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# A BILL FOR AN ACT

RELATING TO THE ELECTION OF MEMBERS TO THE BOARD OF TRUSTEES OF  
THE OFFICE OF HAWAIIAN AFFAIRS.

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

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

3           "**§13D-1 Board of trustees; number; composition.** The board  
4 of trustees shall be composed of nine members elected [~~at large~~]  
5 by qualified voters in the State [~~. Of the nine members to be~~  
6 ~~elected one shall reside on the island of Hawaii; one shall~~  
7 ~~reside on the island of Maui; and one shall reside on the island~~  
8 ~~of Molokai; one shall reside on the island of Kauai; and one~~  
9 ~~shall reside on the island of Oahu.] and apportioned among the  
10 four basic island units pursuant to the provisions of article IV  
11 of the Hawaii State constitution."~~

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

14           "**§13D-2 Qualifications of board members.** No person shall  
15 be eligible for election or appointment to the board unless the  
16 person is Hawaiian and is:



1 (1) [~~qualified~~] Qualified and registered to vote under the  
2 provisions of section 13D-3[~~7~~]; and

3 (2) [~~where residency on a particular island is a~~  
4 ~~requirement, a~~] A resident [~~on the island for which~~  
5 ~~seat~~] of the district in which the person is seeking  
6 election or appointment.

7 No member of the board shall hold or be a candidate for any  
8 other public office under the state or county governments in  
9 accordance with [~~Article~~] article II, section 7 of the Hawaii  
10 State Constitution [~~of the State~~]; nor shall a person be  
11 eligible for election or appointment to the board if that person  
12 is also a candidate for any other public office under the state  
13 or county governments.

14 For the purposes of this section, [~~The~~] the term "public  
15 office", [~~for purposes of this section,~~] shall not include  
16 notaries public, reserve police officers, or officers of  
17 emergency organizations for civilian defense or disaster, or  
18 disaster relief."

19 SECTION 3. Section 13D-4, Hawaii Revised Statutes, is  
20 amended by amending subsections (b) through (f) to read as  
21 follows:



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  
4 ~~[whether]~~ the district within which the candidate is seeking a  
5 seat ~~[requiring residency on a particular island or a seat~~  
6 ~~without a residency requirement]~~.

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

13           ~~[(d)]~~ (c) Each voter registered to vote in the general  
14 election shall be entitled to receive ~~[the]~~ an office of  
15 Hawaiian affairs ballot ~~[and to vote for the number of seats~~  
16 ~~available on the]~~ containing the names of all candidates seeking  
17 election to the board of trustees within the voter's respective  
18 ~~[islands.]~~ of trustees district.

19           ~~[(e)]~~ (d) ~~[Any]~~ Each election ~~[with only one]~~ to fill an  
20 available seat ~~[without a residency requirement or for any~~



1 ~~available seat requiring residency on a particular island]~~ shall  
2 be conducted as follows:

3 (1) If, after the close of filing of nomination papers,  
4 there is only one qualified candidate for any  
5 available seat, the chief election officer shall  
6 declare the candidate to be duly and legally elected,  
7 and the name of that candidate shall not appear on the  
8 primary or the general election ballot;

9 (2) If, after the close of filing nomination papers, there  
10 are only two qualified candidates for any available  
11 seat, the chief election officer shall declare those  
12 two candidates duly nominated for the general  
13 election. The names of those two candidates shall not  
14 appear on the primary election ballot; and

15 (3) If, at the close of filing of nomination papers, there  
16 are three or more qualified candidates for any  
17 available seat, the names of those candidates shall be  
18 listed on the primary election ballot. The two  
19 candidates receiving the highest number of votes for  
20 each available seat shall be nominated at the primary  
21 election for the general election; provided that if



1           any candidate receives more than fifty per cent of the  
2           total votes cast for the available seat at the primary  
3           election, the chief election officer shall declare  
4           that candidate to be duly and legally elected and the  
5           name of that candidate shall not appear on the general  
6           election ballot."

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

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

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



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

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

20           SECTION 4. Section 17-7, Hawaii Revised Statutes, is  
21           amended by amending subsections (a) and (b) to read as follows:



1           "(a) Whenever any vacancy in the membership of the board  
2 of trustees occurs, the term of which ends at the next  
3 succeeding general election, the vacancy shall be filled by a  
4 two-thirds vote of the remaining members of the board. If the  
5 board fails to fill the vacancy within sixty days after it  
6 occurs, the governor shall fill the vacancy within ninety days  
7 after the vacancy occurs. [~~When island residency is required~~  
8 ~~under section 13D-1, the~~] The person so appointed shall reside  
9 [~~on the island~~] in the district from which the vacancy occurred,  
10 and shall serve for the duration of the unexpired term.

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

13           (1) If it occurs not later than on the ninetieth day prior  
14 to the next succeeding primary election, the vacancy  
15 shall be filled for the unexpired term at the next  
16 succeeding general election. The chief election  
17 officer shall issue a proclamation designating the  
18 election for filling the vacancy. All candidates for  
19 the unexpired term shall file nomination papers not  
20 later than the date and time specified in section 12-6  
21 and shall be nominated and elected in accordance with



1           this title. Pending the election, the board or the  
2           governor shall make a temporary appointment to fill  
3           the vacancy in the manner prescribed under subsection  
4           (a). [~~When island residency is required under section~~  
5           ~~13D-1, the] The person so appointed shall reside [~~on~~  
6           ~~the island]~~ in the district from which the vacancy  
7           occurred, and shall serve for the duration of the  
8           unexpired term and shall serve until the election of  
9           the person duly elected to fill such vacancy.~~

10          (2) If it occurs after the ninetieth day prior to the next  
11          succeeding primary election, the board or the governor  
12          shall make an appointment to fill the vacancy in the  
13          manner prescribed under subsection (a). [~~When island~~  
14          ~~residency is required under section 13D-1, the] The  
15          person so appointed shall reside [~~on the island]~~ in  
16          the district from which the vacancy occurred, and  
17          shall serve for the duration of the unexpired term."~~

18          SECTION 5. Section 25-2, Hawaii Revised Statutes, is  
19          amended to read as follows:

20          "**§25-2 Duties.** (a) Legislative reapportionment. The  
21          commission shall reapportion the members of each house of the



1 legislature on the basis, method, and criteria prescribed by the  
2 Constitution of the United States and article IV of the Hawaii  
3 State Constitution. Pursuant thereto, the commission shall  
4 conduct public hearings and consult with the apportionment  
5 advisory council of each basic island unit. Not more than one  
6 hundred days from the date on which all members are certified,  
7 the commission shall cause to be given in each basic island  
8 unit, public notice of a legislative reapportionment plan  
9 prepared and proposed by the commission. At least one public  
10 hearing on the proposed reapportionment plan shall be held in  
11 each basic island unit after initial public notice of the plan.  
12 At least twenty days' notice shall be given of the public  
13 hearing. The notice shall include a statement of the substance  
14 of the proposed reapportionment plan, and of the date, time, and  
15 place where interested persons may be heard thereon. The notice  
16 shall be given at least once in the basic island unit where the  
17 hearing will be held. All interested persons shall be afforded  
18 an opportunity to submit data, views, or arguments, orally or in  
19 writing, for consideration by the commission. After the last of  
20 the public hearings, but in no event later than one hundred  
21 fifty days from the date on which all members of the commission



1 are certified, the commission shall determine whether or not the  
2 plan is in need of correction or modification, make the  
3 correction or modification, if any, and file with the chief  
4 election officer, a final legislative reapportionment plan.  
5 Within fourteen days after the filing of the final  
6 reapportionment plan, the chief election officer shall cause  
7 public notice to be given of the final legislative  
8 reapportionment plan which, upon public notice, shall become  
9 effective as of the date of filing and govern the election of  
10 members of the next five succeeding legislatures.

11 (b) Office of Hawaiian affairs board of trustees. The  
12 commission shall reapportion the members of the office of  
13 Hawaiian affairs board of trustees on the basis, method, and  
14 criteria prescribed by article IV of the Hawaii State  
15 Constitution. Pursuant thereto, the commission shall conduct  
16 public hearings and consult with the apportionment advisory  
17 council of each basic island unit. Not more than one hundred  
18 days from the date on which all members are certified, the  
19 commission shall cause to be given in each basic island unit,  
20 public notice of an office of Hawaiian affairs board of trustees  
21 reapportionment plan prepared and proposed by the commission.



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



1 effective as of the date of filing and govern the election of  
2 members until the next reapportionment plan becomes effective.

3       ~~(b)~~ (c) Congressional reapportionment. At times that  
4 may be required by the Constitution and that may be required by  
5 law of the United States, the commission shall redraw  
6 congressional district lines for the districts from which the  
7 members of the United States House of Representatives allocated  
8 to this State shall be elected. The commission shall first  
9 determine the total number of members to which the State is  
10 entitled and shall then apportion those members among single  
11 member districts so that the average number of persons in the  
12 total population counted in the last preceding United States  
13 census per member in each district shall be as nearly equal as  
14 practicable. In effecting the reapportionment and districting,  
15 the commission shall be guided by the following criteria:

- 16       (1) No district shall be drawn so as to unduly favor a  
17             person or political party;
- 18       (2) Except in the case of districts encompassing more than  
19             one island, districts shall be contiguous;
- 20       (3) Insofar as practicable, districts shall be compact;



1 (4) Where possible, district lines shall follow permanent  
2 and easily recognized features such as streets,  
3 streams, and clear geographical features, and when  
4 practicable, shall coincide with census tract  
5 boundaries;

6 (5) Where practicable, state legislative districts shall  
7 be wholly included within congressional districts; and

8 (6) Where practicable, submergence of an area in a larger  
9 district wherein substantially different socio-  
10 economic interests predominate shall be avoided.

11 Not more than one hundred days from the date on which all  
12 members are certified, the commission shall cause public notice  
13 to be given of a congressional reapportionment plan prepared and  
14 proposed by the commission. The commission shall conduct public  
15 hearings on the proposed plan in the manner prescribed under  
16 subsection (a). At least one public hearing shall be held in  
17 each basic island unit after initial public notice of the plan.  
18 After the last of the public hearings, but in no event later  
19 than one hundred fifty days from the date on which all members  
20 of the commission are certified, the commission shall determine  
21 whether or not the plan is in need of correction or



1 modification, make the correction or modification, if any, and  
2 file with the chief election officer, a final congressional  
3 reapportionment plan. Within fourteen days after filing of the  
4 final reapportionment plan, the chief election officer shall  
5 cause public notice to be given of the final congressional  
6 reapportionment plan which, upon public notice, shall become  
7 effective as of the date of filing and govern the election of  
8 members of the United States House of Representatives allocated  
9 to this State for the next five succeeding congresses."

10 SECTION 6. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12 SECTION 7. This Act shall take effect upon its approval  
13 and upon ratification of a constitutional amendment amending the  
14 requirements of the reapportionment commission to establish a  
15 reapportionment plan to draw district lines for the members of  
16 the office of Hawaiian affairs board of trustees.



**Report Title:**

Office of Hawaiian Affairs; Members; Board of Trustees;  
Elections; Reapportionment Commission

**Description:**

Amends the process for electing members to the Office of Hawaiian Affairs Board of Trustees. Requires the Reapportionment Commission to establish a reapportionment plan for the members of the Board of Trustees of the Office of Hawaiian Affairs so that they are elected according to their respective districts, rather than an at-large statewide election for each seat. (SD1)

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

