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APPENDIX “C”

1979 Hawaii Session Laws, Act 51

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A Bill for an Act Relating to Reapportionment (Constitutional Amendments of Article IV).

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

SECTION 1. The purpose of this Act is to conform the Hawaii Revised Statutes to the Hawaii State Constitution as amended by the Constitutional Convention of 1978 and ratified by the electorate on November 7, 1978.

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

"Sec. 25-1 Reapportionment commission. A reapportionment commission shall be constituted after the third Wednesday of January but before March 1 of each reapportionment year, and the members shall be appointed and certified to hold their offices for such term in the manner prescribed in Article IV of the Constitution."

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

"Sec. 25-2 Duties. (a) Legislative reapportionment. 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, 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 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, 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 4. Section 25-7, Hawaii Revised Statutes, is amended to read as follows:

"Sec. 25-7 Apportionment advisory councils. The apportionment advisory councils for the respective basic island units shall be constituted at the same time as the reapportionment commission and the members shall be appointed to hold their offices for such term in the manner prescribed in Article IV of the Constitution. Each advisory council shall serve in an advisory capacity to the reapportionment commission as to matters affecting its basic island unit. Each member shall be a registered voter of his basic island unit. A member of a council shall, for the period he holds his office, receive compensation of \$50 per meeting but not to exceed \$500 per month and shall be allowed actual and necessary expenses incurred in the performance of his duties. Payments for compensation and expenses shall be made by warrants signed by the comptroller on vouchers properly endorsed by the chairman of the appropriate

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advisory council. The members of the council shall be exempt from the provisions of chapters 76 and 77. Each council shall elect its own chairman and may elect other officers as may be necessary to carry out its functions. Meetings shall be called and held at the call of the chairman or by a quorum which shall be a majority of the members.”

SECTION 5. Section 11-2, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) The chief election officer shall maintain data concerning registered voters, elections, apportionment, and districting. He shall use this data to assist the reapportionment commission provided for under Article IV of the Constitution.”

SECTION 6. Statutory material to be repealed is bracketed. New material is underscored.*

SECTION 7. This Act shall take effect upon its approval.

(Approved May 16, 1979.)

*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.