

COUNCIL OF THE COUNTY OF MAUI
POLICY AND INTERGOVERNMENTAL
AFFAIRS COMMITTEE

June 3, 2016

Committee
Report No. _____

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Policy and Intergovernmental Affairs Committee, having met on May 23, 2016, makes reference to the following:

1. County Communication 09-229, from Michael J. Molina, Chair, Committee of the Whole, relating to proposed amendments to the Revised Charter of the County of Maui (1983), as amended.
2. County Communication 15-185, from Council Chair Mike White, transmitting a proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO ARTICLE 11, INITIATIVE."

The purpose of the proposed resolution is to place on the next General Election ballot the question of whether Charter Section 11-5 should be amended to require individuals wishing to withdraw their signatures from a supplemental petition to do so within three days of the receipt of the supplementary signatures by the County Clerk.

Your Committee notes Article 14 of the Revised Charter of the County of Maui (1983), as amended, sets forth procedures related to amending the Charter. The Council, by resolution, adopted after two readings on separate days, and passed by a vote of six or more members, may place a Charter amendment question on the ballot at the next General Election.

COUNCIL OF THE COUNTY OF MAUI
POLICY AND INTERGOVERNMENTAL
AFFAIRS COMMITTEE

Page 2

Committee
Report No. _____

Your Committee further notes Article 11 of the Charter allows an ordinance to be proposed by initiative, upon the submission of a petition signed by at least 20 percent of the total number of voters who cast ballots in the last mayoral General Election.

Your Committee notes Article 11 provides 45 days for the County Clerk to validate signatures on the original submission of a petition. If more signatures are needed to meet the applicable threshold after the County Clerk provides an initial count of valid signatures, a supplemental petition may be submitted.

The County Clerk explained the Charter does not provide guidance for individuals wishing to withdraw their signatures from a supplemental petition. The proposed Charter amendment would allow withdrawal of a signature from a supplemental petition by written notice within three days of receipt of the supplemental petition by the County Clerk.

Your Committee voted 9-0 to recommend passage of the proposed resolution on first reading and filing of the communication. Committee Chair Victorino, Vice-Chair Couch, and members Baisa, Carroll, Cochran, Crivello, Guzman, Hokama, and White voted "aye."

Your Policy and Intergovernmental Affairs Committee RECOMMENDS the following:

1. That Resolution _____, attached hereto, entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO ARTICLE 11, INITIATIVE," be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 15-185 be FILED.

COUNCIL OF THE COUNTY OF MAUI
**POLICY AND INTERGOVERNMENTAL
AFFAIRS COMMITTEE**

Page 3

**Committee
Report No.** _____

This report is submitted in accordance with Rule 8 of the Rules of the Council.



MICHAEL P. VICTORINO, Chair

pia:cr:16010(4)aa:kcw

Resolution

No. _____

PROPOSING AN AMENDMENT TO THE REVISED
CHARTER OF THE COUNTY OF MAUI (1983), AS
AMENDED, RELATING TO ARTICLE 11,
INITIATIVE

WHEREAS, Section 11-4(1) of the Revised Charter of the County of Maui (1983), as amended ("Charter"), authorizes the process for withdrawing signatures from an initiative petition presented to the County Clerk; and

WHEREAS, this provision stipulates that an individual must submit a written notice of the withdrawal to the County Clerk within fifteen (15) days after the filing of the affidavit described in Section 11-2 of the Charter; and

WHEREAS, the affidavit described in Section 11-2 of the Charter, is an affidavit forming a petitioners' committee; and

WHEREAS, a petitioners' committee may take up to 180 days to file an initiative petition with the County Clerk after formation of the petitioners' committee; and

WHEREAS, fifteen (15) days after the formation of a petitioners' committee to withdraw an individual's signature does not allow adequate time for signers to request that their signature be withdrawn, including for those that may have signed the petition after the deadline to withdraw one's signature has passed; and

WHEREAS, Section 11-5 of the Charter, authorizes the process for submission of supplementary petitions; and

WHEREAS, providing guidance on the process for withdrawing one's signature from the supplementary petition would provide a recourse for signers, should they wish to remove their signature from the supplementary petition; now, therefore,

Resolution No. _____

BE IT RESOLVED by the Council of the County of Maui:

1. That, pursuant to Section 14-1(1) of the Charter, it hereby proposes that Section 11-4 of the Charter, pertaining to an initiative, be amended by amending subsection (1) to read as follows:

"1. Within one hundred eighty (180) days after the filing with the county clerk of the affidavit described in Section 11-2, all papers forming an initiative petition shall be assembled and filed with the county clerk as one instrument. If an individual who has signed the petition wishes to withdraw the individual's signature from the petition, written notice of the withdrawal must be filed with the county clerk within fifteen (15) days after the filing of the [affidavit] petitions described in Section [11-2] 11-3."; and

2. That material to be repealed is bracketed and new material is underscored; and

3. That, pursuant to Section 14-1(1) of the Charter, it hereby proposes that Section 11-5 of the Charter, pertaining to an initiative, be amended by amending subsection (1) to read as follows:

"1. In the event the initial petition contains insufficient valid signatures, it may be supported by supplemental signatures of voters signed in the manner required in Section 11-3 of this Article. Such supplementary signatures shall be appended to the initial petition at any time within twenty (20) days after receipt by the petitioners' committee of notification that the county clerk has certified the initial petition insufficient. If an individual who has signed the supplemental petition wishes to withdraw the individual's signature from the supplemental petition, written notice of the withdrawal must be filed with the county clerk within three (3) days of the receipt of the supplementary signatures by the county clerk."; and

4. That new material is underscored; and

5. That, pursuant to Section 14-2(1) of the Charter, this resolution be submitted to the voters of the County of Maui at the next general election; and

Resolution No. _____

6. That the County Clerk prepare the necessary ballot for presentation to the voters at the next general election; and

7. That, pursuant to Section 14-1(1) of the Charter, it hereby proposes that the following question be placed on the next general election ballot:

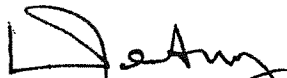
"Shall Sections 11-4 and 11-5 of the Charter be amended to correct clerical errors and to provide consistency within the Charter by allowing an individual to withdraw their signature from a supplemental petition?"; and

8. That pursuant to Section 14-2(2) of the Charter, the County Clerk publish this proposed amendment in a newspaper of general circulation; and

9. That, upon approval by the majority of the voters as indicated by the number of votes cast and upon official certification of such result, the amendment proposed herein shall take effect; and

10. That certified copies of this resolution be transmitted to the Mayor and the Corporation Counsel.

APPROVED AS TO FORM AND LEGALITY



Department of the Corporation Counsel
County of Maui

LF2015-4378 - Withdraw Signatures