

Resolution

No. 26-11

PROPOSING AN AMENDMENT TO THE
REVISED CHARTER OF THE COUNTY OF MAUI
(1983), AS AMENDED, ON COUNTY COUNCIL
VACANCIES IN OFFICE

WHEREAS, Section 3-4 of the Revised Charter of the County of Maui (1983), as amended, requires that a vacancy in the office of a Councilmember be filled by appointment if the unexpired term is less than 15 months; and

WHEREAS, under the Charter, the appointment would be made by resolution adopted by a majority of the remaining Councilmembers within 30 days of the vacancy occurring; and

WHEREAS, if the Council does not make its appointment within that time frame, the Mayor would appoint a person to fill the vacancy for the remainder of the unexpired term; and

WHEREAS, the Mayor has no time limit to fill the vacancy; and

WHEREAS, the Council finds that the voters should decide if the Charter should be amended so that a special election would be conducted to fill a Council vacancy when the term has six months or more remaining and that the responsibility to fill the vacancy would otherwise be the Council's; now, therefore,

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

1. That, in accordance with Section 14-1(1), Revised Charter of the County of Maui (1983), as amended, it proposes that Charter Section 3-4 be amended to read as follows, with deleted material in brackets and new material underscored:

"Section 3-4. Vacancy in Office. A vacancy in the office of any councilmember [shall] must be filled for the remainder of the unexpired term in accordance with State law. The remainder of the unexpired term served by a councilmember filling [such a] the vacancy [shall] must not be counted toward the maximum number of terms the

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councilmember may serve. The vacancy [shall] must be filled in the following manner:

1. If the unexpired term is less than [fifteen] six months, the remaining members of the council [shall] may 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 days after its occurrence, the mayor shall appoint a person to fill the vacancy for the unexpired term.] The person appointed by the council [or mayor shall have] must meet the same qualifications required of a candidate elected by the voters.

2. If the unexpired term is [fifteen] six months or more, the vacancy [shall] must be filled by a special election to be called by the council within [thirty] 30 days and to be held within [ninety] 90 days after the occurrence of the vacancy. The electors of the county [shall] will then elect a successor with the requisite qualifications to fill the vacancy for the remainder of the term. At the special election, the candidate receiving the highest number of votes [shall] will be deemed elected.”;

2. That, in accordance with Charter Section 14-2(1), this Resolution be submitted to the voters of the County of Maui at the next general election;

3. That the County Clerk prepare the necessary ballot for presentation to the voters at the next general election;

4. That, in accordance with Charter Section 14-1(1), it proposes that the following question be placed on the next general election ballot:

“Shall the Charter be amended, effective January 2, 2027, to require a special election to fill a council vacancy if the unexpired term of office is six months or more and, if the unexpired term is less than six months, to remove the time limit for the council to appoint a person to fill the vacancy?”;

5. That, in accordance with Charter Section 14-2(2), the County Clerk must publish the proposed amendment in this Resolution in its entirety in a newspaper of general circulation;

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6. That, on approval by a majority of the voters voting on the proposed amendment and on official certification of the result, the amendment proposed in this Resolution takes effect on January 2, 2027;

7. That, as authorized by Charter Section 14-4, the County Clerk must revise and publish in its entirety a revised Charter including amendments adopted in this Resolution and renumber provisions and cross-references as may be necessary by the approval of the revisions or amendments; and

8. That certified copies of this Resolution be transmitted to the Mayor and County Clerk.

APPROVED AS TO FORM AND LEGALITY



Department of the Corporation Counsel
County of Maui

paf:cmn:25-340a

INTRODUCED BY:


KEANI N.W RAWLINS-FERNANDEZ