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H. B. NO. 1202

A Bill for an Act Relating to the Reapportionment of the City Council of the City and County of Honolulu.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Article III, Chapter 1, Section 3-102, of the Charter of the City and County of Honolulu is hereby amended to read as follows:

“Section 3-102. Number, election and terms of office of councilmen. The council shall consist of nine members. One member shall be elected from each of the nine districts hereinafter provided. The terms of office of councilmen shall be four years beginning at twelve o’clock meridian on the second day of January following their election.”

SECTION 2. Article III, Chapter 1, Section 3-103, of the Charter of the City and County of Honolulu is hereby amended to read as follows:

“Section 3-103. Council districts; reapportionment. The nine council districts, each comprised of the respective representative districts, or portions thereof, as provided by law for the election of representatives to the legislature, shall be as follows:

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Council District I: That area consisting of all of the sixth and seventh precincts of the nineteenth representative district; all of the first, second, third, fourth, fifth, sixth, ninth, tenth, eleventh, twelfth and thirteenth precincts of the twentieth representative district; and all of the twenty-first representative district as described in the Governor's proclamation issued May 2, 1969, as ratified by the electors in the 1968 General Elections.

Council District II: That area consisting of all of the seventh and eighth precincts of the twentieth representative district; all of the twenty-second representative district; and all of the sixth, seventh, eighth, ninth, tenth, eleventh and twelfth precincts of the twenty-third representative districts as described in said proclamation.

Council District III: That area consisting of all of the first, second, third, fourth and fifth precincts of the twenty-third representative district; and all of the second, third, fourth, fifth, sixth, seventh, eighth, ninth and tenth precincts of the twenty-fourth representative district as described in said proclamation.

Council District IV: That area consisting of all of the eighth representative district; all of the first, second, third, fourth, fifth and seventh precincts of the ninth representative district; and all of the first precinct of the twenty-fourth representative district as described in said proclamation.

Council District V: That area consisting of all of the sixth precinct of the ninth representative district; all of the second, third, fourth, fifth, sixth, seventh, eighth and ninth precincts of the tenth representative district; all of the eleventh representative district; and all of the ninth precinct of the twelfth representative district as described in said proclamation.

Council District VI: That area consisting of all of the first precinct of the tenth representative district; all of the first, second, third, fourth, fifth, sixth, seventh and eighth precincts of the twelfth representative district; all of the fifth, sixth, seventh and ninth precincts of the thirteenth representative district; and all of the eighth precinct of the fourteenth representative district as described in said proclamation.

Council District VII: That area consisting of all of the first, second, third, fourth and eighth precincts of the thirteenth representative district; all of the first, second, third, fourth, fifth, sixth and seventh precincts of the fourteenth representative district; and all of the fifth, sixth and seventh precincts of the fifteenth representative district as described in said proclamation.

Council District VIII: That area consisting of all of the first, second, third and fourth precincts of the fifteenth representative district; all of the second, third, fourth, fifth, sixth, seventh and eighth precincts of the sixteenth representative district; all of the first, fourth, sixth and seventh precincts of the seventeenth representative district; and all of the fourth precinct of the eighteenth representative district as described in said proclamation.

Council District IX: That area consisting of all of the first precinct of the sixteenth representative district; all of the second, third and fifth precincts of the seventeenth representative district; all of the first, second, third, fifth, sixth, seventh and eighth precincts of the eighteenth representative district; and all of the first, second, third, fourth and fifth precincts of the nineteenth representative district as described in said proclamation.

Notwithstanding the provisions of Section 13-105, the council districts provided for in this section shall be reviewed and may be modified, if such modification is necessary, by the legislative reapportionment commission established by Article III, Section 4 of the Constitution of the State of Hawaii in a reapportionment year as defined in that section, or, if modification is sooner required by court order in a non-reapportionment year.”

SECTION 3. Article III, Chapter 1, Section 3-104, of the Charter of the City and County of Honolulu is hereby amended to read as follows:

“**Section 3-104. Qualifications of Councilmen.** To be eligible for election or appointment to the council, a person must be a citizen of the United States and have been a duly qualified elector of the city for at least two years immediately preceding his election or appointment, and shall be a qualified voter of the council district from which he seeks to be elected. Any councilman who removes his residence from the city or from the district from which he was elected or appointed shall, by that fact, be deemed to have vacated his office.”

SECTION 4. Article III, Chapter 1, Section 3-105, of the Charter of the City and County of Honolulu is hereby amended to read as follows:

“**Section 3-105. Vacancy in Office.** A vacancy in the office of any councilman 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 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.”

SECTION 5. Article III, Chapter 1, Section 3-107, of the Charter of the City and County of Honolulu is hereby amended to read as follows:

“**Section 3-107. Removal of councilmen.** Any councilman may be removed for malfeasance, misfeasance or nonfeasance in office, or for interference with the performance of the duties of any officer or employee in any executive agency of the city government. The supreme court of the State shall constitute a board of impeachment in any proceeding for the removal of a councilman who may be charged on any of the foregoing grounds. The charges shall be set forth in writing in a petition for impeachment signed by not less than one hundred qualified electors of a district for the removal of a councilman and said signatures shall be necessary only for the purpose of filing the pe-

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tition. The petition having once been filed, hearings shall be held on all such charges. The board of impeachment may appoint a master and invest him with power to investigate the charge and report thereon to the board. If the board sustains the charge, the councilman shall be deemed removed from office.”

SECTION 6. Article III, Chapter 1, Section 3-108.1, of the Charter of the City and County of Honolulu is hereby amended to read as follows:

“Section 3-108.1. Organization of Council; Officers; Rules; Employees. 1. The council shall meet in the council room at the city hall for its organization at twelve o’clock meridian on the second day of January following its election, or on the following day if the second day be a Sunday, at which time it shall elect one of its councilmen as chairman and presiding officer of the council. It shall also elect one of its councilmen as vice-chairman who shall act as the presiding officer in the event of the chairman’s absence or disability. The council shall appoint a presiding officer pro tempore from its own members in the event of the absence or disability of both the chairman and vice-chairman. All councilmen shall have the right to vote in the council at all times. A majority of the entire membership of the council shall constitute a quorum and, except as otherwise provided, the affirmative vote of a majority of the entire membership shall be necessary to take any action.”

SECTION 7. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes may exclude the brackets, the bracketed material, or the underscoring.*

SECTION 8. This Act shall take effect upon its approval.

(Approved June 5, 1970.)

* Edited accordingly