
A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE IV, SECTION 2, OF THE HAWAII
STATE CONSTITUTION TO ADDRESS THE SELECTION OF MEMBERS OF
THE REAPPORTIONMENT COMMISSION.

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

1 SECTION 1. The legislature finds that the intent of the
2 1968 and 1978 Constitutional Conventions was to create and
3 refine a system for legislative reapportionment that removed
4 partisan politics by ensuring balanced bipartisan representation
5 on the reapportionment commission. The selection of eight
6 commission members was divided equally among elected officials
7 representing the majority and minority political parties so that
8 the results could be trusted by all to be fair and balanced.
9 This process worked so well that the 1978 Constitutional
10 Convention added congressional redistricting to the commission's
11 responsibilities as well.

12 The legislature further finds that Hawaii's balanced
13 bipartisan reapportionment process is crucial not only to
14 Hawaii's system of open and fair elections, but also to the
15 fabric of Hawaii's representative democracy itself. The
16 legislature finds that other states lacking a balanced



1 bipartisan process have often suffered from partisan
2 gerrymandering.

3 The purpose of this Act is to preserve balanced bipartisan
4 participation in the reapportionment process by proposing an
5 amendment to article IV, section 2, of the Constitution of the
6 State of Hawaii to provide that, if there are no members
7 belonging to the minority party or parties in one house of the
8 legislature, then the members belonging to that party or those
9 parties in the opposite house shall designate one of their
10 number to select members of the reapportionment commission on
11 behalf of the minority. Furthermore, if there are no members in
12 either house belonging to a party other than the president of
13 the senate or the speaker, then the supreme court shall select
14 members of the reapportionment commission on behalf of the
15 minority; provided that the members of the commission so
16 selected shall be members of the party that is different from
17 that of the speaker and that received either the most votes, or
18 the next most votes if applicable, in the last gubernatorial
19 election.

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



1 "REAPPORTIONMENT COMMISSION

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

17 If no member of the senate has belonged to a party
18 different from that of the president of the senate since the
19 last general election, then the members of the house of
20 representatives belonging to the party or parties different from
21 the president of the senate since the last general election



1 shall designate one of their number and the one so designated
2 shall select two members of the commission on behalf of the
3 minority. If no member of either the senate or the house of
4 representatives has belonged to a party different than the
5 president of the senate since the last general election, then
6 the supreme court shall select two members of the commission on
7 behalf of the minority; provided that the members of the
8 commission so selected shall be members of the party that is
9 different from that of the president and that received either
10 the most votes, or the next most votes if applicable, in the
11 last gubernatorial election.

12 If no member of the house of representatives has belonged
13 to a party different than the speaker since the last general
14 election, then the members of the senate belonging to the party
15 or parties different from the speaker of the house of
16 representatives since the last general election shall designate
17 one of their number and the one so designated shall select two
18 members of the commission on behalf of the minority. If no
19 member of either the senate or the house of representatives has
20 belonged to a party different than the speaker since the last
21 general election, then the supreme court shall select two



1 members of the commission on behalf of the minority; provided
2 that the members of the commission so selected shall be members
3 of the party that is different from that of the speaker and that
4 received either the most votes, or the next most votes if
5 applicable, in the last gubernatorial election.

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

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



1 The commission shall act by majority vote of its membership
2 and shall establish its own procedures, except as may be
3 provided by law.

4 Not more than one hundred fifty days from the date on which
5 its members are certified, the commission shall file with the
6 chief election officer a reapportionment plan for the state
7 legislature and a reapportionment plan for the United States
8 congressional districts which shall become law after publication
9 as provided by law. Members of the commission shall hold office
10 until each reapportionment plan becomes effective or until such
11 time as may be provided by law.

12 No member of the reapportionment commission or an
13 apportionment advisory council shall be eligible to become a
14 candidate for election to either house of the legislature or to
15 the United States House of Representatives in either of the
16 first two elections under any such reapportionment plan.

17 Commission and apportionment advisory council members shall
18 be compensated and reimbursed for their necessary expenses as
19 provided by law.

20 The chief election officer shall be secretary of the
21 commission without vote and, under the direction of the



1 commission, shall furnish all necessary technical services. The
2 legislature shall appropriate funds to enable the commission to
3 carry out its duties."


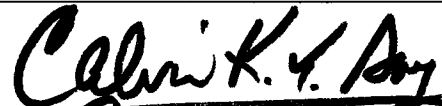

4 SECTION 3. The question to be printed on the ballot shall
5 be as follows:

6 "To meet the constitutional requirement of equal bipartisan
7 representation on the reapportionment commission, if there are
8 no members belonging to a minority party in a house of the
9 legislature, shall the elected members of the minority party or
10 parties in the other house of the legislature be given the
11 authority to designate one of their number to select persons to
12 serve on the reapportionment commission?"

13 SECTION 4. New constitutional material is underscored.

14 SECTION 5. This amendment shall take effect upon
15 compliance with article XVII, section 3, of the Constitution of
16 the State of Hawaii.
17

INTRODUCED BY:




JAN 24 2018



H.B. NO. 2707

Report Title:

Reapportionment Commission; Selection of Members; Political Parties

Description:

Preserves balanced bipartisan representation on the Reapportionment Commission by providing that if there are no members belonging to a minority party in one house of the legislature, then the members belonging to that party or those parties in the opposite house shall designate one of their number to select members of the commission; or if none exist in either house, then the supreme court shall select members of a minority party.

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