

September 30, 2009

To: The Charter Commission

RE: **PROPOSED CHARTER AMENDMENT REGARDING VACANCIES IN OFFICE FOR ELECTED OFFICIALS**

**VACANCIES-** The three sections on how to fill vacancies are now found under the job descriptions for each elected official. Currently, the council majority appoints a person to fill a vacancy in the council, which skews the balance of power in favor of the majority. The Managing Director would fill a vacancy in the Mayor's office. The first deputy would fill a vacancy in the Prosecuting attorney's office. Since these are elected positions, the public that elected them should be able to fill these positions.

It would be most "thrifty" to have just one section on vacancies and then that would also include any additional elected offices that may be created in the future.

This is a slightly revised version from the earlier submission.

**This proposed amendment would supercede and delete sections under Mayor 3.4, Council members 5.1.4 and Prosecuting Attorney 9.5.**

(a) **Vacancies:** A vacancy in any elected office for the County of Hawaii shall be filled for the remainder of the term in the following manner and order of priority:

(1) The person who received the next highest number of votes in the last general election (or in the primary election if the official won in the primary election) shall be appointed to serve the remainder of that term OR

(2) If that person is unavailable to serve and if the term is less than 6 months, the county council shall appoint a successor by majority vote.

A. Applicants shall file nomination papers (following standard election practices) with the county clerk within fifteen calendar days of the date that the vacancy occurred.

B. Individuals wanting to serve the remainder of the term shall meet all requirements for that office and shall file the required nomination papers with the county clerk including signatures of qualified voters supporting that person's nomination.

C. The county clerk shall provide copies of the applications to the council at the first council meeting where it can be legally agendaized and provide public notice of the pending appointment. Notice shall be placed in the two county-wide newspapers of greatest general circulation, seven calendar days prior to the date of the council meeting. The notice shall include the name of all of the candidates for the vacant office and the date, time and location of the meeting.

(3) If the remainder of the term is greater than six months, there shall be a special election by mail shall be held within sixty days of the time that the vacancy occurred,

Please call or email me with questions, comments or suggestions.

Mahalo-

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