

Posted on: Friday, March 5, 2010

Legislators: Stand up and be counted

Many avoid 'sunshine' by refusing public vote on controversial issues

By JoAnn Maruoka, Nikki Love, Robin Loomis, Alatheia Rebman, Barbara Polk and Josh Frost

The democracy we cherish thrives on leaders who have honor and integrity. The health of our democracy depends on having leaders who are willing to make judgments on matters of public policy even when we sometimes disagree with those judgments. We respect leaders when they engage in democracy openly and honestly, because that's how we know they respect us.

However, sometimes the leaders we elect are tempted to avoid accountability in difficult, seemingly no-win situations. But those who are true leaders are willing to stand up and be counted. On politically high-risk decisions, there is an even greater expectation that our leaders will act with honor and integrity.

A fundamental principle of democracy is the recorded vote, which is incorporated in Hawai'i's sunshine law. This law calls for public leaders to record their actions and votes for all to see. However, there is one big exception: the Legislature. House and Senate rules allow decisions to be made without recording the votes of its members. This must change.

We believe legislators' votes should be recorded. In spite of its sunshine law exemption, the Legislature should amend its rules to prohibit anonymous votes. This would eliminate the temptation for legislators to conceal their stance on difficult issues, and ensure transparency.

A month ago, the House was widely criticized for its anonymous vote to defeat the controversial civil unions bill, House Bill 444. A motion was made to postpone the bill indefinitely. This should have triggered debate on the bill's merits, but it did not. Nor did any House member seek a roll call vote. We believe a recorded vote should have been taken, without a member having to request it.

Citizens on both sides of the issue want a recorded vote, and legislators owe the public at least that much. The Legislature will earn the respect of the public by voting on HB 444.

Recently, another anonymous vote was taken. This time it was to recall a bill on the right to fly the American flag. Even though eight House members requested a recorded vote, it was denied because House rules require 11 supporters.

Ironically, when the recall vote was taken, the count of raised hands was incorrect, and the attempt to bring the bill to the floor failed. If recording individual members' votes had been a requirement, the motion would have passed.

Fortunately, the flag bill will now be getting a proper vote. But on the civil unions bill, House members need to seek a vote to make that happen. Some legislators, both proponents and opponents, want a vote on HB 444 because they support public accountability, and we applaud them. Indeed, our concern here is to ensure the proper functioning of our democracy, not to take a position on the issue of civil unions.

We call on legislators to demonstrate that they value their honor and the health of our democracy. We call on them to take public votes on the issues they address. They owe it to the people who elected them and who deserve to see how their elected leaders discharge the responsibility that has been entrusted to them.

The commentary was written by JoAnn Maruoka of the League of Women Voters of Hawai'i, Nikki Love of Common Cause Hawai'i, Robin Loomis of the Hawai'i Pro-Democracy Initiative, Alatheia Rebman of Citizen Voice, Barbara Polk of Americans for Democratic Action/Hawai'i and Josh Frost of Progressive Democrats of Hawai'i.