to support the acceptance of any funds for the marijuana eradication program?

IF YOU AGREE, VOTE "FOR"
IF YOU DISAGREE, VOTE "AGAINST."

PROPOSED AMENDMENTS TO THE KAUA'I COUNTY CHARTER

KAUAI: RELATING TO COUNTY ELECTIONS

“Should the Kaua'i County Charter be amended to require that the two candidates who receive the highest number of votes in the primary election for the office of mayor and prosecuting attorney, regardless of whether a candidate receives a majority of the votes cast at the primary election, run in the general election?”

KAUAI: RELATING TO COUNTY COUNCIL EXECUTIVE SESSIONS

“Should the Kaua'i County Charter be amended to conform to state law requiring that all meetings of the County Council be open to the public unless allowed to be closed under the State Sunshine law, Chapter 92, Hawai'i Revised Statutes?”

KAUAI: RELATING TO BOARDS AND COMMISSIONS

“Should the Kaua'i County Charter be amended to expressly permit county board and commission members to appear on behalf of private interests before any county board, commission or agency except the board or commission on which they serve?”

KAUAI: RELATING TO DISCLOSURE OF INTERESTS

“Shall an elected or appointed officer or employee, or member of a board or commission not be allowed to participate in matters pending before them where the member or any member of his immediate family has a personal financial interest or an organization in which they occupy a leadership position has a direct financial interest?”

KAUAI: RELATING TO THE OFFICE OF THE COUNTY AUDITOR

"Shall an elected or appointed officer or employee, or member of a board or commission not be allowed to participate in matters pending before them where the member or any member of his immediate family has a personal financial interest or an organization in which they occupy a leadership position has a direct financial interest?"

KAUAI: RELATING TO THE IMPLEMENTATION OF THE GENERAL PLAN

"Shall Article III of the Charter of the County of Kauai be amended by adding new sections to read as follows:

SECTION 1

Article III of the Charter of the County of Kauai is hereby amended by adding a new Section to Article III to read as follows:

Implementation of the General Plan

A. The power to process and to issue any zoning, use, subdivision, or variance permit for more than one transient accommodation unit shall be vested in and exercisable exclusively by the council. As used in this Section, 'transient accommodation unit' shall mean an accommodation unit or a portion thereof in a hotel, timeshare facility, resort condominium, fractional ownership facility, vacation rental unit or other similarly-used dwelling that is rented or used by one or more persons for whom such accommodation unit is not the person's primary residence under the Internal Revenue Code.

B. Any applicant seeking the issuance of a zoning, use, subdivision or variance permit for more than one accommodation unit shall certify to the planning department whether any use of the units as a transient accommodation unit is projected by the applicant. Prior to granting any such permit for a transient accommodation unit, the council shall conduct a public hearing and make a finding that granting such permit would be consistent with the planning growth range of the general plan and in the best interests of the county and its people. Approval of any such application shall require a favorable vote of two thirds (2/3) of the entire membership of the council. Appeals of any decision by the council relating to such permits must be instituted in the circuit court within thirty (30) days after entrance of the final decision of the council.

C. The council may by ordinance authorize the planning commission to process and issue such permits, or certain of them, on terms and conditions as the council may deem advisable, only upon the council's enactment of a rate of growth ordinance that limits the rate of increase in the number of transient accommodation units in the county to no greater than one-and-one-half percent (1.5%) per annum on a multi-year average basis, or such growth rate that is within the planning growth range of a future general plan adopted pursuant to Section 14.08.

SECTION 2

The council shall adopt such ordinances, laws, rules and regulations as are necessary to carry out the terms and intent of this amendment to the Charter.

SECTION 3

If any provision of this amendment shall be held by a final order of a court of competent jurisdiction to be invalid, all of the other terms of the amendment shall remain in full force and effect."

**OFFICIAL BALLOT
GENERAL ELECTION
TUESDAY, NOVEMBER 4, 2008**

**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 at your polling place. Ask an election official for it, if you wish to see it.”

1. “Shall the Prosecuting Attorney be allowed to initiate, develop, and perform or coordinate programs, projects and activities, as determined by the prosecuting attorney, on the subject of crime, including but not limited to crime research, prevention and education?”

Yes _____

No _____

2. “Shall the Revised City Charter be amended to authorize the city Ethics Commission to impose civil fines established by ordinance for violations of the standards of conduct committed by appointed officers and employees of the city who have significant discretionary or fiscal power?”

Yes _____

No _____

3. “Shall the Revised Charter of the City and County of Honolulu 1973 be amended to conform to state law by specifying that the circuit courts of the state have jurisdiction of impeachment proceedings against elected county officers?”

Yes _____

No _____

4. “Shall the powers, duties, and functions of the city, through its director of transportation services, include establishment of a steel wheel on steel rail transit system?”

Yes _____

No _____