

Proposed Charter Amendment – District Voting

Changing the Composition of the Maui County Council to Nine Single Member Districts and Creating a Decennial Apportionment Commission

QUESTION TO VOTERS:

“Shall the members of the county council be elected by representative districts?”

TEXT OF AMENDMENT

(New material underscored, deleted material bracketed and strike-through)

Section 3-1. Composition. There shall be a council composed of nine members who shall be elected[at large] from each of nine districts hereafter provided. [Of the nine members elected to the council, one shall be a resident of the Island of Lanaʻi, one a resident of the Island of Molokaʻi, 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-Haʻiku-Paʻia, 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-Waiheʻe-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 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 be described as follows:

Beginning at shoreline and Kakipi Gulch

Proceed to Kepuni Gulch

North along Kepuni Gulch to Kahikinui Forest Reserve boundary

Easterly along Kahikinui Forest Reserve boundary to Haleakala National Park boundary

Northwest, west, northerly, then southeast along Haleakala National Park boundary to Waikamoi Stream

North along Waikamoi Stream and continuing due west to Kaʻiliʻili Road

West on Kaʻiliʻili Road to Opana Gulch

North along Opana Gulch to jeep trail

Easterly on jeep trail to Palama Gulch then northeasterly to Halehaku Gulch

North along Halehaku Gulch to Kakipi Gulch

North along Kakipi Gulch to point of beginning

2. The West Maui residency area shall be described as follows:

Beginning at shoreline and Lahaina Wailuku District boundary at Poʻelua Bay

Proceed south along boundary to shoreline (Manawainui Gulch)

Northwest, north, then northeast along shoreline to point of beginning (includes the islands of Molokini and Kahoʻolawe)

3. The Wailuku-Waiheʻe-Waikapu residency area shall be described as follows:

Beginning at shoreline and Lahaina Wailuku District boundary

Proceed southeast along shoreline to Kanaloa Avenue extension

Southwest on Kanaloa Avenue extension to Kahului Beach Road

Southeast on Kahului Beach Road to Kaʻahumanu Avenue

West on Kaʻahumanu Avenue to Mahalani Street

Southwest on Mahalani Street to Puʻumele Street

Southwest on Puʻumele Street to Waiʻinu Road

West on Waiʻinu Road to Waiʻale Road

South on Waiʻale Road to East Waiko Road

East on East Waiko Road to Kuʻihelani Highway

Southwest on Kuʻihelani Highway to Honoapiʻilani Highway

South on Honoapiʻilani Highway to Pohakea Gulch

West, then northwest along Pohakea Gulch to point of beginning

4. The Kahului residency district area shall be described as follows:

Beginning at shoreline and Kanaloa Avenue extension

Proceed east along shoreline to Kanaha Beach Park boundary

Southeast along Kanaha Beach Park boundary to Kalialinui Gulch

Southeast along Kalialinui Gulch to Haleakala Highway

Southeast on Haleakala Highway to Lowrie Ditch

Southwest along Lowrie Ditch to Spanish Road

West, then northwest on Spanish Road to East Waiko Road

West on East Waiko Road to Waiʻale Road

North on Waiʻale Road to Waiʻinu Road

East on Waiʻinu Road to Puʻumele Street

North on Puʻumele Street to Mahalani Street

East, then north on Mahalani Street to Kaʻahumanu Avenue

East on Kaʻahumanu Avenue to Kahului Beach Road

Northwest on Kahului Beach Road to Kanaloa Avenue extension

Northeast on Kanaloa Avenue extension to point of beginning

5. The South Maui residency area shall be described as follows:

Beginning at Lahaina Wailuku District boundary and Pohakea Gulch

Proceed southeast, then east along Pohakea Gulch to Honoapiʻilani Highway

North on Honoapiʻilani Highway to Kuʻihelani Highway

Northeast on Kuʻihelani Highway to East Waiko Road

East on East Waiko Road to Spanish Road

Southeast, then east on Spanish Road to Lowrie Ditch

South along Lowrie Ditch to Pulchu Gulch

Southeast along Pulchu Gulch to Waiakoa Road

South on Waiakoa Road to Kihei CDP boundary

South along Kihei CDP boundary to unnamed road

Southwest, then south on unnamed road to unnamed stream (west of Keonckai Road)

East on unnamed stream to Kula Highway

Southwest on Kula Highway to jeep trail (abutting Tiger 2000 line 85098642)

West, then south on jeep trail to Kanaio Kalama Park Road (Ulupalakua Road)

Southeast along Kanaio Kalama Park Road to Piʻilani Highway

Southeast, then east on Piʻilani Highway to Kepuni Gulch

Southeast along Kepuni Gulch to shoreline

Southwest, west, north, northwest, southwest then northwest along shoreline to Lahaina Wailuku District boundary (Manawainui Gulch)

North along boundary to point of beginning

6. The Makawao-Haʻiku-Paʻia residency area shall be described as follows:

Beginning at shoreline and Kanaha Beach Park boundary

Proceed east along shoreline to Kakipi Gulch

South along Kakipi Gulch to Halehaku Gulch

South along Halehaku Gulch to Palama Gulch

Southeast along Palama Gulch to unnamed jeep trail

Northwest, then southwest along jeep trail to Opana Gulch
South along Opana Gulch to Ka'ili'ili Road
East on Ka'ili'ili Road to Waikamoi Stream
South along Waikamoi Stream to Haleakala National Park boundary
Northwest, then southwest along Haleakala National Park boundary to Kailua Gulch
Northwest along Kailua Gulch to Lowric Ditch
Southwest along Lowric Ditch to Haleakala Highway
Northwest along Haleakala Highway to Kalialinui Gulch
Northwest along Kalialinui Gulch to Amala Place
Northwest along Kanaha Beach Park boundary to point of beginning
7. The Upcountry (Pukalani-Kula-Ulupalakua) residency area shall be described as follows:
Beginning at Lowric Ditch and Kailua Gulch
Proceed southeast along Kailua Gulch to Haleakala National Park boundary
Southwest, southeast, east, then southwest along Haleakala National

Park boundary to Kahikinui Forest Reserve boundary
Southwest along Kahikinui Forest Reserve boundary to Kepuni Gulch
South along Kepuni Gulch to Pi'ilani Highway
West on Pi'ilani Highway to Kanaio Kalama Park Road (Ulupalakua Road)
Northwest along Kanaio Kalama Park Road to jeep trail
Northeast on jeep trail to Kula Highway (abutting Tiger 2000 line 85098642)
Northeast along Kula Highway to unnamed stream
Northwest, then west along unnamed stream to unnamed jeep trail
North on unnamed jeep trail to unnamed road
North on unnamed road to Kihei CDP boundary
North on Kihei CDP boundary to Waiakoa Road
North on Waiakoa Road to Pulehu Gulch
Northwest along Pulehu Gulch to Lowric Ditch
North, then northeast along Lowric Ditch to point of beginning]

Section 3-2. 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 (2) years commencing in 2000. The special election held in conjunction with the primary election every two (2) years shall be known as the first special election. The special election held in conjunction with the general election every two (2) 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 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 term of office of council members shall be for two (2) 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.

Section 3-3. Qualifications. To be eligible for election or appointment to the council, a person must be a citizen of the United States, a voter in the county, a resident of the county and the district from which the person seeks to be elected for a period of ninety (90) days next preceding the filing of nomination papers [and at the time of filing of nomination papers a resident in the area from which the person seeks to be elected]. If a council member ceases to be a resident of the county, or ceases to be a resident of the council member's ~~[residency area]~~ district during the council member's term of office, or if a council member is adjudicated guilty of a felony, the council member shall immediately forfeit office and the seat shall thereupon become vacant.

Section 3-5. Procedure; Meetings; Rules and Journal; Voting.

1. The council shall meet in the council room at the county building for its organization at two o'clock p.m. on the second day of January following its election, or on the following Monday if the second day be a Saturday or Sunday, at which time it shall elect one of its members as chair and presiding officer of the council. Until such time as the chair shall be elected, the ~~[mayor]~~ council member elected from the First Council District shall preside at such meeting; ~~provided that the mayor shall not have a vote~~. The council shall also elect a vice-chair who shall act as the presiding officer in the event of the chair's absence or disability. The council shall appoint a presiding officer pro tempore from its own members in the event of the absence or disability of both the chair and vice-chair.

2. The council shall meet regularly at least twice in every month at such times and places as the council may prescribe by rule. Special meetings may be held on the call of the mayor, chair or of five or more members and, whenever practical, upon no less than seventy-two (72) hours effective notice to each member.

3. The council shall determine its own rules and order of business, provided that all members shall have an equal, inalienable, independent right to propose to the council what they believe it should consider without need for a second, and shall provide for keeping a public journal of its proceedings.

4. Voting and all motions shall be in accordance with the rules of the council and shall be recorded in the journal of the council, provided, however, a roll call vote must be taken if requested by any one council member. Five members of the council shall constitute a quorum, but a smaller number may convene from time to time and compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the council. Unless otherwise provided for herein, no action of the council shall be valid or binding unless adopted by a vote of five or more members of the council.

Section 3-9. County Reapportionment Commission.

(a) There shall be a county reapportionment commission which shall establish the boundaries of the council districts.

(b) The initial reapportionment commission shall consist of nine members one from each of the state House of Representative districts, except that the Thirteenth House District shall have three members, one from within that said district who is a resident of Maui, one from Moloka'i and one from Lana'i, and a chairperson who shall be a resident of any area of County. The members shall be appointed by the mayor and confirmed by the council. Not more than a bare majority of the members of the commission shall belong to the same political party.

(c) Each subsequent reapportionment commission shall consist of nine members appointed by the mayor and confirmed by the council. One member shall be a resident of each council district.

(d) The year of 2017, 2021 and every tenth year thereafter shall be reapportionment years. The reapportionment commission shall be appointed and confirmed by March 1 of the reapportionment year, and shall file a reapportionment plan with the county clerk by December 31 of the reapportionment year which shall be applicable to the next succeeding election at which council members are elected to regular terms. The reapportionment commission shall be dissolved after the filing of the reapportionment plan.

(e) The county clerk shall furnish all necessary technical and secretarial services for the reapportionment commission. The council shall appropriate necessary funds to enable the commission to carry out its duties.

(f) The reapportionment commission shall be guided by the following criteria in establishing the boundaries of the council districts:

(1) No district shall be drawn to unduly favor or penalize a person or political faction.

(2) Insofar as possible, districts should be contiguous and compact.

(3) Where possible, district lines shall follow permanent and easily recognized features, such as streets, streams and clear geographical features, and, when practicable, shall coincide with census tract boundaries.

(4) Districts shall have approximately equal resident populations as required by applicable constitutional principles.

(5) No single district shall include both any part of the island of Lana'i and any part of Moloka'i and consideration shall be given to provide the voters of the islands of Lana'i and Moloka'i effective representation.

(6) Except in the case of districts encompassing more than one island, districts shall be contiguous.

(7) Insofar as practicable, districts shall be compact.

(g) The district boundaries as established by the reapportionment commission shall be in effect at the first regularly scheduled council election following the filing of the plan and for any subsequent council election. The district boundaries in effect prior to the filing of the reapportionment plan shall remain in effect during the duration of the term of all councilmembers elected or appointed to represent such districts until the expiration of the full term of such councilmembers, including any election held to fill an unexpired term under section 3-4.

(h) Any registered voter may petition the proper court to compel, by mandamus or otherwise, the appropriate person or persons to perform their duty or to correct any error made in a reapportionment plan, or the court may taken such other action to effectuate the purpose of this section as it may deem appropriate. Any petition must be filed within calendar fifteen days after the filing the reapportionment plan.