

MAR 12 2021

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# SENATE CONCURRENT RESOLUTION

REQUESTING THE ATTORNEY GENERAL TO PETITION THE HAWAII SUPREME COURT SEEKING RELIEF TO PREVENT ACTION AGAINST THE REAPPORTIONMENT COMMISSION FOR THE COMMISSION'S FAILURE TO MEET STATUTORY OR CONSTITUTIONAL DEADLINES RELATING TO THE 2021 REAPPORTIONMENT PLANS.

1           WHEREAS, a fundamental tenet of elections in the United  
2 States is the fair apportionment of representation across a  
3 given population, and the United States and Hawaii governments  
4 each have legislative bodies with legislators elected to  
5 represent individual districts that have an approximate equal  
6 number of citizens; and

7  
8           WHEREAS, Article IV, Section 2 of the Hawaii State  
9 Constitution calls for, and explains the procedures for, the  
10 convening of a reapportionment commission, which is tasked with  
11 creating a reapportionment plan for the state legislature and a  
12 reapportionment plan for United States congressional districts;  
13 and

14  
15           WHEREAS, the Hawaii State Constitution requires that the  
16 first eight members of the commission be selected by May 1 of a  
17 reapportionment year, and the chair of the commission to be  
18 selected no later than thirty days after the eighth member of  
19 the commission is selected; and

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21           WHEREAS, accordingly, the latest date for the final member  
22 and chair of the reapportionment commission to be selected is  
23 May 31; and

24  
25           WHEREAS, section 25-2, Hawaii Revised Statutes, requires  
26 reapportionment commissions to:

- 27  
28           (1) Submit a draft of the reapportionment commission's  
29           respective reapportionment plans no later than one



1 hundred days after the convening of the  
2 reapportionment commission; and  
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- 4 (2) Hold at least one public hearing on the proposed  
5 reapportionment plans in each basic island unit after  
6 a minimum of twenty days following public notice of  
7 the plan; and  
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9 WHEREAS, accordingly, provided that the chair of a  
10 reapportionment commission is selected on May 31, the latest  
11 date that proposed reapportionment plans may be presented to the  
12 public is September 8, and the latest date on which a public  
13 hearing may be held is September 28; and  
14

15 WHEREAS, Article IV, Section 2 of the Hawaii State  
16 Constitution requires a reapportionment commission to submit to  
17 the Chief Election Officer final reapportionment plans no later  
18 than one hundred fifty days after the commission is convened;  
19 and  
20

21 WHEREAS, accordingly, provided that the chair of a  
22 reapportionment commission is selected on May 31, the latest  
23 date that the final reapportionment plans may be submitted to  
24 satisfy the Constitution is October 28; and  
25

26 WHEREAS, Article IV, Section 1 of the Hawaii State  
27 Constitution designates as reapportionment years "the year 1981  
28 . . . and every tenth year thereafter", making 2021 a  
29 reapportionment year; and  
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31 WHEREAS, due to each state's ever-changing populations, the  
32 United States Census is conducted every ten years by the United  
33 States Census Bureau for the purpose of gathering an accurate  
34 count of persons living in the United States, and this count is  
35 used in the reapportionment process to ensure fair and equal  
36 representation in legislative bodies; and  
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38 WHEREAS, for the 2011 reapportionment, Hawaii received data  
39 from the United States Census Bureau on February 22, 2011; and  
40



1           WHEREAS, to date, Hawaii has not received the data from the  
2 United States Census Bureau necessary to prepare the 2021  
3 reapportionment plans; and  
4

5           WHEREAS, due to the coronavirus disease 2019 (COVID-19)  
6 pandemic, the United States Census Bureau has announced that it  
7 expects to deliver to the states and the public the quality data  
8 necessary for states to prepare reapportionment plans later than  
9 previous years, potentially as late as September 30, 2021; and  
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11           WHEREAS, due to the COVID-19 pandemic and the announcement  
12 from the United States Census Bureau, it appears unlikely that  
13 the 2021 reapportionment commission will be able to meet the  
14 commission's statutorily and constitutionally mandated  
15 deadlines; and  
16

17           WHEREAS, the reapportionment commission's inability to meet  
18 these statutory and constitutional deadlines makes the eventual  
19 reapportionment plans subject to legal challenge, which could  
20 detrimentally delay the State's elections process; now,  
21 therefore,  
22

23           BE IT RESOLVED by the Senate of the Thirty-first  
24 Legislature of the State of Hawaii, Regular Session of 2021, the  
25 House of Representatives concurring, that the Attorney General  
26 is requested to begin legal proceedings to, when appropriate,  
27 petition the Hawaii Supreme Court seeking relief to prevent  
28 action against the reapportionment commission for the  
29 reapportionment commission's failure to meet statutory or  
30 constitutional deadlines relating to the 2021 reapportionment  
31 plans resulting from the United States Census Bureau's delay in  
32 delivering high quality data to the states and public; and  
33

34           BE IT FURTHER RESOLVED that certified copies of this  
35 Concurrent Resolution be transmitted to the Director of the  
36 United States Census Bureau, Governor, Chief Justice of the  
37 Hawaii Supreme Court, Attorney General, Chief Elections Officer,  
38 President of the Hawaii State Senate, Speaker of the House of



# S.C.R. NO. 261

1 the Hawaii House of Representatives, Minority Leader of the  
2 Hawaii State Senate, and Minority Leader of the Hawaii House of  
3 Representatives.

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OFFERED BY: \_\_\_\_\_

A handwritten signature in black ink, appearing to be 'Alan', written over a horizontal line.