

MAR 12 2021

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# SENATE 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 Hawaii 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 a reapportionment commission, which is tasked with  
11 creating a reapportionment plan for the state legislature and a  
12 reapportionment plan for United States congressional districts;  
13 and  
14

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 chair of the commission to 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 chair of the reapportionment commission to be selected is  
23 May 31; and  
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25           WHEREAS, section 25-2, Hawaii Revised Statutes, requires  
26 reapportionment commissions to:  
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- 28           (1) Submit a draft of the reapportionment commission's  
29           respective reapportionment plans no later than one  
30           hundred days after the convening of the  
31           reapportionment commission; and  
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1 (2) Hold at least one public hearing on the proposed  
2 reapportionment plans in each basic island unit after  
3 a minimum of twenty days following public notice of  
4 the plan; and  
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6 WHEREAS, accordingly, provided that the chair of a  
7 reapportionment commission is selected on May 31, the latest  
8 date that proposed reapportionment plans may be presented to the  
9 public is September 8, and the latest date on which a public  
10 hearing may be held is September 28; and  
11

12 WHEREAS, Article IV, Section 2 of the Hawaii State  
13 Constitution requires a reapportionment commission to submit to  
14 the Chief Election Officer final reapportionment plans no later  
15 than one hundred fifty days after the commission is convened;  
16 and  
17

18 WHEREAS, accordingly, provided that the chair of a  
19 reapportionment commission is selected on May 31, the latest  
20 date that the final reapportionment plans may be submitted to  
21 satisfy the Constitution is October 28; and  
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23 WHEREAS, Article IV, Section 1 of the Hawaii State  
24 Constitution designates as reapportionment years "the year 1981  
25 . . . and every tenth year thereafter", making 2021 a  
26 reapportionment year; and  
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28 WHEREAS, due to each state's ever-changing populations, the  
29 United States Census is conducted every ten years by the United  
30 States Census Bureau for the purpose of gathering an accurate  
31 count of persons living in the United States, and this count is  
32 used in the reapportionment process to ensure fair and equal  
33 representation in legislative bodies; and  
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35 WHEREAS, for the 2011 reapportionment, Hawaii received data  
36 from the United States Census Bureau on February 22, 2011; and  
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38 WHEREAS, to date, Hawaii has not received the data from the  
39 United States Census Bureau necessary to prepare the 2021  
40 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  
12

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,  
18

19 BE IT RESOLVED by the Senate of the Thirty-first  
20 Legislature of the State of Hawaii, Regular Session of 2021,  
21 that the Attorney General is requested to begin legal  
22 proceedings to, when appropriate, petition the Hawaii Supreme  
23 Court seeking relief to prevent action against the  
24 reapportionment commission for the reapportionment commission's  
25 failure to meet statutory or constitutional deadlines relating  
26 to the 2021 reapportionment plans resulting from the United  
27 States Census Bureau's delay in delivering high quality data to  
28 the states and public; and  
29

30 BE IT FURTHER RESOLVED that certified copies of this  
31 Resolution be transmitted to the Director of the United States  
32 Census Bureau, Governor, Chief Justice of the Hawaii Supreme  
33 Court, Attorney General, Chief Elections Officer, President of  
34 the Hawaii State Senate, Speaker of the House of the Hawaii  
35 House of Representatives, Minority Leader of the Hawaii State



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1 Senate, and Minority Leader of the Hawaii House of  
2 Representatives.

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OFFERED BY: 

