

CONSTITUTIONAL CONVENTION (CON-CON)

Questions and Answers

On November 2, 1976, the voters of Hawaii voted 199,831 to 69,264 in favor of the question "Shall there be a convention to propose a revision of or amendments to the Constitution?" At the First Special Session of 1977, the Ninth Legislature enacted legislation to implement the decision made by the electorate. The following questions and answers are based on that legislation and are designed to inform the public of some of the mechanics for convening the constitutional convention (con-con).

Delegate Election

1. Q: *When and where will the con-con be held?*
A: The law provides that the delegates to con-con shall meet at Honolulu on July 5, 1978 at a suitable place designated by the governor.
2. Q: *Who will be the delegates to the con-con?*
A: Delegates to the con-con will be the 102 persons elected by the voters at a special election to be held on May 20, 1978.
3. Q: *Who can run for delegate?*
A: Any person who is a qualified elector of the con-con district in which he is a candidate for delegate.
4. Q: *What are the con-con districts?*
A: Con-con districts follow the existing 27 representative districts.
5. Q: *How many delegates represent each representative district?*
A: The number of delegates representing a representative district varies. However, if you know how many representatives you elect to the house of representatives from your district, by multiplying that figure by 2, you will get an idea of how many delegates will represent your district. For example, representative district 1 now elects 1 candidate to the house of representatives. It will be entitled to 2 delegates to con-con. Similarly, representative district 27 elects 3 candidates to the house of representatives. It will be entitled to 6 delegates to con-con.
6. Q: *Are all the delegates running at large?*
A: No. There are only 5 at large districts--representative districts 1, 3, 4, 23 and 26, all electing 2 delegates. The rest of the districts specify certain precincts which are grouped into units or subdistricts, with each subdistrict electing 2 delegates. However, representative districts 13 and 27 are split into 3 units or subdistricts, with each subdistrict electing 2 delegates.

7. Q: *How does one become a candidate for delegate to con-con?*
- A: A person becomes a candidate for delegate to con-con by filing nomination papers as provided by the lieutenant governor and by paying a \$25 filing fee. The papers must be signed by at least 15 qualified electors nominating the candidate of the con-con district from which the candidate is running.
8. Q: *I am a state government worker and I want to run for con-con. Do I have to resign my job if I do so?*
- A: State and county employees who run for and are elected and serve as delegates shall be given leave, without pay, from their jobs from the day after the election until con-con adjourns. They are entitled to the pay and allowances of a con-con delegate.
9. Q: *By when does a candidate have to file nomination papers?*
- A: By 4:30 p.m. at least 30 days before May 20, 1978.
10. Q: *Do the candidates go through a primary election?*
- A: No. There will be just one special election.
11. Q: *Will the candidates run from a party?*
- A: No. The ballots used at the special election shall be non-partisan and shall not contain any reference to or designation of the political party or affiliation of any candidate.
12. Q: *Will I have to state my party preference to get a ballot to vote on con-con?*
- A: No.
13. Q: *Is May 20, 1978 a legal holiday?*
- A: No.
14. Q: *May 20 will be a working day for me. I do not think I can get off to vote unless my boss lets me off. Is it important that I vote?*
- A: The election law entitles a voter to get off for 2 consecutive hours (not including lunch or rest periods) between the time of the opening and closing of the polls to vote unless the voter's hours of work are such that there are 2 consecutive hour period of non-work. The employee cannot be penalized or his normal work hours rescheduled because of this.
15. Q: *If I decide to run for con-con, will I have to file a campaign contribution and expense statement?*
- A: Yes. Organizational reports, preliminary reports, and final reports must all be submitted to the campaign spending commission. For more information regarding these requirements you should call the commission at 548-5411.

Delegate Pay

16. Q: *I see that state and county employees are put on leave without pay the day after the elections. Those of us who are not that kind of employee will also be busy with the convention and unable to go to work. When does the delegate pay start?*
- A: Delegate pay is semi-monthly. The first payment is made for the period starting May 21, 1978.
17. Q: *How much will delegates get paid?*
- A: Delegates will be paid a salary of \$1,000 a month, but not more than \$4,000 for the convention.
18. Q: *I live on the big island. Will I get per diem or will I have to pay all my living expenses?*
- A: Neighbor island delegates will get \$30 a day per diem while Oahu delegates will get \$10 a day per diem.

The Convention

19. Q: *Once the convention starts on July 5, 1978, how will it be organized?*
- A: The delegates will organize themselves. The law provides that the delegate with the highest number of votes from the first representative district shall be the temporary chairman.
20. Q: *How will the delegates as a whole or the convention determine who belongs at the convention?*
- A: The constitution provides that the convention shall be the only judge of the elections, returns, and qualifications of its members.
21. Q: *What powers does the convention have?*
- A: The law provides that the convention has the powers granted by the constitution and those of a legislative committee.
22. Q: *What powers does the constitution give the convention?*
- A: The constitution provides that the convention may govern itself, control its members, and provide for the time and manner in which proposed constitutional revision or amendments shall be submitted.
23. Q: *What powers does a legislative committee have?*
- A: Legislative committees by law shall adopt rules governing their procedures. Among other activities, they may hold hearings and receive testimony.

24. Q: *Will the convention have any staff help?*
- A: The convention may appoint staff, without regard to the civil service laws, and contract for such legal and consultative services as it may require. In addition, moneys are appropriated to the office of the legislative reference bureau to provide necessary services and assistance.
25. Q: *Do state officers and employees have to help the convention?*
- A: State officers and employees must cooperate with the convention and must furnish it with such information as may be called for in connection with the activities of the convention.
26. Q: *May delegates be arrested while at the convention?*
- A: In certain cases. The law provides that the delegates in all cases, except felony or breach of the peace, are privileged from arrest during attendance at the convention and in going to and returning from the convention.
27. Q: *What if one of the delegates acts up so badly the convention wants to punish him? What can the convention do?*
- A: The constitution allows the convention by a two-thirds vote to suspend or remove any member for cause.
28. Q: *What if the convention removes a member? Who fills the vacancy?*
- A: The constitution and the law provides that the governor shall fill the vacancy by appointing a qualified voter from the district with the vacancy.
29. Q: *When does the convention have to finish its work?*
- A: The law provides that the convention, unless it determines otherwise, shall submit any constitutional revision or amendments proposed by it to the electorate at the general election of November 1978.