

ACT 199

H.B. NO. 2052

A Bill for an Act Relating to Reapportionment.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 25-2, Hawaii Revised Statutes, is amended to read as follows:

“§25-2 Duties. (a) [Legislative reapportionment.] [The] Whenever possible, to the maximum extent possible, the commission shall reapportion the members of each house of the legislature among the basic island units and among the districts therein, redistricting where necessary, on the basis, method and criteria prescribed in Article IV of the Constitution. Pursuant thereto, the commission shall conduct public hearings and consult with the apportionment advisory council of each basic island unit. Not more than eighty days from the date on which all members are certified, the commission shall cause to be published in a newspaper of general circulation in each basic island unit, a legislative reapportionment plan prepared and proposed by the commission. At least one public hearing on the proposed reapportionment plan shall be held in each basic island unit after initial publication of the plan. At least twenty days' notice shall be given of such public hearing. The notice shall include a statement of the substance of the proposed reapportionment plan, and of the date, time and place where interested persons may be heard thereon. The notice shall be published at least once in a newspaper of general circulation in the basic island

unit where the hearing will be held. All interested persons shall be afforded an opportunity to submit data, views, or arguments, orally or in writing, for consideration by the commission. After the last of such public hearings, but in no event later than one hundred fifty days from the date on which all members of the commission are certified, the commission shall determine whether or not the plan is in need of correction or modification, make the correction or modification, if any, and file with the chief election officer, a final legislative reapportionment plan. Within ten days after filing of the final reapportionment plan, the chief election officer shall cause to be published in a newspaper of general circulation in the State, the final legislative reapportionment plan which [shall], upon publication, shall become effective as of the date of filing and govern the election of members of the next five succeeding legislatures.

(b) [Congressional reapportionment.] At such times as may be required by the Constitution and as may be required by law of the United States, the commission shall redraw congressional district lines for the districts from which the members of the United States House of Representatives allocated to this State shall be elected. The commission shall first determine the total number of members to which the State is entitled and shall then apportion such members among single member districts in such manner that the average number of [registered voters per member] persons of the total population in each district shall be as nearly equal as practicable. In effecting such reapportionment and districting, the commission shall be guided by the following criteria:

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

Not more than eighty days from the date on which all members are certified, the commission shall cause to be published in a newspaper of general circulation in the State, a congressional reapportionment plan prepared and proposed by the commission. The commission shall conduct public hearings on the proposed plan in the manner prescribed under subsection (a). At least one public hearing shall be held in each basic island unit after initial publication of the plan. After the last of such public hearings, but in no event later than one hundred fifty days from the date on which all members of the commission are certified, the commission shall determine whether or not the plan is in need of correction or modification, make the correction or modification, if any, and file with the chief election officer, a final congressional reapportionment plan. Within ten days after filing of the final reapportionment plan, the chief election officer shall cause to be published in a newspaper of general circulation in the State, the final congressional reapportionment plan which [shall], upon publication, shall become effective as of the date of filing and govern the election of members of the United States House of Representatives allocated to this State for the next five succeeding congresses.”

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect upon the effective date of necessary companion amendments to the Hawaii State Constitution, Article IV, Sections 4, 5, and 6.

(Approved June 19, 1990.)