
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 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

24
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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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 Chairperson of the
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
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12 WHEREAS, article IV, section 2, of the Hawaii State
13 Constitution requires the Reapportionment Commission to submit
14 to the Chief Election Officer final reapportionment plans no
15 later than one hundred fifty days after the Commission is
16 convened; and
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18 WHEREAS, accordingly, provided that the Chairperson of the
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, Hawai'i received data
36 from the United States Census Bureau on February 22, 2011; and
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38 WHEREAS, to date, Hawai'i 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
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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,
 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
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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, and Chief Elections Officer.

