

JAN 18 2023

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:



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- 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 to read as follows:



1 "§13D-4 Election of board members. (a) Beginning
2 January 1, 2014, members of the board of trustees shall be
3 nominated at a primary election and elected at the general
4 election in every even-numbered year. Except as otherwise
5 provided by this chapter, members shall be nominated and elected
6 in the manner prescribed by this title.

7 (b) The chief election officer shall prepare the
8 nomination papers in such a manner that a candidate desiring to
9 file for election to the board shall be able to specify
10 [~~whether~~] the district within which the candidate is seeking a
11 seat [~~requiring residency on a particular island or a seat~~
12 ~~without a residency requirement~~].

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

19 ~~(d)]~~ (c) Each voter registered to vote in the general
20 election shall be entitled to receive [~~the~~] an office of
21 Hawaiian affairs ballot [~~and to vote for the number of seats~~



1 ~~available on the]~~ containing the names of all candidates seeking
2 election to the board within the voter's respective ~~[islands.]~~
3 district.

4 ~~[(e) Any]~~ (d) Each election ~~[with only one]~~ to fill an
5 available seat ~~[without a residency requirement or for any~~
6 ~~available seat requiring residency on a particular island]~~ shall
7 be conducted as follows:

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

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

20 (3) If, at the close of filing of nomination papers, there
21 are three or more qualified candidates for any



1 available seat, the names of those candidates shall be
2 listed on the primary election ballot. The two
3 candidates receiving the highest number of votes for
4 each available seat shall be nominated at the primary
5 election for the general election; provided that if
6 any candidate receives more than fifty per cent of the
7 total votes cast for the available seat at the primary
8 election, the chief election officer shall declare
9 that candidate to be duly and legally elected and the
10 name of that candidate shall not appear on the general
11 election ballot.

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

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



1 ~~(2) If, after the close of filing of nomination papers,~~
2 ~~there are four, five, or six qualified candidates for~~
3 ~~the available seats without a residency requirement,~~
4 ~~the chief election officer shall declare those~~
5 ~~candidates duly nominated for the general election.~~
6 ~~The names of those candidates shall not appear on the~~
7 ~~primary election ballot; and~~

8 ~~(3) If, at the close of filing of nomination papers, there~~
9 ~~are seven or more qualified candidates for the~~
10 ~~available seats without a residency requirement, the~~
11 ~~names of those candidates shall be listed on the~~
12 ~~primary election ballot. The qualified candidates~~
13 ~~receiving the highest number of total votes at the~~
14 ~~primary election shall be declared by the chief~~
15 ~~election officer duly nominated for the general~~
16 ~~election provided that the general election shall~~
17 ~~include no more than twice the number of qualified~~
18 ~~candidates as seats available; provided further that~~
19 ~~if any candidate receives more than fifty per cent of~~
20 ~~the total votes cast for the available seats at the~~
21 ~~primary election, the chief election officer shall~~



1 ~~declare that candidate to be duly and legally elected~~
2 ~~and the name of that candidate shall not appear on the~~
3 ~~general election ballot.] "~~

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

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

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

18 (1) If it occurs ~~[not]~~ no later than on the ninetieth day
19 prior to the next succeeding primary election, the
20 vacancy shall be filled for the unexpired term at the
21 next succeeding general election. The chief election



1 officer shall issue a proclamation designating the
 2 election for filling the vacancy. All candidates for
 3 the unexpired term shall file nomination papers [~~not~~]
 4 no later than the date and time specified in section
 5 12-6 and shall be nominated and elected in accordance
 6 with this title. Pending the election, the board or
 7 the governor shall make a temporary appointment to
 8 fill the vacancy in the manner prescribed under
 9 subsection (a). [~~When island residency is required~~
 10 ~~under section 13D-1, the~~] The person so appointed
 11 shall reside [~~on the island~~] in the district from
 12 which the vacancy occurred, and shall serve for the
 13 duration of the unexpired term and shall serve until
 14 the election of the person duly elected to fill such
 15 vacancy[-]; or

16 (2) If it occurs after the ninetieth day prior to the next
 17 succeeding primary election, the board or the governor
 18 shall make an appointment to fill the vacancy in the
 19 manner prescribed under subsection (a). [~~When island~~
 20 ~~residency is required under section 13D-1, the~~] The
 21 person so appointed shall reside [~~on the island~~] in



1 the district from which the vacancy occurred, and
2 shall serve for the duration of the unexpired term."

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

5 "**§25-2 Duties.** (a) Legislative reapportionment. The
6 commission shall reapportion the members of each house of the
7 legislature on the basis, method, and criteria prescribed by the
8 Constitution of the United States and article IV of the Hawaii
9 State Constitution. Pursuant thereto, the commission shall
10 conduct public hearings and consult with the apportionment
11 advisory council of each basic island unit. Not more than one
12 hundred days from the date on which all members are certified,
13 the commission shall cause to be given in each basic island
14 unit, public notice of a legislative reapportionment plan
15 prepared and proposed by the commission. At least one public
16 hearing on the proposed reapportionment plan shall be held in
17 each basic island unit after initial public notice of the plan.
18 At least twenty days' notice shall be given of the public
19 hearing. The notice shall include a statement of the substance
20 of the proposed reapportionment plan, and of the date, time, and
21 place where interested persons may be heard thereon. The notice



1 shall be given at least once in the basic island unit where the
2 hearing will be held. All interested persons shall be afforded
3 an opportunity to submit data, views, or arguments, orally or in
4 writing, for consideration by the commission. After the last of
5 the public hearings, but in no event later than one hundred
6 fifty days from the date on which all members of the commission
7 are certified, the commission shall determine whether or not the
8 plan is in need of correction or modification, make the
9 correction or modification, if any, and file with the chief
10 election officer, a final legislative reapportionment plan.
11 Within fourteen days after the filing of the final
12 reapportionment plan, the chief election officer shall cause
13 public notice to be given of the final legislative
14 reapportionment plan which, upon public notice, shall become
15 effective as of the date of filing and govern the election of
16 members of the next five succeeding legislatures.

17 (b) Office of Hawaiian affairs board of trustees
18 apportionment. The commission shall reapportion the members of
19 the office of Hawaiian affairs board of trustees on the basis,
20 method, and criteria prescribed by article IV of the Hawaii
21 State Constitution. Pursuant thereto, the commission shall



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



1 modification, if any, and file a final office of Hawaiian
2 affairs board of trustees reapportionment plan with the chief
3 election officer. Within fourteen days after the filing of the
4 final reapportionment plan, the chief election officer shall
5 cause public notice to be given of the final office of Hawaiian
6 affairs board of trustees reapportionment plan, which upon
7 public notice, shall become effective as of the date of filing
8 and govern the election of members until the next
9 reapportionment plan becomes effective.

10 [~~b~~] (c) Congressional reapportionment. At times that
11 may be required by the Constitution and that may be required by
12 law of the United States, the commission shall redraw
13 congressional district lines for the districts from which the
14 members of the United States House of Representatives allocated
15 to this State shall be elected. The commission shall first
16 determine the total number of members to which the State is
17 entitled and shall then apportion those members among single
18 member districts so that the average number of persons in the
19 total population counted in the last preceding United States
20 census per member in each district shall be as nearly equal as



1 practicable. In effecting the reapportionment and districting,
2 the commission shall be guided by the following criteria:

- 3 (1) No district shall be drawn so as to unduly favor a
4 person or political party;
- 5 (2) Except in the case of districts encompassing more than
6 one island, districts shall be contiguous;
- 7 (3) Insofar as practicable, districts shall be compact;
- 8 (4) Where possible, district lines shall follow permanent
9 and easily recognized features such as streets,
10 streams, and clear geographical features, and when
11 practicable, shall coincide with census tract
12 boundaries;
- 13 (5) Where practicable, state legislative districts shall
14 be wholly included within congressional districts; and
- 15 (6) Where practicable, submergence of an area in a larger
16 district wherein substantially different socio-
17 economic interests predominate shall be avoided.

18 Not more than one hundred days from the date on which all
19 members are certified, the commission shall cause public notice
20 to be given of a congressional reapportionment plan prepared and
21 proposed by the commission. The commission shall conduct public



1 hearings on the proposed plan in the manner prescribed under
2 subsection (a). At least one public hearing shall be held in
3 each basic island unit after initial public notice of the plan.
4 After the last of the public hearings, but in no event later
5 than one hundred fifty days from the date on which all members
6 of the commission are certified, the commission shall determine
7 whether or not the plan is in need of correction or
8 modification, make the correction or modification, if any, and
9 file with the chief election officer, a final congressional
10 reapportionment plan. Within fourteen days after filing of the
11 final reapportionment plan, the chief election officer shall
12 cause public notice to be given of the final congressional
13 reapportionment plan which, upon public notice, shall become
14 effective as of the date of filing and govern the election of
15 members of the United States House of Representatives allocated
16 to this State for the next five succeeding congresses."

17 SECTION 6. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 7. This Act shall take effect upon its approval
20 and upon ratification of a constitutional amendment amending the
21 requirements of the reapportionment commission to establish a



1 reapportionment plan to draw district lines for the members of
2 the office of Hawaiian affairs board of trustees.

3

INTRODUCED BY: _____

Karl Abrock



S.B. NO. 52

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.

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

