

PROPOSAL 2

Section 3-105 of the Revised Charter of the City and County of Honolulu 1973, as amended, is amended to read as follows:

“Section 3-105. Vacancy in Office --

A vacancy in the office of any councilmember shall be filled in the following manner:

- (a) If the unexpired term is less than one year, the remaining members of the council shall elect a successor with requisite qualifications to fill the vacancy for the unexpired term. Vacancies shall be filled only at a [regular] meeting of the council after reasonable notice of intent to fill the vacancy has been given to all remaining members of the council by the presiding officer. Should the council fail to fill any vacancy within thirty days after its occurrence, the mayor shall appoint a successor to fill the vacancy for the unexpired term.
- (b) If the unexpired term is for one year or more, the vacancy shall be filled by special election to be called by the council within ten days and to be held within [sixty] one hundred twenty days after the occurrence of the vacancy. At such time, the electors of the district shall elect a successor to fill the vacancy for the remainder of the term. If any special or general election is to be held in the city after thirty days and within one hundred eighty days after the occurrence of the vacancy, then the election shall be held in conjunction with such other election. Pending the election, the remaining members of the council shall make a temporary appointment with requisite qualifications to fill the vacancy until a successor is duly elected. The vacancy shall be filled only at a meeting of the council after reasonable notice of intent to fill the vacancy has been given to all remaining members of the council by the presiding officer. Should the council fail to fill the vacancy within thirty days after its occurrence, the mayor shall make the temporary appointment to fill the vacancy until a successor is duly elected.”

Section 5-106 of the Revised Charter of the City and County of Honolulu 1973, as amended, is amended to read as follows:

“Section 5-106. Vacancy in Office --

1. A vacancy in the office of mayor caused by death, resignation, removal or disqualification to hold office shall be filled as follows:

- (a) If the unexpired term is for less than one year, the council shall, by a majority vote of all of its members, elect one of its members to be mayor for the unexpired term, and a vacancy shall thereupon exist in the council.
- (b) If the unexpired term is for one year or more, the vacancy shall be filled by a special election to be called by the council within ten days and to be held within [sixty] one hundred twenty days after the occurrence of the vacancy. The electors of the city shall then elect a successor with requisite qualifications to fill the vacancy for the remainder of the term. If any special or general election is to be held in the city after

thirty days and within one hundred eighty days after the occurrence of the vacancy, then the election is to be held in conjunction with such other election.

2. Pending the election of a mayor in case of a vacancy or in the temporary absence of the mayor from the state or temporary disability of the mayor, the managing director shall act as mayor. If there is no managing director or if the managing director is unable to act, the director of budget and fiscal services shall then act as mayor.”

Section 8-106 of the Revised Charter of the City and County of Honolulu 1973, as amended, is amended to read as follows:

Section 8-106. Vacancy in Office --

A vacancy in the office of the prosecuting attorney caused by death, resignation, removal or disqualification to hold office shall be filled as follows:

- (a) If the unexpired term is for less than one year, the office of the prosecuting attorney shall be filled by the first deputy who shall act as prosecuting attorney, or if the position of first deputy is vacant or if the first deputy does not meet the minimum qualifications for prosecuting attorney, the mayor with the approval of the council shall fill the vacancy by appointment of a person with the requisite qualifications within thirty days after the occurrence of the vacancy.
- (b) If the unexpired term is for one year or more, the vacancy shall be filled by a special election to be called by the council within ten days and to be held within [sixty] one hundred twenty days after the occurrence of the vacancy. The electors of the city shall then elect a successor with requisite qualifications to fill the vacancy for the remainder of the term. If any special or general election is to be held in the city after thirty days and within one hundred eighty days after the occurrence of the vacancy, then the election shall be held in conjunction with such other election. Pending the election of the prosecuting attorney, the first deputy shall act as prosecuting attorney. If the position of first deputy is vacant or if the first deputy does not meet the minimum qualifications for prosecuting attorney, the mayor, with the approval of the council, shall fill the vacancy by appointment of a person with the requisite qualifications within thirty days after the occurrence of the vacancy.”