

Democratic Party of Hawaii (DPH) Hawaiian Affairs Caucus (HAC)

To: Bart Dane, Chair, Rules Committee
From: Roth K. Puahala, HAC Male State Central Committee (SCC)
Representative & HAC bylaws Chair
Subject: Response to Rules Committee, SCC, Chairs Report re Review of
HAC Bylaws

**We accept the Rules Committee of the SCC's Report with the follow
Amendments to our Bylaws and approved by the Executive committee and
general membership of DPH HAC:**

**Finding 1,
Caucus Bylaws, Article VI, Section 4, Paragraph 5 – Caucus Representatives to
the State Central Committee.**

Subparagraph (d) lines 20-21 on page 8) hands off the final say on certification to the Pre-Convention Committee of the DPH Convention. It is unclear what the basis for a successful appeal would be. No clear guidance exists. No other caucus delegates this authority the Pre-Convention Committee. More importantly, this provision is void, because caucuses do not have authority to create responsibilities for the Pre-Convention Committee. Those responsibilities are defined under the DPH Bylaws and Constitution.

Response: We, agree to the committee's findings.

Recommended Corrective Action: Recommend to our caucus **deletion of this provision in our bylaws**, i.e., delete "Should a nominee fail to be certified, appeal may be made to the Pre-Convention Credentials Committee as provided for herein."

**Finding 2. Caucus Bylaws, Article VI, Section 5, para 5D – Removal of
Representatives to the SCC..."**

The Caucus describes a means to "recommend removal" of SCC members, and "Final authority rests with the State Central Committee." Ostensibly, anyone can recommend anything to the SCC. A Caucus recommendation would surely hold some weight among SCC members; however, a caucus cannot direct the SCC to act or consider criteria outside of what is required by the current DPH Constitution and Bylaws (hereinafter, "DPH Laws"). This provision may be void, because caucuses do not have authority to create responsibilities for the SCC. Those responsibilities are defined under the DPH Laws.

The caucus should re-write the referenced section to define disqualifying criteria. They could be such measurable criteria as failing to attend X number of Caucus meetings, failure to maintain membership in the Caucus, or actions found to be in violation of the Caucus bylaws and its mission. The re-write could state that a vote of Caucus members could remove its representative(s) found to be disqualified

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according to these criteria.

Response: We, agree to the committee's findings

Recommended Corrective Action: The provisions in our bylaws concerning removal of SCC representatives be changed to state that;

“Removal of Representatives to the SCC is subject to the State Central Committee in accordance with the Party Constitution and Bylaws. The Caucus may recommend removal of an SCC representative, who is disqualified for reasons such as failure to attend at least three consecutive SCC meetings, failure to maintain membership in the Caucus, or actions found to be in violation of the Caucus by-laws or mission, by a two-thirds (2/3) vote of the membership present at a regular or special meeting, with a quorum of at least ten (10) members, for which at least two (2) weeks’ notice has been given to the membership. Final authority for removal rests with the State Central Committee.”

Finding 3. Caucus Bylaws, Article VI, Section 6, Paragraph 6B, subparagraph (3) (lines 20-22, page 9) – Vacancy in SCC representative

The DPH Constitution and Bylaws states that the Caucus fills their own vacancies within a set time limit. The Caucus should define a means to fill the vacancy before the deadline whether by appointment by its Executive Committee or by vote of its membership, or some other democratic means.

HAC Response: We, agree to the committee's findings

Recommendation: Amend HAC bylaws, Article VI, Section 6, para 6B(3) to read:

If the office of a HAC Representative to the SCC becomes vacant:

(a) The Executive Committee of the HAC shall notify Caucus members by e-mail and posting on its HAC web site

(b) The notice shall indicate that:

(i) There is a vacancy,

(ii) A list of potential replacements,

(iii) The date by which the vacancy must be filled, and

(iv) The date by which feedback must be received from the Caucus Members; the Caucus Members shall have no less than 10 days in which to provide feedback to the Executive Committee.

(c) The Executive Committee shall review the feedback from the Caucus

Members and recommend a Caucus member to fill the remainder of the term.

(d) The recommended candidate's name shall be presented to the State Central Committee.