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## A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE IV, SECTION 2 OF THE HAWAII  
CONSTITUTION TO PRESERVE THE BIPARTISAN NATURE OF THE  
REAPPORTIONMENT PROCESS.

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

1       SECTION 1. The legislature finds that the bipartisan  
2 nature of reapportionment is crucial not only to Hawaii's open  
3 and fair system of elections, but to the very fabric of  
4 representative democracy. However, the fairness of the  
5 reapportionment process, as originally intended by the 1968 and  
6 1978 Constitutional Conventions, has become threatened by the  
7 course of recent events. For this reason, it has become  
8 necessary to amend the Hawaii Constitution to ensure that the  
9 reapportionment process continues to be based upon equal  
10 bipartisan representation.

11       The Hawaii Constitution was constructed with the goal of  
12 removing politics from the process of reapportioning legislative  
13 districts. Under the initial statehood constitution,  
14 reapportionment was left to the governor. As a result, Hawaii  
15 suffered from terrible political turmoil. In response, the 1968  
16 Constitutional Convention resolved to remove partisan politics



1 from the reapportionment process by creating a reapportionment  
2 commission responsible for reapportioning legislative districts  
3 for both chambers of the legislature.

4 The reapportionment commission eliminated political  
5 machinations by harnessing bipartisanship. The selection of  
6 commission members was placed in the hands of the leaders of  
7 each of the two political parties, majority and minority, from  
8 each house of the legislature. In this way, the eight  
9 commission members were guaranteed to be equally divided in a  
10 bipartisan manner, and their selection of a ninth member as  
11 chair would be a person that could be trusted by all to be  
12 independent and fair to both sides. This bipartisan commission  
13 process worked so well, and was so well-trusted by the people of  
14 the State of Hawaii, that the 1978 Constitutional Convention  
15 added congressional districting to its responsibilities as well.

16 What the 1968 and 1978 Constitutional Conventions could not  
17 have foreseen was the unprecedented loss of all minority party  
18 representation in one of the two houses of the legislature.  
19 Without minority representation in one house, the  
20 reapportionment commission will lose all vestiges of the  
21 bipartisan fairness that the Hawaii Constitution was intended to



1 create. The people of the State of Hawaii could find themselves  
2 facing the same kind of partisan gerrymandering that has  
3 affected states with winner-take-all partisan redistricting  
4 schemes.

5 The people of the State of Hawaii deserve a fair and  
6 bipartisan reapportionment commission. They deserve a  
7 functioning representative democracy. And they deserve a strong  
8 voice for the loyal opposition.

9 The purpose of this Act, therefore, is to propose an  
10 amendment to article IV, section 2, of the Constitution of the  
11 State of Hawaii to provide that when there is no qualified  
12 member of the minority party in one house, the qualified member  
13 of the minority party in the other house may make substitute  
14 appointments to the reapportionment commission or a council.  
15 The amendment further clarifies the qualifications for a  
16 selecting authority for the minority party, and clarifies the  
17 constitutional role that the supreme court must take in the  
18 process if necessary.

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

21 "REAPPORTIONMENT COMMISSION



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

17       Each of the four officials designated above as selecting  
18 authorities for the eight members of the commission, at the time  
19 of the commission selections, shall also select one person from  
20 each basic island unit to serve on an apportionment advisory  
21 council for that island unit. The councils shall remain in



1 existence during the life of the commission and each shall serve  
2 in an advisory capacity to the commission for matters affecting  
3 its island unit.

4 If vacancies in the commission or a council arise due to a  
5 lack of members of one house elected in the previous election as  
6 members of the party or parties different from that of the  
7 president or the speaker, the designated member of the other  
8 house so elected shall become the selecting authority for such  
9 commission and council members.

10 A vacancy in the commission or a council shall be filled by  
11 the initial selecting authority within fifteen days after the  
12 vacancy occurs. Commission and council positions and vacancies  
13 not filled within the times specified shall be filled promptly  
14 thereafter by the supreme court[-] so as to best preserve  
15 bipartisan balance on the commission and councils.

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

19 Not more than one hundred fifty days from the date on which  
20 its members are certified, the commission shall file with the  
21 chief election officer a reapportionment plan for the state



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

6 No member of the reapportionment commission or an  
7 apportionment advisory council shall be eligible to become a  
8 candidate for election to either house of the legislature or to  
9 the United States House of Representatives in either of the  
10 first two elections under any such reapportionment plan.

11 Commission and apportionment advisory council members shall  
12 be compensated and reimbursed for their necessary expenses as  
13 provided by law.

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

19 SECTION 3. The question to be printed on the ballot shall  
20 be as follows:



1 "Shall the method of selecting members of the  
2 reapportionment commission and councils be amended so as to  
3 preserve equal bipartisan representation?"

4 SECTION 4. Constitutional material to be repealed is  
5 bracketed and stricken. New constitutional material is  
6 underscored.

7 SECTION 5. This amendment shall take effect upon  
8 compliance with article XVII, section 3, of the Constitution of  
9 the State of Hawaii.

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# H.B. NO. 2446

**Report Title:**

Constitutional Amendment; Reapportionment; Bipartisanship

**Description:**

Proposes an amendment to article IV, section 2, of the Hawaii Constitution to preserve equal bipartisan representation on the reapportionment commission and councils.

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

