

JAN 24 2019

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# A BILL FOR AN ACT

RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS ELECTIONS.

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

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PART I

2 SECTION 1. The purpose of this Act is to ensure a more  
3 democratic election process for the office of Hawaiian affairs  
4 by amending the election process for the four at-large seats for  
5 the office of Hawaiian affairs board of trustees so that each of  
6 the four at-large seat candidates is required to be a resident  
7 of an urban or rural district and run in a head-to-head race.

8 SECTION 2. Chapter 13D, Hawaii Revised Statutes, is  
9 amended by adding a new section to be appropriately designated  
10 and to read as follows:

11 "§13D- Definitions. For the purposes of this chapter,  
12 unless the context requires otherwise:

13 "Rural district" means the second congressional district of  
14 the State.

15 "Urban district" means the first congressional district of  
16 the State."



1 SECTION 3. Section 13D-1, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§13D-1 Board of trustees; number; composition. The board  
4 of trustees shall be composed of nine members elected at-large  
5 by qualified voters in the State. Of the nine members to be  
6 elected one shall reside on the island of Hawaii; one shall  
7 reside on the island of Maui; and one shall reside on the island  
8 of Molokai; one shall reside on the island of Kauai; and one  
9 shall reside on the island of Oahu. Of the remaining four  
10 members, two shall reside in an urban district of the State and  
11 two shall reside in a rural district of the State."

12 SECTION 4. Section 13D-2, Hawaii Revised Statutes, is  
13 amended to read as follows:

14 "§13D-2 Qualifications of board members. No person shall  
15 be eligible for election or appointment to the board unless the  
16 person is Hawaiian and is:

17 (1) [~~qualified~~] Qualified and registered to vote under the  
18 provisions of section 13D-3 [~~, and~~];

19 (2) [~~where~~] Where residency on a particular island is a  
20 requirement, a resident on the island for which seat  
21 the person is seeking election or appointment [~~+~~]; and



1           (3) Where residency in a particular district is a  
2           requirement, a resident of the district for which seat  
3           the person is seeking election or appointment.

4 No member of the board shall hold or be a candidate for any  
5 other public office under the state or county governments in  
6 accordance with Article II, section 7 of the Constitution of the  
7 State; nor shall a person be eligible for election or  
8 appointment to the board if that person is also a candidate for  
9 any other public office under the state or county governments.  
10 The term "public office", for purposes of this section, shall  
11 not include notaries public, reserve police officers, or  
12 officers of emergency organizations for civilian defense or  
13 disaster, or disaster relief."

14           SECTION 5. Section 13D-4, Hawaii Revised Statutes, is  
15 amended to read as follows:

16           "**§13D-4 Election of board members.** (a) Beginning  
17 January 1, 2014, members of the board of trustees shall be  
18 nominated at a primary election and elected at the general  
19 election in every even-numbered year. Except as otherwise  
20 provided by this chapter, members shall be nominated and elected  
21 in the manner prescribed by this title.



1           (b) The chief election officer shall prepare the  
2 nomination papers in such a manner that a candidate desiring to  
3 file for election to the board shall be able to specify whether  
4 the candidate is seeking a seat requiring residency on a  
5 particular island or a seat ~~[without a residency requirement.]~~  
6 requiring residency in an urban district or rural district.

7           (c) The board of trustees ballot shall be prepared in such  
8 a manner that every voter qualified and registered under section  
9 13D-3 shall be afforded the opportunity to vote for each and  
10 every candidate seeking election to the board. The ballot shall  
11 contain the names of all board candidates arranged in accordance  
12 with section 11-115.

13           (d) Each voter registered to vote in the general election  
14 shall be entitled to receive the office of Hawaiian affairs  
15 ballot and to vote for the number of seats available on the  
16 respective islands~~[.]~~ or districts.

17           (e) ~~[Any election with only one available seat without a~~  
18 ~~residency requirement or for any available seat requiring~~  
19 ~~residency on a particular island]~~ Any election for any available  
20 seat requiring residency on an island or in a district shall be  
21 conducted as follows:



- 1           (1) If, after the close of filing of nomination papers,  
2           there is only one qualified candidate for any  
3           available seat, the chief election officer shall  
4           declare the candidate to be duly and legally elected,  
5           and the name of that candidate shall not appear on the  
6           primary or the general election ballot;
- 7           (2) If, after the close of filing nomination papers, there  
8           are only two qualified candidates for any available  
9           seat, the chief election officer shall declare those  
10          two candidates duly nominated for the general  
11          election. The names of those two candidates shall not  
12          appear on the primary election ballot; and
- 13          (3) If, at the close of filing of nomination papers, there  
14          are three or more qualified candidates for any  
15          available seat, the names of those candidates shall be  
16          listed on the primary election ballot. The two  
17          candidates receiving the highest number of votes for  
18          each available seat shall be nominated at the primary  
19          election for the general election; provided that if  
20          any candidate receives more than fifty per cent of the  
21          total votes cast for the available seat at the primary



1 election, the chief election officer shall declare  
2 that candidate to be duly and legally elected and the  
3 name of that candidate shall not appear on the general  
4 election ballot.

5 ~~[(f) Any election with three available seats without a~~  
6 ~~residency requirement shall be conducted as follows:~~

7 ~~(1) If, after the close of filing of nomination papers,~~  
8 ~~there are only three or less qualified candidates for~~  
9 ~~the available seats without a residency requirement,~~  
10 ~~the chief election officer shall declare those~~  
11 ~~candidates to be duly and legally elected and the~~  
12 ~~names of those candidates shall not appear on the~~  
13 ~~primary or general election ballot;~~

14 ~~(2) If, after the close of filing of nomination papers,~~  
15 ~~there are four, five, or six qualified candidates for~~  
16 ~~the available seats without a residency requirement,~~  
17 ~~the chief election officer shall declare those~~  
18 ~~candidates duly nominated for the general election.~~

19 ~~The names of those candidates shall not appear on the~~  
20 ~~primary election ballot; and~~



1       ~~(3) If, at the close of filing of nomination papers, there~~  
2       ~~are seven or more qualified candidates for the~~  
3       ~~available seats without a residency requirement, the~~  
4       ~~names of those candidates shall be listed on the~~  
5       ~~primary election ballot. The qualified candidates~~  
6       ~~receiving the highest number of total votes at the~~  
7       ~~primary election shall be declared by the chief~~  
8       ~~election officer duly nominated for the general~~  
9       ~~election provided that the general election shall~~  
10       ~~include no more than twice the number of qualified~~  
11       ~~candidates as seats available; provided further that~~  
12       ~~if any candidate receives more than fifty per cent of~~  
13       ~~the total votes cast for the available seats at the~~  
14       ~~primary election, the chief election officer shall~~  
15       ~~declare that candidate to be duly and legally elected~~  
16       ~~and the name of that candidate shall not appear on the~~  
17       ~~general election ballot.]~~

18       (f) For any election with two available seats requiring  
19       residency in an urban district or a rural district, only one  
20       candidate from an urban district and one candidate from a rural  
21       district may be elected."



1 SECTION 6. Section 13D-5, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§13D-5 Term of office; vacancies. [+] (a) [+] The term of  
4 office of members of the board shall be four years beginning on  
5 the day of the general election at which they are elected, or if  
6 elected at a primary election, on the day of the general  
7 election immediately following the primary election at which  
8 they are elected, and ending on the day of the second general  
9 election after their election[-], except as provided in Act  
10 \_\_\_\_\_ , Session Laws of Hawaii 2019, for the reduced term of one  
11 member who shall serve until the day of the general election of  
12 2022. All members elected at the general election of 2022, and  
13 thereafter, shall serve for four years. Members of the board  
14 may be reelected without restriction as to the number of terms.

15 [+] (b) [+] Any vacancy that may occur through any cause  
16 other than the expiration of the term of office shall be filled  
17 in accordance with section 17-7."

18 SECTION 7. Section 17-7, Hawaii Revised Statutes, is  
19 amended by amending subsection (b) to read as follows:

20 "(b) In the case of a vacancy, the term of which does not  
21 end at the next succeeding general election:





- 1           (1) If it occurs not later than on the ninetieth day prior  
2           to the next succeeding primary election, the vacancy  
3           shall be filled for the unexpired term at the next  
4           succeeding general election. The chief election  
5           officer shall issue a proclamation designating the  
6           election for filling the vacancy. All candidates for  
7           the unexpired term shall file nomination papers not  
8           later than the date and time specified in section 12-6  
9           and shall be nominated and elected in accordance with  
10          this title. Pending the election, the board or the  
11          governor shall make a temporary appointment to fill  
12          the vacancy in the manner prescribed under subsection  
13          (a). When island, urban district, or rural district  
14          residency is required under section 13D-1, the person  
15          so appointed shall reside on the island or district  
16          from which the vacancy occurred, and shall serve for  
17          the duration of the unexpired term and shall serve  
18          until the election of the person duly elected to fill  
19          such vacancy.
- 20          (2) If it occurs after the ninetieth day prior to the next  
21          succeeding primary election, the board or the governor



1 shall make an appointment to fill the vacancy in the  
2 manner prescribed under subsection (a). When island,  
3 urban district, or rural district residency is  
4 required under section 13D-1, the person so appointed  
5 shall reside on the island or district from which the  
6 vacancy occurred, and shall serve for the duration of  
7 the unexpired term."

8 **PART II**

9 SECTION 8. Of the three members who are elected to an at-  
10 large seat without a residency requirement for the board of  
11 trustees of the office of Hawaiian affairs in the general  
12 election of 2020, the member who receives the lowest number of  
13 votes shall serve a term of two years. If one or more members  
14 are elected at the primary election of 2020, then the board of  
15 trustees of the office of Hawaiian affairs shall select amongst  
16 the newly elected members one member to serve a term of two  
17 years; provided that after the general election of 2022, all  
18 members shall serve a term of four years.

19 **PART III**


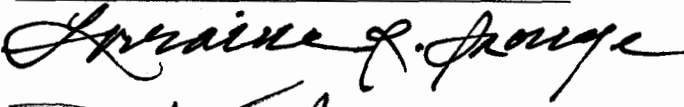



20 SECTION 9. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.



# S.B. NO. 1295

1           SECTION 10. This Act shall take effect upon its approval;  
2 provided that part I of this Act shall take effect on January 1,  
3 2022.

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INTRODUCED BY:   
  
  
  




# S.B. NO. 1295

**Report Title:**

OHA At-Large-Positions; Election

**Description:**

Requires two at-large seats to reside in an urban district and two at-large seats to reside in a rural district. Requires one urban district candidate and one rural district candidate to be elected in any election cycle. Changes the term of the member who receives the lowest number of votes in the 2020 general election to serve a term of two years and a term of four years after the general election of 2022. Takes effect upon approval; provided that part I shall take effect on January 1, 2022.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

