

COUNCIL OF THE COUNTY OF MAUI
POLICY AND INTERGOVERNMENTAL
AFFAIRS COMMITTEE

August 5, 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 June 1, 2016, and June 27, 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. Correspondence dated April 29, 2016, 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, TO PROHIBIT COUNTY EMPLOYEES FROM MAKING CAMPAIGN CONTRIBUTIONS TO SUPPORT OR OPPOSE ANY CANDIDATE FOR MAYOR OR COUNTY COUNCIL."

The purpose of the proposed resolution is to place on the next General Election ballot the question of whether the Charter should be amended to prohibit any officer or employee of the County from making a political contribution to support or oppose any candidate for Mayor or County Council.

Your Committee notes Article 14 of the Charter 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.

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The proposed resolution states that “the County should protect its employees from pressure by elected officials and candidates for County office to support their political campaigns.”

Your Committee sought comments on the proposal from organizations concerned about government ethics and the rights of public employees. In response, organizations including Common Cause of Hawaii and the Hawaii Government Employees Association expressed doubt about whether the proposal would satisfy constitutional requirements for freedom of expression.

The First Deputy Corporation Counsel similarly noted concern about whether the Charter amendment would infringe upon the constitutional rights of County employees wishing to make campaign contributions to candidates running for office.

Your Committee voted 9-0 to recommend filing of the correspondence. 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** that correspondence dated April 29, 2016, be FILED.

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



MICHAEL P. VICTORINO, Chair