



LEAGUE OF WOMEN VOTERS- KAUA'I VOTER

Fall 2005

County District Elections- Has the Time Come?

The Kaua'i County Charter Review Commission, chaired by Barbara Robeson and co-chaired by Louis Abrams, asked the League to research the pros and cons of district elections and reapportionment. The topic will be on the agenda again November 23, and League members are encouraged to attend to hear updates on recommendations. Below is the substance of a presentation made by Carol Bain Oct. 26.

TITLE: Research /Overview: Election of Single Council Districts V At Large & related Reapportionment Issues

Basic Differences include:

- ❖ election at large– tends to centralize power (especially in a county where voter turnout may be low)
- ❖ election by district – spreads power to that district

HISTORY: 9 charter amendments on the 1996 Ballot for Kauai voters.

Proposal 1 – Effective 1998 shall Council members be selected by districts, with one member residing in and elected from each of five districts, which shall be established by an apportionment commission to be appointed in 1997, and two members elected at-large, and shall 2001 and every tenth year thereafter be a reapportionment year?

This charter amendment, as worded, failed in 1996.
44% No ; 38.8% Yes; (Blank 17.1)
Actual votes:# 9589 8456 3729

QUESTION – Should voters be presented with the option of district elections for Council members in 2006? To decide, we must first consider the pros and cons of the issue.

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Open Records – Key to KIUC Accountability *Watchdog Effort Continues*

No one has to remind League members and others who support open government that open records laws, known as the Uniform Information Practices Act, allows citizens access to information needed to make decisions. Our electric cooperative does not have to be a government agency to follow sunshine laws, and should be encouraged to adopt and comply with open records laws.

The situation will not get better unless KIUC members, and that means League members too, start speaking out, writing to KIUC & media, attending their public meetings, and pushing for good government compliance. Call League president, Carol Bain, 246-2111.

Attend KIUC Board Meetings:

November 29, 2005

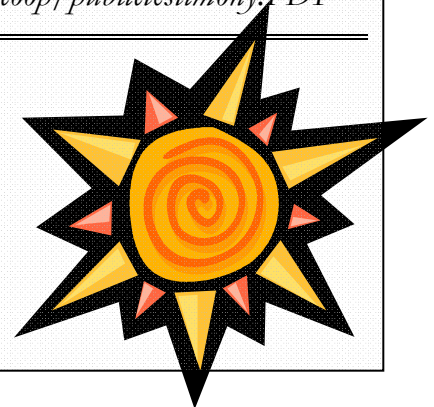
December 13, 2005

At their Kukui Grove office.

4463 Pabe`e Street, Lihue, 241-4300

<http://www.kiuc.coop/publictestimony.PDF>

LET THE
SUNSHINE IN



Review and analyze the cons or reasons for No Votes and pros/reasons for Yes Votes to decide:

Wording on 1996 ballot (*in italics*) for what a “No Vote” means:

#1. Kauai is small enough in area and number to retain all at large representation.

U.S. Census 2004 data shows almost 62,000 people on Kauai. This represents a 5.9% growth from 2000. The growth of Kauai population is significant. According to Planning Department’s Economic and Population Projections & County General Plan, Kauai is projected to have a resident population of between 65,300 and 82,800 in 2020. If this growth is a considered a factor, the district apportionment must first be planned for carefully. One idea is to use the 3 current districts apportioned for state representative elections.

#2. Districting promotes provincialism and consequent pork barrel and log rolling politics

Research has indicated that local government spending does rise because district representatives feel they must bring capital/other improvements to their voters for their district. Fights over limited resources result. A partiality for one’s district may occur. There are examples of governments that have districting without the pork barrel/log rolling problems. The County of Hawaii charter has the advantages of being both nonpartisan (as Kauai is) and has term limits for council: these hinder the bad practices described.

#3. Centers election to district candidates and lessons county wide concerns

Without districting, it is true government tends to be centralized. Rural areas generally have fewer public resources. Majority of public resources are located in Lihue. Our county parks show the number of acres to be fairly even in all districts, though the cost analysis may show outlying parks receive fewer improvements and maintenance dollars.

Wording on the 1996 Ballot (*in italics*) for reasons for what a “YES Vote” means:

1. Designates a council member to go to for help and to hold responsible for district problems

However – what if person elected is not voter's preference?

2. Encourages resident candidates, popular among neighbors who know him/her best, to run for office

Research shows challengers have better chance in district elections. It is argued that districts better represent minorities, both ethnic & preference. However, minorities may be spread over more than one district and not have enough votes in one district to win a seat.

3. Reduces cost of campaigning by reducing representative area and number of voters affected in campaigning

Studies show campaign costs often lower than those running at large because area to cover is geographically smaller. Money is often a major factor in getting name recognition, hence votes.

Two Amendment Options are presented:

Charter Amendment: Option #1

QUESTION – Should voters be presented with the option of districts elections for Council members in 2006?

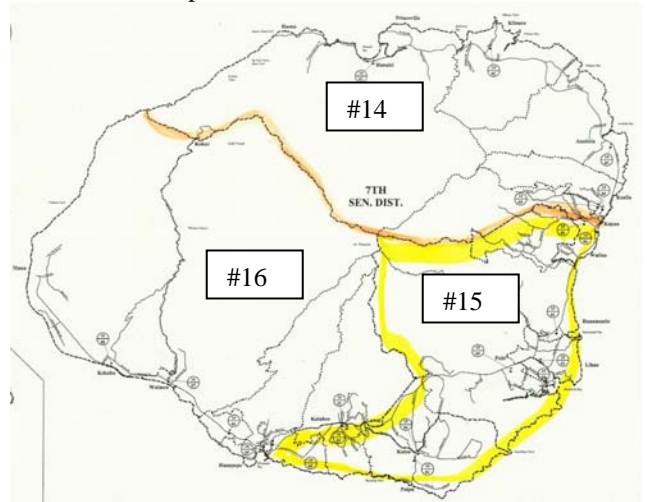
Suggestion: Combine best of both options using 3 districts.

Possible wording of a charter amendment on the 2006 Ballot for Kauai voters:

Proposal – Effective 2008 shall Council members be selected by districts, with one member residing in and elected from each of three districts, which shall be established by an apportionment commission to be appointed in 2007, and four members elected at-large, and shall 2011 and every tenth year thereafter be a reapportionment year?

The map below shows the 3 state district boundaries suggested to be used for Kauai county district elections.

Note: Ni ihau is part of District #16.



Charter Amendment: Option #2

After discussion with County Elections office staff, another option may be considered that could combine the best aspects of at-large representation and also define a minority district representation.

QUESTION – Should voters be presented with the option of districts elections for Council members in 2006?

Suggestion: Combine best of both options using 3 districts yet keep “at-large” voting for all.

Possible wording of a charter amendment on the 2006 Ballot for Kauai voters:

Proposal – Effective 2008 shall seven Council members be elected at large, with four members having no residency restrictions, and three members elected who reside in one of each of three districts consistent with state district reapportionment procedures, and shall 2011 and every tenth year thereafter be a reapportionment year?

NOTE: This proposal and pros & cons review is on the Charter Commission meeting agenda, Wed., Nov. 23, 4:30 pm, Rooms A&B Mohikeha Building, Lihue CC. Please bring this newsletter with you and speak; share your manao / thoughts.

Kaua`i League Joins State-wide Coalition for Good Government

Statement on Kaua`i Court Ruling Allowing Agencies to Challenge Office of Information Practices

Open government and journalists group leaders issued a public statement today in response to a recent court ruling on the open records law. The leaders and their organizations include: Right To Committee, League of Women Voters of Hawai'i, League of Women Voters of Kaua'i County, Society of Professional Journalists Hawai'i Chapter, Big Island Press Club, Citizen Voice, Hawai'i Pro-Democracy Initiative, and Honolulu Community-Media Council.

The statement of these groups follows:

Before 1989, people had to sue their government to force it to release a record that should be public. Fortunately, that year the Legislature amended the Hawai'i open records law to allow the public to appeal a records denial to a state agency – the Office of Information Practices.

If OIP upheld a denial, the requestor could still appeal to circuit court. But, as HRS section 92F-15.5(b) states, if OIP's "decision is to disclose, the Office of Information Practices shall notify the person and the agency, and the agency shall make the record available."

Sounds straightforward and clear. But a senior judge on Kaua'i thinks otherwise.

Earlier this year, the Kaua'i County Council refused to release executive session minutes requested by Kaua'i residents and a journalist. On appeal, OIP reviewed the minutes and ruled that the records must be made public.

Instead of providing the minutes, the Council challenged the ruling by filing a lawsuit in June. Although the Council's right to file the lawsuit was questioned, two months later Kaua'i Judge

George Masuoka ruled that an agency is allowed to appeal an OIP ruling to a court.

We must respectfully disagree, because the legislative intent of the law could not have been clearer. Three legislative committees reviewed the bill and stated their intent in committee reports, all of which contained the following identical language.

"Your Committee wishes to emphasize that while a person has a right to bring a civil action to circuit court to appeal a denial of access to a government record, a government agency dissatisfied with an administrative ruling by the OIP does not have the right to bring an action in circuit court to contest the OIP ruling."

We believe the open records law and the intent of its drafters has been misunderstood. We hope an appeal to the highest court isn't necessary to fulfill the policy intent of Hawai'i's open records law. Documents on this issue are online at www.newhawaii.org.



(UPDATE: Case is on its way to State Supreme Court for appeal. Good to know many groups & journalists are supporting sunshine & open records laws.)

ANNOUNCEMENTS:

- LWV Kaua`i board meets at the YWCA gazebo in Lihue
- ❖ Monday, Nov. 14, 2005 & Jan. 14, 2006
 - ❖ Call 822-5918 to join LWV Kauai Transportation Committee
 - ❖ Kauaians for Open Access information—email: bain@kauai.net or call 246-2111

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