

The Maui County Council Elective System

A case of the tail wagging the dog

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CURRENT SYSTEM

- U.S. Constitution requires equally sized districts – one person, one vote
- Maui County problem – three islands of vastly different sized populations
- If Lanai's 3,000 residents were the base district – County would have about 40 Council districts.

Creative Response

Our current system

- Elect Council at-large –each voter votes for each council seat, no matter where they live
- But the candidates must come from defined areas.
- Apparent goal: assure that Molokai, Lanai, and later Hana are represented by a resident
- This assures that Lanai and Molokai residents serve on the Council.
- But also contorts the Elective System

WHAT'S WRONG WITH THE CURRENT SYSTEM?

- The Kaho'ohalahala case raises question:
- If Lanai Council Member doesn't have to live on Lanai, what's the point of having such a system?

COSTS OF THE CURRENT SYSTEM

- History shows, that once established, Lanai and Molokai incumbents are invulnerable
- And invulnerable politicians are never a healthy thing in a Democracy
- Lanai and Molokai populations are too small to recruit strong opponents
- A three-island race is too expensive for a Lanai or Molokai challenger

- So, Lanai and Molokai incumbents are rarely challenged.
- When they are, they frequently lose on their home islands.
- But win handily on Maui.
- The last case of a Molokai Council Member losing: 1980.
- Lanai's Goro Hokama held his seat for 40 years. His son held it for 10 and plans to come back.

Seats Regularly Go Unchallenged

- Council elected every two years
- There are usually unchallenged seats – no one challenges the incumbent
- 2006 – Lanai, Molokai, and South Maui seats – unchallenged.
- 2008 – Molokai and Wailuku seats – unchallenged
- This is a huge red flag – we have a sick system.

Grossly Disproportionate

- Combined, the total populations of Lanai, Molokai and Hana amount to less than one-tenth of the County's population.
- Responsible for one-third of Council seats.
- The Lanai-Molokai trade-off means the rest of the County is underrepresented.
- It also means we are recruiting a third of our Council from tiny, rural constituencies.

Odd Outcome

- The far majority of Council Chairs have come from Lanai or Molokai in the last three decades.
- The current chair comes from Molokai
- The last chair came from Lanai, etc.
- Why is Lanai and Molokai leading Maui?

The Tail Wagging the Dog

- In order to accommodate Lanai and Molokai, all candidates for the County Council have to run every 2 years on three islands – a tough requirement
- Same as the Mayor's race -every 4 years.
- Bigger commitment of money and time from candidates than if running in smaller, true districts.

Advantage: Incumbents

- At-large races – advantage incumbents, disadvantage contenders
- Insurmountable obstacles for Lanai and Molokai challengers.
- Result: Lanai and Molokai incumbents are rarely challenged
- Name recognition: advantage incumbents

Voter Confusion

Another RED FLAG

- Maui County voters throw away many thousands of Council vote—leave them blank
- Some don't get it's an at-large race: can vote for all seats
- Some don't believe that they should vote outside of their "district" – not pono
- Advantage: voters who do get it
- Another Flag: the system is dysfunctional

IMPACT ON REPRESENTATION

- Residency districts treated as districts
- But Council Member is not accountable to district's voters
- They can do a poor job for the district but still get re-elected -- countywide name recognition or power base
- As a result, current "districts" can be ignored

What's Good About the Current System?

1. Assures Lanai and Molokai residents on Council
2. System favors status quo – incumbents over newcomers
– stability
3. System favors Efficiency over Democracy
4. Decisions can be made despite upset constituencies.
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5. Council Members don't have to fight to "protect" their district's interests. More a trustee than a delegate

6. The Council has a more Countywide perspective because they run in every corner of the County

On Balance:

- Our current system is clearly dysfunctional
- Incumbent given major advantage
- Lanai and Molokai incumbents have gross advantage.
- Voters do not understand system
- Representation is weaker
- The tail is wagging the dog

Prescription

- 9 single-member, equally sized districts
- Simplest, most straightforward system – one that the voters can understand
- Lanai and Molokai should be incorporated into Maui districts...
- But not the same one.
- Three-island districts are too hard for one person to properly represent
- Lanai and Molokai are different communities, with different needs and character.

What's best for Lanai/Molokai?

- At-large: L/M votes are meaningless
- True districts: they would be significant constituencies
- Their Council Member would truly be theirs
- Could have a real say on who represents them

Break

How to change status quo

- Council initiated Charter Amendment
- Unlikely
- This Council is naturally to this system

- Best shot: County Charter Commission – 2011
- Likely proponents: Maui based groups
- Likely opposition from Lanai, Molokai, Hana and those who gain from the status quo.