



State of Hawai'i Civil Liberties Watch
2006 Voters' Guide: Proposed Amendments to Hawai'i State Constitution & City/County Charters
American Civil Liberties Union of Hawai'i Positions



Proposed Amendment to the Hawai'i State Constitution (all islands):	Position:	Reason:
<p>#3: Remove Mandatory Retirement Age for State Justices/Judges</p>	<p>VOTE YES</p>	<p>ACLU Position: VOTE "YES" on #3. The mandatory retirement age (MRA) for judges constitutes age discrimination because it makes unfair assumptions about the competency of adults based solely on age. 29 states plus the federal system have no MRA. The MRA was included in the Hawai'i State Constitution in 1959, when the average life expectancy was about 71 years. Today, life expectancy has increased to almost 78 years. People are working and living longer. The 1999 Report of the Task Force on Mandatory Retirement of Judges said, "Mandatory retirement treats all judges who reach the age of 70, except Supreme Court Justices, as if they were unfit to perform their judicial duties beyond that point. This is both inequitable and unwise. ...The retirement demarcation of 70 has long since ceased to bear even a minimal relationship to the State's goal of maintaining a qualified, effective judiciary. To the contrary, the current retirement age is counterproductive to judicial efficiency and productivity." Blank votes count as a "no", so please vote! "Repeal age discrimination! Vote YES on #3!"</p>
<p>#4: Sexual Assault Crimes Against Minors (a.k.a "Continuous Sexual Assault")</p>	<p>VOTE NO</p>	<p>ACLU Position: VOTE "NO" on #4. This amendment would undermine long-standing laws which ensure each person's fundamental right to a fair trial, lowering the standard by which a person can be convicted and permitting jurors who disagree on the fundamental facts of a case to still convict the defendant.</p> <p>The amendment would eliminate the requirement of a unanimous jury – part of the foundation on which our legal system is built. It would permit conviction as long as each juror individually believes that three incidents occurred, even if the jury as a whole cannot agree on what are the three incidents. This amendment attacks the fundamental principle that jurors must agree on the facts of the case in order to convict and would increase the chance of wrongful conviction. Current law requires that a jury unanimously agree that a victim has suffered at least three incidents of sexual assault in order to convict a defendant of the crime of "continuous sexual assault".</p> <p>"Protect due process and fair trials! Vote NO on #4!"</p>



Proposed City & County of Honolulu Charter Amendment:	Position:	Reason:
#2 Alternative "A": Remove Term Limits for City & County of Honolulu Councilmembers	VOTE YES	ACLU Position: VOTE "YES" on #2 alternative "A". The ACLU of Hawai'i opposes limitations on the number of terms an elected official may serve. Such limitations infringe on the right of candidates to run for office and on the right of citizens to vote for the persons of their choice. "Vote Yes on #2 Alternative A to remove term limits for city council members!"
#12(f): Remove Social Security Number Requirement for City & County of Honolulu Petitions	VOTE YES	ACLU Position: VOTE "YES" on #12(f). The ACLU of Hawai'i opposes the requirement that an individual must give their social security number to petition their government. "Protect privacy rights in the City & County of Honolulu! Vote YES on 12(f)!"



Proposed Hawai'i County Charter Amendment (Hawai'i Island):	Position:	Reason:
#5: Remove Social Security Number Requirement for Hawai'i County Petitions	VOTE YES	ACLU Position: VOTE "YES" on #5. The ACLU of Hawai'i opposes the requirement that an individual must give their social security number to petition their government. "Protect privacy rights in Hawaii County! Vote YES on #5!"



Proposed Kaua'i County Charter Amendment (Kaua'i island):	Position:	Reason:
#2: Add Term Limits for Kauai County Councilmembers	VOTE NO	ACLU Position: VOTE "NO" on #2. The ACLU of Hawai'i opposes limitations on the number of terms an elected official may serve. Such limitations infringe on the right of candidates to run for office and on the right of citizens to vote for the persons of their choice. "Vote No on #2 to oppose term limits for Kauai County councilmembers!"