

JAN 22 2021

---

## A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO THE HAWAII STATE CONSTITUTION TO  
REQUIRE THE REAPPORTIONMENT COMMISSION TO ESTABLISH A  
REAPPORTIONMENT PLAN TO DRAW DISTRICT LINES FOR THE MEMBERS  
OF THE OFFICE OF HAWAIIAN AFFAIRS BOARD OF TRUSTEES.

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

1           SECTION 1. Article IV, section 2, of the Constitution of  
2 the State of Hawaii is amended to read as follows:

3                                   **"REAPPORTIONMENT COMMISSION**

4           **Section 2.** A reapportionment commission shall be  
5 constituted on or before May 1 of each reapportionment year and  
6 whenever reapportionment is required by court order. The  
7 commission shall consist of nine members. The president of the  
8 senate and the speaker of the house of representatives shall  
9 each select two members. Members of each house belonging to the  
10 party or parties different from that of the president or the  
11 speaker shall designate one of their number for each house and  
12 the two so designated shall each select two members of the  
13 commission. The eight members so selected, promptly after  
14 selection, shall be certified by the selecting authorities to  
15 the chief election officer and within thirty days thereafter,



1 shall select, by a vote of six members, and promptly certify to  
2 the chief election officer the ninth member who shall serve as  
3 chairperson of the commission.

4 Each of the four officials designated above as selecting  
5 authorities for the eight members of the commission, at the time  
6 of the commission selections, shall also select one person from  
7 each basic island unit to serve on an apportionment advisory  
8 council for that island unit. The councils shall remain in  
9 existence during the life of the commission and each shall serve  
10 in an advisory capacity to the commission for matters affecting  
11 its island unit.

12 A vacancy in the commission or a council shall be filled by  
13 the initial selecting authority within fifteen days after the  
14 vacancy occurs. Commission and council positions and vacancies  
15 not filled within the times specified shall be filled promptly  
16 thereafter by the supreme court.

17 The commission shall act by majority vote of its membership  
18 and shall establish its own procedures, except as may be  
19 provided by law.

20 Not more than one hundred fifty days from the date on which  
21 its members are certified, the commission shall file with the



1 chief election officer a reapportionment plan for the state  
2 legislature and the Office of Hawaiian Affairs, and a  
3 reapportionment plan for the United States congressional  
4 districts which shall become law after publication as provided  
5 by law. Members of the commission shall hold office until each  
6 reapportionment plan becomes effective or until such time as may  
7 be provided by law.

8 No member of the reapportionment commission or an  
9 apportionment advisory council shall be eligible to become a  
10 candidate for election to either house of the legislature, ~~[or]~~  
11 to the United States House of Representatives, or to the board  
12 of trustees of the Office of Hawaiian Affairs in either of the  
13 first two elections under any such reapportionment plan.

14 Commission and apportionment advisory council members shall  
15 be compensated and reimbursed for their necessary expenses as  
16 provided by law.

17 The chief election officer shall be secretary of the  
18 commission without vote and, under the direction of the  
19 commission, shall furnish all necessary technical services. The  
20 legislature shall appropriate funds to enable the commission to  
21 carry out its duties."



1 SECTION 2. Article IV, section 4, of the Constitution of  
2 the State of Hawaii is amended to read as follows:

3 "APPORTIONMENT AMONG BASIC ISLAND UNITS

4 Section 4. The commission shall allocate the total number  
5 of members of each house of the state legislature and the total  
6 number of members of the board of trustees of the Office of  
7 Hawaiian Affairs being reapportioned among the four basic island  
8 units, namely: (1) the island of Hawaii, (2) the islands of  
9 Maui, Lanai, Molokai and Kahoolawe, (3) the island of Oahu and  
10 all other islands not specifically enumerated, and (4) the  
11 islands of Kauai and Niihau, using the total number of permanent  
12 residents in each of the basic island units and computed by the  
13 method known as the method of equal proportions; except that no  
14 basic island unit shall receive less than one member in each  
15 house[-] nor receive less than one member on the board of  
16 trustees of the Office of Hawaiian Affairs."

17 SECTION 3. Article IV, section 6, of the Constitution of  
18 the State of Hawaii is amended to read as follows:

19 "APPORTIONMENT WITHIN BASIC ISLAND UNITS

20 Section 6. Upon the determination of the total number of  
21 members of each house of the state legislature and members of



1 the board of trustees of the Office of Hawaiian Affairs to which  
2 each basic island unit is entitled, the commission shall  
3 apportion the members among the districts therein and shall  
4 redraw district lines where necessary in such manner that for  
5 each house and the board of trustees of the Office of Hawaiian  
6 Affairs the average number of permanent residents per member in  
7 each district is as nearly equal to the average for the basic  
8 island unit as practicable.

9 In effecting such redistricting, the commission shall be  
10 guided by the following criteria:

11 1. No district shall extend beyond the boundaries of any  
12 basic island unit.

13 2. No district shall be so drawn as to unduly favor a  
14 person or political faction.

15 3. Except in the case of districts encompassing more than  
16 one island, districts shall be contiguous.

17 4. Insofar as practicable, districts shall be compact.

18 5. Where possible, district lines shall follow permanent  
19 and easily recognized features, such as streets, streams and  
20 clear geographical features, and, when practicable, shall  
21 coincide with census tract boundaries.



1           6. Where practicable, representative districts shall be  
2 wholly included within senatorial districts.

3           7. Not more than four members shall be elected from any  
4 district.

5           8. Where practicable, submergence of an area in a larger  
6 district wherein substantially different socio-economic  
7 interests predominate shall be avoided."

8           SECTION 4. Article XII, section 5, of the Constitution of  
9 the State of Hawaii is amended to read as follows:

10                           **"OFFICE OF HAWAIIAN AFFAIRS; ESTABLISHMENT OF**  
11   **BOARD OF TRUSTEES**

12           **Section 5.** There is hereby established an Office of  
13 Hawaiian Affairs. The Office of Hawaiian Affairs shall hold  
14 title to all the real and personal property now or hereafter set  
15 aside or conveyed to it which shall be held in trust for native  
16 Hawaiians and Hawaiians. There shall be a board of trustees for  
17 the Office of Hawaiian Affairs elected by qualified voters who  
18 are Hawaiians, as provided by law. The board members shall be  
19 Hawaiians. There shall be not less than nine members of the  
20 board of trustees [~~provided that each of the following Islands~~  
21 ~~have one representative: Oahu, Kauai, Maui, Molokai and~~



1 ~~Hawaii.]~~; provided that the members shall be apportioned  
2 according to the provisions of Article IV. The board shall  
3 select a chairperson from its members."

4 SECTION 5. The question to be printed on the ballot shall  
5 be as follows:

6 "Shall the reapportionment commission be required to  
7 establish a reapportionment plan to draw district lines for  
8 the total number of members of the board of trustees of the  
9 Office of Hawaiian Affairs to be reapportioned among the  
10 four basic island units using the total number of permanent  
11 residents in each basic island unit and computed by the  
12 method of equal proportions, with no less than one member  
13 for each basic island unit?"

14 SECTION 6. Constitutional material to be repealed is  
15 bracketed and stricken. New constitutional material is  
16 underscored.

17 SECTION 7. This amendment shall take effect upon  
18 compliance with article XVII, section 3, of the Constitution of  
19 the State of Hawaii.

20

INTRODUCED BY:





# S.B. NO. 196

**Report Title:**

Constitutional Amendment; Reapportionment Commission; Office of Hawaiian Affairs

**Description:**

Amends the State Constitution to require the Reapportionment Commission to establish a reapportionment plan to draw district lines for the total number of members of the Board of Trustees of the Office of Hawaiian Affairs.

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

