
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. Chapter 13D, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§13D- Definitions. For the purposes of this chapter,
5 unless the context requires otherwise:

6 "Rural district" means the second congressional district of
7 the State.

8 "Urban district" means the first congressional district of
9 the State."

10 SECTION 2. Section 13D-1, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "§13D-1 Board of trustees; number; composition. The board
13 of trustees shall be composed of nine members elected [~~at large~~]
14 by qualified voters in the State [~~. Of the nine members to be~~
15 ~~elected one shall reside on the island of Hawaii; one shall~~
16 ~~reside on the island of Maui; and one shall reside on the island~~



1 ~~of Molokai, one shall reside on the island of Kauai, and one~~
2 ~~shall reside on the island of Oahu.]~~ as follows:

3 (1) Five members apportioned among the four basic island
4 units pursuant to the provisions of article IV of the
5 Hawaii State Constitution; and

6 (2) Four members, two of whom shall reside in an urban
7 district of the State and two of whom shall reside in
8 a rural district of the State;

9 provided that the composition of the board of trustees is in
10 conformance with article XII, section 5, of the Hawaii State
11 Constitution."

12 SECTION 3. 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:

17 (1) ~~[qualified]~~ Qualified and registered to vote under the
18 provisions of section 13D-3~~[7]~~; and

19 (2) ~~[where residency on a particular island is a~~
20 ~~requirement, a]~~ A resident ~~[on the island for which~~



1 ~~seat~~] of the district in which the person is seeking
2 election or appointment.

3 No member of the board shall hold or be a candidate for any
4 other public office under the state or county governments in
5 accordance with [~~Article~~] article II, section 7, of the Hawaii
6 State Constitution [~~of the State~~]; nor shall a person be
7 eligible for election or appointment to the board if that person
8 is also a candidate for any other public office under the state
9 or county governments.

10 For the purposes of this section, [~~The~~] the term "public
11 office", [~~for purposes of this section,~~] shall not include
12 notaries public, reserve police officers, or officers of
13 emergency organizations for civilian defense or disaster, or
14 disaster relief."

15 SECTION 4. Section 13D-4, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "**§13D-4 Election of board members.** (a) Beginning
18 January 1, 2014, members of the board of trustees shall be
19 nominated at a primary election and elected at the general
20 election in every even-numbered year. Except as otherwise



1 provided by this chapter, members shall be nominated and elected
2 in the manner prescribed by this title.

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

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

16 (d) Each voter registered to vote in the general election
17 shall be entitled to receive ~~[the]~~ an office of Hawaiian affairs
18 ballot ~~[and to vote for the number of seats available on the]~~
19 containing the names of all candidates seeking election to the
20 board within the voter's respective [islands-] district and the



1 names of all candidates seeking election from rural and urban
2 districts.

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

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

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

19 (3) If, at the close of filing of nomination papers, there
20 are three or more qualified candidates for any
21 available seat, the names of those candidates shall be



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

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

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

20 ~~(2) If, after the close of filing of nomination papers,~~
21 ~~there are four, five, or six qualified candidates for~~



1 ~~the available seats without a residency requirement,~~
2 ~~the chief election officer shall declare those~~
3 ~~candidates duly nominated for the general election.~~
4 ~~The names of those candidates shall not appear on the~~
5 ~~primary election ballot; and~~
6 ~~(3) If, at the close of filing of nomination papers, there~~
7 ~~are seven or more qualified candidates for the~~
8 ~~available seats without a residency requirement, the~~
9 ~~names of those candidates shall be listed on the~~
10 ~~primary election ballot. The qualified candidates~~
11 ~~receiving the highest number of total votes at the~~
12 ~~primary election shall be declared by the chief~~
13 ~~election officer duly nominated for the general~~
14 ~~election provided that the general election shall~~
15 ~~include no more than twice the number of qualified~~
16 ~~candidates as seats available; provided further that~~
17 ~~if any candidate receives more than fifty per cent of~~
18 ~~the total votes cast for the available seats at the~~
19 ~~primary election, the chief election officer shall~~
20 ~~declare that candidate to be duly and legally elected~~



1 ~~and the name of that candidate shall not appear on the~~
2 ~~general election ballot.] "~~

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

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

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

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



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

15 (2) If it occurs after the ninetieth day prior to the next
 16 succeeding primary election, the board or the governor
 17 shall make an appointment to fill the vacancy in the
 18 manner prescribed under subsection (a). ~~[When island~~
 19 ~~residency is required under section 13D-1, the]~~ The
 20 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 6. 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. For purposes of legislative
10 reapportionment, a "permanent resident" means a person having
11 the person's domiciliary in the State. In determining the total
12 number of permanent residents for purposes of apportionment
13 among the four basic island units, the commission shall only
14 extract non-permanent residents from the total population of the
15 State counted by the United States Census Bureau for the
16 respective reapportionment year. The commission shall conduct
17 public hearings and consult with the apportionment advisory
18 council of each basic island unit. No more than one hundred
19 days from the date on which all members are certified, the
20 commission shall cause to be given in each basic island unit,
21 public notice subject to section 1-28.5 of a legislative



1 reapportionment plan prepared and proposed by the commission.
2 At least one public hearing on the proposed reapportionment plan
3 shall be held in each basic island unit after initial public
4 notice of the plan. At least twenty days' notice shall be given
5 of the public hearing. The notice shall include a statement of
6 the substance of the proposed reapportionment plan, and of the
7 date, time, and place where interested persons may be heard
8 thereon. The notice shall be given at least once in the basic
9 island unit where the hearing will be held. All interested
10 persons shall be afforded an opportunity to submit data, views,
11 or arguments, orally or in writing, for consideration by the
12 commission. After the last of the public hearings, but in no
13 event later than one hundred fifty days from the date on which
14 all members of the commission are certified, the commission
15 shall determine whether the plan is in need of correction or
16 modification, make the correction or modification, if any, and
17 file with the chief election officer, a final legislative
18 reapportionment plan. Within fourteen days after the filing of
19 the final reapportionment plan, the chief election officer shall
20 cause public notice subject to section 1-28.5 to be given of the
21 final legislative reapportionment plan which, upon public



1 notice, shall become effective as of the date of filing and
2 govern the election of members of the next five succeeding
3 legislatures.

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



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

18 [~~b~~] (c) Congressional reapportionment. At times that
19 may be required by the Constitution and that may be required by
20 law of the United States, the commission shall redraw
21 congressional district lines for the districts from which the



1 members of the United States House of Representatives allocated
2 to this State shall be elected. The commission shall first
3 determine the total number of members to which the State is
4 entitled and shall then apportion those members among single
5 member districts so that the average number of persons in the
6 total population counted in the last preceding United States
7 census per member in each district shall be as nearly equal as
8 practicable. In effecting the reapportionment and districting,
9 the commission shall be guided by the following criteria:

- 10 (1) No district shall be drawn so as to unduly favor a
11 person or political party;
- 12 (2) Except in the case of districts encompassing more than
13 one island, districts shall be contiguous;
- 14 (3) Insofar as practicable, districts shall be compact;
- 15 (4) Where possible, district lines shall follow permanent
16 and easily recognized features such as streets,
17 streams, and clear geographical features, and when
18 practicable, shall coincide with census tract
19 boundaries;
- 20 (5) Where practicable, state legislative districts shall
21 be wholly included within congressional districts; and



1 (6) Where practicable, submergence of an area in a larger
2 district wherein substantially different socio-
3 economic interests predominate shall be avoided.

4 Not more than one hundred days from the date on which all
5 members are certified, the commission shall cause public notice
6 to be given of a congressional reapportionment plan prepared and
7 proposed by the commission. The commission shall conduct public
8 hearings on the proposed plan in the manner prescribed under
9 subsection (a). At least one public hearing shall be held in
10 each basic island unit after initial public notice of the plan.
11 After the last of the public hearings, but in no event later
12 than one hundred fifty days from the date on which all members
13 of the commission are certified, the commission shall determine
14 whether or not the plan is in need of correction or
15 modification, make the correction or modification, if any, and
16 file with the chief election officer, a final congressional
17 reapportionment plan. Within fourteen days after filing of the
18 final reapportionment plan, the chief election officer shall
19 cause public notice to be given of the final congressional
20 reapportionment plan which, upon public notice, shall become
21 effective as of the date of filing and govern the election of



1 members of the United States House of Representatives allocated
2 to this State for the next five succeeding congresses."

3 SECTION 7. Of the four members who are elected to an at-
4 large seat from an urban or rural district for the board of
5 trustees of the office of Hawaiian affairs in the general
6 election of 2024, the member who receives the lowest number of
7 votes shall serve a term of two years. If the member who
8 receives the lowest number of votes is from an urban district,
9 the board of trustees of the office of Hawaiian affairs shall
10 select amongst the newly elected members one member from a rural
11 district to serve a term of two years; provided that if the
12 member who receives the lowest number of votes is from a rural
13 district, the board of trustees of the office of Hawaiian
14 affairs shall select amongst the newly elected members one
15 member from an urban district to serve a term of two years;
16 provided further that, after the general election of 2026, all
17 members shall serve a term of four years.

18 SECTION 8. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 9. This Act shall take effect upon its approval
21 and upon ratification of a constitutional amendment amending the



1 requirements of the reapportionment commission to establish a
2 reapportionment plan to draw district lines for the members of
3 the office of Hawaiian affairs board of trustees.



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 five 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. Requires that of the remaining four members of the Board of Trustees of the Office Hawaiian Affairs, two shall reside in an urban district of the State and two shall reside in a rural district of the State. (SD1)

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

