

Great Committee

From: Allison M. Nakama <anakama@wik.com>
Sent: Monday, June 1, 2026 11:20 AM
To: Great Committee
Subject: Oahu Publications, Inc. testimony re Reso 25-215, Proposed Charter Amendment on the Notice and Conduct of Public Hearings (GREAT-10(3)) scheduled for hearing on June 2, 2026 at 1:30 p.m.
Attachments: OPI testimony.pdf

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Aloha Chair Batangan, Vice Chair U'u-Hodgins and Members of the Committee,

Attached is written testimony from Oahu Publications Inc. in regards to Resolution 25-215, Proposed Charter Amendment on the Notice and Conduct of Public Hearings (GREAT-10(3)) scheduled for hearing on June 2, 2026 at 1:30 p.m.

Thank you.

Allison

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TO: The Honorable Kauanoë Batangan, Chair
The Honorable Nohelani U‘u-Hodgins, Vice Chair
Members of the Government Relations, Ethics, and Transparency Committee

FROM: Dennis E. Francis, President & Publisher
Oahu Publications Inc.

RE: RESOLUTION 25-215, PROPOSED CHARTER AMENDMENT ON THE NOTICE AND CONDUCT OF PUBLIC HEARINGS (GREAT-10(3)) - Comments, Request for amendment

DATE: Tuesday, June 2, 2026; 1:30 PM

Aloha Chair Batangan, Vice Chair U‘u-Hodgins, and Members of the Committee:

Oahu Publications Inc. respectfully submits testimony expressing its concerns regarding the inclusion of the phrase “outdated requirement” in the proposed Maui County Charter Amendment in Resolution 25-215, which proposes to submit for electoral ballot consideration, in part, the elimination of the “outdated requirement to publish in a newspaper of general circulation in the County” certain county notices.

On its face, the phrase “outdated requirement” is subjective, and fails to neutrally describe the legal effect of the proposal.

With respect to analogous constitutional amendments, Hawai‘i Revised Statutes (HRS) §11-118.5 requires that a ballot question must be capable of producing a “knowing and deliberate expression of voter choice.” This statute was upheld by the Hawai‘i Supreme Court in *Kahalekai v. Doi*, 60 Haw. 324, 325, 590 P.2d 543, 544 (1979), in which the Court expressly held that the ballot question “must [...] be in a form and language which will not mislead or deceive.” The Court explained that a ballot question becomes improper when it implies an official recommendation rather than neutrally presenting the issue. *Id.* at 336. The same principle that “a ballot, to be sufficient, must neither mislead nor advocate a position, but must simply state [the] question clearly” was affirmed in *Thirty Voters of Kauai County v. Doi*, 61 Haw. 179, 182, 599 P.2d 286, 289 (1979).

The inclusion of the word “outdated” in the proposed Maui County ballot question violates these standards by subjectively characterizing existing Maui Charter provisions relating to public notice as an “outdated requirement”. The word “outdated” improperly suggests to voters that current notice in a newspaper of general circulation lacks legitimacy or practicality, and thus the question as currently worded does not neutrally present the issue.

Furthermore, existing Hawai‘i law continues to recognize newspaper publication requirements. For example, HRS §1-28.5 requires government agencies to give public notice “in a daily or weekly publication of statewide circulation” and HRS § 50-10 requires the publication of proposed county charters “in a newspaper of general circulation within the county.” Because Hawai‘i statutes continue to recognize and utilize newspaper notification requirements, the labeling of such requirements as “outdated” in the proposed ballot question improperly advocates for a specific outcome, and does not “simply state [the ballot] question clearly,” as required under Hawai‘i Supreme Court precedent.

For these reasons, O‘ahu Publications respectfully urges the Committee to omit the word “outdated” from the proposed ballot question, in order to ensure that voters will be fairly informed of the amendment’s effect while complying with the Hawai‘i Supreme Court precedent that ballot questions must be neutral and not misleading or deceptive.

Thank you for the opportunity to provide testimony.