
A BILL FOR AN ACT

RELATING TO OFFICE OF HAWAIIAN AFFAIRS ELECTIONS.

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

PART I

SECTION 1. The purpose of this Act is to ensure a more democratic election process for the office of Hawaiian affairs by amending the election process for the four at-large seats for the office of Hawaiian affairs board of trustees so that each of the four at-large seat candidates is required to be a resident of an urban or rural district and run in a head-to-head race.

SECTION 2. Chapter 13D, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§13D- Definitions. For the purposes of this chapter, unless the context requires otherwise:

"Rural district" means the second congressional district of the State.

"Urban district" means the first congressional district of the State."



SECTION 3. Section 13D-1, Hawaii Revised Statutes, is amended to read as follows:

"§13D-1 Board of trustees; number; composition. The board of trustees shall be composed of nine members elected at-large by qualified voters in the State. Of the nine members to be elected one shall reside on the island of Hawaii; one shall reside on the island of Maui; and one shall reside on the island of Molokai; one shall reside on the island of Kauai; and one shall reside on the island of Oahu. Of the remaining four members, two shall reside in an urban district of the State and two shall reside in a rural district of the State."

SECTION 4. Section 13D-2, Hawaii Revised Statutes, is amended to read as follows:

"§13D-2 Qualifications of board members. No person shall be eligible for election or appointment to the board unless the person is Hawaiian and is:

(1) ~~[qualified]~~ Qualified and registered to vote under the provisions of section 13D-3 ~~[, and]~~;

(2) ~~[where]~~ Where residency on a particular island is a requirement, a resident on the island for which seat the person is seeking election or appointment ~~[,]~~ and



1 (3) Where residency in a particular district is a
2 requirement, a resident of the district for which seat
3 the person is seeking election or appointment.

4 No member of the board shall hold or be a candidate for any
5 other public office under the state or county governments in
6 accordance with Article II, section 7 of the Constitution of the
7 State; nor shall a person be eligible for election or
8 appointment to the board if that person is also a candidate for
9 any other public office under the state or county governments.
10 The term "public office", for purposes of this section, shall
11 not include notaries public, reserve police officers, or
12 officers of emergency organizations for civilian defense or
13 disaster, or disaster relief."

14 SECTION 5. Section 13D-4, Hawaii Revised Statutes, is
15 amended to read as follows:

16 **"§13D-4 Election of board members.** (a) Beginning
17 January 1, 2014, members of the board of trustees shall be
18 nominated at a primary election and elected at the general
19 election in every even-numbered year. Except as otherwise
20 provided by this chapter, members shall be nominated and elected
21 in the manner prescribed by this title.



1 (b) The chief election officer shall prepare the
2 nomination papers in such a manner that a candidate desiring to
3 file for election to the board shall be able to specify whether
4 the candidate is seeking a seat requiring residency on a
5 particular island or a seat ~~[without a residency requirement.]~~
6 requiring residency in an urban district or rural district.

7 (c) The board of trustees ballot shall be prepared in such
8 a manner that every voter qualified and registered under section
9 13D-3 shall be afforded the opportunity to vote for each and
10 every candidate seeking election to the board. The ballot shall
11 contain the names of all board candidates arranged in accordance
12 with section 11-115.

13 (d) Each voter registered to vote in the general election
14 shall be entitled to receive the office of Hawaiian affairs
15 ballot and to vote for the number of seats available on the
16 respective islands~~[-]~~ or districts.

17 (e) ~~[Any election with only one available seat without a~~
18 ~~residency requirement or] for any available seat requiring~~
19 ~~residency on a particular island]~~ Any election for any available
20 seat requiring residency on an island or in a district shall be
21 conducted as follows:



- 1 (1) If, after the close of filing of nomination papers,
2 there is only one qualified candidate for any
3 available seat, the chief election officer shall
4 declare the candidate to be duly and legally elected,
5 and the name of that candidate shall not appear on the
6 primary or the general election ballot;
- 7 (2) If, after the close of filing nomination papers, there
8 are only two qualified candidates for any available
9 seat, the chief election officer shall declare those
10 two candidates duly nominated for the general
11 election. The names of those two candidates shall not
12 appear on the primary election ballot; and
- 13 (3) If, at the close of filing of nomination papers, there
14 are three or more qualified candidates for any
15 available seat, the names of those candidates shall be
16 listed on the primary election ballot. The two
17 candidates receiving the highest number of votes for
18 each available seat shall be nominated at the primary
19 election for the general election; provided that if
20 any candidate receives more than fifty per cent of the
21 total votes cast for the available seat at the primary



1 election, the chief election officer shall declare
2 that candidate to be duly and legally elected and the
3 name of that candidate shall not appear on the general
4 election ballot.

5 ~~[(f) Any election with three available seats without a~~
6 ~~residency requirement shall be conducted as follows:~~

7 ~~(1) If, after the close of filing of nomination papers,~~
8 ~~there are only three or less qualified candidates for~~
9 ~~the available seats without a residency requirement,~~
10 ~~the chief election officer shall declare those~~
11 ~~candidates to be duly and legally elected and the~~
12 ~~names of those candidates shall not appear on the~~
13 ~~primary or general election ballot;~~

14 ~~(2) If, after the close of filing of nomination papers,~~
15 ~~there are four, five, or six qualified candidates for~~
16 ~~the available seats without a residency requirement,~~
17 ~~the chief election officer shall declare those~~
18 ~~candidates duly nominated for the general election.~~

19 ~~The names of those candidates shall not appear on the~~
20 ~~primary election ballot; and~~



1 ~~(3) If, at the close of filing of nomination papers, there~~
2 ~~are seven or more qualified candidates for the~~
3 ~~available seats without a residency requirement, the~~
4 ~~names of those candidates shall be listed on the~~
5 ~~primary election ballot. The qualified candidates~~
6 ~~receiving the highest number of total votes at the~~
7 ~~primary election shall be declared by the chief~~
8 ~~election officer duly nominated for the general~~
9 ~~election provided that the general election shall~~
10 ~~include no more than twice the number of qualified~~
11 ~~candidates as seats available, provided further that~~
12 ~~if any candidate receives more than fifty per cent of~~
13 ~~the total votes cast for the available seats at the~~
14 ~~primary election, the chief election officer shall~~
15 ~~declare that candidate to be duly and legally elected~~
16 ~~and the name of that candidate shall not appear on the~~
17 ~~general election ballot.]~~

18 (f) For any election with two available seats requiring
19 residency in an urban district or a rural district, only one
20 candidate from an urban district and one candidate from a rural
21 district may be elected."



SECTION 6. Section 13D-5, Hawaii Revised Statutes, is amended to read as follows:

"§13D-5 Term of office; vacancies. The term of office of members of the board shall be four years beginning on the day of the general election at which they are elected, or if elected at a primary election, on the day of the general election immediately following the primary election at which they are elected, and ending on the day of the second general election after their election[-], except as provided in Act _____, Session Laws of Hawaii 2018, for the reduced term of one member who shall serve until the day of the general election of 2020. All members elected at the general election of 2020, and thereafter, shall serve for four years. Members of the board may be reelected without restriction as to the number of terms.

Any vacancy that may occur through any cause other than the expiration of the term of office shall be filled in accordance with section 17-7."

SECTION 7. Section 17-7, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) In the case of a vacancy, the term of which does not end at the next succeeding general election:



- (1) If it occurs not later than on the ninetieth day prior to the next succeeding primary election, the vacancy shall be filled for the unexpired term at the next succeeding general election. The chief election officer shall issue a proclamation designating the election for filling the vacancy. All candidates for the unexpired term shall file nomination papers not later than the date and time specified in section 12-6 and shall be nominated and elected in accordance with this title. Pending the election, the board or the governor shall make a temporary appointment to fill the vacancy in the manner prescribed under subsection (a). When island, urban district, and rural district residency is required under section 13D-1, the person so appointed shall reside on the island or district from which the vacancy occurred, and shall serve for the duration of the unexpired term and shall serve until the election of the person duly elected to fill such vacancy.
- (2) If it occurs after the ninetieth day prior to the next succeeding primary election, the board or the governor



1 shall make an appointment to fill the vacancy in the
2 manner prescribed under subsection (a). When island,
3 urban district, and rural district residency is
4 required under section 13D-1, the person so appointed
5 shall reside on the island or district from which the
6 vacancy occurred, and shall serve for the duration of
7 the unexpired term."

8 **PART II**

9 SECTION 8. Of the three members who are elected to an at-
10 large seat without a residency requirement for the board of
11 trustees of the office of Hawaiian affairs in the general
12 election of 2018, the member who receives the lowest number of
13 votes shall serve a term of two years. If one or more members
14 are elected at the primary election of 2018, then the board of
15 trustees of the office of Hawaiian affairs shall select amongst
16 the newly elected members one member to serve a term of two
17 years; provided that after the general election of 2020, all
18 members shall serve a term of four years.

19 **PART III**

20 SECTION 9. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 10. This Act shall take effect on upon its
2 approval; provided that part I of this Act shall take effect on
3 January 1, 2020.

4



Report Title:

OHA At-large-Positions; Election

Description:

Requires two at-large seats to reside in an urban district and two at-large seats to reside in a rural district. Requires one urban district candidate and one rural district candidate to be elected in any election cycle. Changes the term of the member who receives the lowest number of votes in the 2018 general election to serve a term of two years and a term of four years after the general election of 2020. Takes effect upon approval; provided that part I shall take effect on January 1, 2020.

(SD1)

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

