

ACT 235

H. B. 419.

A Bill for an Act to Amend Chapter 143A, Revised Laws of Hawaii 1955, Relating to County Charters.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 143A, Revised Laws of Hawaii 1955, as amended, is hereby amended in the following respects:

(1) Section 143A-3 is hereby amended by adding thereto a new sentence to read as follows:

“The chairman of each county may appoint successive charter commissions with the approval of the legislative body of the county.”

(2) Section 143A-8 is hereby amended to read as follows:

“Sec. 143A-8. Submission of proposed charter to legislative body of the county. Within one year of its appointment, the commission shall submit a report in writing on its activities, findings and recommendations to the legislative body of the county together with a draft of the proposed charter. The legislative body of the county may in turn propose one or more sections as alternative, or alternatives to any section of the proposed charter; provided, however, that there shall not be more than a single proposition under any alternative proposal. Within thirty days after the receipt of the

proposed charter from the commission, the legislative body shall return the proposed charter with the alternatives to the commission for its study.”

(3) Section 143A-9 is hereby amended to read as follows:

“Sec. 143A-9. Submission of proposed charter to county clerk.

If the legislative body of the county proposes no alternative sections to the charter, the commission shall submit a draft of the proposed charter to the county clerk within thirty days after it has received the charter from the legislative body. If, however, alternatives are submitted by the legislative body of the county to the commission, then the commission shall accept or reject the alternatives within thirty days after the charter has been returned to it and shall report to the legislative body of the county of any rejection. The legislative body of the county may within ten days after receiving such notification recall any or all of the alternative proposals rejected by the commission. Upon the expiration of the time for recall by the legislative body as provided herein or sooner with the consent of the legislative body the commission shall submit to the county clerk the proposed charter together with any alternatives proposed by the legislative body of the county which have not been accepted by the commission and incorporated in its draft.”

(4) Section 143A-10 is hereby amended to read as follows:

“Sec. 143A-10. Publication and submission to electors.

The county clerk shall provide for the submission of the proposed charter with any alternatives, as provided by section 143A-9, to the qualified electors of the county for approval at a general election or special election to be held on such date determined by the commission; provided, however, such special election shall not be held within thirty days before the closing of the date for filing nominations for regular county elections. The commission shall provide for the publication of the proposed charter with any alternatives twenty-one days before such election, in a newspaper of general circulation within the county.

The form of ballot shall be prepared for the county clerk by the commission. The form of the ballot, including such explanatory material as may be necessary, shall be substantially as follows:

Yes No

Shall the proposed charter of the County of be adopted?		
---	--	--

In the event alternatives are included in the ballot, the alternatives, including such explanatory material as may be necessary, shall be submitted in substantially the following form:

Yes No

Shall the proposed charter of the County of with alternative No. (here state the substance of the alternative) be adopted?		
--	--	--

Each elector may vote for the proposed charter and for any proposed

alternative. Blank ballots and spoiled ballots shall not be counted in determining the majority of the votes. Any proposition receiving a majority of the votes cast at the charter election shall be considered approved by the electors. If the proposed charter and any of the proposed alternatives receive a majority of the votes cast at said election, the proposition receiving the larger majority shall supersede the proposition with the smaller majority. The general laws and rules governing elections, so far as applicable and not inconsistent with the provisions of this chapter, shall apply to elections held pursuant to the provisions of this chapter.

Upon adoption, the charter shall become the organic law of the county and shall supersede any existing charter and all laws affecting the organization and government of the county which are in conflict therewith.”

SECTION 2. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this Act is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Act.

SECTION 3. This Act shall take effect upon its approval.
(Approved June 6, 1967.)