

ORDINANCE NO. _____

BILL NO. 194 (2025)

A BILL FOR AN ORDINANCE ESTABLISHING CHAPTER 2.03, MAUI COUNTY
CODE, ON COUNTY COUNCIL VACANCIES IN OFFICE

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Title 2, Maui County Code, is amended by adding a new
chapter to read as follows:

“Chapter 2.03

COUNTY COUNCIL VACANCIES IN OFFICE

Sections:

- | | |
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| 2.03.010 | Purpose. |
| 2.03.020 | Notification of vacancy; forms. |
| 2.03.030 | Nominations. |
| 2.03.040 | Selection process. |

2.03.010 Purpose. This chapter’s purpose is to establish the process by which the council will fill a vacancy in a councilmember’s office for an unexpired term of less than 15 months, under section 3-4 of the revised charter of the county of Maui (1983), as amended. By codifying this process, the council will enhance transparency and predictability in filling the vacancy and avoid consuming a portion of its 30-day appointment period discussing procedures.

2.03.020 Notification of vacancy; forms. A. Within three business days of a vacancy occurring, the county clerk must cause notice of the vacancy to be published in a newspaper of general circulation in the county. The notice shall include information about the process for members of the public to apply to fill the vacancy. The county clerk must also issue a press release to media outlets serving the county that includes links to the nomination papers and a candidate financial disclosure statement. This press release must also be posted on the county executive and legislative branch websites.

B. Within three business days of a vacancy occurring, the county clerk must make the application for a nomination paper and candidate financial disclosure statement form accessible to individuals interested in applying to fill the vacancy. The forms must be made available on the county executive and legislative branch websites.

2.03.030 Nominations. A. Each councilmember may nominate one or more individuals to fill the vacancy by submitting to the county clerk:

1. A proposed resolution to appoint a qualified nominee.

2. The nominee's completed candidate financial disclosure statement and nomination papers.

B. Except for individuals nominated by a councilmember under subsection A, any individual interested in applying to fill the council vacancy must submit to the county clerk a completed candidate financial disclosure statement and nomination papers.

C. Any individual interested in filling the vacancy—whether nominated by a councilmember or self-nominated—must meet the same qualifications required for elected candidates.

D. The documents required by subsections A and B must be complete, signed, and received by the county clerk within 10 calendar days of the vacancy's occurrence, by close of business. The documents must:

1. Demonstrate that the candidate is qualified for the vacant seat.

2. Be signed by the candidate certifying under penalty of perjury that the information contained in the financial disclosure statement is true, correct, and complete. An incomplete financial disclosure form will be returned.

3. Meet the requirements for filing a financial disclosure statement for candidates for elective office under paragraph 2.56.060(A)(1) and subsections 2.56.060(B) and (D).

E. The county clerk must verify that the nominee meets the qualifications enumerated in charter section 3-3. Any nominee who fails to meet the requirements for the vacancy will be disqualified.

F. Individuals that have submitted the proper application documents under subsection B and who have not been disqualified will have their nominations presented to the council by resolution introduced by the council chair or, in the council chair's absence or disability, the council vice-chair. In the absence or disability of both the council chair and council vice-chair, the presiding officer pro tempore will introduce the resolution. In the absence or disability

of all three officers, the county clerk may request that another councilmember introduce the resolution.

2.03.040 Selection process. A. The council's remaining members will consider one or more resolutions to fill the vacancy at a council meeting and concurrent public hearing before the council's deadline to fill the vacancy under charter section 3-4. The meeting agenda must list the resolutions' titles and the nominees' names.

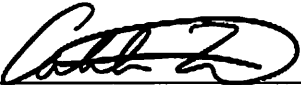
B. Following public testimony, the council's remaining members may interview nominees in an open meeting, except that the council may convene an executive meeting to discuss matters affecting privacy under part I, chapter 92, Hawai'i Revised Statutes.

C. The council will select the nominee to fill the vacancy by resolution. The meeting may be recessed as needed, except that a vote on a resolution appointing a nominee to fill the vacancy must occur within 30 days of the vacancy's occurrence. If the council fails to fill the vacancy within that timeframe, the mayor will appoint an individual to fill the vacancy for the unexpired term.

D. Upon the county clerk's certification of the appointment resolution, the individual selected will be administered the oath or affirmation of office and assume the office for the remainder of the unexpired term."

SECTION 2. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:

A handwritten signature in black ink, appearing to read "Caleb P. Rowe", is written over a horizontal line.

CALEB P. ROWE
Department of the Corporation Counsel
County of Maui
LF 2025-1998

INTRODUCED BY:


KEANI N. W. RAWLINS-FERNANDEZ