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APPENDIX “B”

Oamilda v. 2011 Council Reapportionment Commission,
No. SCPW-12-0000058
2012 WL 432272 (Haw. Feb. 9, 2012)

2012 WL 432272

Only the Westlaw citation is currently available.

Unpublished opinion. See HI R RAP Rule 35 before citing.

Supreme Court of Hawai'i.

Glen OAMILDA, Petitioner,

v.

2011 COUNCIL REAPPORTIONMENT
COMMISSION and 2011 State Reapportionment
Commission, Respondents.

No. SCPW-12-0000058.

Feb. 9, 2012.

As Amended Feb. 10, 2012.

RECKTENWALD, C.J., NAKAYAMA, ACOPA,
DUFFY, and McKENNA, JJ.

ORIGINAL PROCEEDING

ORDER

*1 Upon consideration of the petition for a writ of mandamus filed by petitioner Glen Oamilda, it appears

that: (1) Revised Ordinances of Honolulu, article III, section 3-103 does not require that communities remain undivided in the reapportionment of council districts; *see Kawamoto v. Okata*, 75 Haw. 463, 468-69, 868 P.2d 1183, 1186 (1994); (2) article III, section 3-103 does not require that council districts be drawn on a permanent resident population base; and (3) petitioner's assertions that the Council Reapportionment Commission did not follow lawful process are not supported by any evidence. Consequently, petitioner fails to demonstrate a clear and indisputable right to relief and petitioner is not entitled to mandamus relief. *See Kema v. Gaddis*, 91 Hawai'i 200, 204, 982 P.2d 334, 338 (1999) (A writ of mandamus is an extraordinary remedy that will not issue unless the petitioner demonstrates a clear and indisputable right to relief and a lack of alternative means to redress adequately the alleged wrong or obtain the requested action.).

It further appears that: (1) petitioner's challenge to the 2011 Final Reapportionment Plan for the State Legislature is untimely; *see* Hawai'i Constitution, article IV, section 10; and (2) the 2011 Final Reapportionment Plan for the State Legislature was invalidated on January 4, 2012. Therefore,

IT IS HEREBY ORDERED that the petition for a writ of mandamus is: (1) denied as to relief against the 2011 Council Reapportionment Commission and (2) dismissed as to relief against the 2011 State Reapportionment Commission.

All Citations

Not Reported in P.3d, 2012 WL 432272