



September 25, 2025

Dawn Szewczyk, Chair
Charter Commission
530 South King Street, Room 202
Honolulu, Hawai'i 96813

RE: Charter Proposal Concerning Threshold for Direct Citizen Action

Dear Chair and Members of the Commission:

I am Executive Director at Public First Law Center, a nonprofit organization that promotes government transparency. We offer the attached proposal on the Honolulu City Charter to amend the threshold for citizen-initiated ordinance proposals, recall petitions, and charter amendments.

Issue or Concern

This proposal seeks to restore vitality to direct citizen action by basing the threshold to commence the process on the number of *actual* voters in Honolulu, not *registered* voters. The proposal promotes the democratic idea that active and engaged citizens should be able to directly participate in government with a meaningful voice on any issue of community concern.

Relevant Charter Sections

Sections 3-402 to -404; 12-101 to -104; and 15-101

Current Charter Language

See attachment

Proposed Change

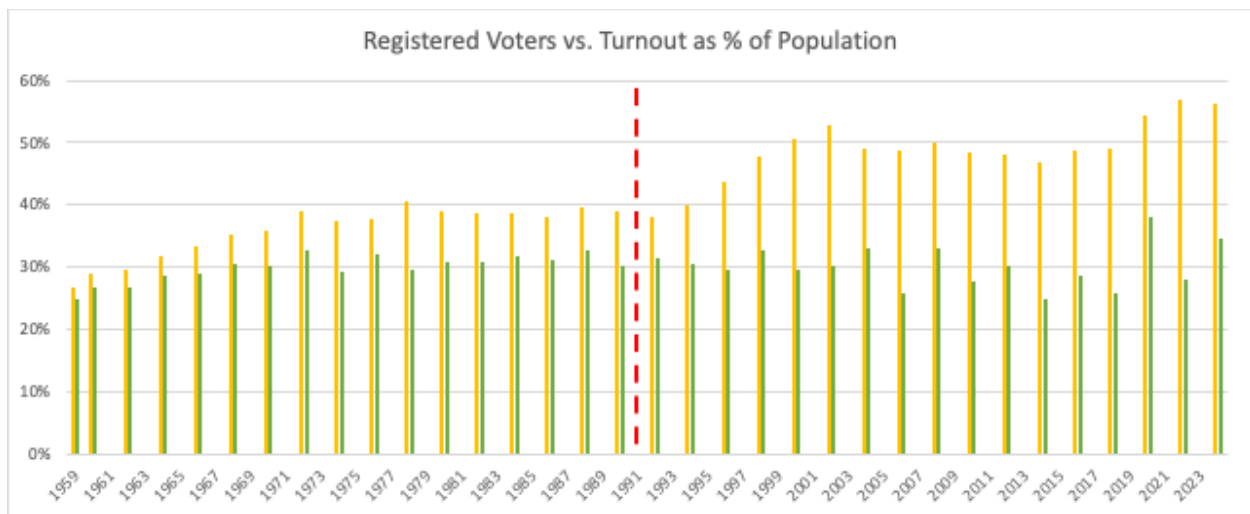
See attachment

Rationale and Intended Impact

Various provisions of the Charter provide procedures for citizens to directly propose for electoral vote: City ordinances, recall of elected officials, or Charter amendments. The threshold for direct democracy is a petition signed by, in most instances, ten percent of *registered* voters. If that minimum is met, the proposal is then placed on a ballot for public consideration and only passes if approved by a majority vote of the electorate.



Although the number of registered voters in Honolulu has steadily increased since statehood, voter turnout – as a percentage of Honolulu’s population – has remained relatively constant.¹ The adoption of measures to reduce obstacles to voter registration may be accelerating the trend.



Before 1991, the City used actual voters as the threshold for direct citizen action. At the time, the change was not significant because actual voters and registered voters were roughly equivalent. After 1991, the number of registered voters markedly increased without a corresponding increase in actual voters.

This increasing divergence – between registered and voting members of the public – has neutered the process for direct citizen action. For example, last year there were 562,606 registered voters in Honolulu, but only 344,411 voted in the mayoral election. Thus, direct citizen action now requires tens of thousands more signatures compared to the modest differences shortly after the change in 1991.

Maui and Hawai'i County use voted, not registered.

¹ The sources for the chart were population data from the State Department of Business, Economic Development and Tourism (<http://dbedt.hawaii.gov/economic>) and election data from the City (<https://www.honolulu.gov/elections/results>).

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The proposal also provides an opportunity to cure deficiencies concerning a voter's signature, a necessary provision in light of the gravity of the right at stake. The cure process would be specified by the City Clerk.

Respectfully,

A handwritten signature in black ink, appearing to read 'R. Brian Black', with a long horizontal flourish extending to the right.

R. Brian Black
Executive Director

ORDINANCE PROCEDURE (Sections 3-402 to -404)

Section 3-402. Procedure for Enactment and Adoption -

1. Petition. An ordinance may be proposed by petition for submission to the electors at a general election, signed by duly registered voters equal in number to at least ten percent of the total voters ~~[registered]~~ who voted in the last regular mayoral election ~~[for submission to the electors at a general election]~~. A petition that specifies that an initiative special election be called shall be signed by duly registered voters equal in number to at least fifteen percent of the total voters ~~[registered]~~ who voted in the last regular mayoral election.

2. Form of Petition. Each voter signing such petition shall add to the signature, the voter's printed name, residence, and the date of signing.

3. Affidavit on Petition. Signatures may be on separate sheets, but each sheet shall have appended to it the affidavit of the person who circulated that sheet of the petition, that, to the best of the affiant's knowledge and belief, the persons whose signatures appear on the sheet are duly registered voters of the city, that they signed with full knowledge of the contents of the petition and that their residences are correctly given.

4. Proposed Ordinance. Such petition shall set forth the proposed ordinance, or a draft of the proposed ordinance may be attached and made a part of such petition.

Section 3-403. Filing and Examination of Signatures on Petition -

1. Duty of City Clerk. A petition proposing an ordinance shall be tendered in its entirety for filing with the city clerk with a transmittal letter to the city clerk. Upon filing of such petition with the city clerk, the city clerk shall examine it to determine whether it contains a sufficient number of apparently genuine signatures of duly registered voters. The city clerk may question the genuineness of any signature or signatures appearing on the petition, and if the city clerk finds that any such signature or signatures are not genuine, the city clerk shall, after public disclosure of the signatures in question, and a reasonable opportunity to cure, disregard them in determining whether the petition contains a sufficient number of signatures.

2. Filing of Petition, When. A petition may be filed with the city clerk at any time except during the period from forty-five days before a city first special election to the day after the certification of the results of the immediately following general election or at the conclusion of any statewide or countywide general election contest, whichever shall last occur. A petition submitted during this period shall be rejected and shall not be accepted for filing by the city clerk.

3. City Clerk to Certify or Reject Petition, When. The city clerk shall eliminate any sheet of the petition which is not accompanied by the required affidavit of the person who circulated the sheet of the petition or which does not state the same text of the proposed

ordinance as the other sheets of the petition. The invalidity of any sheet shall not affect the validity of the petition if a sufficient number of signatures remains after eliminating such invalid sheet. The city clerk shall complete the examination of the petition within twenty working days after the date of filing and shall certify the petition or shall reject the petition.

4. Review by the Court. A final determination as to the sufficiency or validity of the petition may be subject to court review.

Section 3-404. Submission of Proposal to Electors --

1. For General Elections. Any petition for proposed ordinance which has been filed with the city clerk before the forty-fifth day prior to the city first special election that is held in conjunction with the primary election for that year and which has been certified by the city clerk, shall be submitted to electors for the general election of that year.

2. For Initiative Special Elections. A special election for an ordinance by initiative power shall be called by proclamation within ninety days after the city clerk's certification of the petition if signed by duly registered voters equal in number to at least fifteen percent of total voters ~~[registered]~~ who voted in the last regular mayoral election, and if such petition specifies that a special election be called; provided that if the city clerk certifies less than fifteen percent but at least ten percent of total voters ~~[registered]~~ who voted, the proposed ordinance shall be submitted at the next general election. No special initiative election shall be held if at the time of the filing of the petition, the city first special election or the general election is scheduled within one hundred eighty days of the filing of the petition. If a petition calling for an initiative special election is filed within one hundred eighty days of the city first special election or the general election, the petition shall be deemed to be a petition filed under paragraph 1 above, and if the petition fulfills the requirements of said paragraph 1, the proposed ordinance shall be submitted to the voters at the next general election.

3. Adoption by the Council. If the council introduces and adopts after three separate readings, including a public hearing, the proposed ordinance which was the basis for a petition on or before ten days prior to date of publication of the proposed ordinance as required in this charter, then the proposed ordinance need not be submitted to the electors.

RECALL PROCEDURE (Sections 12-101 to -104)

Section 12-101. Recall of the Mayor --

The mayor may be removed by recall which shall be initiated upon petition signed by duly registered voters equal in number to at least ten percent of the total voters ~~[registered]~~ who voted at the last regular mayoral election. Signatures from any one council district, as provided by this charter for the election of councilmembers, in excess of forty percent of the total number required on the petition shall not be counted.

Section 12-102. Recall of a District Councilmember--

A district councilmember may be removed by recall which shall be initiated upon petition signed by duly registered voters of the council district equal in number to at least ten percent of the total voters ~~[registered]~~ who voted in such councilmember's district in the last regular council election held in the district.

Section 12-103. Recall Petition; Recall Election --

The recall petition shall require each signing voter's signature, address, council district, and the date of signing. Signatures on a recall petition may be on separate sheets but each sheet shall have appended to it the affidavit of the person who circulated that sheet of the petition, that to the best of the affiant's knowledge and belief the persons whose signatures appear on the sheet are duly registered voters of the city, that they signed with full knowledge of the contents of the petition, and that their residences are correctly given.

A recall petition shall be tendered in its entirety for filing with the city clerk with a transmittal letter to the city clerk. Upon filing of such petition with the city clerk, the city clerk shall examine it to determine whether it contains a sufficient number of apparently genuine signatures of registered voters. The city clerk may question the genuineness of any signature or signatures appearing on the recall petition and if the city clerk finds that any such signature or signatures are not genuine, after providing a reasonable opportunity to cure, the city clerk shall disregard them in determining whether the petition contains a sufficient number of signatures. The city clerk shall also disregard any signature dated more than sixty days before the petition was tendered for filing. The city clerk shall eliminate any sheet of the petition which is not accompanied by the required affidavit of the person who circulated that sheet of the petition. The invalidity of any sheet of the petition shall not affect the validity of the petition if a sufficient number of signatures remains after eliminating such an invalid sheet. The city clerk shall complete the examination of the petition within twenty working days after the date of the filing with the city clerk and shall thereupon certify the petition or reject the petition.

As soon as the city clerk has certified the recall petition, the city clerk shall notify the elected officer that the examination has been completed and the petition has been

certified. Upon receipt of such notice, the elected officer may resign from office and thereupon the recall proceedings shall terminate.

If the elected officer does not resign from office within ten days after notice of the certification of such petition shall have been given to such elected officer, the city clerk shall arrange a recall election. If a general or special city or state election is to be held not less than thirty days nor more than ninety days after the ten days have expired, the recall question shall be placed before the voters at such an election. Otherwise a special recall election shall be fixed for a date not earlier than thirty days nor later than ninety days after ten days have expired. The elected officer may resign at any time prior to the recall election and thereupon the election shall not be held.

The following question shall be presented to each voter in a recall: "Shall (name of elected officer) be recalled and removed from the office of (title of office)?"

If a majority of the registered voters who vote on the question at a recall election shall vote "Yes," the elected officer shall be deemed recalled and removed from office. Otherwise, the said officer shall remain in office.

No person, who has been removed from elected office or who has resigned from such an office after a recall petition directed to the said person has been filed, shall be eligible for election or appointment to any office of the city within two years after said person's removal or resignation.

No recall petition shall be filed against an elected officer within the first or the last year of the officer's term or within six months after an unsuccessful recall election against such officer.

Section 12-104. Recall of the Prosecuting Attorney--

The prosecuting attorney may be removed by recall which shall be initiated upon petition signed by registered voters equal in number to at least ten percent of the total voters ~~[registered]~~ who voted in the last regular election of the prosecuting attorney. Signatures from any one council district, as provided by this charter for the election of councilmembers, in excess of forty percent of the total number required on the petition shall not be counted.

CHARTER AMENDMENT PROCEDURE (Section 15-101)

Section 15-101. Initiation of Amendments or Revisions --

Except as hereinafter provided, amendments or revisions of this charter may be initiated only in the following manner:

- (a) By resolution of the council adopted after three readings on separate days and passed by an affirmative vote of two-thirds of its entire membership at each reading.
- (b) By petition filed with the city clerk, signed by duly registered voters equal in number to at least ten percent of the total voters ~~[registered]~~ who voted in the last regular mayoral election, setting forth the proposed amendments or revisions. Such petition shall designate and authorize not less than three nor more than five of the signers thereto to approve any alteration or change in the form or language or any restatement of the text of the proposed amendments or revisions which may be made by the corporation counsel.

Such petition shall include each signing voter's signature, residence, and date of signing. Signatures may be on separate sheets, but each sheet shall have appended to it the affidavit of the person who circulated that sheet of the petition, that to the best of the affiant's knowledge and belief the persons whose signatures appear on the sheet are duly registered voters of the city, that they signed with full knowledge of the contents of the petition and that their residences are correctly given.

Such petition shall be filed with the city clerk at least forty-five days before the city first special election preceding the general election of that year. Such petition shall be tendered in its entirety for filing with the city clerk with a transmittal letter to the city clerk. Upon filing of such petition with the city clerk, the city clerk shall examine it to determine whether it contains a sufficient number of apparently genuine signatures of registered voters. The city clerk may question the genuineness of any signature or signatures appearing on the petition, and if the city clerk finds that any such signature or signatures are not genuine, after providing a reasonable opportunity to cure, the city clerk shall disregard them in determining whether the petition contains a sufficient number of signatures. The city clerk shall eliminate any sheet of the petition which is not accompanied by the required affidavit of the person who circulated that sheet of the petition. The invalidity of any sheet shall not affect the validity of the petition if a sufficient number of signatures remains after eliminating such invalid sheet. The city clerk shall complete the examination of the petition within twenty working days after the date of filing and shall certify the petition or shall reject the petition.

Notwithstanding the foregoing, the corporation counsel, as revisor, may, subject to the provisions of Section 4-202 of this charter, prepare supplements or editions of the charter containing language which reflects an exercise of the reorganization power as prescribed therein.