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# SENATE CONCURRENT RESOLUTION

REQUESTING THE ATTORNEY GENERAL TO PETITION THE HAWAII SUPREME COURT SEEKING RELIEF TO PREVENT ACTION AGAINST THE REAPPORTIONMENT COMMISSION FOR THE COMMISSION'S FAILURE TO MEET STATUTORY OR CONSTITUTIONAL DEADLINES RELATING TO THE 2021 REAPPORTIONMENT PLANS.

1           WHEREAS, a fundamental tenet of elections in the United  
2 States is the fair apportionment of representation across a  
3 given population, and the United States and Hawai'i governments  
4 each have legislative bodies with legislators elected to  
5 represent individual districts that have an approximate equal  
6 number of citizens; and  
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8           WHEREAS, article IV, section 2, of the Hawaii State  
9 Constitution calls for, and explains the procedures for, the  
10 convening of the Reapportionment Commission, which is tasked  
11 with creating a reapportionment plan for the Legislature and a  
12 reapportionment plan for United States congressional districts;  
13 and  
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15           WHEREAS, the Hawaii State Constitution requires that the  
16 first eight members of the Commission be selected by May 1 of a  
17 reapportionment year, and the Chairperson of the Commission be  
18 selected no later than thirty days after the eighth member of  
19 the Commission is selected; and  
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21           WHEREAS, accordingly, the latest date for the final member  
22 and chairperson of the Reapportionment Commission to be selected  
23 is May 31; and  
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25           WHEREAS, section 25-2, Hawaii Revised Statutes, requires  
26 the Reapportionment Commission to:  
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28           (1) Submit a draft of its respective reapportionment plans  
29 no later than one hundred days after it convenes; and



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 2 (2) Hold at least one public hearing on the proposed  
 3 reapportionment plans in each basic island unit after  
 4 a minimum of twenty days following public notice of  
 5 the plan; and  
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7 WHEREAS, accordingly, provided that the Chairperson of the  
 8 Reapportionment Commission is selected on May 31, the latest  
 9 date that proposed reapportionment plans may be presented to the  
 10 public is September 8, and the latest date on which a public  
 11 hearing may be held is September 28; and  
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13 WHEREAS, article IV, section 2, of the Hawaii State  
 14 Constitution requires the Reapportionment Commission to submit  
 15 to the Chief Election Officer final reapportionment plans no  
 16 later than one hundred fifty days after the Commission is  
 17 convened; and  
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19 WHEREAS, accordingly, provided that the Chairperson of the  
 20 Reapportionment Commission is selected on May 31, the latest  
 21 date that the final reapportionment plans may be submitted to  
 22 satisfy the Constitution is October 28; and  
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24 WHEREAS, article IV, section 1, of the Hawaii State  
 25 Constitution designates as reapportionment years "the year 1981  
 26 . . . and every tenth year thereafter", making 2021 a  
 27 reapportionment year; and  
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29 WHEREAS, due to each state's ever-changing populations, the  
 30 United States Census is conducted every ten years by the United  
 31 States Census Bureau for the purpose of gathering an accurate  
 32 count of persons living in the United States, and this count is  
 33 used in the reapportionment process to ensure fair and equal  
 34 representation in legislative bodies; and  
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36 WHEREAS, for the 2011 reapportionment, Hawai'i received data  
 37 from the United States Census Bureau on February 22, 2011; and  
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39 WHEREAS, to date, Hawai'i has not received the data from the  
 40 United States Census Bureau necessary to prepare the 2021  
 41 reapportionment plans; and  
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1           WHEREAS, due to the coronavirus disease 2019 (COVID-19)  
2 pandemic, the United States Census Bureau has announced that it  
3 expects to deliver to the states and the public the quality data  
4 necessary for states to prepare reapportionment plans later than  
5 previous years, potentially as late as September 30, 2021; and  
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7           WHEREAS, due to the COVID-19 pandemic and the announcement  
8 from the United States Census Bureau, it appears unlikely that  
9 the 2021 Reapportionment Commission will be able to meet the  
10 Commission's statutorily and constitutionally mandated  
11 deadlines; and  
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13           WHEREAS, the Reapportionment Commission's inability to meet  
14 these statutory and constitutional deadlines makes the eventual  
15 reapportionment plans subject to legal challenge, which could  
16 detrimentally delay the State's elections process; now,  
17 therefore,  
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19           BE IT RESOLVED by the Senate of the Thirty-first  
20 Legislature of the State of Hawaii, Regular Session of 2021, the  
21 House of Representatives concurring, that the Attorney General  
22 is requested to begin legal proceedings to, when appropriate,  
23 petition the Hawaii Supreme Court seeking relief to prevent  
24 action against the Reapportionment Commission for the  
25 Reapportionment Commission's failure to meet statutory or  
26 constitutional deadlines relating to the 2021 reapportionment  
27 plans resulting from the United States Census Bureau's delay in  
28 delivering high quality data to the states and public; and  
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30           BE IT FURTHER RESOLVED that certified copies of this  
31 Concurrent Resolution be transmitted to the Director of the  
32 United States Census Bureau, Governor, Chief Justice of the  
33 Hawaii Supreme Court, Attorney General, and Chief Elections  
34 Officer.

