

## Proposal No. 1 – District Voting

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

*TEXT OF THE AMENDMENT* (New material underscored, deleted material bracketed)

**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 Lāna`i, one a resident of the Island of Moloka`i, 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-Ha`ikū-Pā`ia, 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-Waihe`e-Waikapū. 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 Haleakalā National Park boundary~~

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

~~North along Waikamoi Stream and continuing due west to Ka`ili`ili Road~~

~~West on Ka`ili`ili Road to Opana Gulch~~

~~North along Opana Gulch to jeep trail~~

~~Easterly on jeep trail to Pālama Gulch then northeasterly to Halchaku Gulch~~

~~North along Halchaku 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 Po`o`lua 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 Kaho`olawe)~~

~~3. The Wailuku-Waihe`e-Waikapū 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 Ka`ahumanu Avenue~~

~~West on Ka`ahumanu Avenue to Mahalani Street~~

~~Southwest on Mahalani Street to Pu`umele Street~~

~~Southwest on Pu`umele Street to Wai`inu Road~~

~~West on Wai`inu Road to Wai`ale Road~~

~~South on Wai`ale Road to East Waikō Road~~

~~East on East Waikō Road to Kū`ihēlani Highway  
 Southwest on Kū`ihēlani Highway to Honoapi`ilani Highway  
 South on Honoapi`ilani Highway to Pohākea Gulch  
 West, then northwest along Pohākea 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 Kanahā Beach Park boundary  
 Southeast along Kanahā Beach Park boundary to Kalialinui Gulch  
 Southeast along Kalialinui Gulch to Haleakalā Highway  
 Southeast on Haleakalā Highway to Lowrie Ditch  
 Southwest along Lowrie Ditch to Spanish Road  
 West, then northwest on Spanish Road to East Waikō Road  
 West on East Waikō Road to Wai`ale Road  
 North on Wai`ale Road to Wai`inu Road  
 East on Wai`inu Road to Pu`umele Street  
 North on Pu`umele Street to Mahalani Street  
 East, then north on Mahalani Street to Ka`ahumanu Avenue  
 East on Ka`ahumanu 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 Pohākea Gulch  
 Proceed southeast, then east along Pohākea Gulch to Honoapi`ilani Highway  
 North on Honoapi`ilani Highway to Kū`ihēlani Highway  
 Northeast on Kū`ihēlani Highway to East Waikō Road  
 East on East Waikō Road to Spanish Road  
 Southeast, then east on Spanish Road to Lowrie Ditch  
 South along Lowrie Ditch to Pūlchu Gulch  
 Southeast along Pūlchu 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 Pi`ilani Highway  
 Southeast, then east on Pi`ilani 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-Ha`ikū-Pā`ia residency area shall be described as follows:  
 Beginning at shoreline and Kanahā Beach Park boundary  
 Proceed east along shoreline to Kakipi Gulch  
 South along Kakipi Gulch to Halehaku Gulch  
 South along Halehaku Gulch to Pālama Gulch~~

~~Southwest along Pālama 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 Haleakalā National Park boundary  
Northwest, then southwest along Haleakalā National Park boundary to Kailua Gulch  
Northwest along Kailua Gulch to Lowrie Ditch  
Southwest along Lowrie Ditch to Haleakalā Highway  
Northwest along Haleakalā Highway to Kalialinui Gulch  
Northwest along Kalialinui Gulch to `Āmala Place  
Northwest along Kanahā Beach Park boundary to point of beginning  
7. The Upcountry (Pukalani-Kula-`Ulupalakua) residency area shall be described as follows:  
Beginning at Lowrie Ditch and Kailua Gulch  
Proceed southeast along Kailua Gulch to Haleakalā National Park boundary  
Southwest, southeast, east, then southwest along Haleakalā 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 Pūlehu Gulch  
Northwest along Pūlehu Gulch to Lowrie Ditch  
North, then northeast along Lowrie 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 2011 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.

*QUESTION TO VOTERS:*

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