CITIZEN MEMORANDUM

Protect Constitutional Rights and Strengthen Government Accountability in Hawai‘i

We request legislation addressing three priorities: limits on emergency powers, constitutional protections in biosecurity laws, and election results the public can independently verify.

1. LIMIT THE GOVERNOR’S EMERGENCY POWERS

Emergency powers must be temporary, necessary, and subject to oversight. HRS §127A-14 currently provides for renewable 60-day emergency declarations.[1]

We request legislation that:

- **Limits initial declarations to 30 days.** Each extension must receive a legislative committee hearing with an opportunity for public testimony, and a recorded vote approving it in both legislative chambers, through legislation enacted in accordance with constitutional requirements, including presentment to the governor and any applicable veto-override process. Each extension may last no more than 30 days.
- **Prevents evasion.** The governor may respond immediately to a genuinely new emergency but may not restart or relabel substantially the same emergency to avoid legislative approval.
- **Requires evidence for extensions.** Each request must identify the continuing danger, affected areas, unfinished work, spending, and why ordinary government authority is insufficient.
- **Limits law suspensions.** Each suspended law must have a specific justification, geographic scope, and expiration date. Restore it as soon as its suspension is unnecessary. Continued suspensions require express legislative approval.
- **Protects transparency and public funds.** Preserve public meetings, records, and competitive contracting unless a narrowly defined, publicly explained exception is necessary. Promptly publish emergency contracts, contractors, amounts, amendments, and spending, subject to lawful privacy and security protections.
- **Preserves court review.** Residents must retain access to courts to challenge emergency declarations and actions.

A practical extension process: The governor must submit a publicly available extension request at least **10 days before expiration**. If lawmakers are out of session, the governor must call a special session early enough for a **legislative committee hearing with an opportunity for public testimony** and the required votes before expiration. The Hawai‘i Constitution also permits two-thirds of each chamber’s members to request a special session in writing.[5]

Legislative rules must make this timetable workable while meeting constitutional notice, quorum, and voting requirements. **Legislative silence is <u>not</u> approval.** Without approval before expiration, extraordinary powers end; agencies continue response and recovery under ordinary authority, existing appropriations, and valid contracts.

Our request: Emergency powers must <u>not</u> become indefinite authority without legislative approval.

2. REPEAL SECTION III OF THE BIO SECURITY ACT 236

No state law, emergency proclamation, or agency rule overrides the United States Constitution or applicable protections of the Hawai‘i Constitution. These limits apply during emergencies as well as ordinary government operations.

We request repeal of Act 236 (2025), Part III, Section 22, which created HRS §150A-60(a)–(f), before its scheduled January 1, 2028 effective date. This targets the special biosecurity emergency powers, rather than the entire Biosecurity Act.[2]

Why repeal this section:

- **§150A-60(a)—Emergency declarations:** Authorizes pest-related emergency declarations with the governor’s approval. Extraordinary powers need narrower triggers and independent oversight.
- **§150A-60(b)—Repeated extensions:** Allows renewable 100-day declarations without a stated maximum number of extensions. Continued extraordinary authority should require legislative approval.
- **§150A-60(c)(1)—Procurement exemption:** Exempts the department from Chapter 103D during the emergency. This removes ordinary competitive procurement safeguards too broadly.
- **§150A-60(c)(3)—Funding transfers:** Allows transfers from accounts under the governor’s control. Emergency funding needs clear limits and public accounting.
- **§150A-60(d)—Control of property:** Authorizes requisition and control of goods, real property, or watercraft, subject to notice requirements and specified exceptions. A requisition automatically ends 100 days after the emergency declaration or earlier by the governor’s proclamation. Owners need stronger safeguards before losing control of property.

Subsections **(e)–(f)** provide compensation and damage-claim procedures, including court review. We request repeal of the special framework as a whole—not removal of compensation rights while retaining the taking power. Subsection **(c)(2)** addresses agency coordination; its repeal is part of removing the whole section, not a separate constitutional objection.

Any replacement legislation must:

- Protect privacy, property, due process, and freedom from unreasonable searches and seizures. Require consent or judicial authorization when constitutionally required.
- Provide notice and a meaningful opportunity to challenge entry, treatment, destruction, or taking of property. When immediate action is lawfully necessary, provide prompt judicial review afterward.
- Preserve constitutionally required compensation and legal remedies for unlawful government or contractor actions.
- Apply the 30-day limit and legislative extension process described above, with public reporting of actions, contracts, and spending.

Protecting Hawai‘i from invasive species remains essential. Repeal legislation should preserve ordinary pest-control authority and coordinate related statutory references.

Our request: Repeal these extraordinary powers before they take effect. Biosecurity cannot justify violating constitutional rights.

3. ELECTION INTEGRITY AND VERIFIABLE VOTE COUNTS

Every eligible voter deserves an accurate, secret vote. Hawai‘i already uses paper ballots and conducts post-election audits. We request stronger, independent verification.[3]

We request legislation that:

- **Preserves voter-verifiable paper ballots** as the official record, with accessible voting options for voters with disabilities.
- **Secures ballot custody** through documented transfers, tamper-evident seals, secure storage, and meaningful observation by trained observers representing different parties and nonpartisan members of the public.
- **Requires complete ballot accounting.** Reconcile ballots received, accepted, rejected, spoiled, replaced, and counted, and explain differences. Clearly distinguish voters, envelopes, ballots, ballot pages, and votes in individual contests.
- **Requires independently supervised risk-limiting audits before certification.** Human auditors must check a publicly selected random sample of original paper ballots against the reported outcome. Set a clear statistical risk limit and require expansion up to a full hand recount when necessary, correcting results before certification.[4]
- **Publishes audit methods and findings,** including discrepancies and their resolution, while protecting ballot secrecy and private voter information.
- **Maintains accurate voter rolls with safeguards against wrongful removal.** Give eligible voters notice and a fair opportunity to resolve correctable ballot-envelope or signature problems.

Our request: Every lawful vote must count, and reported winners must be supported by independently verifiable evidence.

REQUESTED ACTION AND STATEMENT OF SUPPORT

We urge our elected officials to introduce and support legislation addressing these priorities and provide a written response describing the action they will take. These are proposed reforms, not findings that a law is unconstitutional or an election was fraudulent.

By signing the accompanying signature sheet, I support this February 2027 Citizen Memorandum, “Protect Constitutional Rights and Strengthen Government Accountability in Hawai‘i,” and request legislative action on its three priorities.

SOURCES

[1] HRS §127A-14—Emergency declarations:
https://data.capitol.hawaii.gov/hrscurrent/Vol03_Ch0121-0200D/HRS0127A/HRS_0127A-0014.htm
[2] HRS §150A-60—Biosecurity emergency powers:
https://data.capitol.hawaii.gov/hrscurrent/Vol03_Ch0121-0200D/HRS0150A/HRS_0150A-0060.htm
[3] Hawai‘i Office of Elections—Election Security:
https://elections.hawaii.gov/voting/election-security/
[4] U.S. Election Assistance Commission—Post-Election Tabulation Audit Guide:
https://www.eac.gov/sites/default/files/2024-11/Post_Election_Tabulation_Audit_Guide_508.pdf
[5] Hawai‘i Constitution, Article III, §10—Special sessions:
https://data.capitol.hawaii.gov/hrscurrent/Vol01_Ch0001-0042F/05-CONST/CONST_0003-0010.htm

CITIZEN MEMORANDUM — PUBLIC SIGNATURES

Protect Constitutional Rights and Strengthen Government Accountability in Hawai‘i

By signing below, I affirm my support for the February 2027 Citizen Memorandum titled “Protect Constitutional Rights and Strengthen Government Accountability in Hawai‘i.” I endorse its three priorities and requested legislative actions and incorporate the complete memorandum by reference as part of this endorsement.

Please review the complete memorandum before signing. Please sign only once.

Print Name	Signature	Island AND Town or District	Date

These signatures endorse the February 2027 Citizen Memorandum, “Protect Constitutional Rights and Strengthen Government Accountability in Hawai‘i,” addressing emergency powers, constitutional protections in biosecurity laws, and election integrity. This signature page must accompany the complete memorandum when submitted.