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## A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE IV, SECTION 2, OF THE HAWAII  
STATE CONSTITUTION TO ADDRESS THE SELECTION OF MEMBERS OF  
THE REAPPORTIONMENT COMMISSION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The purpose of this Act is to ensure the  
2 participation of all political parties in the reapportionment  
3 process by proposing an amendment to article IV, section 2, of  
4 the Constitution of the State of Hawaii to provide that, if  
5 there are no members belonging to the minority party or parties  
6 in a house of the legislature, the presiding officer of the  
7 respective house of the legislature, after consulting with the  
8 chair of the minority party, shall designate persons having  
9 membership in the minority party to serve on the reapportionment  
10 commission.

11           SECTION 2. Article IV, section 2, of the Constitution of  
12 the State of Hawaii is amended to read as follows:

13   **"REAPPORTIONMENT COMMISSION**

14           **Section 2.** A reapportionment commission shall be  
15 constituted on or before May 1 of each reapportionment year and  
16 whenever reapportionment is required by court order. The



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1 commission shall consist of nine members. The president of the  
2 senate and the speaker of the house of representatives shall  
3 each select two members. Members of each house belonging to the  
4 party or parties different from that of the president or the  
5 speaker shall designate one of their number for each house and  
6 the two so designated shall each select two members of the  
7 commission.

8 If no member of the house of representatives belongs to a  
9 party different from that of the speaker, then the speaker,  
10 after consultation with the chair of the party that is different  
11 from that of the speaker and that received the most votes, or  
12 next most votes if applicable, in the last gubernatorial  
13 election, shall select two persons to serve as members of the  
14 commission on behalf of the house of representatives. The first  
15 person selected shall be a member of the party that is different  
16 from that of the speaker and that received the most votes, or  
17 next most votes if applicable, in the last gubernatorial  
18 election, and the second person shall be of the party that  
19 received the third most votes in the last gubernatorial  
20 election; provided that if no party received the third most  
21 votes, the second person shall also be of the party that is



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1 different from that of the speaker and that received the most  
2 votes, or next most votes if applicable, in the last  
3 gubernatorial election.

4 If no member of the senate belongs to a party different  
5 from that of the president, then the president, after  
6 consultation with the chair of the party that is different from  
7 that of the president and that received the most votes, or next  
8 most votes if applicable, in the last gubernatorial election,  
9 shall select two persons to serve as members of the commission  
10 on behalf of the senate. The first person selected shall be a  
11 member of the party that is different from that of the president  
12 and that received the most votes, or next most votes if  
13 applicable, in the last gubernatorial election, and the second  
14 person shall be of the party that received the third most votes  
15 in the last gubernatorial election; provided that if no party  
16 received the third most votes, the second person shall also be  
17 of the party that is different from that of the president and  
18 that received the most votes, or next most votes if applicable,  
19 in the last gubernatorial election.

20 The eight members so selected, promptly after selection,  
21 shall be certified by the selecting authorities to the chief



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1 election officer and within thirty days thereafter, shall  
2 select, by a vote of six members, and promptly certify to the  
3 chief election officer the ninth member who shall serve as  
4 chairperson of the commission.

5 Each of the four officials designated above as selecting  
6 authorities for the eight members of the commission, at the time  
7 of the commission selections, shall also select one person from  
8 each basic island unit to serve on an apportionment advisory  
9 council for that island unit. The councils shall remain in  
10 existence during the life of the commission and each shall serve  
11 in an advisory capacity to the commission for matters affecting  
12 its island unit.

13 A vacancy in the commission or a council shall be filled by  
14 the initial selecting authority within fifteen days after the  
15 vacancy occurs. Commission and council positions and vacancies  
16 not filled within the times specified shall be filled promptly  
17 thereafter by the supreme court.

18 The commission shall act by majority vote of its membership  
19 and shall establish its own procedures, except as may be  
20 provided by law.



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1 Not more than one hundred fifty days from the date on which  
2 its members are certified, the commission shall file with the  
3 chief election officer a reapportionment plan for the state  
4 legislature and a reapportionment plan for the United States  
5 congressional districts which shall become law after publication  
6 as provided by law. Members of the commission shall hold office  
7 until each reapportionment plan becomes effective or until such  
8 time as may be provided by law.

9 No member of the reapportionment commission or an  
10 apportionment advisory council shall be eligible to become a  
11 candidate for election to either house of the legislature or to  
12 the United States House of Representatives in either of the  
13 first two elections under any such reapportionment plan.

14 Commission and apportionment advisory council members shall  
15 be compensated and reimbursed for their necessary expenses as  
16 provided by law.

17 The chief election officer shall be secretary of the  
18 commission without vote and, under the direction of the  
19 commission, shall furnish all necessary technical services. The  
20 legislature shall appropriate funds to enable the commission to  
21 carry out its duties."



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1 SECTION 3. The question to be printed on the ballot shall  
2 be as follows:

3 "To meet the constitutional requirement of equal  
4 representation of all political parties on the  
5 reapportionment commission, if there are no members  
6 belonging to a minority party in a house of the  
7 legislature, shall the presiding officer of the  
8 respective house of the legislature, after consulting  
9 with the chair of a minority party, be given the  
10 authority to designate persons who are members of a  
11 minority party to serve on the reapportionment  
12 commission?"

13 SECTION 4. New constitutional material is underscored.

14 SECTION 5. This amendment shall take effect upon  
15 compliance with article XVII, section 3, of the Constitution of  
16 the State of Hawaii.

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INTRODUCED BY: \_\_\_\_\_



JAN 16 2018



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**Report Title:**

Reapportionment Commission; Selection of Members; Political Parties

**Description:**

Ensures participation of all political parties on the Reapportionment Commission by providing that if there are no members belonging to a minority party in a house of the legislature, the presiding officer of the respective house of the legislature, after consulting with the chair of a minority party, shall be given the authority to designate persons who are members of a minority party to serve on the reapportionment commission.

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