

The Office of Information Practices ("OIP") is charged with the administration of Hawai'i's *open records law*, the Uniform Information Practices Act (Modified), chapter 92F, HRS (the "UIPA"), and Hawai'i's *open meetings law*, part I of chapter 92, HRS (the "Sunshine Law").

Sunshine Law Quiz: Test Your Knowledge

Each year OIP receives more than a hundred questions and complaints about the manner in which State and county boards and commissions conduct their business, and investigates alleged Sunshine Law violations.



Many of the issues involve the use of meeting Notices and Agendas.

Test your knowledge of the law. Answers and explanations appear on page 2.

1 ... If a board has a meeting scheduled for Monday, September 28, at 4:00 p.m., when is the deadline for filing a meeting notice?

- a) September 23 at 4:00 p.m.
- b) September 22 at 4:00 p.m.
- c) At any time on September 22
- d) On September 22, at any time the office in which you're filing the notice is open to accept your notice.



2 ... Which generic entry on an agenda provides insufficient notice for a board's discussion of any item under that entry?

- a) "Other business"
- b) "Old business"
- c) "New business"
- d) "Executive session"
- e) All of the above

3 ... True or False: The Sunshine Law requires that records relating to items on an agenda be in final form and available to the public at the time the notice and agenda are filed.

- a) True
- b) False

4 ... Can an item listed on an agenda for public discussion be instead discussed in a closed executive session?

- a) Yes, as long as there is a quorum.

- b) Yes, as long as the necessity for the executive session was not anticipated, and the other steps for holding an executive session are followed.
- c) No, an agenda may not be amended to add an item if it is of reasonably major importance and action on the item will affect a significant number of persons.



5 ... Is a condo association or homeowners' association subject to the Sunshine Law?

- a) Yes, if the association conducts its meetings in Hawaii.
- b) Yes, if the association is incorporated in Hawaii.
- c) No, only state and county government boards are subject to the Sunshine Law.

Bonus Question ... Who wrote that "Sunshine is the best disinfectant?"

- a) Thomas Jefferson
- b) Abraham Lincoln
- c) Supreme Court Justice Louis Brandeis
- d) Theodore Roosevelt
- e) Florence Nightingale

See Sunshine Law Quiz, p. 2

Sunshine Law Help on OIP's Website

OIP's website, hawaii.gov/oip, features a Sunshine Law page that includes the full text of the law and an updated Q&A guide to the law, with a special edition specifically geared to neighborhood boards.

Also on the Sunshine Law page:

- a link to the **State Calendar**, which lists meeting notices for State boards and commissions;
- **Public Meeting Notice Checklist**;
- **Agenda Guidance** for Sunshine Law Boards;
- Request for OIP's Concurrence for a **Limited Meeting**.



Sunshine Law Quiz (cont. from p. 1)

Answers to Sunshine Law Quiz

1 ... Deadline for filing a meeting notice

The correct answer is **d)**. A notice must be filed **six calendar days** before the scheduled meeting. In the case of



a September 28 meeting, the notice must be filed on September 22, at any time the office in which you're filing the notice is open to accept

your notice. The office may have a policy of not accepting meeting notices after the close of business.

2 ... Generic entries and insufficient notice

The correct answer is **e) All of the above**. Generic entries on an agenda, such as "other business" or "new business," do not provide the public with the Sunshine Law's expressly required public notice of the agenda item to be considered.

OIP has also opined that the Sunshine Law does not allow the use of generic "executive session" entries on an agenda to allow a board to consider an undisclosed matter in an executive meeting. Such entries would not provide the public with the statute's expressly required public notice of the agenda item to be considered and the purpose for which the executive meeting is being held.

3 ... Documents referenced in agenda

The correct answer is **b) False**. The Sunshine Law does not require that records relating to items on an agenda be available to the public at the time the notice and the agenda are filed.

The UIPA requires that agency records that are open for public inspection and copying be available upon request. If such records are not yet in existence at the time an agenda is posted, however, they need not be created in order to satisfy a record request.



4 ... Changing an agenda item listed as public to an executive session during a meeting

The correct answer is **b)**. Such a change is allowed, as long as the necessity for the executive session was not anticipated, and the other steps for holding an executive session are followed.

Answer c) refers to a separate issue, adding an item to an agenda. An agenda may not be amended to add an item if it is of reasonably major importance and action on the item will affect a significant number of persons.



5 ... Application of the Sunshine Law to condo associations or homeowners' associations

The correct answer is **c)**. Only state and county government boards are subject to the Sunshine Law.

The statute defines "Board" as "any agency, board, commission, authority, or committee of the State or its political subdivisions which is created by constitution, statute, rule, or executive order, to have supervision, control, jurisdiction or advisory power over specific matters and which is required to conduct meetings and to take official actions."



Bonus Question ... Who wrote that "Sunshine is the best disinfectant?"

If you selected **c) Supreme Court Justice Louis Brandeis**, give yourself extra credit! Justice Brandeis was appointed by Woodrow Wilson to the Supreme Court of the United States in 1916 and served until 1939.



How did you do on the quiz? OIP's staff attorneys field questions about Hawaii's Sunshine Law every day.

An **Attorney of the Day** is on duty (telephone 808-586-1400) to take your questions about the Sunshine Law, along with any questions you may have about Hawaii's opens records law, the UIPA.



In addition to in-person, email, and telephone advice and training, OIP offers detailed information on its website, **hawaii.gov/oip** (see the box at the bottom of page 1). 

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