
A BILL FOR AN ACT

RELATING TO STATE GOVERNMENT.

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

1 SECTION 1. The legislature finds that in February 2021,
2 the United States Census Bureau announced it will likely delay
3 delivery of the 2020 census results to the fifty states by as
4 much as six months or more. This will significantly delay the
5 reapportionment of federal, state, and county districts for
6 elective office and make it harder for prospective candidates of
7 all parties to run for office and ensure voters' proper
8 representation in 2022. The legislature further finds that
9 after experiencing delays in preparing the reapportionment plan
10 following the 2010 census, the State of Hawaii 2011
11 reapportionment commission final report and reapportionment plan
12 made recommendations to improve the reapportionment process for
13 the future. These recommendations include:

- 14 (1) That the legislature initiate changes in law to
15 clarify the term "permanent residents" for
16 reapportionment;



1 (2) That future commissions obtain private outside counsel
2 to be funded by the legislature;

3 (3) That the legislature initiate changes in law to
4 clarify whether or not a state senate election held to
5 fill a vacancy created when an incumbent resigns is a
6 "regular election" for the purpose of computing senate
7 staggered terms; and

8 (4) That the legislature and chief election officer
9 consider methods to streamline public notice of the
10 proposed and final plans to utilize advances in
11 technology for viewing plans online and at public
12 offices around the State in conjunction with
13 publication.

14 The legislature also finds that to best address the
15 unprecedented delays at the United States Census Bureau, to
16 ensure adequate time for candidates to run for office and ensure
17 voters' proper representation, it is in the public interest to
18 implement the most important recommendations made in the 2011
19 reapportionment commission final report.

20 Accordingly, the purpose of this Act is to:



- 1 (1) Define "permanent resident" for reappportionment
- 2 purposes;
- 3 (2) Permit short form public notice for reappportionment
- 4 plans subject to specific requirements; and
- 5 (3) Appropriate funds for the commission to allow it to
- 6 retain outside legal counsel.

7 SECTION 2. Section 1-28.5, Hawaii Revised Statutes, is
8 amended to read as follows:

9 **"§1-28.5 Publication of notice.** (a) Notwithstanding any
10 other statute, law, charter provision, ordinance, or rule to the
11 contrary, whenever a government agency is required to give
12 public notice or to publish notice, the notice shall be given
13 only as follows:

14 (1) For statewide publication:

15 (A) In a daily or weekly publication of statewide
16 circulation; or

17 (B) By publication in separate daily or weekly
18 publications whose combined circulation is
19 statewide; and

20 (2) For county-wide publication, by publication in a daily
21 or weekly publication in the affected county.



1 Additional supplemental notice may also be given through Hawaii
2 FYI, the State's interactive computer system.

3 (b) For purposes of this section, the comptroller pursuant
4 to chapter 103D shall determine a publication for all government
5 agencies to enable the public to go to one source of publication
6 for published public notice on each island.

7 (c) Whenever a public notice is published in a newspaper
8 or other publication described in subsection (a), proof of the
9 publication shall be the affidavit of the printer, publisher,
10 principal clerk, or business manager of the newspaper or other
11 publication or of the designated agent of the group that
12 published the notice.

13 (d) This section shall not apply to notices required by
14 chapters 103D, 103F, 127A, and 523A.

15 (e) For purposes of publication of the final
16 reapportionment plan pursuant to section 25-2, public notice is
17 permitted in a short form; provided that each short form public
18 notice includes the following information:

19 (1) Whether the plan has been either proposed or adopted;

20 (2) The online location to view the plan, maps, and other
21 relevant information;



1 (3) A list of the location of each public office where the
2 hard copies of the plan and other relevant documents
3 will be available; and

4 (4) The public hearing dates and other necessary
5 information.

6 ~~[(e)]~~ (f) For purposes of this section, "government
7 agency" means each department, board, commission, or officer of
8 the State or any of its political subdivisions."

9 SECTION 3. Section 25-2, Hawaii Revised Statutes, is
10 amended by amending subsection (a) to read as follows:

11 "(a) Legislative reapportionment. The commission shall
12 reapportion the members of each house of the legislature on the
13 basis, method, and criteria prescribed by the Constitution of
14 the United States and article IV of the Hawaii Constitution.
15 For purposes of legislative reapportionment, in determining the
16 permanent resident population, a "permanent resident" means any
17 person whose usual residence is in the State as defined by the
18 United States Census Bureau. Pursuant thereto, the commission
19 shall conduct public hearings and consult with the apportionment
20 advisory council of each basic island unit. Not more than one
21 hundred days from the date on which all members are certified,



1 the commission shall cause to be given in each basic island
2 unit, public notice of a legislative reapportionment plan
3 prepared and proposed by the commission. At least one public
4 hearing on the proposed reapportionment plan shall be held in
5 each basic island unit after initial public notice of the plan.
6 At least twenty days' notice shall be given of the public
7 hearing. The notice shall include a statement of the substance
8 of the proposed reapportionment plan, and of the date, time, and
9 place where interested persons may be heard thereon. The notice
10 shall be given at least once in the basic island unit where the
11 hearing will be held. All interested persons shall be afforded
12 an opportunity to submit data, views, or arguments, orally or in
13 writing, for consideration by the commission. After the last of
14 the public hearings, but in no event later than one hundred
15 fifty days from the date on which all members of the commission
16 are certified, the commission shall determine whether or not the
17 plan is in need of correction or modification, make the
18 correction or modification, if any, and file with the chief
19 election officer, a final legislative reapportionment plan.
20 Within fourteen days after the filing of the final
21 reapportionment plan, the chief election officer shall cause



1 public notice to be given of the final legislative
2 reapportionment plan which, upon public notice, shall become
3 effective as of the date of filing and govern the election of
4 members of the next five succeeding legislatures. This public
5 notice is subject to section 1-28.5(e)."

6 SECTION 4. There is appropriated out of the general
7 revenues of the State of Hawaii the sum of \$ or so
8 much thereof as may be necessary for fiscal year 2021-2022 for
9 the commission to retain outside legal counsel.

10 The sum appropriated shall be expended by the office of
11 elections for the purposes of this Act.

12 SECTION 5. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 6. This Act shall take effect on July 1, 2021.



Report Title:

Legislative Reapportionment; Permanent Residents; Short Form
Public Notice Requirements; Appropriation

Description:

Defines "permanent resident" for legislative reapportionment purposes, as a person whose usual residence is in the State as defined by the US Census Bureau. Establishes public notice requirements for short form public notices. Appropriates an unspecified amount to allow the Commission to obtain outside legal counsel with funds expended by the Office of Elections. (Proposed SD1)

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

