

Introduction: What Is District Voting?

Recently, District Voting for the Maui County Council has received a lot of attention around the County. In line with its mission, the directors of the North Beach West Maui Benefit Fund commissioned Professor Jon Van Dyke, respected constitutional law scholar, to provide this educational brochure to help our community better understand what District Voting is. This brochure gives an overview of district voting and compares some of the different proposals that have been offered by different groups over the past couple of years.

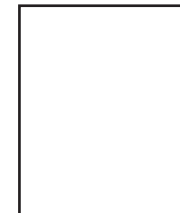
Constitutional Requirements

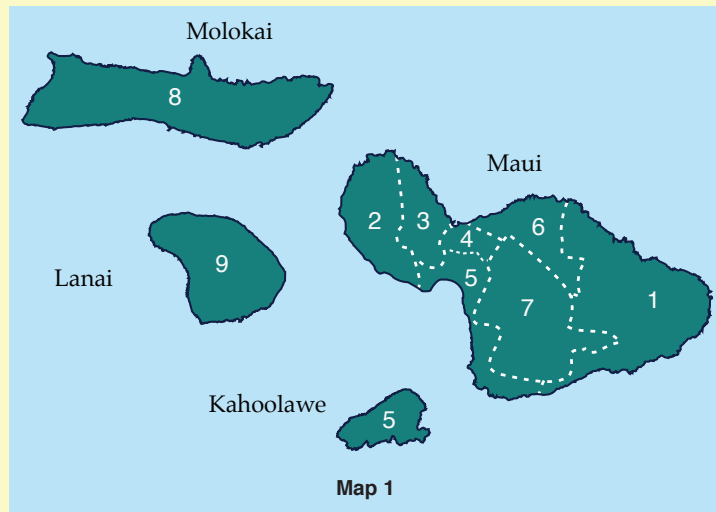
In *Reynolds v. Sims* (1964), the U.S. Supreme Court ruled that the Equal Protection Clause of the U.S. Constitution required that each person's vote have equal weight in all elections. This decision established the "one-person/one-vote" requirement, whereby apportionment of voting districts be based solely on population. The Court explicitly rejected the idea that rural or less-populated areas could receive enhanced voting clout simply because of their geographic size or uniqueness. In his majority opinion, Chief Justice Earl Warren explained that: "Legislators represent people, not trees or acres. Legislators are elected by voters, not farms or cities or economic interests."

The Challenge Presented by Maui County's Population

Maui County's population is not evenly distributed. Estimates for 2010 put the population of the Island of Maui at 140,339, Molokai at 7,276 and Lanai at 3,735 – for a total County population of 151,350. If Maui County were divided into districts for the purpose of electing members of the County Council, under the "one-person/one-vote" requirement, Lanai would be entitled to have its own councilmember only if the Council had 40 members. Even if Lanai and Molokai were combined, they would together be entitled to a single councilmember only if the Council had 14 members. Courts have permitted local governments, like Maui County, to elect councilmembers "at large" (i.e., with each legislator being elected by the entire County) while requiring that some or all of the councilmembers live in defined residency areas." This system ensures that councilmembers have some geographic diversity while being technically consistent with the "one-person/one-vote" requirement. Many have expressed concerns that, as Maui has grown, the current "at large" system should be replaced with District Voting.

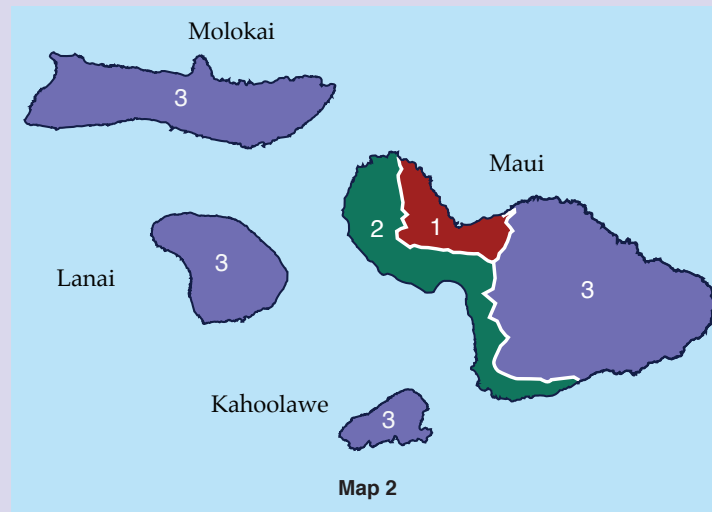
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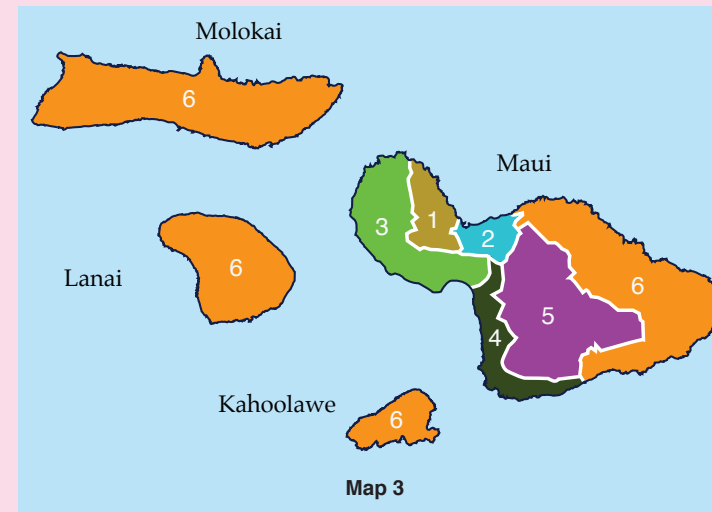
**The Present System:
One County-wide District
with Nine Residency Areas**

Currently, each Maui County voter is entitled to cast a vote in all nine elections for members of the Maui County Council, but the candidates running must reside in one of the nine separate geographically-defined “residency areas,” as illustrated in Map 1. This system ensures that a councilmember reside in each of the less populated areas of the County like Lanai, Molokai, and East Maui. Because voters from throughout the County vote in each of the nine councilmember races, candidates must campaign for votes from across the County (thus requiring expensive campaigns) and sometimes do not have the support of voters in the area in which they reside. As a practical matter, the voters from the more heavily-populated areas (Wailuku and Kahului) determine who will win the elections for councilmembers seeking to represent the less populated areas simply because more votes are cast in the heavily-populated areas.



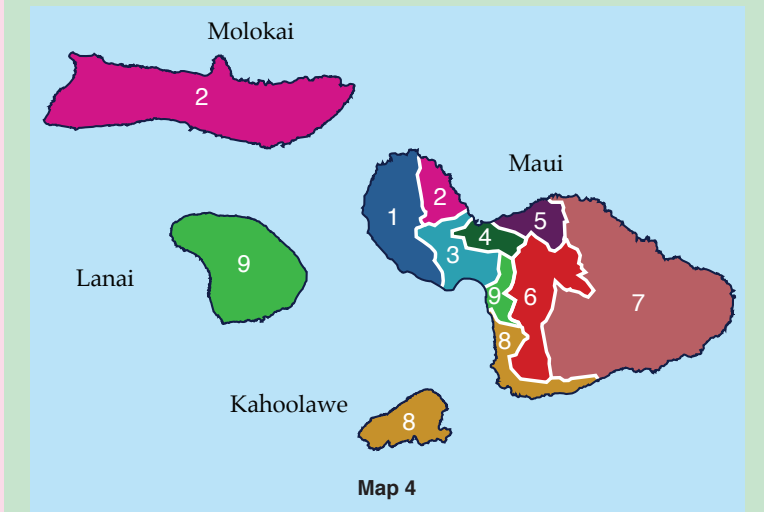
**Option One:
Three Multi-Member Districts**

Option One utilizes the three current Maui Senate Districts, illustrated in Map 2. Voters in each of these districts would cast up-to-three votes for their favorite candidates, and the top three vote-getters in each district would become councilmembers. Under this approach, the candidates would run in only one-third of the County, thus reducing campaign expenses. Once elected, they would still represent a large portion of the County. Because voters can vote for three candidates, voters can promote perspectives they favor or divide their votes in a manner that leads to diversity among the councilmembers.



**Option Two:
Six Single-Member Districts
Plus Three At-Large Districts**

In this approach, one council member would be elected from each of the six current Maui House-of-Representative Districts, illustrated in Map 3, and three would be elected at-large by voters throughout the County. This approach would allow closer ties between voters and elected council members in the six single-member districts and would lower campaign costs. It would also continue to allow certain candidates the opportunity to campaign throughout the County and to represent the entire County in the Council, including those who might seek to promote greater name recognition for a future race for Mayor or some other office.



**Option Three:
Nine Single-Member Districts**

Under this approach, Maui County would be divided into nine geographical districts, each representing about the same number of voters, as is done in Honolulu and the Big Island. A nonpartisan apportionment commission would create nine districts based on the needs and preferences of the different communities around Maui County. Map 4 shows one possible configuration. Many other configurations are also possible. The advantages of this approach are that the candidates would run in small regions, keeping campaign costs as low as possible and strengthening voters’ connection with their individual council member. A possible disadvantage is that some councilmembers may be focused only on the district they represent, and may ignore concerns relevant to the other parts of the County.