

JAN 22 2021

A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO THE HAWAII STATE CONSTITUTION TO
REQUIRE THE REAPPORTIONMENT COMMISSION TO ESTABLISH A
REAPPORTIONMENT PLAN TO DRAW DISTRICT LINES FOR THE MEMBERS
OF THE OFFICE OF HAWAIIAN AFFAIRS BOARD OF TRUSTEES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Article IV, section 2, of the Constitution of
2 the State of Hawaii is amended to read as follows:

3 **"REAPPORTIONMENT COMMISSION**

4 **Section 2.** A reapportionment commission shall be
5 constituted on or before May 1 of each reapportionment year and
6 whenever reapportionment is required by court order. The
7 commission shall consist of nine members. The president of the
8 senate and the speaker of the house of representatives shall
9 each select two members. Members of each house belonging to the
10 party or parties different from that of the president or the
11 speaker shall designate one of their number for each house and
12 the two so designated shall each select two members of the
13 commission. The eight members so selected, promptly after
14 selection, shall be certified by the selecting authorities to
15 the chief election officer and within thirty days thereafter,



1 shall select, by a vote of six members, and promptly certify to
2 the chief election officer the ninth member who shall serve as
3 chairperson of the commission.

4 Each of the four officials designated above as selecting
5 authorities for the eight members of the commission, at the time
6 of the commission selections, shall also select one person from
7 each basic island unit to serve on an apportionment advisory
8 council for that island unit. The councils shall remain in
9 existence during the life of the commission and each shall serve
10 in an advisory capacity to the commission for matters affecting
11 its island unit.

12 A vacancy in the commission or a council shall be filled by
13 the initial selecting authority within fifteen days after the
14 vacancy occurs. Commission and council positions and vacancies
15 not filled within the times specified shall be filled promptly
16 thereafter by the supreme court.

17 The commission shall act by majority vote of its membership
18 and shall establish its own procedures, except as may be
19 provided by law.

20 Not more than one hundred fifty days from the date on which
21 its members are certified, the commission shall file with the



1 chief election officer a reapportionment plan for the state
2 legislature and the Office of Hawaiian Affairs, and a
3 reapportionment plan for the United States congressional
4 districts which shall become law after publication as provided
5 by law. Members of the commission shall hold office until each
6 reapportionment plan becomes effective or until such time as may
7 be provided by law.

8 No member of the reapportionment commission or an
9 apportionment advisory council shall be eligible to become a
10 candidate for election to either house of the legislature, ~~[or]~~
11 to the United States House of Representatives, or to the board
12 of trustees of the Office of Hawaiian Affairs in either of the
13 first two elections under any such reapportionment plan.

14 Commission and apportionment advisory council members shall
15 be compensated and reimbursed for their necessary expenses as
16 provided by law.

17 The chief election officer shall be secretary of the
18 commission without vote and, under the direction of the
19 commission, shall furnish all necessary technical services. The
20 legislature shall appropriate funds to enable the commission to
21 carry out its duties."



SECTION 2. Article IV, section 4, of the Constitution of the State of Hawaii is amended to read as follows:

"APPORTIONMENT AMONG BASIC ISLAND UNITS

Section 4. The commission shall allocate the total number of members of each house of the state legislature and the total number of members of the board of trustees of the Office of Hawaiian Affairs being reapportioned among the four basic island units, namely: (1) the island of Hawaii, (2) the islands of Maui, Lanai, Molokai and Kahoolawe, (3) the island of Oahu and all other islands not specifically enumerated, and (4) the islands of Kauai and Niihau, using the total number of permanent residents in each of the basic island units and computed by the method known as the method of equal proportions; except that no basic island unit shall receive less than one member in each house[-] nor receive less than one member on the board of trustees of the Office of Hawaiian Affairs."

SECTION 3. Article IV, section 6, of the Constitution of the State of Hawaii is amended to read as follows:

"APPORTIONMENT WITHIN BASIC ISLAND UNITS

Section 6. Upon the determination of the total number of members of each house of the state legislature and members of



1 the board of trustees of the Office of Hawaiian Affairs to which
2 each basic island unit is entitled, the commission shall
3 apportion the members among the districts therein and shall
4 redraw district lines where necessary in such manner that for
5 each house and the board of trustees of the Office of Hawaiian
6 Affairs the average number of permanent residents per member in
7 each district is as nearly equal to the average for the basic
8 island unit as practicable.

9 In effecting such redistricting, the commission shall be
10 guided by the following criteria:

11 1. No district shall extend beyond the boundaries of any
12 basic island unit.

13 2. No district shall be so drawn as to unduly favor a
14 person or political faction.

15 3. Except in the case of districts encompassing more than
16 one island, districts shall be contiguous.

17 4. Insofar as practicable, districts shall be compact.

18 5. Where possible, district lines shall follow permanent
19 and easily recognized features, such as streets, streams and
20 clear geographical features, and, when practicable, shall
21 coincide with census tract boundaries.



1 6. Where practicable, representative districts shall be
2 wholly included within senatorial districts.

3 7. Not more than four members shall be elected from any
4 district.

5 8. Where practicable, submergence of an area in a larger
6 district wherein substantially different socio-economic
7 interests predominate shall be avoided."

8 SECTION 4. Article XII, section 5, of the Constitution of
9 the State of Hawaii is amended to read as follows:

10 **"OFFICE OF HAWAIIAN AFFAIRS; ESTABLISHMENT OF**
11 **BOARD OF TRUSTEES**

12 **Section 5.** There is hereby established an Office of
13 Hawaiian Affairs. The Office of Hawaiian Affairs shall hold
14 title to all the real and personal property now or hereafter set
15 aside or conveyed to it which shall be held in trust for native
16 Hawaiians and Hawaiians. There shall be a board of trustees for
17 the Office of Hawaiian Affairs elected by qualified voters who
18 are Hawaiians, as provided by law. The board members shall be
19 Hawaiians. There shall be not less than nine members of the
20 board of trustees[, ~~provided that each of the following Islands~~
21 ~~have one representative: Oahu, Kauai, Maui, Molokai and~~



1 ~~Hawaii.]~~; provided that the members shall be apportioned
2 according to the provisions of Article IV. The board shall
3 select a chairperson from its members."

4 SECTION 5. The question to be printed on the ballot shall
5 be as follows:

6 "Shall the reapportionment commission be required to
7 establish a reapportionment plan to draw district lines for
8 the total number of members of the board of trustees of the
9 Office of Hawaiian Affairs to be reapportioned among the
10 four basic island units using the total number of permanent
11 residents in each basic island unit and computed by the
12 method of equal proportions, with no less than one member
13 for each basic island unit?"

14 SECTION 6. Constitutional material to be repealed is
15 bracketed and stricken. New constitutional material is
16 underscored.

17 SECTION 7. This amendment shall take effect upon
18 compliance with article XVII, section 3, of the Constitution of
19 the State of Hawaii.

20
INTRODUCED BY:





S.B. NO. 196

Report Title:

Constitutional Amendment; Reapportionment Commission; Office of Hawaiian Affairs

Description:

Amends the State Constitution to require the Reapportionment Commission to establish a reapportionment plan to draw district lines for the total number of members of the Board of Trustees of the Office of Hawaiian Affairs.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

