

2009-2010 HAWAI'I COUNTY CHARTER COMMISSION
CHARTER AMENDMENT PROPOSAL FORM

1. GENERAL INFORMATION

Name of Commission Member: Chairman Ed Haituka

2. If applicable, list the charter provision(s) to be deleted or amended:

12-1.1, 12-1.3, 12-1.5, 12-1.6

3. Provide a brief description of the purpose of the proposed charter amendment; include a description of the issue the proposal would address:

Changes would be made to the County's recall procedure by amending the information required from signers of a recall petition, amending the requirement that the number of signers be a percent of votes cast instead of the number of registered voters, allow the clerk more time to review supplemental petitions, and amend the number of votes required for an official to be successfully recalled.

4. If the proposal is based on a provision(s) in the charter or law of another jurisdiction, name the jurisdiction and, if possible, attach a copy of the relevant provision(s).

N/A

5. If the proposal is based on any written materials you have, please attach a copy with a citation to its source.

See reverse side

6. Attach the text of the proposed charter amendment in Ramseyer format (see below).

Ramseyer Format, if proposing:

Amendments to Existing Charter Provisions

Any language being proposed to be added to the Charter shall be underscored.

Any language being proposed to be deleted from the Charter shall be [bracketed].

Replacing Existing Charter Provisions in their Entirety

Clearly indicate the article(s), chapter(s), and/or section(s) of the Charter to be proposed to be deleted, and provide the text of any provisions proposed to replace the deleted material.

New Charter Provisions

Provide the text of the new provision(s) and, if possible, indicate where in the Charter the new material should be inserted.

Form

CHARTER AMENDMENT NO.

BE IT ENACTED BY THE PEOPLE OF THE COUNTY OF HAWAI'I:

Section 1. Article XII, , Chapter 1, sections 12-1.1(a) and (b), Hawai'i County Charter, are amended to read as follows, with added language underscored and deleted language bracketed:

“ARTICLE XII REMOVAL OF ELECTED OFFICERS

CHAPTER 1 RECALL

Section 12-1.1. Recall Procedure.

- (a) A petition demanding recall of an elected official at-large, or by voters of the entire county, as the case may be, shall be signed by qualified voters equal to or greater than twenty-five percent of the total number of persons who [registered] voted in the last general election.
- (b) A petition demanding recall of a district council member shall be signed by qualified voters equal to or greater than twenty-five percent of the total number of persons who [registered] voted in the district in the last general election.”

Section 2. Article XII, Chapter 1, section 12-1.3, Hawai'i County Charter, is amended to read as follows, with added language underscored and deleted language bracketed:

“Section 12-1.2. Petitions.

Signers of a recall petition shall print their [names and their signature, their residence address, and the date of signing on said petition] name, which shall be reasonably similar to their name as it appears on the general county register for the County of Hawai'i, and add their signature, month and day of their birth date, and the last four digits of their social security number on said petition. To each such petition paper there shall be attached an affidavit of the circulator thereof, stating the number of signers to such part of the petition and that each signature of the person whose name it purports to be, and that each signer understood the nature of the recall petition.”

Section 3. Article XII, Chapter 1, section 12-1.5, Hawai'i County Charter, is amended to read as follows, with added language underscored and deleted language bracketed:

“Section 12-1.5. Supplemental Petitions.

In the event the initial petition contained insufficient signatures, such recall petition may be supported by supplemental signatures of voters signed in the manner required in Section 12-3 of this article appended to petitions issued, signed, and filed as required for the original petition at any time within ten days after the date of the certificate of insufficiency by the clerk. The clerk shall, within [five] ten working days after such supplemental petitions are filed, make a like examination of them, and if the certificate shall show the same to be still insufficient, the clerk shall return it in the manner described in Section 12-1.4 of this article to the person designed in such petition to receive the same, and no new petition for the recall of the officer sought to be removed shall be filed within one year thereafter.”

Section 4. Article XII, Chapter 1, section 12-1.6, Hawai‘i County Charter, is amended to read as follows, with added language underscored and deleted language bracketed:

“Section 12-1.6. Recall Election.

If a recall petition or supplemental petition shall be certified by the clerk to be sufficient, the clerk shall at once submit the same with the certificate to the council and shall notify the officer sought to be recalled of such action. If the official whose removal is sought does not resign within ten (10) days after such notice, the council shall thereupon order and fix a day for holding a recall election. Any such election shall be held not less than sixty (60) nor more than ninety (90) days after the petition has been presented to the council, or at the same time as any other special election held within such period, the council shall call a special recall election to be held within the time aforesaid. If less than fifty percent of the total number of persons who [registered] voted in the last general election shall vote at such election to recall an official elected at-large, or by voters of the entire county, as the case may be, or in the case of a recall of a district council member, if less than fifty percent of the total number of persons who [registered] voted in the district in the last general election shall vote at such recall election, the officer sought to be recalled shall not be deemed recalled.”

Section 5. This amendment shall take effect upon approval by the electorate.