



HONOLULU CITY COUNCIL
KE KANIHELA O KE KALANA O HONOLULU
CITY AND COUNTY OF HONOLULU

No. 24-101

FILED
APR 11 2026
PURSUANT TO ROH Sec. 1-2.5

RESOLUTION

INITIATING AMENDMENTS TO ARTICLE III AND ARTICLE XVI OF THE REVISED CHARTER OF THE CITY AND COUNTY OF HONOLULU 1973 (REVISED 2017 EDITION), AS AMENDED.

WHEREAS, there are a number of provisions of the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended ("Charter") that are in need of clarification or amendment in order to avoid inconsistencies within the Charter; and

WHEREAS, the City Council ("Council") desires to amend the Charter to clarify its provisions and to avoid inconsistencies therein; and

WHEREAS, a number of these provisions are found in Article III of the Charter, relating to the Legislative Branch of the City and County of Honolulu ("City"); and

WHEREAS in particular, the Council wishes to replace a transitional Charter provision relating to the staggering of Councilmembers' terms with a standard Charter provision and to provide: (1) that the no more than five members (a quorum) of the decennial Reapportionment Commission may be members of the same political party; (2) that Councilmembers may remain on the Council until the end of their current term if the only reason they no longer live in the district they represent is because of a district boundary amendment due to reapportionment; (3) that district numbering and boundaries following reapportionment be as close as practicable to the pre-reapportionment districts to minimize the number of Councilmembers being reapportioned out of their districts, with voters being represented by someone not living in their district; (4) that the Council be granted five additional days in which to call an election to fill a vacancy on the Council in light of the minimum six-days' notice for Council meetings required under the State of Hawai'i ("State") "Sunshine Law"; (5) that the Council may establish by rule a method for naming a Chair *pro tempore* to serve in the absence of the Council Chair and Vice-Chair; and (6) that when a bill for an ordinance that lacks an effective date provision is enacted, it shall take effect upon its enactment; and

WHEREAS, pursuant to Charter Section 15-101, the Council may initiate, by resolution, amendments to the Charter; and

WHEREAS, pursuant to Charter Section 15-102.1, the Mayor's approval is required for any Charter amendment proposed by the Council at a general election held in a year ending in a "4" or an "8"; now, therefore,



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BE IT RESOLVED by the Council of the City and County of Honolulu:

1. That the following question be placed on the 2024 general election ballot:

"Shall Article III ("Legislative Branch") and Article XVI ("Transition Schedule") of the Revised City Charter be amended to make "housekeeping" modifications to clarify the provisions of Article III and delete from Article XVI a transitional provision on the staggering of Councilmembers' terms, the substance of which is being incorporated into Article III?"

2. That Section 3-102, Revised Charter of the City and County of Honolulu 1973 (Revised 2017 Edition), as amended, be amended to read as follows:

"Section 3-102. Number, Election and Terms of Office of Councilmembers –

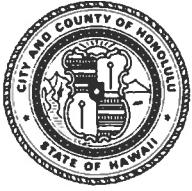
The council shall consist of nine members. One member shall be elected from each of the nine districts hereinafter provided. ~~[Except as provided in Section 16-122, the]~~ The regular terms of office of councilmembers shall be four years beginning at twelve o'clock meridian on the second day of January following their election. The terms shall be staggered ~~[in accordance with Section 16-122.]~~ as follows: the regular elections for council districts I, III, V, VII, and IX shall be held in 2004 and every four years thereafter; and the regular elections for council districts II, IV, VI, and VIII shall be held in 2002 and every four years thereafter. No person shall be elected to the office of councilmember for more than two consecutive four-year terms."

3. That Section 3-103 of the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, be amended to read as follows:

"Section 3-103. Reapportionment and Reapportionment Years –

1. The year 1991 and every tenth year thereafter shall be reapportionment years.

2. A council reapportionment commission shall be constituted on or before the first day of July of each reapportionment year and whenever reapportionment is required by court order. The commission shall consist of nine members~~[, no more than five of whom may be members of the same political party]~~. The presiding officer of the council shall, with the approval of the council, select the members of the commission~~[, no more than a majority of who shall be from the same political party]~~.



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The commission shall elect a chair from among its members. Any vacancy in the commission shall be filled in the same manner as for an original appointment. The commission shall act by majority vote of its membership and shall establish its own procedures. The members of this commission shall not, in any manner, be deemed officers of the city. The commission and its members shall be subject only to the provisions of this section, Section 3-114, and Section 3-502 of the charter. Commission members shall be compensated and reimbursed for their necessary expenses as provided by ordinance. No member of the commission shall be eligible to become a candidate for election to the council in the initial election held under any reapportionment plan adopted by the commission.

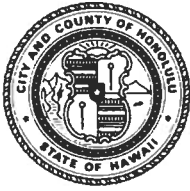
The city clerk, under the direction of the commission, shall furnish all necessary technical and secretarial services. The council shall appropriate funds to enable the commission to carry out its duties.

3. In effecting reapportionment, the commission shall be guided by the following criteria:

- (a) No district shall be so drawn as to unduly favor a person or political faction.
- (b) Districts, insofar as practicable, shall be contiguous and compact.
- (c) District lines shall, where possible, follow permanent and easily recognized features, and, when practicable, shall coincide with census tract boundaries.
- (d) District numbering, insofar as practicable, shall be assigned to a district by matching that district to the prior district that shares the most similar boundary.

4. On or before January 2 of the year following appointment, the commission shall file with the city clerk a reapportionment plan, which shall be applicable to the next succeeding election at which councilmembers are elected to regular terms.

5. Any duly registered voter may petition the proper court to compel, by mandamus or otherwise, the appropriate person or persons to perform their duty or to correct any error made in a reapportionment plan, or the court may



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take such other action to effectuate the purposes of this section as it may deem appropriate. Any such petition must be filed within forty-five days after the filing of a reapportionment plan.

6. In order to ~~[commence]~~ facilitate the staggering of councilmembers' terms ~~[in accordance with Section 16-122]~~, the reapportionment plan ~~[for 2002]~~ shall retain the council district numbering of I, II, III, IV, V, VI, VII, VIII, and IX."

4. That Section 3-104, Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, be amended to read as follows:

"Section 3-104. Qualifications of Councilmembers –

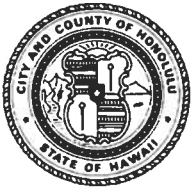
To be eligible for election or appointment to the council, a person must be a duly qualified elector of the council district from which the person seeks to be elected or appointed. Any councilmember who removes his or her residence from the district from which the councilmember was elected or appointed shall, by that fact, be deemed to have vacated the office. A councilmember shall not be deemed to have removed his or her residence from a district if, solely due to reapportionment, the councilmember no longer resides in the district from which he or she was elected or appointed."

5. That Section 3-105 of the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, be amended to read as follows:

"Section 3-105. Vacancy in Office –

A vacancy in the office of any councilmember shall be filled in the following manner:

- (a) If the unexpired term is less than one year, the remaining members of the council shall elect a successor with requisite qualifications to fill the vacancy for the unexpired term. Vacancies shall be filled only at a meeting of the council after reasonable notice of intent to fill the vacancy has been given to all remaining members of the council by the presiding officer. Should the council fail to fill any vacancy within thirty days after its occurrence, the mayor shall appoint a successor to fill the vacancy for the unexpired term.
- (b) If the unexpired term is for one year or more, the vacancy shall be filled by special election to be called by the council within ~~[ten]~~



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fifteen days and to be held within one hundred twenty days after the occurrence of the vacancy. At such time, the electors of the district shall elect a successor to fill the vacancy for the remainder of the term. If any special or general election is to be held in the city after thirty days and within one hundred eighty days after the occurrence of the vacancy, then the election shall be held in conjunction with such other election. Pending the election, the remaining members of the council shall make a temporary appointment with requisite qualifications to fill the vacancy until a successor is duly elected. The vacancy shall be filled only at a meeting of the council after reasonable notice of intent to fill the vacancy has been given to all remaining members of the council by the presiding officer. Should the council fail to fill the vacancy within thirty days after its occurrence, the mayor shall make the temporary appointment to fill the vacancy until a successor is duly elected."

6. That Section 3-107, Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended ("Organization of Council; Officers; Rules; Meetings; Employees"), be amended by amending subsection 1 to read as follows:

"1. The council shall meet in the council room at the city hall for its organization at twelve o'clock meridian on the second day of January of every odd-numbered year or on the next business day if the second day be a Sunday or a holiday. At the meeting, the council shall elect one of its councilmembers as chair and presiding officer of the council. It shall also elect one of its councilmembers as vice-chair who shall act as the presiding officer in the event of the chair's absence or disability. The council ~~[shall appoint a]~~ may adopt rules governing the appointment of a councilmember to serve as presiding officer pro tempore ~~[from its own members]~~ in the event of the absence or disability of both the chair and the vice-chair. All councilmembers shall have the right to vote in the council at all times. A majority of the entire membership of the council shall constitute a quorum and, except as otherwise provided, the affirmative vote of a majority of the entire membership shall be necessary to take any action."

7. That Section 3-202, Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended ("Introduction, Consideration and Passage of Ordinances and Resolutions"), be amended by amending subsection 5 to read as follows:



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"5. Ordinances shall take effect on the date specified [therein] in the enacting legislation or, in the absence of such specification, upon approval thereof by the mayor[.], upon the successful reconsideration thereof by the council following mayoral disapproval, or upon the calendar day immediately following the expiration of the mayor's time to disapprove a bill in accordance with Subsection 3-203.1 of this charter."

8. That Section 16-122, Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, be repealed.

~~["Section 16-122. Transitional Provisions on the Staggering of Councilmembers' Terms—~~

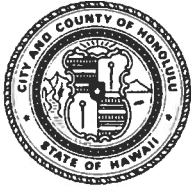
~~1. The staggering of the terms of councilmembers shall commence on January 2, 2003 and be implemented in accordance with this section.~~

~~2. On January 3, 2001, the city clerk shall certify the total votes counted for all mayoral candidates in the special election at which the mayor was elected for the regular term commencing January 2, 2001. The city clerk shall transmit the certificate to the council chair and maintain in the clerk's office a copy available for public inspection during normal business hours.~~

~~(a) If the total votes counted, as certified by the city clerk, is an odd number, the councilmembers for council districts I, III, V, VII, and IX shall be elected to four-year regular terms commencing on January 2, 2003. Councilmembers for other districts shall be elected to two-year regular terms commencing on the same date.~~

~~(b) If the total votes counted, as certified by the city clerk, is an even number, the councilmembers for council districts II, IV, VI, and VIII shall be elected to four-year regular terms commencing on January 2, 2003. Councilmembers for other districts shall be elected to two-year regular terms commencing on the same date.~~

~~For the purpose of this subsection, a "vote counted" for a mayoral candidate shall not include ballots which are blank, spoiled or otherwise invalid in connection with the mayoral contest. "Special election at which the mayor was elected for the regular term commencing January 2, 2001" means either the first or second special election, held in conjunction with the 2000 primary or general election, at which a candidate for mayor was elected for the term commencing~~



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~~January 2, 2001. The phrase does not mean both the first and second special elections if a second special election was held.~~

~~3. After the expiration of the two-year regular terms established by this section, the subsequent regular terms of the pertinent councilmembers shall be subject to Section 3-102.~~

~~4. Except as provided in the next paragraph, a person elected as councilmember to a two-year regular term in 2002 shall be eligible for election to two more consecutive four-year terms as councilmember.~~

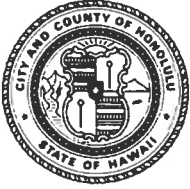
~~A person elected as councilmember to a four-year regular term in 1998 and a two-year regular term in 2002 shall be eligible for election in 2004 to a four-year regular term as councilmember. Such a person, however, shall not be eligible for election in 2008 to a four-year regular term as councilmember.~~

~~A person elected as councilmember to two consecutive four-year regular terms in 1994 and 1998 shall not be eligible in 2002 for election as councilmember."~~

9. That in Sections 2 through 8 of this resolution, Charter material to be repealed is bracketed and stricken, and new Charter material is underscored. When revising, compiling, or printing these Charter provisions for inclusion in the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, the Revisor of the Charter need not include the brackets, the material that has been bracketed and stricken, or the underscoring.
10. That the Revisor of the Charter, in revising, compiling, or printing the Charter, may change capitalization or the form of numbers and monetary sums for the sake of uniformity.

If the Charter provisions amended pursuant to this resolution are amended by any other Charter amendment(s) approved by the electors at the 2024 general election, the Revisor of the Charter, in revising, compiling, or printing the Charter:

- a. May designate or redesignate articles, chapters, sections, or parts of sections, and rearrange references thereto; and
- b. Shall, except as otherwise expressly provided in this resolution or in the other resolution(s) amending these Charter provisions, give effect, to the extent possible, to all of the amendments approved.

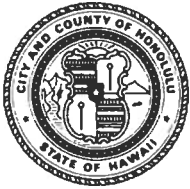


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11. That upon adoption of this resolution by the Council and its approval by the Mayor, the City Clerk is directed to:
- a. Prepare the necessary ballots with the question contained in this resolution and with spaces for "yes" and "no" votes on the question for presentation to the electors at the 2024 general election. The City Clerk may make technical and nonsubstantive changes to the form of the question presented in order to conform it to the form of other Charter amendment questions presented to the electors at the same election; and
 - b. Publish the above-proposed Charter amendments at length in a daily newspaper of general circulation in the City and County of Honolulu at least 45 days prior to their submission to the electors at the 2024 general election.



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12. That upon approval of the Charter amendment question posed in Section 1 of this resolution by a majority of the electors voting thereon, as duly certified, the Charter amendments proposed in Sections 2 through 8 of this resolution shall take effect on January 1, 2025.

INTRODUCED BY:

Alan Desjardins

DATE OF INTRODUCTION:

APR 11 2024

Honolulu, Hawai'i

Councilmembers

APPROVED this _____ day of _____, 20 _____.

RICK BLANGIARDI, Mayor
City and County of Honolulu

FILED
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