

KATHY L. KAOHU  
County Clerk



JAMES G.M. KRUEGER  
Deputy County Clerk

**OFFICE OF THE COUNTY CLERK**

COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.mauicounty.gov/county/clerk](http://www.mauicounty.gov/county/clerk)

June 20, 2022

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Ms. Mona R. Cherry  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~

Dear Ms. Cherry:

SUBJECT: **COUNTY CLERK'S RULING ON YOUR OBJECTION TO  
THE NOMINATION PAPERS OF ALICE LEE AND RIKI  
HOKAMA**

On Monday, June 13, 2022, the Office of the County Clerk, County of Maui, received your written objection to the nomination papers of Alice Lee and Riki Hokama, pursuant to Section 12-8, Hawaii Revised Statutes.

Your objection as submitted is based upon whether or not Alice Lee and Riki Hokama are in compliance with Section 3-2(5) of the Revised Charter of the County of Maui (1983), as amended, which states in part, "No member of the county council shall serve more than five full terms of office."

The last day to file an objection to a candidate's nomination paper was Tuesday, June 14, 2022. Your objection as submitted to the Office of the County Clerk was received on time; however, it is hereby denied. I have attached copies of the County Clerk's decision that were sent to Alice Lee and Riki Hokama for your information.

Sincerely,

A handwritten signature in black ink that reads "Kathy L. Kaohu".

KATHY L. KAOHU  
County Clerk  
County of Maui

Enclosures



**OFFICE OF THE COUNTY CLERK**  
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June 20, 2022

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

RECEIVED  
2022 JUN 20 PM 4:20  
OFFICE OF THE  
COUNTY CLERK

Ms. Alice Lee

~~Private Address~~  
~~Wailuku, HI 96793~~

Dear Ms. Lee:

SUBJECT: **OBJECTION TO THE NOMINATION OF ALICE LEE AND  
RIKI HOKAMA: PRELIMINARY DECISION**

Comes now Kathy Kaohu, duly appointed Clerk for the County of Maui, having considered the objection filed by Mona R. Cherry on June 13, 2022 and the evidence on file in this matter and renders the following preliminary decision on the Objection to the Nominations of Alice Lee and Riki Hokama.

**Findings of Fact**

1. Alice Lee served on the Maui County Council ("Council") from twelve o'clock meridian on January 2, 1989 and continued to be elected to the Council until concluding her service on the Council at twelve o'clock meridian on January 2, 1999. Ms. Lee served five consecutive full terms of office from January 2, 1989 until January 2, 1999. Ms Lee was re-elected to the Council and served from twelve o'clock meridian on

January 2, 2019 and has continued to be elected as a Council member until present.

2. Riki Hokama was appointed to fill the unexpired term of Sol P. Kaho'ohalahala's vacancy effective November 12, 1998. Mr. Hokama's first full term of office began at twelve o'clock meridian on January 2, 1999 and he continued to be elected to the Council until twelve o'clock meridian on January 2, 2009. Mr. Hokama served five consecutive full terms of office from January 2, 1999 until January 2, 2009. Mr. Hokama was re-elected to the Council and served from twelve o'clock meridian on January 2, 2011, and he continued to be elected to the Council until twelve o'clock meridian on January 2, 2021. Mr. Hokama served five consecutive full terms of office from January 2, 2011 until January 2, 2021.
3. At the Council's Governance, Ethics, and Transparency Committee ("GET Committee") meeting of June 23, 2020, the GET Committee considered a resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, TO ESTABLISH STRICTER TERM LIMITS FOR COUNCIL MEMBERS" ("the resolution"). As noted on the meeting agenda, which is attached as Exhibit "A", the purpose of the resolution "is to place on the next General Election ballot the question of whether the Revised Charter of the County of Maui (1983), as amended ("Charter"), should be amended, effective

January 2, 2021, to establish stricter term limits for Council members by limiting the number of terms a person may serve as a Council member to five full terms.”

4. According to the minutes of the GET Committee meeting of June 23, 2020, which is attached as Exhibit “B”, GET Committee Chair Molina asked Council Member King “would someone who had prior Council service, would that count against the five term, two-year consideration” or “would everybody’s slate be wiped clean.” In response, Council Member King said “it would be wiped clean. It doesn’t go backwards and qualify any of the years any of us had served,” and further, “it would start fresh with everybody on January 2, 2021. So, it wouldn’t affect anybody who’s previously, who’s been on the Council or even are, it doesn’t even include our current terms.”
5. A revised version of the resolution was posted on the agenda for the Council’s meeting of July 10, 2020 with Committee Report 20-73. The agenda for this Council meeting is attached as Exhibit “C”. Committee Report 20-73 is attached as Exhibit “D”. Committee Report 20-73 states that “any terms of office served prior to January 2, 2021, would not count toward the term limits.”
6. According to the minutes of Council’s meeting of July 10, 2020, which is attached as Exhibit “E”, Council Member Molina stated “any terms of

office completed by the Charter amendments (*sic*) effective date of January 2, 2021 would not count towards the term limits.”

7. The Council passed the revised version of the resolution on first reading at its meeting of July 10, 2020. The resolution was numbered as Resolution No. 20-98.
8. Resolution No. 20-98 was posted again for the Council meeting of July 24, 2020 and a public hearing held on July 24, 2020. The July 24, 2020 meeting agenda is attached as Exhibit “F”. The July 24, 2020 public hearing notice is attached as Exhibit “G”. The minutes from this meeting and the public hearing are attached as Exhibit “H”.
9. Resolution No. 20-98 was passed by the Council on second and final reading at the Council’s meeting of July 24, 2020. Resolution No. 20-98 is attached as Exhibit “I”.
10. The proposed Charter amendment in Resolution No. 20-98 removes the word “consecutive” from the last sentence of Subsection 5 of Section 3-2 of the Charter. The new sentence reads as follows: “No member of the county council shall serve more than five full terms of office.”
11. The ballot question for the proposed Charter amendment in Resolution No. 20-98 reads as follows: “Shall the Charter be amended to establish stricter term limits for Council members by limiting the number of terms a person may serve as a Council member to five full terms?”

12. Resolution No. 20-98 also states that the Council's "express intent is that 'full term' means any uninterrupted time in office for at least two years starting on the effective date of the amendment proposed by this Resolution or any later date."
13. The ballot question was published in the Maui News on September 12, 2020, in accordance with Charter Section 14-2. A copy of that printing with an affidavit confirming the printing date is attached as Exhibit "J".
14. The ballot question was presented to the voters of the County of Maui for consideration during the 2020 General Election. A sample facsimile ballot for the County Maui from the 2020 General Election is attached as Exhibit "K".
15. The voters of the County of Maui approved the proposed amendment, with 48,967 voters voting in favor of the amendment and 18,260 voters voting against it. The result sheet for the 2020 General Election is attached as Exhibit "L".
16. The Charter amendment went into effect on January 2, 2021.
17. Alice Lee filed Nomination Papers with the Office of the County Clerk, County of Maui on April 26, 2022.
18. Riki Hokama filed Nomination Papers with the Office of the County Clerk, County of Maui on June 6, 2022.
19. Section 12-8(a) of the Hawaii Revised Statutes ("HRS") sets the deadline for objections to nomination papers as the sixtieth day prior to the

primary election. June 14, 2022 was the sixtieth day prior to the primary election.

20. Mona R. Cherry is a registered voter for the County of Maui.
21. On June 13, 2022, Ms. Cherry filed an Objection to the Nominations of Alice Lee and Riki Hokama.
22. Ms. Cherry's Objection alleged that Alice Lee and Riki Hokama are in violation of Subsection 5 of Section 3-2 of the Charter, which in part reads "No member of the county council shall serve more than five full terms of office."

#### Conclusions of Law

1. Subsection 5 of Charter Section 3-2, as of January 2, 2021, reads in part as follows: "No member of the county council shall serve more than five full terms of office."
2. Section 1-3, HRS, states "No law has any retrospective operation, unless otherwise expressed or obviously intended."
3. Upon examination of Subsection 5 of Charter Section 3-2, no retrospective operation is expressed.
4. Upon examination of Resolution 20-98, Committee Report 20-73, and the meeting minutes and agendas from the GET Committee meeting of June 23, 2020, and the Council meetings of July 10, 2020, and July 24, 2020,

no obvious intention for retrospective operation of this amendment was expressed by the Council members.

5. Because no retrospective operation for the amendment was expressed or obviously intended, the amendment must be interpreted as applying to those terms occurring after its effective date; therefore, Alice Lee and Riki Hokama are not in violation of Subsection 5 of Charter Section 3-2.

Preliminary Decision

Based on the above analysis, voter Mona R. Cherry's HRS Section 12-8 Objection is hereby DENIED. The merits of the objection do not warrant the disqualifications of Alice Lee and Riki Hokama from running for Council.

Respectfully,



Kathy L. Kaohu  
County Clerk  
County of Maui

cc: Moana Lutey, Corporation Counsel  
Scott Nago, Chief Election Officer, State of Hawaii  
Mona R. Cherry, Objector