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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Unpublished opinion.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, ACOBA,  
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