

Resolution

No. 98-91 (DRAFT 1)

PROPOSING AN AMENDMENT TO THE REVISED
CHARTER OF THE COUNTY OF MAUI (1993)
RELATING TO THE NONPARTISAN ELECTION OF
MEMBERS OF THE COUNCIL AND THE MAYOR

BE IT RESOLVED by the Council of the County of Maui:

1. That it does hereby propose that the Revised Charter of the County of Maui be amended to eliminate the reference to the primary and general election, and now, therefore, Section 3-1 of the Revised Charter of the County of Maui be amended to read as follows:

“Section 3-1. Composition. There shall be a council composed of nine members who shall be elected at-large. Of the nine members elected to the council, one shall be a resident of the Island of Lanai, one a resident of the Island of Molokai, one a resident of the residency area of East Maui, one a resident of the residency area of West Maui, one a resident of the residency area of Makawao-Haiku-Paia, one a resident of the residency area of “Upcountry” comprising Pukalani-Kula-Ulupalakua, one a resident of the residency area of South Maui, one a resident of the residency area of Kahului, and one a resident of the residency area of Wailuku-Waihee-Waikapu. The county clerk shall prepare the nomination papers in such a manner that candidates desiring to file for the office of council member shall specify the residency area from which they are seeking a seat. The ballots [for the primary and general election] shall, nevertheless, be prepared to give every voter in the county the right to vote for each and every council seat.

1. The East Maui (Hana-Keanae-Kailua) residency area shall consist of the 3rd, 4th, and 5th Precincts in the 12th Representative District.

2. The West Maui residency area shall consist of the 1st, 2nd, and 3rd Precincts of the 7th Representative District and the 1st Precinct of the 8th Representative District.

3. The Wailuku-Waihee-Waikapu residency area shall consist of the 2nd, 3rd, 4th and 5th Precincts, of the 8th Representative District, the 5th, 6th, and 7th Precincts of the 9th Representative District and the portion of the 6th Precincts of the 8th Representative District north of Pohakea Gulch.

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4. The Kahului residency district area shall consist of the 1st, 2nd, 3rd, and 4th Precincts of the 9th Representative District and the 3rd Precinct of the 10th Representative District.

5. The South Maui residency area shall consist of the 3rd, 4th, 5th, and 6th Precincts of the 11th Representative District and the portion of the 6th Precincts of the 8th Representative District south of the Pohakea Gulch.

6. The Makawao-Haiku-Paia residency area shall consist of the 4th, 5th, 6th, and 7th Precincts of the 10th Representative District and the 1st and 2nd Precincts of the 12th Representative District.

7. The Upcountry (Pukalani-Kula-Ulupalakua) residency area shall consist of the 1st and 2nd Precincts of the 10th Representative District and the 1st and 2nd Precincts of the 11th Representative District.

The precincts described are those official precincts and boundaries thereof for the 1992 General Election of the State of Hawaii as described in the Notice of Intent and the election Proclamation of the Honorable Benjamin J. Cayetano, Lieutenant Governor of the State of Hawaii, dated the fifteenth day of June, 1992."

2. That it does hereby propose that the Revised Charter of the County of Maui be amended to provide for the nonpartisan election of the members of the Council, and now, therefore, Section 3-2 of the Revised Charter of the County of Maui be amended to read as follows:

"Section 3-2. [Terms.] Election of Council and Term of Office.

1. Council members shall be elected by nonpartisan special elections. Such special elections shall be held in conjunction with the primary and general elections every two years commencing in 2000. The special election held in conjunction with the primary election every two years shall be known as the first special election. The special election held in conjunction with the general election every two years shall be known as the second special election.

2. The names of all candidates for each council seat shall be placed on the ballot for the first special election; provided, that for any council seat with two or fewer candidates, the names of the

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candidates shall appear only on the ballot for the second special election.

3. For any council seat with three or more candidates, the names of the two candidates receiving the highest number of votes for each council seat in the first special election shall be placed on the ballot for the second special election; provided, that if two or more candidates tie for the highest number of votes received in the first special election, the names of the candidates tied for the highest number of votes shall be placed on the ballot for the second special election; and further provided, that if a single candidate receives the highest number of votes in the first special election and two or more candidates tie for the second-highest number of votes received, the names of the candidate receiving the highest number of votes and the candidates tied for the second-highest number of votes shall be placed on the ballot for the second special election.

4. At the second special election, the candidates receiving the highest number of votes for each council seat shall be deemed elected. If there is no more than one candidate for a council seat, such person shall be deemed elected regardless of the number of votes received.

5. The [terms] term of office of council members shall be for two years, beginning at twelve o'clock meridian on the second day of January following their election. No member of the county council shall serve more than five consecutive full terms of office."

3. That it does hereby propose that the Revised Charter of the County of Maui be amended to eliminate the requirement that a person appointed to fill a Council vacancy be a member of the same political party as the person succeeded, and now, therefore, Section 3-4 of the Revised Charter of the County of Maui be amended to read as follows:

"Section 3-4. Vacancy in Office. In the event a vacancy in the office of any council member shall occur, the remaining members of the council shall appoint a person by resolution adopted by a majority of its remaining members to fill the vacancy for the current unexpired term. Should the council fail to fill any vacancy within thirty (30) days after its occurrence, the mayor shall appoint a person to fill the vacancy for the current unexpired term. The person appointed by the council or mayor to fill a council vacancy shall have the same

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qualifications required of a candidate elected by the voters and, if the person succeeded was elected in a partisan election, shall be a member of the same political party as the person succeeded."

4. That it does hereby propose that the Revised Charter of the County of Maui be amended to provide for the nonpartisan election of the Mayor, and now, therefore, Section 7-2 of the Revised Charter of the County of Maui be amended to read as follows:

"Section 7-2. Election of Mayor and Term of Office.

1. The mayor shall be elected by nonpartisan special elections. Such special elections shall be held in conjunction with the primary and general elections every four years commencing in 2002. The special election held in conjunction with the primary election every four years shall be known as the first special election. The special election held in conjunction with the general election every four years shall be known as the second special election.

2. The names of all candidates for mayor shall be placed on the ballot for the first special election; provided, that if there are two or fewer candidates, the names of the candidates shall appear only on the ballot for the second special election.

3. If there are three or more candidates, the names of the two candidates receiving the highest number of votes in the first special election shall be placed on the ballot for the second special election; provided, that if two or more candidates tie for the highest number of votes received in the first special election, the names of the candidates tied for the highest number of votes shall be placed on the ballot for the second special election; and further provided, that if a single candidate receives the highest number of votes in the first special election and two or more candidates tie for the second-highest number of votes received, the names of the candidate receiving the highest number of votes and the candidates tied for the second-highest number of votes shall be placed on the ballot for the second special election.

4. At the second special election, the candidate receiving the highest number of votes shall be deemed elected. If there is no more than one candidate for mayor, such person shall be deemed elected regardless of the number of votes received.

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5. The voters of the county shall elect a mayor whose term of office shall be four years beginning at twelve o'clock meridian on the second day of January following the mayor's election. A mayor shall not serve more than two consecutive full terms of office."

5. That this resolution shall be submitted to the voters of the County of Maui at the next general election; and

6. That the County Clerk is hereby requested to prepare the necessary ballot for presentation to the voters at the 1998 General Election; and

7. That, upon approval by the majority of the voters in favor of amending the Revised Charter of the County of Maui as indicated by the number of votes cast and upon official certification of such result, the amendments proposed herein shall take effect; and

8. That material to be repealed is bracketed, and new material is underscored; and

9. That a certified copy of this resolution be transmitted to the Mayor.

APPROVED AS TO FORM AND LEGALITY:



J.P. SCHMIDT
Corporation Counsel
County of Maui

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COUNCIL OF THE COUNTY OF MAUI
WAILUKU, HAWAII 96793

CERTIFICATION OF ADOPTION

It is **HEREBY CERTIFIED** that **RESOLUTION NO. 98-91, Draft 1** was passed on second and final reading by the Council of the County of Maui, State of Hawaii, on the 17th day of July, 1998, by the following vote:

MEMBERS	Patrik S. KAWANO Chair	James "Kimo" APANA Vice-Chair	Alan ARAKAWA	J. Kalani ENGLISH	Sol P. KAHO`OHALAHALA	Alice L. LEE	Dennis Y. NAKAMURA	Wayne K. NISHIKI	Charmaine TAVARES
ROLL CALL	No	No	Aye	Aye	Aye	Aye	Excused	Aye	Aye



COUNTY CLERK