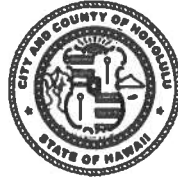


**ETHICS COMMISSION
KOMIKINA LAWENA HANA KŪPONO
CITY AND COUNTY OF HONOLULU**

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September 22, 2026

The Honorable Tommy Waters, Chair
and Members
Committee on Executive Management
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813

SUBJECT: Resolution No. 26-210 – Council Rules – Comments

Dear Chair Waters and Members of the Committee on Executive Management:

Thank you for hearing Resolution No. 26-210, which amends the Council rules relating to mass communications near election dates. Resolution No. 26-210 seeks to prohibit the use of resources of the City and County of Honolulu (City) for the purpose of mass communications near election dates by Council members who are candidates for election for any federal, state, or local office and whose names appear on the ballot of an upcoming primary or general election.

The Honolulu Ethics Commission (Ethics Commission) hereby provides comments regarding Resolution No. 26-210. The use of City resources for political activities or campaign assistance are prohibited under the Revised Charter of Honolulu § 11-104, which provides that:

Elected or appointed officers or employees shall not use their official positions to secure or grant special consideration, treatment, advantage, privilege or exemption to themselves or any person beyond that which is available to every other person.

The Ethics Commission respectfully questions Resolution No. 26-210 to the extent that the proposed new Rule 37 permits distribution to 200 or less individuals and does not limit serial distributions (*i.e.*, sending a chain or series of communications).

The Honorable Tommy Waters, Chair
and Members
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The federal rules provides that a member may not send any unsolicited mass "distribution of 500 or more pieces of substantially identical content (whether such communication is distributed singly or in bulk, or at the same time or different times), regardless of the means of the distribution - over the course of a legislative year (January 3 of one year through January 2 of the following year)." See <https://cha.house.gov/blackout-dates> (retrieved Sept. 21, 2026); see also 39 U.S.C. § 3210(a)(6)(A).

Given Hawaii's all vote by mail electoral system, the Ethics Commission respectfully suggests that the Clerk's Office be consulted on the blackout time period of 60 days immediately prior to any election, if not already done.

Thank you for the opportunity to offer comments on Resolution No. 26-210. We are available to address any questions or concerns you may have.

Sincerely,



Sandy Ma
Executive Director and Legal Counsel

cc: Rick Blangiardi, Mayor
Krishna F. Jayaram, Managing Director