



**STATE OF HAWAII  
REAPPORTIONMENT COMMISSION**

**NOTICE OF REAPPORTIONMENT COMMISSION MEETING**

Date: Tuesday, July 6, 2021  
Time: 2:00 P.M.  
Place: Virtual Zoom Meeting\*

\*Pursuant to the Governor's Twenty-First Proclamation Related to the COVID-19 Emergency, dated June 7, 2021, the Reapportionment Commission will be meeting remotely using video and audio technology. If there are connectivity problems that take more than 30 minutes to resolve, then the meeting will be automatically terminated.

Video: <https://zoom.us/j/96564004070>

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Meeting ID: 965 6400 4070

**A G E N D A**

- I. Call to Order
- II. Roll Call and Determination of a Quorum
- III. Public Testimony

Individuals may submit written testimony in advance of the meeting. Individuals interested in signing up to provide oral testimony at the meeting may do so at <https://elections.hawaii.gov/about-us/boards-and-commissions/reapportionment/>. Should problems occur with the videoconferencing technology which precludes individuals from providing

oral testimony, the Reapportionment Commission will proceed with the meeting.

IV. Discussion Regarding the Propriety of the Formation of the Permitted Interaction Groups Established at the May 17, 2021 Reapportionment Commission Meeting

Pursuant to HRS § 92-5(a)(4), the Commission may convene an executive session to consult with its attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities.

V. Presentation of the Draft Rules of the 2021 Reapportionment Commission Recommended by the Rules Permitted Interaction Group

VI. Redistricting and Reapportionment Presentation by Reapportionment Project Staff

VII. Executive Session – Consultation with the Commission's Attorney Regarding Members' Obligations Under and Compliance with HRS Chapter 84, Pursuant to HRS § 92-5(a)(4)

VIII. Adjournment

IF YOU REQUIRE SPECIAL ASSISTANCE OR AUXILIARY AIDS AND/OR SERVICES TO PARTICIPATE IN THE PUBLIC HEARING PROCESS OF THE REAPPORTIONMENT COMMISSION, PLEASE CONTACT THE OFFICE OF ELECTIONS AT LEAST 48 HOURS PRIOR TO THE HEARING SO ARRANGEMENTS CAN BE MADE. FOR FURTHER INFORMATION, PLEASE CALL THE OFFICE OF ELECTIONS AT 453-8683 OR 1-800-442-8683 FROM THE NEIGHBOR ISLANDS.

## **III. PUBLIC TESTIMONY**

June 10, 2021

Hawaii Reapportionment Commission  
c/o Scott Nago, Chief Elections Officer  
Office of Elections  
802 Lehua Avenue  
Pearl City, Hawaii 96782

(Via Email Only)

Re: Permitted Interaction Groups Established at the May 17, 2021 Hawaii Reapportionment Commission Meeting

Dear Hawaii Reapportionment Commission:

Common Cause Hawaii is a nonpartisan, nonprofit, grassroots organization dedicated to upholding the core values of American democracy and ensuring a fair and transparent reapportionment and redistricting process.

Common Cause Hawaii has strong concerns with the Permitted Interaction Groups (PIGs) – Rules and Technical PIGs – established at the May 17, 2021 Hawaii Reapportionment Commission Meeting (May 17, 2021 Meeting). From a review of the Written Summary for Video Record and the YouTube recording of the May 17, 2021 Meeting, it does not appear that the PIGs were properly formed according to Hawaii Revised Statutes (HRS) § 92-2.5(b).

For example, the Rules of the 2011 Reapportionment Commission pertain to the practice and procedure for the 2011 Reapportionment Commission and apportionment advisory councils; they do not pertain to the conduct of commissioners and/or staff. It is unclear from the YouTube recording or the Written Summary for Video Record of the May 17, 2021 Meeting whether the current Rules PIG would merely review and ratify the prior rules or make adjustments to it to include codes of conduct for commissioners and/or staff. “The scope of the investigation and the scope of each member’s authority are defined at a meeting of the board . . . .” HRS § 92-2.5(b)(1)(A). Thus, the scope of the Rules PIG and the scope of each member on the Rules PIG do not appear to be properly defined at the May 17, 2021 Meeting.

Further, it does not appear from a review of the Written Summary for Video Record and the YouTube recording of the May 17, 2021 Meeting that the commissioners are clear that the PIGs are to present their recommendations at one duly noticed meeting and then deliberations and decision-making, if any, are to occur at a subsequently, duly noticed meeting. HRS § 92-2.5(b)(1)(B)-(C). The PIGs only report back once to the entire Reapportionment Commission; there are no ongoing reports. HRS § 92-2.5(b)(1)(B). Members of the PIGs cannot speak to other commissioners, who are not on their specific PIG, during the progress of their PIG work. HRS § 92-2.5(b).

Therefore, Common Cause Hawaii respectfully requests that the PIGs formed at the May 17, 2021 Meeting be voided, including any work conducted to date, and new PIGs be formed, pursuant to the Sunshine Law, at the next Reapportionment Commission. Given the important work tasked to the PIGs at the May 17, 2021 Meeting, it is critical that they are properly, legally formed and it is important that the public has confidence in them. Common Cause Hawaii again states that PIGs should not be used

as a shield to prevent public participation in the reapportionment and redistricting process. The public should be allowed to observe the PIGs' work, once properly formed.

Any Rules PIG properly formed should include in its scope that the PIG will investigate and consider proposing a code of conduct for its members and/or staff, including reference to (1) Art. IV, § 2 of the Hawaii Constitution (no commissioner may be a candidate in either of the first two elections under the reapportionment plan), and (2) HRS § 25-2(b)(1) (no district shall be drawn to unduly favor a person or political party). Attached, for your reference, are (1) the Michigan Code of Conduct for the Independent Citizens Redistricting Commission and (2) Policy Manual California Citizens Redistricting Commission (specifically page 3 – Commissioner Code of Conduct).

If you have any questions or concerns, I am available to discuss further.

Very respectfully yours,

*Sandy Ma*

Sandy Ma  
Executive Director  
Common Cause Hawaii

Attachments



## **Independent Citizens Redistricting Commission Commissioner Code of Conduct**

Adopted November 10, 2020

- A.** Commissioners shall demonstrate honesty, integrity, and professionalism in their duties.
- B.** Commissioners shall conduct themselves in a manner which reflects positively on the Commission and shall put the responsibilities and integrity of the Commission above personal or political gain.
- C.** Commissioners shall not lobby, as defined in the Michigan Lobby Registration Act, Act 472 of 1978, except as it pertains to the Independent Citizens Redistricting Commission as permitted in the Michigan Constitution (Sec 6 Subsection 6) to carry out their duties. For the duration of their tenure as commissioners, no Commissioner will publicly oppose nor support specific ballot initiatives or legislative bills beyond those related to the work of the Commission itself (i.e. social media posts, interviews, public meetings, etc.).
- D.** Commissioners shall actively foster an environment of thoughtful and purposeful non-partisan collegiality at all times.
- E.** Commissioners shall be respectful, tolerant and impartial towards their colleagues, staff, fellow governmental agency partners and the public.
- F.** Commissioners shall uphold and abide by the Michigan Constitution, the Commissioner Code of Conduct and all rules and regulations set forth or enacted by the Commission.
- G.** Commissioners shall refuse to engage in or sanction activities for personal gain at the expense of the Commission or in violation of government code.
- H.** Commissioners shall maintain transparency in process and procedure so to instill public confidence in the Commission and the redistricting process.
- I.** Commissioners will actively seek bipartisan and non-partisan representation in their presentations and demonstrations at Commission meetings, public hearings, or third party speaking engagements.

**CALIFORNIA**

**CITIZENS REDISTRICTING COMMISSION**

**POLICY MANUAL**

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## **Section 1: Commissioner Code of Conduct**

The Commission's Code of Conduct is a set of conventional principles and expectations that are considered binding on any person serving the California Citizens Redistricting Commission in any capacity.

Per Government Code Section 8253, Commissioners shall not communicate with or receive communications about the Commission's redistricting matters outside of a public meeting. This does not prohibit communications between Commissioners, employees, consultants, and legal counsel that are otherwise permitted by the Bagley-Keene Act.

Every Commissioner shall:

- Conduct themselves in a manner which reflects credit on the Commission, their colleagues, and themselves.
- Speak the truth with no intent to deceive or mislead by technicalities or omissions.
- Ensure that all reports presented to the Commission or the public are accurate and honest.
- Honor all agreements made with the Commission or colleagues, with the understanding that individual Commissioners may not bind the entire Commission without action by the full Commission.
- Disclose actual or perceived conflicts of interest to the Commission.
- Take personal responsibility for their actions – for success or failure.
- Act impartially and provide no special privilege to any one member of the Commission or staff.
- Discharge their responsibilities with dedication to achieving the Commission's mission and in line with the Commission's principles.
- Comply with all levels of governmental regulations and Commission policy.
- Disclose information that belongs in the public domain freely and completely but protect privileged information about personnel matters and litigation matters.
- Actively encourage diversity of thought and background through the inclusion of qualified people from diverse backgrounds including ethnic or racial minorities, women, and refuse to engage in and or sanction discrimination on the basis of race, gender, age, religion, national origin, sexual orientation, physical appearance, or disability.
- Refuse to engage in and or sanction activities for personal gain at the expense of the Commission or in violation of government code.
- Strive to build collaborative relationships with others including Commission members, Commission staff, and all individuals striving to participate in the redistricting process.

## **Section 2: Commissioner Per Diem Policy**

### **Guidelines for CRC Per Diem Requests for Post-Map Period (updated as of 8/30/11)**

In accordance with Proposition 11, California's Voters FIRST Act, Commissioners may receive \$300 per diem for each day in which they are engaged in "Commission business" on behalf of the Citizens Redistricting Commission (CRC).

CRC-adopted policy states that a Commissioner is eligible to claim this Per Diem for any business day in which they have engaged in Commission work for at least six hours. The first six hours may be cumulative: acquired over the course of many days and recorded on the day in which six hours is accumulated. However, for days in which a Commissioner works over six hours (such as in the case of certain Business Meetings), the maximum Per Diem allowed for that day will remain at a maximum of \$300. This updated policy reflects the new circumstances of less travel, fewer public comments, and telephonic meetings which will often be fewer than six hours.

CRC's Per Diem codes should be used when completing your Request for Payment – Per Diem Form CRC-001. Using the codes, Commissioners should group billable hours in increments of 30 minutes or more; anything less than 30 minutes should not be billed (i.e., 10 minutes reading email). This format will help ensure proper coding, timely processing, and a robust public record to verify the way in which taxpayer dollars are being expended on behalf of the CRC.

Please note: When a Commissioner is Chair the Per Diem code for Commissioner Prep should be reflected as CP(CH) or Vice Chair CP(VC). This will allow CRC staff to track increased Commissioner Prep. time due to Chair/Vice Chair activities.

#### **Examples of billable hours include:**

- CRC Business Meetings ONLY (If fewer than six hours, including travel, do not bill until you accumulate 6 hours total)
- CRC Media & Outreach, only if pre-approved and arranged by Dir. of Communications (actual time spent at/in media event - not preparation except for presentations and written pieces)
- Actual travel time to meetings and media engagements
- Prep time as Chair, Vice Chair, Advisory Committee lead, Commissioners with delegated authority - time should be for items designated below and specified:
  - Agenda preparation- no longer than 1 Hr.
  - Conference calls - actual time should be noted
  - Document preparation and/or review of staff prepared materials for commission- actual time should be noted
- Litigation matters:

- attendance at depositions, court appearances at request of CRC Counsel (actual time for travel and attendance)
- conference calls with CRC counsel
- PRA responses, or other legal discovery at the request of CRC counsel
- Note: reviewing CRC meeting videos, handouts, notes, etc. you have previously billed for is not billable unless directed by CRC counsel to refresh your recollection
- Time to respond to PRAs (note actual time)
- Required training (2 hours for sexual harassment; 2 hrs for ethics)
- Time to do your TECs or per diem claims, only if requiring over ½ hour
- Completion of Form 700, not to exceed 2 days

**Examples of non-billable hours include anything that does not directly benefit the state or the Citizens Redistricting Commission:**

- No media “prep-time” for interviews (i.e. reviewing notes, videos, talking points in preparation for media interview/event - likely previously billed)
- Education/advocacy in other states
- Education/advocacy locally
- Reviewing Commission videos, other materials, notes, public comments, etc., that you previously billed
- Reading/composing daily emails including news articles (exception where Chair and Vice Chair)
- Making any travel arrangements
- Doing laundry & packing for CRC events
- Down time because you arrived early for a meeting or couldn’t catch an earlier flight out. (Ex: Sunday, August 14, 2011)
- Casual conversations about the CRC with people you happen to know, i.e. unofficial outreach. “Official” outreach means Rob knows about it, and it is justified based on audience (#, type).
- General research about redistricting with materials not shared with the rest of the Commission unless explicitly delegated to do so by an Advisory Committee or the full body, e.g. watching the documentary *Gerrymandering*, playing with the Advancement project site, etc.
- “Shower time” for general contemplation about CRC activities.
- Transcribing notes
- Telephone calls between commissioners and/or staff (except for scheduled conferences, between Chair and Vice Chair & Leads, or those with delegated authority)

**Tips to track time:**

- Write down the start time and end time of each billable activity and record in your calendar.

Requests for Payment deadlines are key to ensuring CRC's accurate per diem budget tracking; thus deadlines for the requests fall 15 days after the close of any given month. Automatic calendar reminders have been set up using Google Docs to remind Commissioners of Per Diem Request for Payment deadlines. For the occasional Request that has not been received a full 30 days after the close of a given month, CRC staff will send a gentle reminder to that Commissioner.

Staff is responsible for developing and distributing new billing codes to reflect new activities as appropriate. Staff will review all commissioner Per Diem requests in accordance with the above stated policy. Any entry not identified as a billable item or significantly out of the typical range relative to the Commission as a whole will be highlighted for the Chair and Vice Chair. (Staff to consider an acceptable range of billable hours within category relative to the commission as a whole.) The Chair will review all flagged Per Diem requests. The Vice Chair will review the Chair's Per Diem request if flagged.

### Section 3: Commissioner Per Diem Codes

The following codes should be used when completing your per diem request forms. This will help ensure proper coding and timely processing.

<b>BM</b>	<u>Commission Business Meetings</u>	Both physical meetings and tele-conferencing. Per diem policy requires minimum accumulations of 6 hours before requesting reimbursement but no more than one request for reimbursement per day regardless of the number of hours spend in the business meeting including travel time.
<b>BMT</b>	<u>Commission Travel Activities</u>	Actual travel time to both physical meetings and tele-conferencing sites. The per diem policy stated for Commission Business Meetings applies to travel activities.
<b>CM</b>	<u>Communications Media Activities</u>	Media and outreach activities are reimbursable if the activity is pre-approved and arranged by the Outreach advisory committee, the Director of Communications, or any commissioner or staff person designated by the full commission. Reimbursement is for actual time spent at or in the media event but not for preparation except for presentations and written pieces.
<b>CMT</b>	<u>Commission Media Travel</u>	Actual travel time to media engagements. The per diem policy stated for Commission Business Meetings applies to media travel activities.

<b>CP</b>	<u>Commissioner Preparation</u>	<p>Preparation time, as stated in the Policy and Procedure manual is separated in two categories: (1) preparation time needed by the Chair, Vice Chair, Advisory Committee leads and commissioners with delegated authority for items such as agenda preparation, conference calls, and document preparation, and,</p> <p>(2) General preparation time required by all commissioners for items such as attendance at depositions, court appearances, reviews of prior meeting videos at the direction of counsel, required training, travel expense claim preparation, and required state documents such as the Form 700.</p> <p>Please consult the policy and procedure manual for a more detailed description of activities that are allowed or not allowed. This includes when travel is allowable for any preparation related activities.</p>
<b>LM</b>	<u>Litigation Activities</u>	<p>Litigation activities are reimbursable if the activity is pre-approved and arranged by the Commission's Chief Counsel or requested and arranged by the Commission's outside counsel. Reimbursable activities include attendance at depositions, court appearances at request of the Chief Counsel (actual time for travel and attendance), conference calls with the commission's counsel and/or outside counsel, and reviews of video's or documents at the direction of the counsel.</p>
<b>PRA</b>	Public Records Act Activities	<p>PRA responses or other legal discovery at the request of commission's counsel or any individual designated by the commission to be responsible for the PRA requests.</p>

➤ If a Commissioner is Chair or Vice Chair please put a /CH for chair and /VC for Vice Chair next to their Per Diem Codes.

## Section 4: Staff Code of Conduct

The Commission's Code of Conduct is a set of conventional principles and expectations that are considered binding on any person serving the California Citizens Redistricting Commission in any capacity. This includes all persons hired directly or indirectly to perform the tasks of the Commission, including consultants and counsel, regardless of the duration of the hiring.

All employees, consultants and legal counsel working for the Commission shall comply with the requirements of Government Code Section 8253 applicable to the Commissioners, and, in particular, shall not communicate with or receive communications about the Commission's redistricting matters outside of a public meeting of the Commission. This does not prohibit communications between Commissioners, employees, consultants, and legal counsel that are otherwise permitted by the Bagley-Keene Act.

Every individual serving the Commission shall:

- Conduct themselves in a manner which reflects credit on the Commission, their colleagues, and themselves.
- Speak the truth with no intent to deceive or mislead by technicalities or omissions.
- Ensure that all reports presented to the Commission or the public are accurate and honest.
- Honor all agreements made with the Commission or colleagues.
- Avoid actual or perceived conflicts of interest and, if in doubt, openly discuss any concerns with their immediate supervisor. The Executive Director should have any such discussion with both the Chief Counsel and the current Chair of the Commission.
- Take personal responsibility for their actions – for success or failure.
- Serve all members of the Commission impartially and provide no special privilege to any one member of the Commission or staff.
- Discharge their responsibilities with dedication to achieving the Commission's mission and in line with the Commission's principles.
- Comply with all levels of governmental regulations and Commission policy.
- Disclose information that belongs in the public domain freely and completely but protecting information which is confidential to the Commission.

- Actively encourage diversity of thought and background through the inclusion of qualified people from diverse backgrounds including ethnic or racial minorities, women, and refuse to engage in and or sanction discrimination on the basis of race, gender, age, religion, national origin, sexual orientation, physical appearance, or disability.
- Refuse to engage in and or sanction activities for personal gain at the expense of the Commission or in violation of government code.
- Strive to build collaborative relationships with others including Commission members, Commission staff, and all individuals striving to participate in the redistricting process.



## Section 5: Communications Protocol

1. All communications or requests from the Commission regarding staff assignments or requests of vendors, including legal counsel, the line drawers or subcontractors to any commission vendor, are to be directed to the Commission's current Chair, Vice-Chair, or the Executive Director or an individual designated by the Executive Director (designee) to receive communications or requests from the Commission. Staff assignments made as a result of a communication or request from the Commission or a Commissioner are the sole prerogative of the Executive Director or his designee. Any staff work generated by staff for presentation to Commission must be reviewed and approved by the Executive Director or his designee prior to the presentation.
2. All communications between the Commission and the Executive Director will be funneled through the Commission's Chair and Vice-Chair. If the Chair and Vice-Chair designate another Commissioner as a lead, the Executive Director will send and receive information from that individual directly and provide the Chair and the Vice-Chair with copies of all communications.
3. All calls or e-mails from the media will be transferred to the Communications Director. If the Communications Director is absent, the staff person should take a message and e-mail to the Communications Director or transfer the call to the Communications Director's voice mail. No matter what the question, the staff person is only to take a message or transfer the call. If the caller is insistent, the staff person should transfer the call to the Executive Director or the Chief Counsel who will take the message on behalf of the Communications Director.
4. All telephone questions from the public regarding contracting and the Commission's process as to timelines, decision making process, or other activities are to be written down and given to Executive Director, his designee or the Chief Counsel. These calls are only to be transferred to the Chair, Vice-Chair, or other Commission staff if there is an expressed urgency to the response.
5. All e-mail or written questions and/or comments directed to the Commission by mail or through the Commission's web site will be reviewed by the Commission's Senior Operations Analyst and disseminated in the following manner:
  - a. Documents that, in the opinion of the Senior Operations Analyst, are not offensive or threatening will be posted to the Commission's web site and simultaneously e-mailed to the Commissioners, the Executive Director, the Chief Counsel, the Commission's primary Administrative Assistant, and any other staff person that the Executive Director deems necessary.
    - i. Documents that are determined to be offensive or threatening in any way by the Senior Operations Analyst will be reviewed by the Commission's Executive Director, his designee, and/or the Chief Counsel.

- ii. If the Commission's Executive Director, designee, and/or Chief Counsel determine that the document(s) is not, in their opinion, sufficiently offensive or is not credibly threatening; the document will be posted as required per 5. A. above.
- iii. If the Commission's Executive Director, designee, and/or Chief Counsel determine that the document(s) is, in their opinion, sufficiently offensive or credibly threatening to not be posted, the document(s) will be forwarded to the Chair and Vice-Chair for concurrence. If the Chair and Vice-Chair disagree, the document(s) will be posted as required, per 5. A. above, upon written direction from the Chair and Vice-Chair.
- iv. If the Commission's Executive Director, designee, and/or Chief Counsel determine that the document(s) is, in their opinion, sufficiently offensive or threatening to not be posted, the document(s) will be forwarded to the Chair and Vice-Chair for concurrence. If the Chair and Vice-Chair concur, the document will not be posted. Instead:
  - 1. The document will be placed into a file of "Un-posted Documents" in the Google Doc's section of the Commission's G-Mail account.
  - 2. The Senior Operations Analyst will notify all Commissioners that an offensive and/or threatening document has been placed in the Un-posted Documents file for their review.
- v. All documents in the Un-posted Document file will be subject to the Public Records Act and will be released upon specific request under the act.

## Section 6: Personnel Policy and Procedure

1. Employee Status
  - a. All employees of the Commission are exempt from civil service. (Gov. Code Secs. 8253(a)(5), 8253.6(b).)
2. Employee Evaluations
  - a. The Commission shall adopt evaluation criteria for the Executive Director.
  - b. The Executive Director shall develop objective evaluation criteria for all employees consistent with the standards required by the California Department of Personnel Administration and a methodology for the delivery of employee evaluations that is consistent with state policy.
3. Hiring and Firing of Employees
  - a. Any decision to hire an employee may only be made at a public meeting of the Commission and requires nine or more affirmative votes including at least three votes of members registered from each of the two largest parties and three votes from members who are not registered with either of the two largest political parties in California. (Gov. Code Sec. 8253(a)(5).)
  - b. All employees of the Commission are “at will” employees, and may be discharged for good cause or for no cause at all, but may not be discharged for reasons that violate either the public policy of California or state or federal statutes.
  - c. All employees of the Commission are required to conduct themselves consistent with the Commission’s Code of Conduct, and failure to do so may constitute grounds for discharge.
  - d. Any employee accused of misconduct and facing discharge may request a hearing before the Finance and Administration Advisory Committee prior to discharge by the Commission.
  - e. Any decision to discharge an employee may only be made at a public and noticed meeting of the Commission and requires nine or more affirmative votes including at least three votes of members registered from each of the two largest parties and three votes from members who are not registered with either of the two largest political parties in California. (Gov. Code Sec. 8253(a)(5).)

## **Section 7: Record Retention Policy**

### **PURPOSE**

This policy provides guidelines for the record retention practices of the Citizens Redistricting Commission (Commission). This policy applies to all records created and received by the Commission, Commissioners, and Commission staff, including paper and electronic records, relating to the Commission's redistricting work.

### **BACKGROUND**

The State Records Management Act, Government Code Sections 14740 – 14769 (Act), requires the Commission to establish and maintain a program for the economical and efficient management of its records. (Gov. Code, Sec.14750, subd. (a).) For this purpose, the Commission establishes this record retention policy.

The Act defines records as follows:

“[A]ll papers, maps, exhibits, magnetic or paper tapes, photographic films and prints, punched cards, and other documents produced, received, owned or used by an agency, regardless of physical form or characteristics. Library and museum materials made or acquired and preserved solely for reference or exhibition purposes, and stocks of publications and of processed documents are not included within the definition of the term ‘record’ or ‘records’ as used in this chapter.”

(Gov. Code, § 14741.) In other words, the definition of records for purposes of the State Records Management Act includes all records, regardless of their form, made or received by the Commission in connection with the performance of its public duties.

### **POLICY**

#### **Executive Director Responsibilities**

The Executive Director is responsible for overseeing the Commission's compliance with all applicable statutes, regulations, and other legal requirements related to record retention, and has the following duties: records inventory, records review and appraisal, and renewal and updating of schedules as required.

#### **Appraising Record Values**

Records that are required to be retained cannot be destroyed by the Commission unless the Department of General Services has determined that the records have no further administrative, legal, or fiscal value, and the Secretary of State has determined that the records lack sufficient research, historical, or archival value justifying preservation in the

state archives. Development of effective record schedules and proper retention periods requires careful evaluation of these factors, which are summarized as follows.

Administrative Value. A record's administrative value is measured by how much it assists the Commission in performing current or future work. The primary administrative value of most records is exhausted, and thus should be destroyed, when the transactions to which they relate are completed. However, some administrative records contain important facts concerning the Commission's policies and functions; and, therefore, may be appropriate for longer retention to document the Commission's operations.

Legal Value. Records have legal value if they are relevant to a legally enforceable right or obligation of the state or the Commission. Once that right or obligation is conclusively resolved, the legal value of such records is exhausted. Examples of records with legal value include: legal decisions and opinions; fiscal documents; public input regarding redistricting; and draft and final redistricting maps..

Fiscal Value. Records of fiscal value pertain to the financial transactions of the Commission, such as budgets, ledgers, allotments, payrolls and vouchers. After records have served their basic administrative functions, they may still have sufficient fiscal value to justify extended retention to protect the Commission against court action or audits.

Research, Historical, or Archival Value: Some records have enduring value because they reflect significant historical events or document the history and development of the Commission. The California State Archives identifies such records in the Commission's schedules and reviews them prior to authorizing their destruction.

### **Categories of Records**

To ensure that the Commission develops consistent and appropriate record retention schedules that allow the Commission to operate as effectively and efficiently as possible, the following categories of records are established. The Commission's record retention policies apply equally to paper and electronic records, including word processing documents, databases and email. Electronic records must be retained for the same time period as corresponding paper records.

#### 1. Permanent and Vital Records.

Description: Permanent records are records that are required to be permanently preserved pursuant to state or federal law, regulations, or at the direction of the Commission.

Retention Period: Permanent. However, duplicate copies of permanent and vital records may be destroyed whenever they are no longer necessary for the efficient and effective operation of the Commission.

2. Active and Current Records.

Description: These are records maintained in an office or computer system for ready access because they are frequently referred to and necessary for effective and efficient performance of Commission responsibilities

Retention Period: Retention period specified by law or regulation. Where state or federal law prescribes a definite period of time for retaining certain records, the schedule must provide for retention of those records for the prescribed period. Examples of such records include the Conflict of Interest Form 700 , which must be retained for seven years pursuant to Government Code section 81009, subdivision (e), and employment records, most of which must be retained for four years pursuant to federal and state law.

No retention period specified by law or regulation. Where state or federal law does not prescribe a retention period, the records schedule shall specify a retention period based on a careful evaluation of the record's administrative, legal, fiscal, and historical value. Absent unusual circumstances, active and current records maintained in a Commission office should be immediately disposed of or sent to storage when they are no longer necessary for the effective performance of Commission business. Transitory email consists of electronic messages that are created primarily for the communication of informal information as opposed to the perpetuation or formalization of knowledge. Transitory email should be destroyed once it has served its purpose.

3. Storage Records.

Description: Storage records include permanent records, active or current records that need not be readily accessible, and inactive or noncurrent records where it is administratively, legally, or fiscally prudent to retain the records for a prescribed period of time. Storage records may be located in personal offices, Commission storage, private storage, or stored

electronically (such as on Commission computers or other electronic storage device/equipment.)

Retention Period: Paper Records. Only active, current, or permanent records that are frequently referred to and necessary for effective and efficient performance of commission responsibilities should be stored in Commission offices. Permanent records may be sent to storage.

4. Electronic Records.

Description: Active and current electronic records must be stored in secure location for the same time as their corresponding paper records. Reference, working, or informational copies of electronic records and notes should be destroyed when no longer needed.

Retention Period: No Retention Required.

5. Documents and Other Material

Description: Documents and other material that need not be retained for any minimum period of time include: reference, working, or informational copies of records; phone messages; transitory email; informal notes; rough drafts of letters, memoranda or reports; copies of correspondence; and library and reference material.

Retention Period: Documents and other materials within this category (including originals and copies) should be destroyed when no longer needed unless they are otherwise required to be retained, are necessary to the functioning or continuity of the Commission, or have legal significance. According to the Department of General Services, computer back-up tapes and other duplicate computer files are not records that must be retained for purposes of the State Records Management Act.

**Designating the “Record Copy.”**

Because records can be maintained in multiple locations, the Executive Director should identify a secure location for the retention of “record copies” to be kept for the full retention period. All remaining copies should be destroyed as appropriate.

**Public Records Act.**

Notwithstanding the planned destruction of records pursuant to a record retention schedule, upon being informed of a Public Records Act request, the Executive Director shall take reasonable steps to ensure that no record that may be responsive to that request is destroyed until the request has been satisfied by informing the Commission and staff of the request and asking them to refrain from destroying requested records. Upon complying with the Public Records Act request, any records not otherwise required to be retained need not be retained.

**Litigation Holds.**

Records relevant to pending litigation must, at a minimum, be retained until the litigation is finally concluded.

**RECORDS RETENTION SCHEDULE**

**Category of Records**

**Retention Schedule**

**Personnel and Payroll Records**

Payroll Records	Four years from end of pay period.
Health Benefits	Retain until superseded.
Employee Records	Retain until employee separates from state service, and then for five years.
Job Descriptions	Retain until superseded, and then retain as required for historical purposes.

**Fiscal Records**

Budget and Ledgers	Four years.
Reimbursement Claims	Four years from end of fiscal year in which filed.



**Correspondence**

Letters	Discard when no longer needed, unless required to be kept permanently as part of redistricting process.
Transmittals without significant information as to material transmitted.	Discard when no longer needed.
Transitory e-mail, created to transmit informal information.	Discard when no longer needed.
E-mail consisting of records that, if not transmitted by e-mail would be required to be retained.	Retain for the same period as would be required if not transmitted as e-mail.

**RECORDS RETENTION SCHEDULE  
(Continued)**

**Category of Records**

**Retention Schedule**

**Redistricting Records**

Commission agendas and minutes.	Keep permanently.
Records of public input, including by letter, e-mail, or by other means if not transmitted as an e-mail would be.	Keep for 10 years after redistricting completed or transcripts of public testimony, and until any litigation is concluded, whichever is later.
Reports from consultants.	Keep for 10 years after redistricting completed or until any litigation is concluded, whichever is later.
Draft redistricting maps.	Keep for 10 years after redistricting completed or until any litigation is concluded, whichever is later.
Final redistricting maps.	Keep permanently.

## **Section 8: Input Hearing Security Plan**

### **Staff and Contractor Responsibilities**

1. California Highway Patrol (CHP) or venue specific security guards will provide venue security.
2. The security officer should always be positioned near the commissioners once the meetings begin.
3. The security officer will be briefed by staff on the intended purpose of the meeting, any prior issues from past meetings, where his or her position should be during the meeting, and what he or she is expected to do in the event of a disturbance.
4. The local law enforcement agency with jurisdiction over the venue will be alerted and told that we're holding a meeting where there is a potential for disturbance and where we have had disturbances in the past.
5. Staff will determine the best evacuation plan for each venue that removes the commissioners quickly and, if possible, without passing through the crowd. The commission will be briefed prior to the beginning of the meeting on where to withdraw in the event of a disturbance.
6. During all breaks, staff will block the access to the podium to ensure that no member of the public has access to the commission seating area.
7. At the end of each meeting, the Commission's staff will remain until all Commissioners and contractor staff has left the venue. Commission staff will escort any Commissioner leaving alone to their vehicle before leaving the venue.

### **Commission Responsibilities**

1. The commissioners will increase the decorum of their events including:
  - a. Entering together and on time and leaving the podium together at the end of the meeting (Commissioner's arriving late to a venue should be enter with a member of the Commission's staff and be escorted to the Commission's seating area, if possible, or proceed directly to the Commission's seating area without stopping in the public seating area);
  - b. Keeping questions on point;
  - c. Not mingling with the crowd until after the meeting unless an individual commissioner chooses to do so;
  - d. Taking breaks in groups of two or more and utilizing staff when necessary.
  - e. Not meeting with members of the public at the Commissioner's seating area; if a member of the public attempts to move to the Commissioner's seating area, the following should occur:

- i. If possible, Commission staff or venue security will intercept the individual(s) and request that they not approach the Commission's seating area. If the individual(s) request a meeting with one or more of the Commissioners, the Commissioner(s) will be notified by staff.
  - ii. If a member of the public approaches the Commissioners seating area without be intercepted by the Commission staff or venue security, the Commissioner that is approached should:
    1. Ask the individual(s) to please move away from the Commission's seating area, and/or
    2. Immediately request Commission staff or venue security to escort the individual(s) away from the Commission seating area, or
    3. Guide the individual away from Commission seating area and ask them not to return to Commission seating area.
  - iii. If a member of the public requests a meeting with a Commissioner(s) and the Commissioner(s) chooses to meet with that individual(s), per 1. c. i. above, before, during or after the meeting, the Commissioner(s) should leave the Commission seating area and have the conversation sufficiently away from the Commission seating area to reflect a distinct separation away from that area.
2. The chair reads a brief statement regarding the reason for the meeting and what is expected from the participants and the crowd. Personal introductions are eliminated.
3. A dedicated microphone is always provided for the public. The microphone is located separately from the staff table/microphone and away from commission seating.
4. The attendees are seated as far from the commission as practical. No balcony seating over the back or sides of the commission.
5. A written list of rules that include the chairs statement of expectations is provided to attendees at the door. The rules clearly state what will be considered grounds for asking a member of the public to leave and what will prompt the use of security. The rules will also be posted at the door. Rules may include: outbursts that are derogatory in nature or intended to intimidate other participants; displays or presentations not previously approved by the commission chair; any series of minor disruption that, in their totality, show a lack of respect for the commission or any other attendee, etc. (If required by the commission, a final list of rules will be compiled and approved by the chair prior to our next series of meetings.)

6. For any disturbance witnessed by a Commissioner, a note will be passed regarding the perceived disturbance(s) to the Vice-Chair. The Vice-Chair will then text or gesture to the senior staff person attending the meeting or text or pass a note to the staff liaison who will then text the senior staff person attending. The senior staff person will:
  - a. Goes directly to the disturbance and politely asks the individual(s) to have their discussion outside or ask the individual(s) to refrain from speaking/commenting during the meeting out of respect to the Commission and the public.
  - b. Elevates the issue to the security guard if necessary. This action will be at the sole discretion of the senior staff person.
  - c. Requests that the Chair stop the meeting while the disturbance is resolved.
7. For any imminent or occurring disturbance noticed by any commissioner besides the Chair, any commissioner may interrupt the proceeding at any time and request a break of 5 minutes. During that time, the commissioner requesting the break should convene with the rest of the commissioners and make a report to the chair.

### **Contingency Plans**

1. In the event that there is a disturbance, the chair will stop the meeting until the disturbance is resolved.
2. If the disturbance is prolonged or greater than two persons in size, the commissioners will leave the podium and assemble in a pre-determined location until the disturbance ceases.
3. In the event that a disturbance cannot be ended, the chair will return to the podium with staff and the security personnel, if possible. The chair will adjourn the meeting and all speakers will be advised to submit their testimony on line. The commission will then remain in a secluded location until the area is secure. The commissioners will then move as a group with staff to their vehicles and leave the area.

## Section 9: Reporting Lost/Stolen State Issued Equipment

If any individual associated with the Citizens Redistricting Commission (CRC), including a Commissioner, staff, or consultant, loses state issued equipment, such as a laptop, cell phone, air card, portable printer, electric timer, charger cord, etc., that individual will be responsible for:

- Notifying the Executive Director, Business Manager and/or Senior Operations Analyst immediately but no later than 24 hours after the equipment is discovered missing. If the item is lost or stolen while the Commission is traveling as a group to input hearings or business meetings, the Commission's Liaison should be notified and that individual will forward the notification to the appropriate individuals, stated above. Notification shall include, at a minimum, a description of the missing item and when and where the item was last known to be seen.
- If the lost or stolen item utilizes a service carrier, the Senior Operations Analyst shall immediately but no later than 24 hours after the equipment is reported missing), upon receiving notification of a lost or stolen item, contact the service carrier providing service for that equipment to report the loss, cancel service and follow other protocol required by the service carrier.
- The Senior Operations Analyst shall also immediately contact the CHP to file a report on the missing/stolen equipment as required by the State Administrative Manual (SAM) Sections 5350.1 through 5350.4.
- The individual who lost the equipment or was in possession of the equipment when it was stolen, will obtain a CRC Lost/Stolen State Issued Equipment Report Form from the CRC Business Manager, Senior Operations Analyst, or the Commission Liaison. The form must be completed and returned to the applicable CRC staff within 24 hours of obtaining the form. An abbreviated form is shown on the next page of this policy and procedure manual.
- The CRC Business Manager shall promptly complete a Std. 152 Form (Property Survey Report), as required by SAM, and submit it to the Department of General Services.
- In the event it is suspected that the equipment was stolen, the Executive Director shall notify all Commissioners and staff regarding the loss or suspected theft.
- In addition, if it is determined that the state property was lost due to fraud or embezzlement, the Executive Director shall notify the Department of Finance, Office of State Audits and Evaluations and the Bureau of State Audits, as required by SAM Section 20080.

CITIZENS REDISTRICTING COMMISSION  
LOST/STOLEN STATE ISSUED EQUIPMENT REPORT  
(Please use a separate form for each piece of equipment being reported)

Date: \_\_\_\_\_

Name of person completing this form: \_\_\_\_\_

Business Address: \_\_\_\_\_

Detailed description of lost or stolen equipment \_\_\_\_\_

Make/Model \_\_\_\_\_

Model # \_\_\_\_\_ Serial# \_\_\_\_\_

Date equipment was lost or stolen \_\_\_\_\_

Time equipment was lost or stolen (if known) \_\_\_\_\_

To Whom Have You Reported this Loss? \_\_\_\_\_

Estimated value of equipment (if known)? \_\_\_\_\_

Please provide a brief explanation as to what steps you have taken (or are taking) to protect the remaining state issued equipment in your possession.

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Please provide an explanation below (to the best of your knowledge) of the details surrounding the loss of the equipment being reported. Be as specific as possible and include dates, descriptions, how and where equipment was lost (including the city, venue, and exact location you last saw the equipment) and what steps you have taken to attempt to recover the equipment. If equipment was stolen from a vehicle, please provide the vehicle license number. Please use additional paper if necessary.

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To the best of my knowledge and belief, the facts stated above are true and accurate.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Supervisor's Signature \_\_\_\_\_ Date \_\_\_\_\_

## **Section 10: Attorney Invoice Process**

1. All invoices should first be submitted to the Executive Director, Daniel Claypool, and the Business Manager, Raul Villanueva. The Business Manager logs the documents as received and reviews them for accounting accuracy and documentation.
  - a. Any invoices that appear to have computational errors or lacking documentation will be returned to the contractor for correction or explanation. The Business Manager logs the documents as returned to the contractor.
  - b. Invoices that are correct in computation and documentation are forwarded to the Chief Counsel, Kirk Miller. The Business Manager logs the documents as forwarded to the Chief Counsel.
  
2. The Chief Counsel and the commissioners delegated with attorney oversight review the documents to ensure that the Commission has received the services for which it contracted. The two commissioners that currently have this delegated authority are Commissioner's Forbes and Ancheta. This process should be completed within two business days.
  - a. If either the Chief Counsel or the commissioners have questions, they return the documents to the Business Manager with a detailed description of his issues with the invoices. The Business Manager returns the documents and the detailed description to the contractor and logs the documents as returned to the contractor.
  - b. If the Chief Counsel and the commissioners determine that the services stated are correct receivables as specified in the Commission's contracts and agreements with the contractor, they approve the documents and return them to the Business Manager. The Business Manager logs the documents as approved by the Chief Counsel and the commissioners. Finance and accounting staff, Deborah Davis or Brian Burns, will forward the documents to the Department of General Services (DGS) Accounts Payable for review.
  
3. The DGS typically takes up to 15 days to review the Commissions submissions for payment. If errors are noted, the documents are returned to the Commission. Finance and accounting staff, Deborah Davis or Brian Burns, will be responsible for logging the documents back into the Commission and resolving the issues. (They will almost always be procedural, computational, or related to a lack of documentation at this stage.) Once the issue is corrected, commission finance and accounting staff forward the documents back to the DGS for review and approval of

the payment and log the documents back out to DGS. The 15 day review period begins again.

4. Once the DGS is satisfied with the documentation, the information is transmitted to the State Controller's Office (SCO). The SCO is responsible for ensuring that the agency requesting payment has the funds to cover the payment. The SCO typically takes up to 30 days to verify funds, print the check, and send the check. If there are discrepancies, the SCO will deny the payment. The agency requesting payment must resolve the discrepancy before resubmitting the documentation for payment. This is typically done by the agency (CRC) correcting the error through the Department of Finance which verifies the funds available to the agency. When the documentation is resubmitted to the SCO the 30 days review period begins again. Denials with the SCO are rare but can occur, particularly with small agencies like the CRC because of the peculiarities with our funding sources.
5. Once the SCO sends the check, the contractor is at the mercy of the transfer method. We have already had a check lost in the mail. If this happens, there is a stop check period by the SCO and then up to 30 days to reissue the check. The CRC has no control over this.



## Section 11: General Contractor Invoice Process

1. All invoices should first be submitted to the Business Manager, Raul Villanueva. The Business Manager logs the documents as received.
  - a. The Business Manager and finance and accounting staff reviews the documents for the correct receivable(s), accounting accuracy and documentation.
  - b. Any invoices that appear to have factual or computational errors or lacking documentation will be returned to the contractor for correction or explanation. The Business Manager logs the documents as returned to the contractor.
  - c. Invoices that are correct in computation and documentation are forwarded recorded by the finance and accounting staff and then send to the Department of General Services (DGS) Accounts Payable for review.
2. The DGS typically takes up to 15 days to review the Commissions submissions for payment. If errors are noted, the documents are returned to the Commission. Finance and accounting staff, Deborah Davis or Brian Burns, will be responsible for logging the documents back into the Commission and resolving the issues. (They will almost always be procedural, computational, or related to a lack of documentation at this stage.) Once the issue is corrected, commission finance and accounting staff forward the documents back to the DGS for review and approval of the payment and log the documents back out to DGS. The 15 day review period begins again.
3. Once the DGS is satisfied with the documentation, the information is transmitted to the State Controller's Office (SCO). The SCO is responsible for ensuring that the agency requesting payment has the funds to cover the payment. The SCO typically takes up to 30 days to verify funds, print the check, and send the check. If there are discrepancies, the SCO will deny the payment. The agency requesting payment must resolve the discrepancy before resubmitting the documentation for payment. This is typically done by the agency (CRC) correcting the error through the Department of Finance which verifies the funds available to the agency. When the documentation is resubmitted to the SCO the 30 days review period begins again. Denials with the SCO are rare but can occur, particularly with small agencies like the CRC because of the peculiarities with our funding sources.

4. Once the SCO sends the check, the contractor is at the mercy of the transfer method. We have already had a check lost in the mail. If this happens, there is a stop check period by the SCO and then up to 30 days to reissue the check. The CRC has no control over this.

## **Section 12: Conflict of Interest Code for the Citizens Redistricting Commission**

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict-of-interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. Section 18730) that contains the terms of a standard conflict-of-interest code and may be incorporated by reference in an agency’s code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to in duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendices designated positions and establishing disclosure requirements, shall constitute the conflict-of-interest code of the Citizen’s Redistricting Commission (Commission).

Individuals holding designated positions shall file their statements with the Citizens Redistricting Commission, which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008.) Upon receipt of the statements for the Commission members and Executive Directory, the Commission shall make and retain a copy and forward the original of these statements to the Fair Political Practices Commission. All other statements will be retained by the Commission.

### **Designated Positions Assigned Disclosure Category**

Commissioners Executive Director Chief Counsel Communications Director Budget Officer Consultants*	<b>Category 1</b>
Office Manager Administrative Assistants, Associate Government Program Analysts (AGPA)	<b>Category 2, 3</b>
Contracts & Procurement Specialist	<b>Category 3, 4</b>

\*With respect to Consultants, the Executive Director may determine in writing that a particular consultant is hired to perform a range of duties that are limited in scope and thus

is not required to comply with the disclosure requirements described in category 1. Such written determination shall include a description of the consultant's duties and based upon that description, a statement of the extent of disclosure. The Director's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict-of-interest code. Nothing herein excuses any such consultant from any other provisions of this conflict of interest code.

## **Disclosure Categories**

### **Category 1:**

Designated positions assigned to this category must report: All interests in real property in the State of California, as well as all investments, business positions and sources of income, including gifts, loans and travel payments, and including, but not limited to, income from a political consulting firm and any California political committee or California Congressional political committee.

### **Category 2:**

Designated positions must report real property in California.

### **Category 3:**

Designated positions assigned to this category must report: All investments, business positions and income, including gifts, loans and travel payments, from sources that provide leased facilities, goods, equipment, vehicles, machinery or services, including training or consulting services, and from sources which manufacture or sell supplies, services, or equipment, of the type utilized by the Commission, including but not limited; to persons that engage in mapping, elections data, census and redistricting. Income, if any, from a Commissioners, political consulting firm and any California political committee or California Congressional political committee.

### **Category 4:**

Designated positions assigned to this category must report: Business positions, investments in business entities, or income from sources which are engaged in the field of information technology and telecommunications, including but not limited to; sources that prepare and market software programs used for redistricting, mapping, elections and census. Income, if any, from a Commissioner.

**V. PRESENTATION OF THE  
DRAFT RULES OF THE 2021  
REAPPORTIONMENT  
COMMISSION RECOMMENDED  
BY THE RULES PERMITTED  
INTERACTION GROUP**

# RULES OF THE 2021 REAPPORTIONMENT COMMISSION

## General Provisions

- Rule 1. Authority and Purpose
- Rule 2. Definitions
- Rule 3. General Information About Commission

## Public Records

- Rule 4. Public Records and Information
- Rule 5. Cost of Copies of Public Records

## Commission Meetings

- Rule 6. Meetings
- Rule 7. Notice of Meetings
- Rule 8. Emergency Meetings
- Rule 9. Executive Meetings and Sessions
- Rule 10. ~~Exceptions~~Reserved
- Rule 11. Public Comment
- Rule 12. Record of Commission Meetings

## Public Hearings

- Rule 13. Notice of Public Hearings
- Rule 14. Hearing Procedures

## Conduct of Commission Business

- Rule 15. Chairperson's Duties
- Rule 16. Vice Chairperson's Duties
- Rule 17. Secretary's Duties
- Rule 18. ~~Commission Committees~~Permitted Interaction Groups
- Rule 19. Commission Powers
- Rule 20. Rules of Order
- Rule 21. Commission Decisions

## Apportionment Advisory Councils

- Rule 22. Advisory Capacity~~;~~
- Rule 23. Council Officers
- Rule 24. Council Meetings~~;~~
- Rule 25. Notice of Council Meetings~~;~~
- Rule 26. Council Records~~;~~
- Rule 27. Additional Council Rules~~;~~

## Miscellaneous

- Rule 28. Conflicts and Savings Clause
- Rule 29. Adoption, Amendment<sub>2</sub>, or Repeal of Rules
- Rule 30. Effective Date of Rules

## GENERAL PROVISIONS

RULE 1. Authority and Purpose. These rules are adopted pursuant to Article IV, Section 2, Constitution of the State of Hawaii, and Chapter 25, Hawaii Revised Statutes. The purpose of these rules is to provide rules of practice and procedure for the ~~2011-2021~~ Reapportionment Commission and the apportionment advisory councils established under Article IV, Section 2, Constitution of the State of Hawaii.

### RULE 2. Definitions.

(a) As used in these rules, unless a different meaning clearly appears in the context:

“Chairperson” means the individual certified as “chairperson” under Article IV, Section 2, State Constitution or, in the absence of the Chairperson, the Vice Chairperson or the Chairperson’s designated representative.

“Commission” means the ~~2011-2021~~ Reapportionment Commission established under Article IV, Section 2, State Constitution.

“Commission member” means an individual selected by an appointing authority under Article IV, Section 2, State Constitution, to serve on the Commission.

~~“Committee” means any or all committees of the Commission.~~

“Councils” mean the apportionment advisory councils for the four basic island units established by Article IV, Section 2, State Constitution.

“Council member” means an individual selected by an appointing authority under Article IV, Section 2, State Constitution, to serve on an apportionment advisory council for one of the four basic island units.

“HAR” means the Hawaii Administrative Rules.

“HRS” means the Hawaii Revised Statutes.



“Person or “persons” means individuals, partnerships, corporations, associations, or public or private organizations of any kind or nature whatsoever.

“Quorum” means a majority of the membership of the Commission, i.e., five members of the Commission.

“Record” means information maintained by the Commission or Councils in written, auditory, visual, electronic, or other physical form.

“Secretary” means the secretary to the Commission, who is the Chief Elections Officer of the State of Hawaii.

“State Constitution” means the Constitution of the State of Hawaii.

(b) Words importing the singular number may extend and be applied to several persons or things, and words importing the plural may include the singular. Words importing the masculine gender may be applied to the feminine gender and vice versa.

RULE 3. General Information About Commission.

(a) The office of the Commission shall be located at 802 Lehua Avenue, Pearl City, Hawaii 96782. All communications to the Commission ~~shall~~ may be ~~addressed, unless otherwise specifically directed, emailed to elections@hawaii.gov or mailed~~ to the:

2021 Reapportionment Commission  
c/o Scott Nago, Secretary  
802 Lehua Avenue  
Pearl City, Hawaii 96782

(b) The office of the Commission shall be open from 7:45 a.m. to 4:30 p.m. weekdays, except state holidays and unless otherwise provided by statute or executive order.

## PUBLIC RECORDS

### RULE 4. Records and Information.

(a) Records of the Commission shall be available for public inspection and copying to the extent required under HRS Chapter 92F.

(b) Records of the Commission shall be available for public inspection at the Commission's office during regular business hours.

(c) The public may obtain information that is not privileged or confidential on matters within the jurisdiction of the Commission by submitting a written request to the Commission at the address set forth in Rule 3(a).

~~RULE~~ ~~4~~ 5. Cost of Copies of Public Records. Copies of these rules and other Commission records available for public inspection shall be furnished to any person requesting the same upon payment based on the following schedule:

- (1) Twenty-five cents per page for material photocopies using the office copier;
- (2) Actual cost for material that has to be sent to an outside ~~vender~~vendor for reproduction or photocopying;
- (3) The costs of searching for, reviewing, and segregating records as set forth in HAR ~~Sections §§~~ 2-71-19(a) and 2-71-31(a); and
- (4) The actual costs of mailing (U.S. mail only) if the person requesting copies of Commission records requests that they be mailed to an address.

## COMMISSION MEETINGS

RULE 6. Meetings. Meetings of the Commission may be called by the Chairperson or a quorum of the Commission. ~~The Commission may meet by videoconference provided that the system used allows both audio and visual interaction among all Commission members~~

~~participating in the meeting and all persons attending the meeting. Except as provided in Rule 9, all Commission meetings shall be open to the public.~~

RULE 7. Notice of Meetings. Notice of any regular, special or rescheduled meetings of the Commission shall be posted ~~at least three days~~ in advance of the meetings on the State of Hawaii's website, the website for the Office of Elections, and in the Commission's office at 802 Lehua Avenue, Pearl City, Hawaii 96782, as provide by law. Notwithstanding the foregoing, no notice shall be required with respect to the reconvening of a Commission meeting that is recessed, provided that prior to recessing the meeting, the time, date, and location of the reconvening of the meeting is announced. All notices shall state the time, date, and location of the meeting, and shall include an agenda listing all the items to be considered at the meeting. ~~In the case of a videoconference meeting, the notice shall identify all locations at which Commission members will be physically present and shall state that the public may attend the meetings at such locations.~~ In the case of an executive meeting or session, the purpose of the executive meeting or session shall be stated in the agenda. A two-thirds vote of the Commission shall be required to change the agenda for any meeting after notice has been filed and posted, provided that no change shall be made to add a matter of reasonably major importance to the agenda.

RULE 8. Emergency Meetings. ~~Without giving notice in the time frame specified in Rule 7, the~~ The Commission may hold an emergency meetings to deliberate and decide whether and how to act in response to an unanticipated event in accordance with HRS §§ 92-4 and 92-5. ~~For purposes of this rule, an "unanticipated event" is: (a) an event which Commission members did not have sufficient advance knowledge of or reasonably could not have known about from information published in the media or generally available in the community; (b) a deadline~~

~~established by a legislative body, federal or state court, or other governmental agency beyond the control of the Commission; or (c) a consequence of an event for which reasonably informed and knowledgeable Commission members could not have taken all necessary action. In order to hold an emergency meeting, two-thirds of the Commission members must agree that an unanticipated event exists, the Commission must issue a written finding that an unanticipated event exists with supporting reasons, the Commission's legal counsel must concur with the Commission's findings, and the Commission's findings plus a notice and agenda for the emergency meeting must be posted on the State of Hawaii's website and in the Commission's office as soon as reasonably practicable. At the emergency meeting, the Commission shall limit its deliberations and decision-making to matters pertaining to its response to the unanticipated event.~~

RULE 9. Executive Meetings and Sessions. The Commission may hold an executive meeting or session closed to the public in accordance with HRS § 92-4 and 92-5.~~upon an affirmative vote, taken at an open meeting, of two-thirds of the Commission members present; provided the affirmative vote constitutes a majority of the members to which the Commission is entitled. The reason for holding such a meeting or session shall be publicly announced and the vote of each Commission member on the question of holding a meeting or session closed to the public shall be recorded and entered into the minutes of the meeting.~~

RULE 10. Reserved.Exceptions.~~“Meetings” as the term is used in Rules 6, 7, 11 and 12 shall not include any of the following:~~

- ~~(a) — Any communications or interaction between Commission members that does not concern official Commission business or matters;~~
- ~~(b) — Any communications or interaction between any two Commission members~~

~~concerning official Commission business or matters, provided that no commitment to vote is made or sought;~~

~~(c) — Any communications or interaction between or among four or less of the Commission's members concerning official Commission business or matters, provided that such occurs in connection with an investigation assigned to such members during a Commission meeting;~~

~~(d) — Any communications or interaction between or among four or less of the Commission's members concerning official Commission business or matters, provided that such occurs in connection with a presentation, discussion or negotiation with third parties that has been assigned to such members during a Commission meeting; and~~

~~(e) — Any communications or interaction between or among four or less of the Commission's members concerning the selection of the Commission's officers or between or among all Commission members the selection of administrative staff and contractor's services. With respect to any investigation under (c), the scope of the investigation and each member's authority shall be defined at a meeting of the Commission, all findings and recommendations resulting from the investigation shall be presented at a meeting of the Commission, and all deliberations and decision making on the matter investigated shall occur only at a duly noticed meeting of the Commission. With respect to any assignment under (d), the assignment shall be made and the scope of each member's authority shall be defined at a meeting of the Commission prior to the presentation, discussion or negotiation.~~

**RULE 11. Public Comment.**

(a) Any person is permitted to express his or her views to the Commission by

submitting a written statement, which may include or take the form of a proposed plan, to the Commission at the address set forth in Rule 3(a). The Commission may adopt standards and criteria for form and content that any proposed plan must meet in order to be considered by the Commission.

(b) At any meeting of the Commission, the Commission shall afford an opportunity for interested persons to present public testimony on any agenda item. Any person who wishes to appear before the Commission or a committee of the Commission ~~shall~~should: (1) make a request to the Commission's secretary at least 48 hours prior to the meeting in question; and (2) provide a written copy of the person's testimony to the Commission's secretary prior to the meeting in question. ~~The Commission may refuse to hear the testimony of any person failing to fulfill these requirements.~~ Requests to testify and written testimony shall be submitted to the Commission's secretary at the Commission's office specified in Rule 3(a).

(c) The Commission may rearrange the items on the agenda for the purpose of providing for the more efficient and convenient presentation of testimony.

(d) Persons presenting testimony shall, at the beginning of the testimony, identify themselves and the organization, if any, that they represent.

(e) The Commission may limit testimony to a specified time period but in no case shall the period be less than three minutes.

(f) The Commission may refuse to hear any testimony which is irrelevant, immaterial, or unduly repetitious.

(g) Nothing in this rule shall prevent the Commission from soliciting oral remarks from persons present at the meeting or from inviting persons to make presentations to the Commission on any particular matter that relates to items on the Commission's agenda.

RULE 12. Record of Meetings.

(a) The Commission shall keep a written record of all Commission meetings. The written record shall be in the form of written minutes which shall include: (1) the date, time, and place of the meeting; (2) the members of the Commission recorded as present or absent at the meeting; (3) the substance of all matters proposed, discussed, or decided at the meeting; and (4) the record of the votes taken at the meeting, showing the votes of the individual Commission members. Notwithstanding the foregoing, nothing in these rules is meant to nor shall it be construed to require a written record of executive meetings or sessions or the public disclosure of any written record of executive meetings or sessions.

(b) Testimony given at any Commission meeting may be electronically recorded verbatim by the Commission at its discretion. It shall not be necessary to transcribe the electronic recording.

(c) All written statements provided to the Commission and all testimony at Commission meetings shall be part of the public records of the Commission.

## **PUBLIC HEARINGS**

RULE 13. Notice of Public Hearings. Public notice shall be given of all public hearings conducted by the Commission or by the respective Councils as required by law. Notice of public hearings on the initial plans for legislative and congressional reapportionment shall be given in accordance with HRS Section §§ 1-28.5 and 25-2. ~~Notice of other hearings, if any, shall be published in a newspaper of general circulation in the basic island unit in which the hearing will be held and posted on the State of Hawaii's website, and the Office of Elections' website at least 20 calendar days prior to the date of the hearing.~~

RULE 14. Hearing Procedures.

(a) Hearings on the initial plans for legislative and congressional reapportionment shall be held in accordance with HRS ~~Section §~~ 25-2. Other hearings may be held as deemed necessary by the Commission.

(b) Each public hearing conducted by the Commission shall be presided over by the Chairperson, the Vice Chairperson, or a Commission member designated by the Chairperson. Each public hearing conducted by the respective Councils shall be presided over by a Council member designated by the Chairperson. The presiding officer shall have authority to take all actions necessary to ensure orderly conduct of the hearing.

(c) Each such hearing shall be held at the time and place set in the notice of hearing, but may be continued by the presiding officer from day to day or adjourned to a later date or to a different place without notice other than the announcement at the hearing.

(d) At the commencement of the hearing, the presiding officer shall read the notice of hearing and shall then outline briefly the procedure to be followed. Testimony shall then be received with respect to the matters specified in the notice of hearing in such order as the presiding officer shall prescribe.

(e) At each public hearing conducted by the Commission, the Commission shall afford an opportunity for interested persons to present public testimony with respect to the matters specified in the notice of hearing. Any person who wishes to appear before the Commission at the hearing ~~shall~~should: (1) make a request to the Commission's secretary at least 48 hours prior to the hearing in question; and (2) provide a written copy of the person's testimony to the Commission's secretary prior to the hearing in question. ~~The Commission may refuse to hear the testimony of any person failing to fulfill these requirements.~~ Requests to testify and written



testimony ~~shall~~may be submitted to the Commission's secretary at the Commission's office specified in Rule 3(a). Every person shall, before proceeding to testify, state his or her name, address, and what group or organization, if any, the person represents at the hearing. The presiding officer shall confine the testimony to the subject matter of the hearing and is empowered to confine the testimony so as to keep order. The presiding officer may limit testimony to a specified time period but in no case shall the period be less than three minutes. Persons testifying may be subject to questioning by any member of the Commission or the respective Councils. Questioning by private persons of persons testifying shall not be permitted unless the presiding officer expressly permits it.

(f) Notwithstanding anything to the contrary in these rules, all interested persons may submit data, views, or arguments or other testimony shall be submitted to the Commission or the respective Councils at the Commission's office or at the public hearing.

## **CONDUCT OF COMMISSION BUSINESS**

RULE 15. Chairperson's Duties. The Chairperson shall preside at all meetings of the Commission. The Chairperson shall appoint all committees of the Commission and their chairs. The Chairperson shall designate a Commission member to preside over meetings in the Chairperson's absence.

RULE 16. Vice Chairperson's Duties. The Commission may elect two of its members to serve as Vice Chairpersons. The Vice Chairperson shall preside over meetings and have the authority of the Chairperson when the Chairperson is absent.

RULE 17. Secretary's Duties. The Secretary shall keep minutes of all meeting of the Commission, including ~~committee-permitted interaction group~~ meetings, prepare the agenda for these meetings, keep and maintain official records of the Commission and shall undertake any

duties and responsibilities properly assigned to the Secretary by the Commission through the Chairperson.

RULE 18. ~~Commission Committees~~ Permitted Interaction Groups. ~~Committees~~ Permitted interaction groups may be established as deemed necessary to carry out functions of the Commission. Tasks may be delegated to ~~committees~~ a permitted interaction group as deemed appropriate by the Commission. A majority of the members of a ~~committee~~ permitted interaction group shall constitute a quorum ~~of the committee~~, and the presence of a quorum of the ~~committee~~ permitted interaction group shall be necessary to conduct ~~committee~~ business. ~~Except for meetings, communications and interactions covered by Rules 9 and 10, committee meetings shall be open to the public and subject to the requirements of Rules 7, 11, and 12.~~

RULE 19. Commission Powers. The Commission may require persons to appear personally and testify before it and/or to produce to it all books, records, files, papers, maps, and documents as shall appear necessary for the purpose of fulfilling the Commission's duties under Article IV of the State Constitution and HRS Chapter 25 including, but not limited to, formulating a reapportionment plan. The Chairperson of the Commission or any person acting on behalf of the Chairperson may administer oaths to persons summoned to appear before the Commission. Persons summoned to testify before the Commission shall be subject to the penalties set forth in HRS Section 25-4. Nothing in these rules is intended nor shall they be construed to waive or to limit any and all powers granted to the Commission under Article IV of the State Constitution, HRS Chapter 25 and/or any other applicable laws.

RULE 20. Rules of Order. Unless otherwise provided in these rules, the most recent edition of Robert's Rules of Order shall serve as a guide to the conduct of the Commission's meetings.

RULE 21. Commission Decisions. The Commission shall make decisions and take action only at meetings called and noticed according to these rules. A quorum of the Commission shall be required to conduct any business at a Commission meeting. Except as otherwise provided by Article IV, Section 2 of the State Constitution, HRS Chapter 25 or these rules, the concurrence of a majority of the Commission's membership shall be required to make any action of the Commission valid.

### **APPORTIONMENT ADVISORY COUNCILS**

RULE 22. Advisory Capacity. Each Council shall serve in an advisory capacity to the Commission as to matters affecting that Council's basic island unit. The Commission from time to time may designate additional duties or functions to be performed by the Councils.

RULE 23. Council Officers. Each Council shall select its own chairperson and may elect such other officers as may be necessary to carry out its functions.

RULE 24. Council Meetings. Meetings of a Council may be called by the Council's chairperson, a quorum of its members, and/or by the Commission. A majority of the membership of each Council shall constitute a quorum of the Council. A majority vote of the members of each Council shall be necessary to approve any ~~ea~~action of that Council. Meetings of each Council shall be open to the public, provided that any Council may hold executive meetings or sessions closed to the public by an affirmative vote of two-thirds of its members.

RULE 25. Notice of Council Meetings. Notice of Council Meetings shall be filed at least six days in advance in the appropriate county clerk's office and at the Commission's office and posted on the State of Hawaii's website.

RULE 26. Council Records. Each Council shall keep written minutes of its meetings. The minutes shall contain the information provided for in Rule 12(a). Each Council shall provide the

Commission's office with a copy of all minutes as soon as they are approved together with any and all other documents and information provided to it. The minutes, documents, and information shall be available for public inspection at the Commission's office to the extent required under HRS Chapter 92F.

RULE 27. Additional Council Rules. Subject to these rules and the Commission's approval, each Council may promulgate rules of practice and procedure to govern its functions.

### MISCELLANEOUS

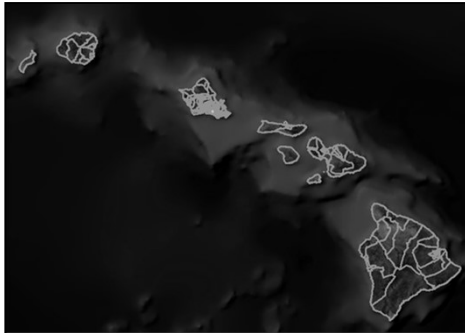
RULE 28. Conflicts and Savings Clause. To the extent that any of these rules or any part thereof conflict with any of the provisions of ~~Article IV of~~ the State Constitution or HRS ~~Chapter 25~~, the provisions of ~~Article IV of~~ the State Constitution and HRS ~~Chapter 25~~ shall prevail. If any of these rules or any part thereof are held to be invalid, illegal or unenforceable, then to the maximum extent permitted by law, such invalidity, illegality, or unenforceability shall not affect the remaining rules or parts thereof, and the remaining rules or parts thereof shall remain in full force and effect.

RULE 29. Adoption, Amendment, or Repeal of Rules. Rules of the Commission shall be adopted by a vote of two-thirds of the members to which the Commission is entitled.

Amendments to, or repeal of, the rules shall be made by a vote of two-thirds of the members to which the Commission is entitled.

RULE 30. Effective Date of Rules. These rules are effective upon the date of their adoption by the Commission.

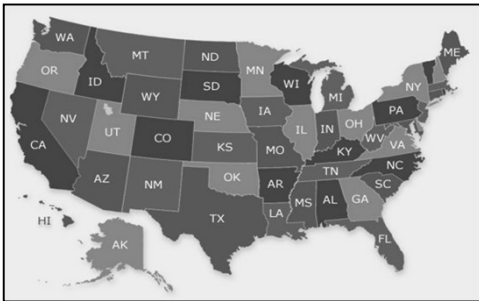
**VI. REDISTRICTING AND  
REAPPORTIONMENT  
PRESENTATION BY  
REAPPORTIONMENT  
PROJECT STAFF**



# Reapportionment and Redistricting in Hawaii

## Reapportionment Commission Meeting 06 July 2021

### David Rosenbrock Royce Jones



# Reapportionment and Redistricting in Hawaii

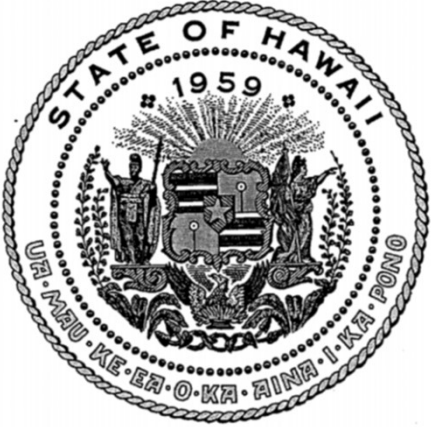
- **David Rosenbrock (Project Staff)**
  - Hawaii Reapportionment Commission
    - Project Manager 2001, 2011, 2021
  - Hawaii State Office of Elections
    - Computer Services Section Head 2002 - 2018
  
- **Royce Jones (Project Support)**
  - Hawaii Reapportionment Commission
    - Mapping/GIS Support 2001, 2011, 2021
  - Hawaii State Office of Elections
    - Mapping/GIS Support 2002 - present

**State of Hawaii**

**2001 Reapportionment Commission**

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**Final Report and Reapportionment Plan**



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**STATE OF HAWAII**

**2011 REAPPORTIONMENT COMMISSION**

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**FINAL REPORT AND REAPPORTIONMENT PLAN**

File Learn View Create Review Share Submit

**Esi Redistricting Online**

Welcome to Esi Redistricting Online!

Esi Redistricting Online assists state and local governments, advocacy groups, and the general public in drawing legislative and congressional redistricting plans. Esi Redistricting Online is a web-based application that establishes and maintains multiple redistricting scenarios before finalizing new boundaries.

Esi Redistricting Online provides online access to data content used by the community, including Census and PL 94-171 data. It includes tools to prototype multiple redistricting scenarios before finalizing new boundaries.

If you are new to the Esi Redistricting Online, start with the [Quick Start](#), [Create Plan](#), or read the [Frequently Asked Questions](#). Please refer to the [Help](#) page for more information.

How to use this tool:

Login

Use Account  
Password

Create  
Districts  
Tools  
Summary  
Tables

Review  
Districts

Reports  
Charts  
Inventory  
Check  
History

Share  
Plans  
Create  
Group  
Invite  
Partners



# Reapportionment and Redistricting in Hawaii

## 2021 Hawaii Reapportionment Commission Project Staff

- **Kealaulaikalani (Kea) Gier**
  - **Administrative Assistant**
- **Carolyn Roldan**
  - **Secretary**



## 2021 Hawaii Reapportionment Commission Project Support

- **Esri (Honolulu and Redlands, CA)**
  - **Technical Support**
    - **Load U.S. Census Data**
    - **Redistricting Online Application**
    - **Training**
    - **Map and Report Templates and Production Support**
    - **Reprecincting**





# Reapportionment and Redistricting in Hawaii

- **Reapportionment and Redistricting**
- **Census Data**
- **Redistricting Guidelines**
- **Online Redistricting Application**

# Reapportionment and Redistricting in Hawaii

## Equal Representation

### - Federal



### - State



# Reapportionment and Redistricting in Hawaii

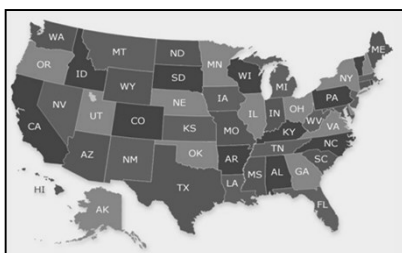
## Equal Representation

## - Reapportionment

### - Federal

### U.S. House of Representatives

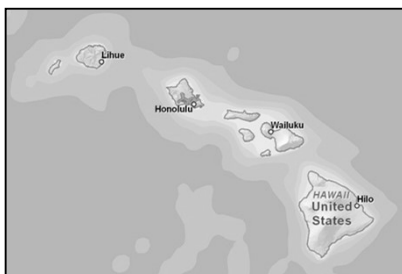
- apportion 435 seats among 50 states



### - State

### State Senate

- apportion 25 seats among 4 Basic Island Units



### State House

- apportion 51 seats among 4 Basic Island Units

computed by the method known as the  
“method of equal proportions”

- Hawaii
- Maui
  - Maui
  - Molokai
  - Lanai
  - Kahoolawe
- Kauai
  - Kauai
  - Niihau
- Oahu

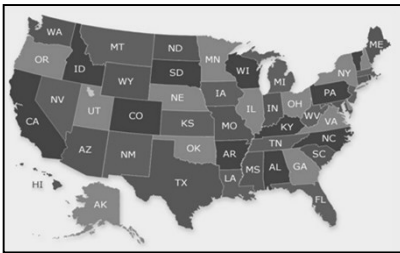
# Reapportionment and Redistricting in Hawaii

## Equal Representation

- Reapportionment
- Redistricting

### - Federal

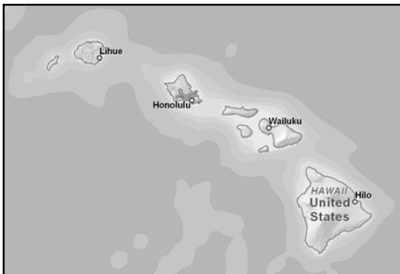
### U.S. House of Representatives



- apportion 435 seats among 50 states
- draw districts with balanced population within state

### - State

### State Senate



- apportion 25 seats among 4 Basic Island Units
- draw districts with balanced population within BIU
- assign staggered 4 year and 2 year terms for 2022

### State House

- apportion 51 seats among 4 Basic Island Units
- draw districts with balanced population within BIU

- Hawaii
- Maui
  - Maui
  - Molokai
  - Lanai
  - Kahoolawe
- Kauai
  - Kauai
  - Niihau
- Oahu

# Reapportionment and Redistricting in Hawaii

## Who does it?

- Reapportionment
- Redistricting

- Federal U.S. House of Representatives

U.S. Census → - apportion 435 seats among 50 states

→ - draw districts with balanced population within state

### Hawaii Reapportionment Commission and Advisory Councils

- State State Senate

→ - apportion 25 seats among 4 Basic Island Units

→ - draw districts with balanced population within BIU

→ - assign staggered 4 year and 2 year terms for 2022

State House

→ - apportion 51 seats among 4 Basic Island Units

→ - draw districts with balanced population within BIU

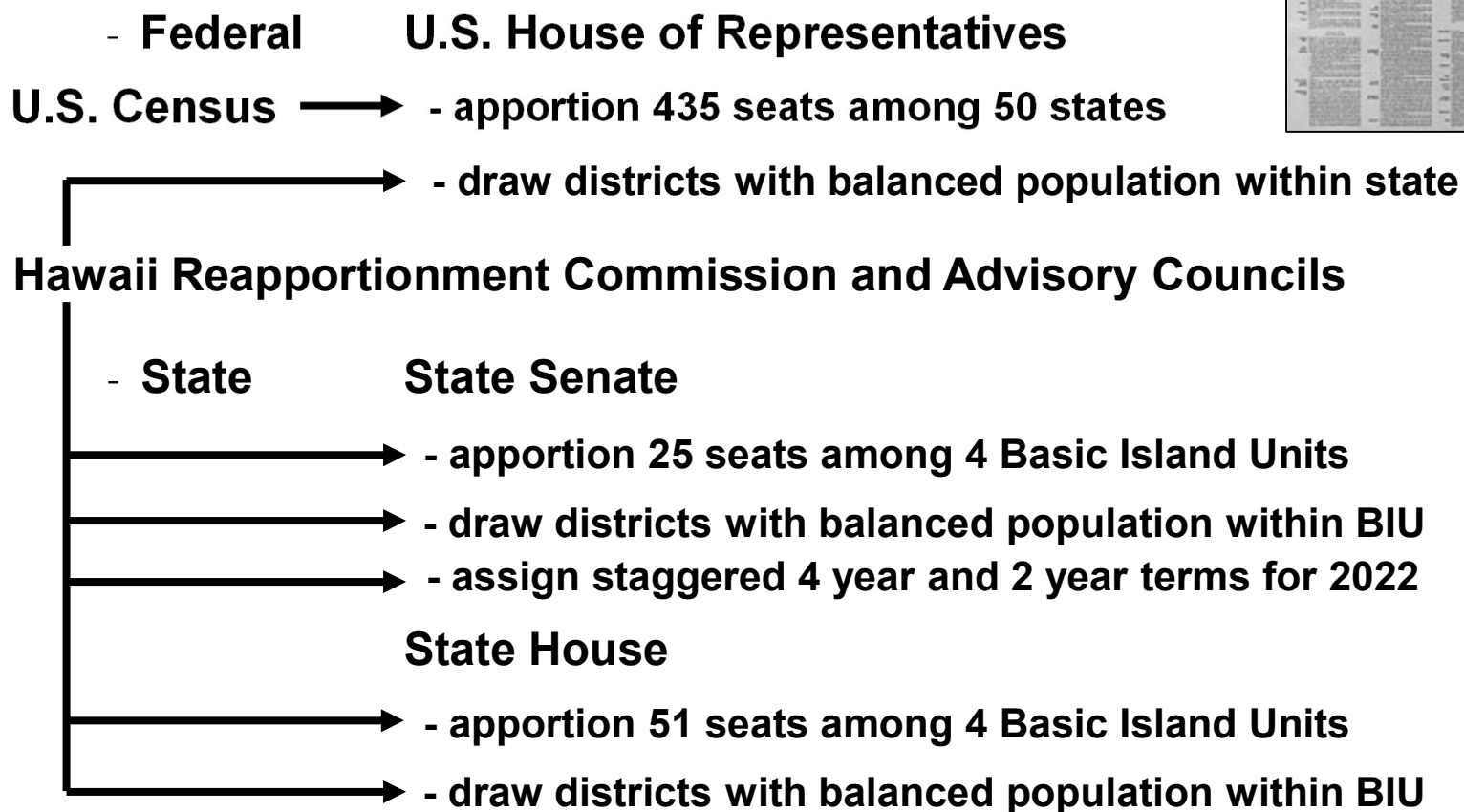
- Hawaii
- Maui
  - Maui
  - Molokai
  - Lanai
  - Kahoolawe
- Kauai
  - Kauai
  - Niihau
- Oahu

# Reapportionment and Redistricting in Hawaii



Legislative Reference Bureau

Article IV  
Reapportionment



- Hawaii**
- Maui**
  - Maui
  - Molokai
  - Lanai
  - Kahoolawe
- Kauai**
  - Kauai
  - Niihau
- Oahu**

# Reapportionment and Redistricting in Hawaii



Section 9. The commission shall, at such times as may be required by this article and as may be required by law of the United States, redraw congressional district lines for the districts from which the members of the United States House of Representatives allocated to this State by Congress are elected.

## - Federal U.S. House of Representatives

U.S. Census → - apportion 435 seats among 50 states

- draw districts with balanced population within state

## Hawaii Reapportionment Commission and Advisory Councils

### - State State Senate

- apportion 25 seats among 4 Basic Island Units

- draw districts with balanced population within BIU

- assign staggered 4 year and 2 year terms for 2022

### State House

- apportion 51 seats among 4 Basic Island Units

- draw districts with balanced population within BIU

- Hawaii
- Maui
  - Maui
  - Molokai
  - Lanai
  - Kahoolawe
- Kauai
  - Kauai
  - Niihau
- Oahu

# Reapportionment and Redistricting in Hawaii



**Section 4.** The commission shall allocate the total number of members of each house of the state legislature being reapportioned among the four basic island units, namely: (1) the island of Hawaii, (2) the islands of Maui, Lanai, Molokai and Kahoolawe, (3) the island of Oahu and all other islands not specifically enumerated, and (4) the islands of Kauai and Niihau, using the total number of permanent residents in each of the basic island units and computed by the method known as the method of equal proportions; except that no basic island unit shall receive less than one member in each house.

- **Federal**  
**U.S. Census**

## Hawaii Reapportionment Commission and Advisory Councils

- **State**

### State Senate

- apportion 25 seats among 4 Basic Island Units

- draw districts with balanced population within BIU

- assign staggered 4 year and 2 year terms for 2022

### State House

- apportion 51 seats among 4 Basic Island Units

- draw districts with balanced population within BIU

- Hawaii
- Maui
  - Maui
  - Molokai
  - Lanai
  - Kahoolawe
- Kauai
  - Kauai
  - Niihau
- Oahu



# Reapportionment and Redistricting in Hawaii



**Section 6.** Upon the determination of the total number of members of each house of the state legislature to which each basic island unit is entitled, the commission shall apportion the members among the districts therein and shall redraw district lines where necessary in such manner that for each house the average number of permanent residents per member in each district is as nearly equal to the average for the basic island unit as practicable.

- **Federal**  
**U.S. Census**

- draw districts with balanced population within state

## Hawaii Reapportionment Commission and Advisory Councils

- **State**

### State Senate

- apportion 25 seats among 4 Basic Island Units

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- assign staggered 4 year and 2 year terms for 2022

### State House

- apportion 51 seats among 4 Basic Island Units

- draw districts with balanced population within BIU

Hawaii

Maui

- Maui
- Molokai
- Lanai
- Kahoolawe

Kauai

- Kauai
- Niihau

Oahu

# Reapportionment and Redistricting in Hawaii



**Section 8.** The reapportionment commission shall, as part of the reapportionment plan, assign two-year terms for twelve senate seats for the election immediately following the adoption of the reapportionment plan. The remaining seats shall be assigned four-year terms. Insofar as practicable, the commission shall assign the two-year terms to senate seats so that the resident population of each senate district shall have no more than two regular senate elections for a particular senate seat within the six-year period beginning in the even-numbered year prior to the reapportionment year...

- **Federal**  
**U.S. Census**

## Hawaii Reapportionment Commission and Advisory Councils

- **State**

### State Senate

- apportion 25 seats among 4 Basic Island Units
- draw districts with balanced population within BIU
- assign staggered 4 year and 2 year terms for 2022

### State House

- apportion 51 seats among 4 Basic Island Units
- draw districts with balanced population within BIU

- Hawaii
- Maui
  - Maui
  - Molokai
  - Lanai
  - Kahoolawe
- Kauai
  - Kauai
  - Niihau
- Oahu

# Reapportionment and Redistricting in Hawaii

## Who does it in 2021?

- Reapportionment
- Redistricting

- Federal U.S. House of Representatives

U.S. Census → - apportion 435 seats among 50 states

→ - draw districts with balanced population within state

### Hawaii Reapportionment Commission and Advisory Councils

- State State Senate

→ - apportion 25 seats among 4 Basic Island Units

→ - draw districts with balanced population within BIU

→ - assign staggered 4 year and 2 year terms for 2022

State House

→ - apportion 51 seats among 4 Basic Island Units

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- Hawaii

Maui

  - Maui
  - Molokai
  - Lanai
  - Kahoolawe

Kauai

  - Kauai
  - Niihau

Oahu

# Reapportionment and Redistricting in Hawaii



Legislative  
Reference  
Bureau

## REAPPORTIONMENT COMMISSION

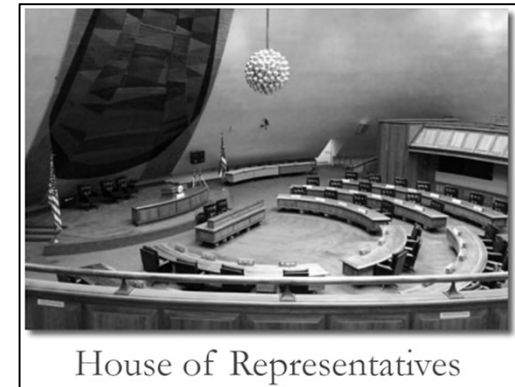
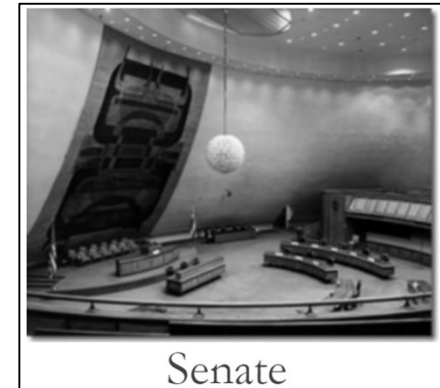
**Section 2.** A reapportionment commission shall be constituted on or before May 1 of each reapportionment year and whenever reapportionment is required by court order. The commission shall consist of nine members. The president of the senate and the speaker of the house of representatives shall each select two members. Members of each house belonging to the party or parties different from that of the president or the speaker shall designate one of their number for each house and the two so designated shall each select two members of the commission. The eight members so selected, promptly after selection, shall be certified by the selecting authorities to the chief election officer and within thirty days thereafter, shall select, by a vote of six members, and promptly certify to the chief election officer the ninth member who shall serve as chairperson of the commission.



# Reapportionment and Redistricting in Hawaii

## Hawaii Reapportionment Commission

- **Nine members**
  - **2 appointed by the President of the Senate**
    - **Charlotte Nekota, Randall Nishimura**
  - **2 appointed by the Senate Minority Leader**
    - **Robin Kennedy, Kevin Rathbun**
  - **2 appointed by the Speaker of the House**
    - **Grant Y.M. Chun, Diane T. Ono**
  - **2 appointed by the House Minority Leader**
    - **Cal Chipchase, Dylan Nonaka**
  - **Ninth member, the Chair, is selected by the eight appointed members**
    - **Mark Mugiishi**



# Reapportionment and Redistricting in Hawaii

## Hawaii Reapportionment Commission Advisory Councils

- 16 members, 4 members from each Basic Island Unit

4 appointed by the President of the Senate    4 appointed by the Senate Minority Leader

4 appointed by the Speaker of the House    4 appointed by the House Minority Leader

### Kauai:

Christopher Nii  
Hermina Morita  
Laurie Yoshida  
Maryanne Kusaka

### Oahu:

Alan Takemoto  
Jennifer Wilbur  
Mike Rompel  
Lynn Finnegan

### Maui:

Anthony Takitani  
Agnes Macadangdang Hayashi  
Robert Stephenson  
George Fontaine

### Hawaii:

Steven Pavao  
Amy W. Niwa  
Marlene Murray  
Jame K. Schaedel

# Reapportionment and Redistricting in Hawaii

- **Reapportionment and Redistricting**
- **Census Data**
- **Redistricting Guidelines**
- **Online Redistricting Application**

# Reapportionment and Redistricting in Hawaii

## What about census data?

- Reapportionment
- Redistricting

- Federal U.S. House of Representatives

U.S. Census → - apportion 435 seats among 50 states

→ - draw districts with balanced population within state

### Hawaii Reapportionment Commission and Advisory Councils

- State State Senate

→ - apportion 25 seats among 4 Basic Island Units

→ - draw districts with balanced population within BIU

→ - assign staggered 4 year and 2 year terms for 2022

State House

→ - apportion 51 seats among 4 Basic Island Units

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- Hawaii

Maui

  - Maui
  - Molokai
  - Lanai
  - Kahoolawe

Kauai

  - Kauai
  - Niihau

Oahu



# Reapportionment and Redistricting in Hawaii

## Census Data



- **First U.S. Census in 1790**

- Population: **3,929,214**



- **U.S. Census in 1900**

- Population: **76,212,168**

- **U.S. Census in 2010**

- Population: **308,745,538**

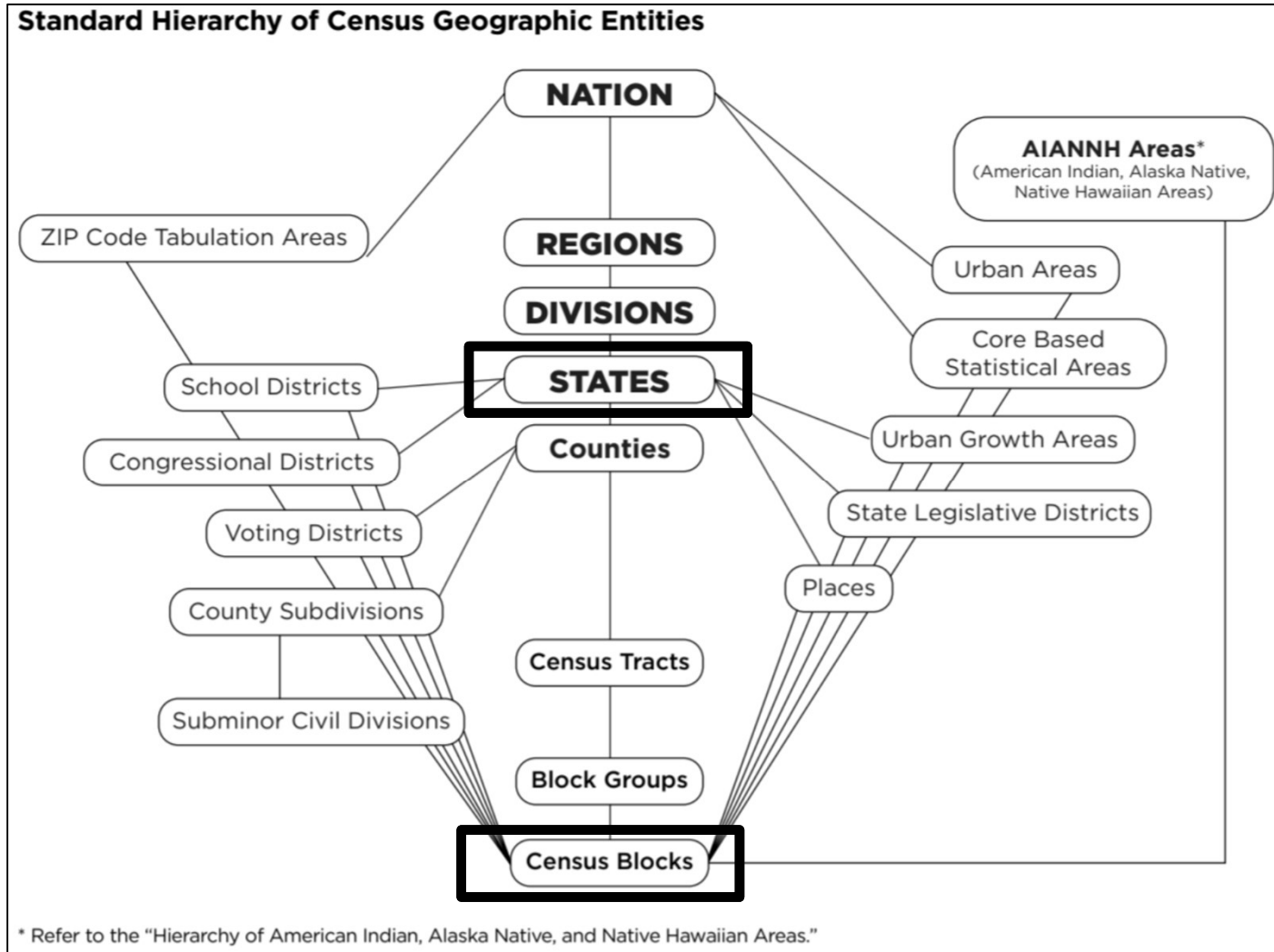
- **U.S. Census in 2020**

- Population: **331,449,281**



# Reapportionment and Redistricting in Hawaii

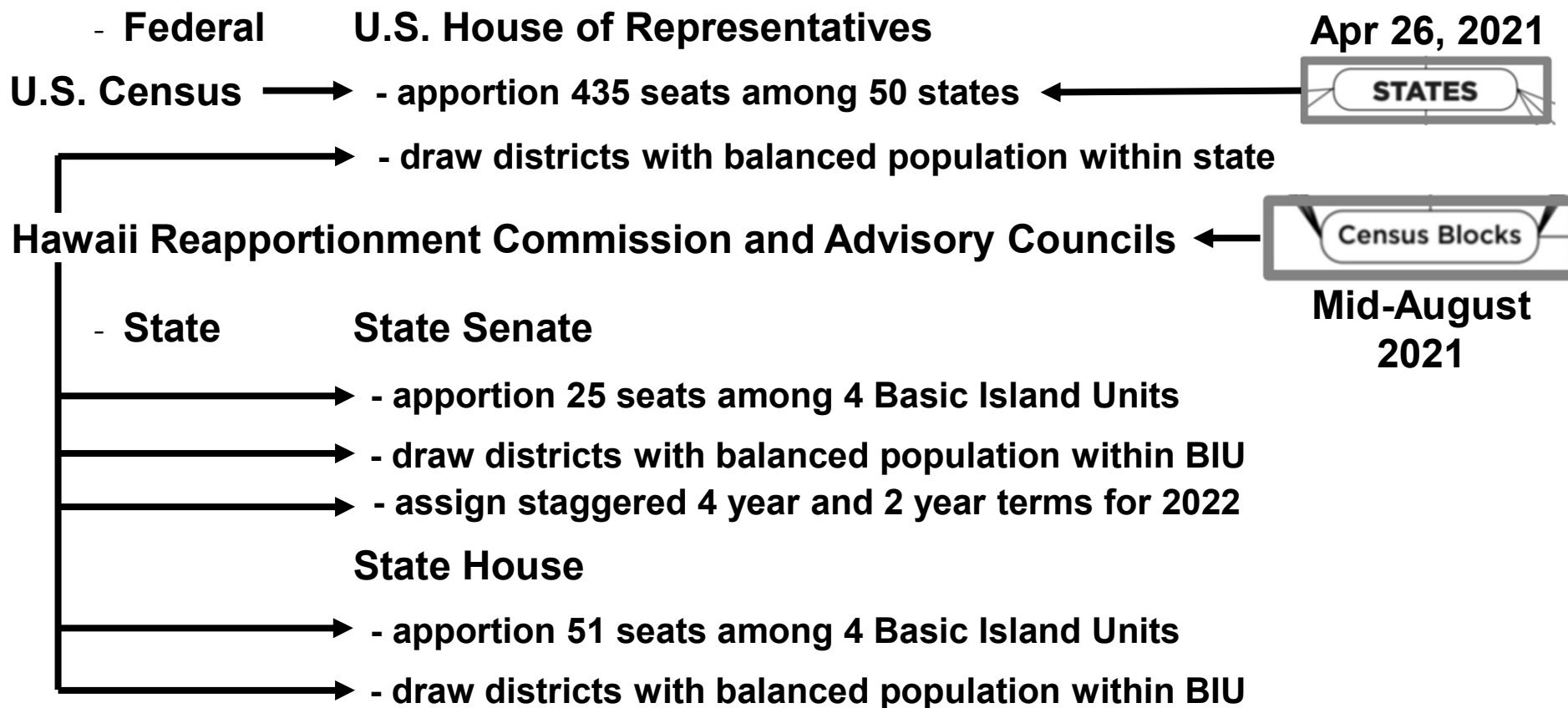
## Census Data



# Reapportionment and Redistricting in Hawaii

## Census Data

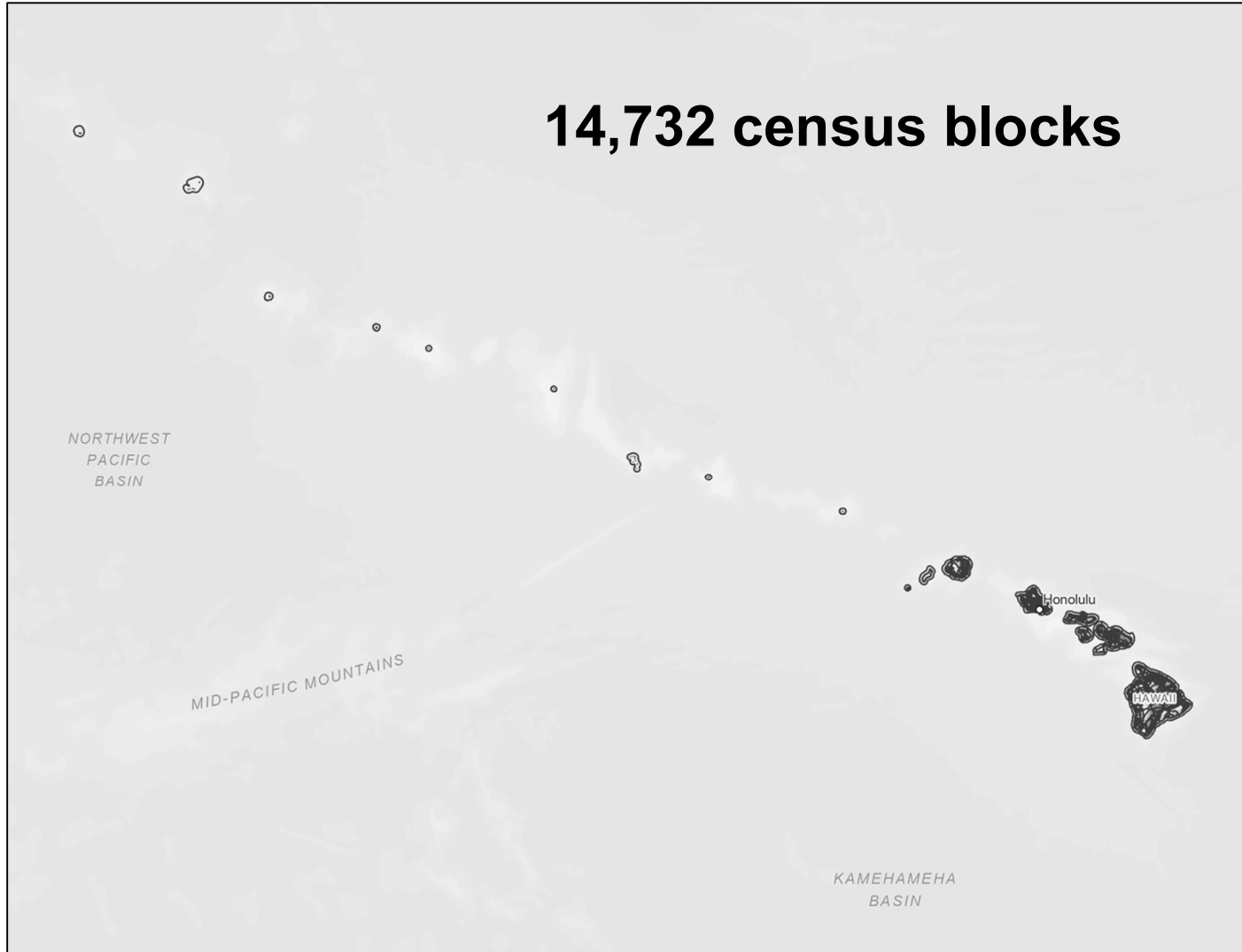
- Reapportionment
- Redistricting



# Reapportionment and Redistricting in Hawaii

## Census Data

## Census Blocks



# Reapportionment and Redistricting in Hawaii

## Census Data

## Census Blocks

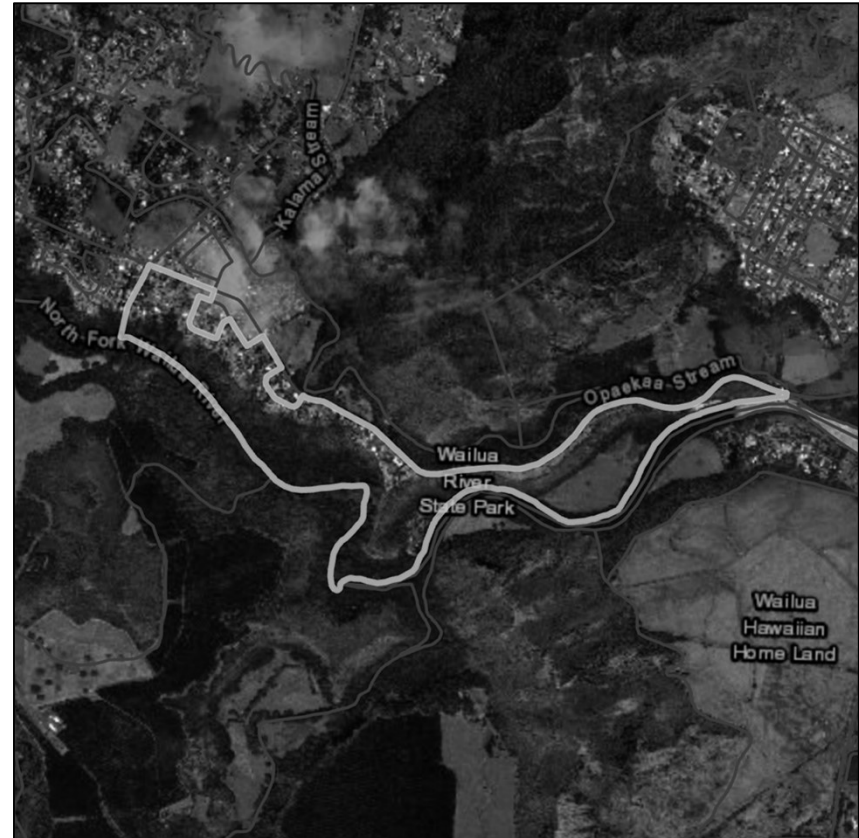


**In Hawaii, over 80% of block boundaries follow streets**

# Reapportionment and Redistricting in Hawaii

## Census Data

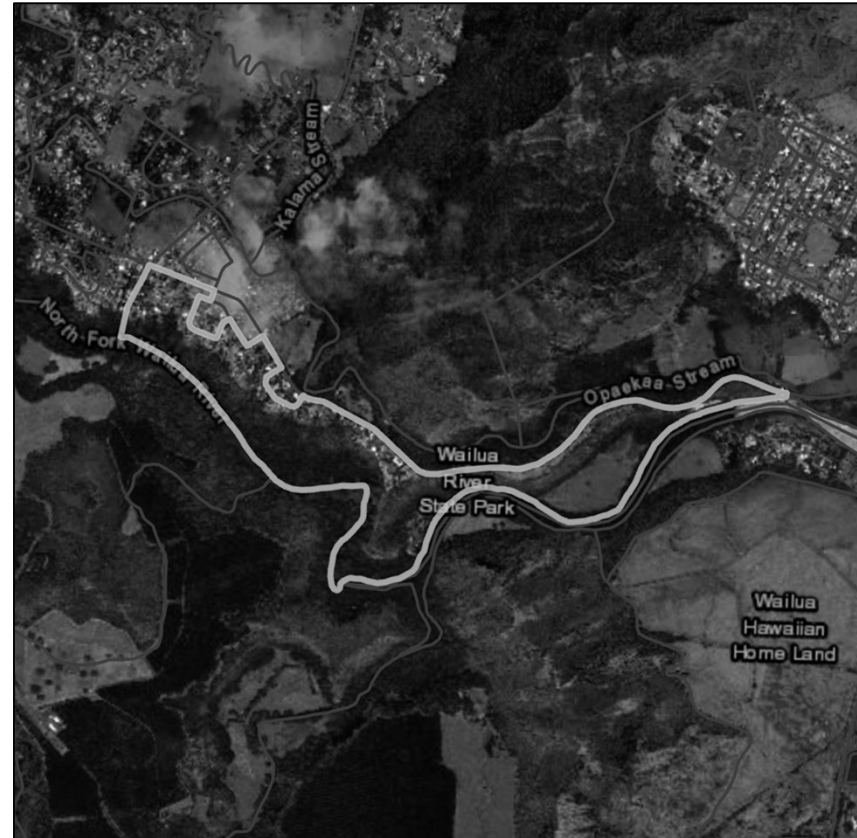
## Census Blocks



**Some block boundaries follow streams or ridges**

# Reapportionment and Redistricting in Hawaii

Census Data P.L. 94-171 resident population base



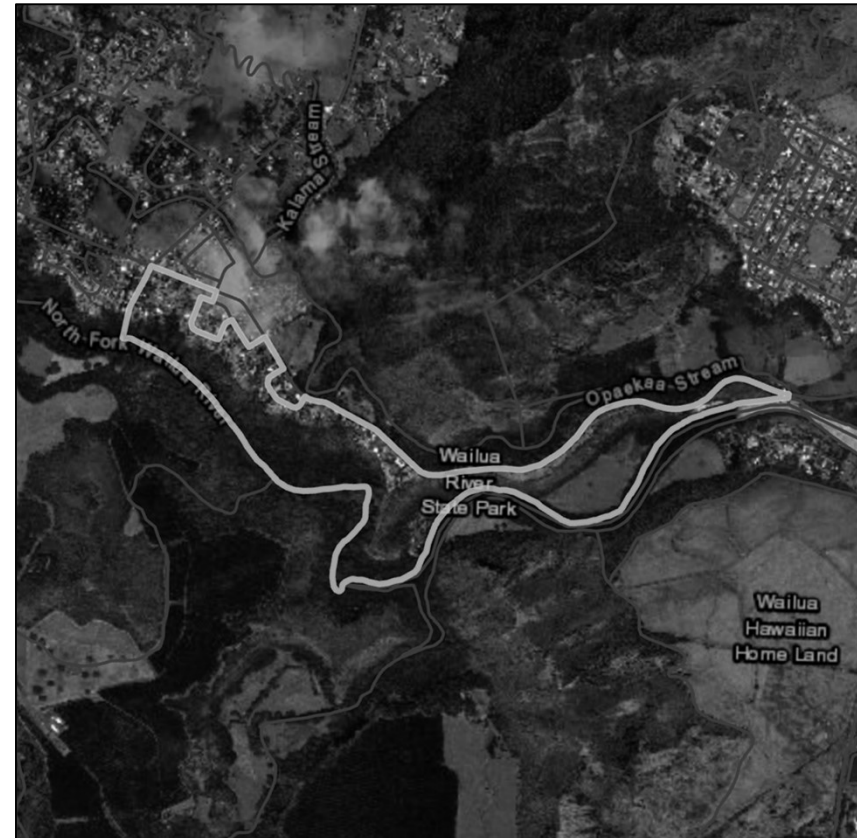
**U.S. Census reports resident populations for every block as of April 1, 2020**

Mid-August  
2021

# Reapportionment and Redistricting in Hawaii

Census Blocks

Census Data P.L. 94-171 resident population base



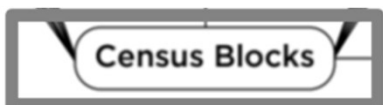
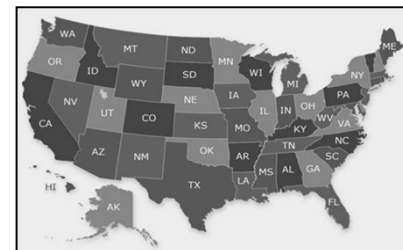
**U.S. Census reports resident populations for every block  
as of April 1, 2020**



# Reapportionment and Redistricting in Hawaii

## Census Data      Population Base - Federal

Resident Population  
U.S. House of Representatives



Mid-August  
2021

### Redistricting

- draw districts with balanced population within state using block-level resident population (P.L. 94-171)



September 1,  
2021

### Steps:

- process P.L. 94-171 block-level data for Hawaii
- load into Online Redistricting Application
- Commission and Public can begin redistricting

# Reapportionment and Redistricting in Hawaii

## Census Data      Population Base - State

### Permanent Resident Population State Senate and State House



**Section 4.** The commission shall allocate the total number of members of each house of the state legislature being reapportioned among the four basic island units, namely: (1) the island of Hawaii, (2) the islands of Maui, Lanai, Molokai and Kahoolawe, (3) the island of Oahu and all other islands not specifically enumerated, and (4) the islands of Kauai and Niihau, using the total number of permanent residents in each of the basic island units and computed by the method known as the method of equal proportions; except that no basic island unit shall receive less than one member in each house.

## Reapportionment

**Section 6.** Upon the determination of the total number of members of each house of the state legislature to which each basic island unit is entitled, the commission shall apportion the members among the districts therein and shall redraw district lines where necessary in such manner that for each house the average number of permanent residents per member in each district is as nearly equal to the average for the basic island unit as practicable.

## Redistricting

# Reapportionment and Redistricting in Hawaii

## Census Data Population Base - State

### Non-Permanent Resident Population State Senate and State House



#### NON-PERMANENT RESIDENTS (NPR) TO BE EXTRACTED FROM 2020 CENSUS DATA FOR HAWAII

Statewide and by Basic Island Unit (BIU)

NPR	State	BIU-Oahu	BIU-Hawaii	BIU-Maui	BIU-Kauai
NPR military	64,415	64,010	40	117	248
NPR students	6,747	6,094	496	108	49
<b>NPR Total</b>	<b>71,162</b>	<b>70,104</b>	<b>536</b>	<b>225</b>	<b>297</b>

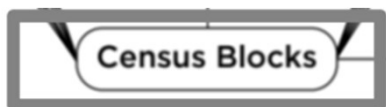
- BIU-Oahu City and County of Honolulu (FIPS 15003)  
Island of Oahu and Northwest Hawaiian Islands
- BIU-Hawaii County of Hawaii (FIPS 15001)  
Island of Hawaii
- BIU-Maui County of Maui (FIPS 15009) and Kalawao County (FIPS 15005)  
Islands of Maui, Molokai, Lanai and Kahoolawe
- BIU-Kauai County of Kauai (FIPS 15007)  
Islands of Kauai, Niihau and Kaula



# Reapportionment and Redistricting in Hawaii

## Census Data      Population Base - State

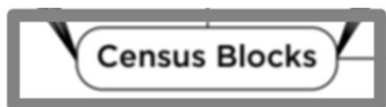
**Permanent Resident Population  
State Senate and State House**



**Mid-August  
2021**

### Reapportionment

- apportion seats among 4 Basic Island Units (BIU) using block-level permanent resident population



**Mid-August  
2021**

### Redistricting

- draw districts with balanced population within each BIU using block-level permanent resident population
- assign staggered 4 year and 2 year terms for 2022



**September 1,  
2021**

### Steps:

- process P.L. 94-171 block data
- extract non-permanent military and students
- apportion seats for each Basic Island Unit
- load into Online Redistricting Application
- Commission and Public can begin redistricting

# Reapportionment and Redistricting in Hawaii

## Additional Steps

### Steps:

- ... steps already described so that the Commission and Public can begin redistricting



### Additional Steps:

- Technical Committee begins work on proposed plans
- Technical Committee presents proposed plans to full Commission
- Commission discusses proposed plans
- Technical Committee makes any revisions needed
- Commission adopts proposed plans
  - start of 20 days notification period
- Public hearings (after 20 days notification period complete)
- Revision and final adoption of plans by Commission
- Commission files plans with Chief Elections Officer

# Reapportionment and Redistricting in Hawaii

## Additional Steps and Reapportioning

### Steps:

- ... steps already described so that the Commission and Public can begin redistricting



### Additional Steps:

- Technical Committee begins work on proposed plans
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### Reapportioning:

- *County of Hawaii and City and County of Honolulu council plans adopted*
- *County Clerks assign all registered voters to new voting districts*
- *Office of Elections creates new precincts*

# Reapportionment and Redistricting in Hawaii

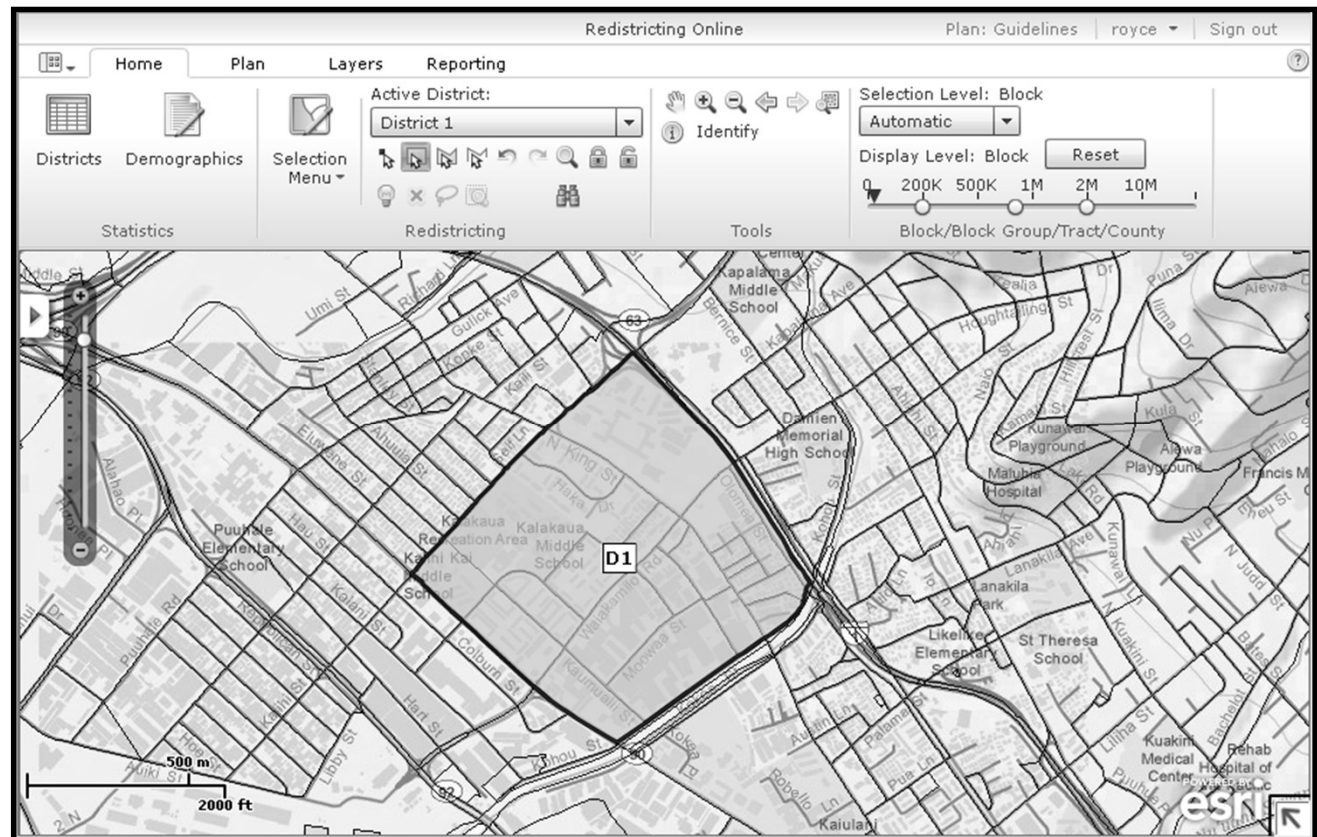
- **Reapportionment and Redistricting**
- **Census Data**
- **Redistricting Guidelines**
- **Online Redistricting Application**



# Reapportionment and Redistricting in Hawaii

## Redistricting Guidelines

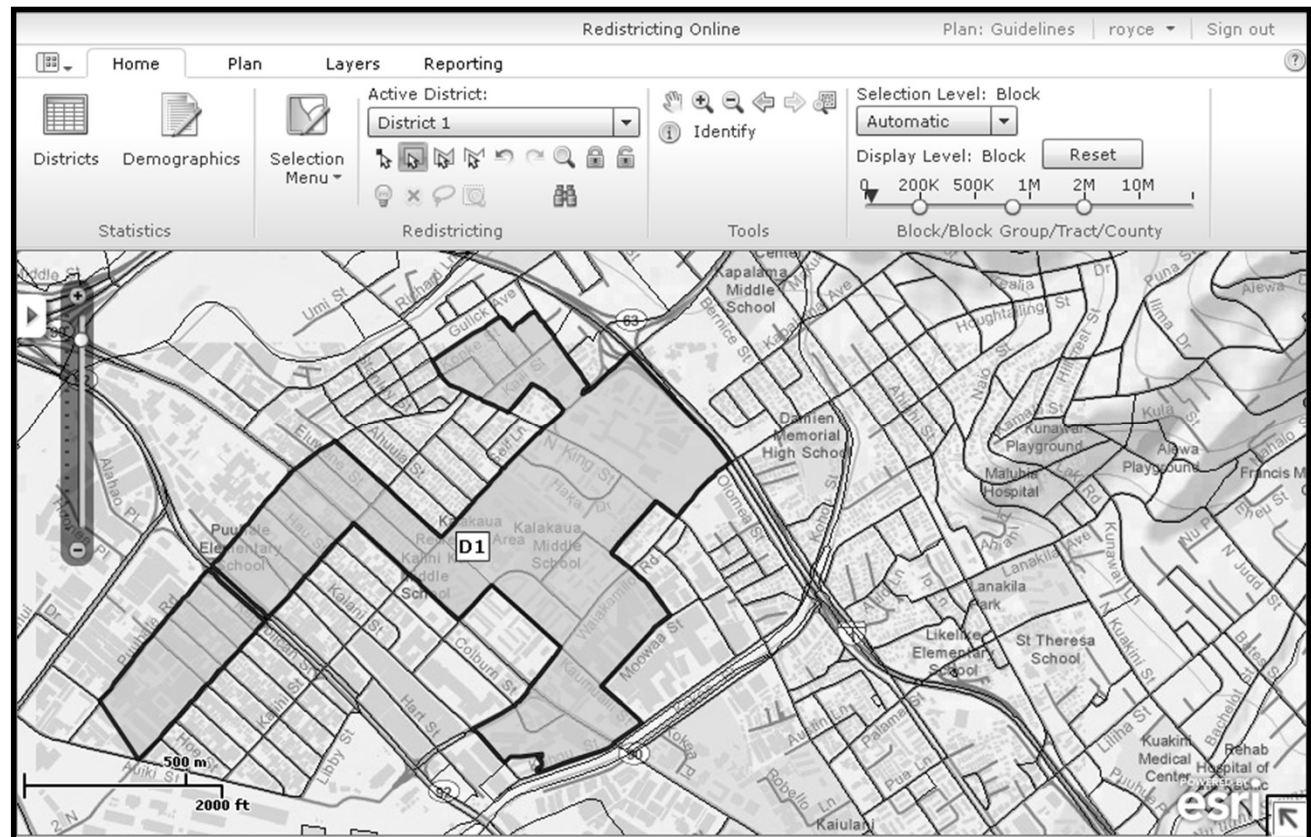
- Compact - geometrically



# Reapportionment and Redistricting in Hawaii

## Redistricting Guidelines

- Compact - geometrically

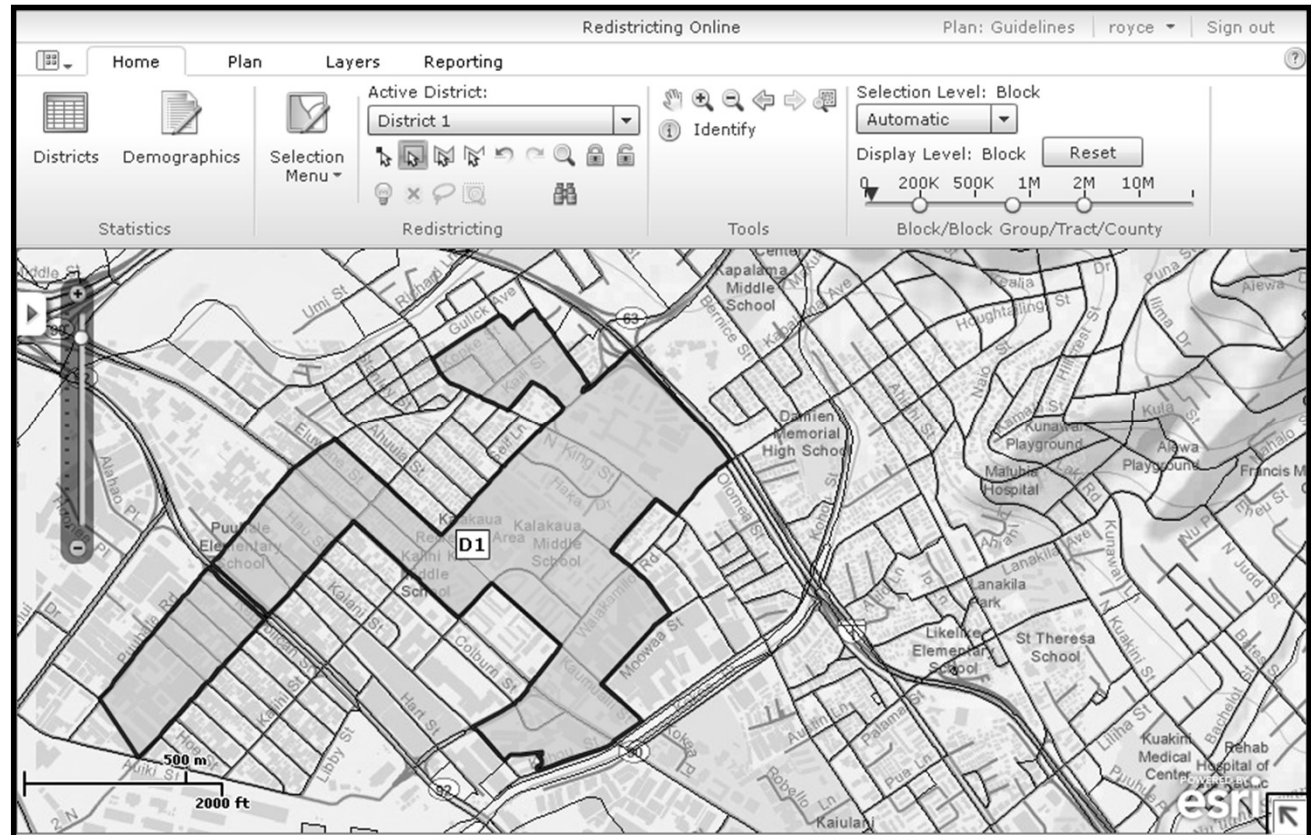


# Reapportionment and Redistricting in Hawaii

## Redistricting Guidelines

- geometrically

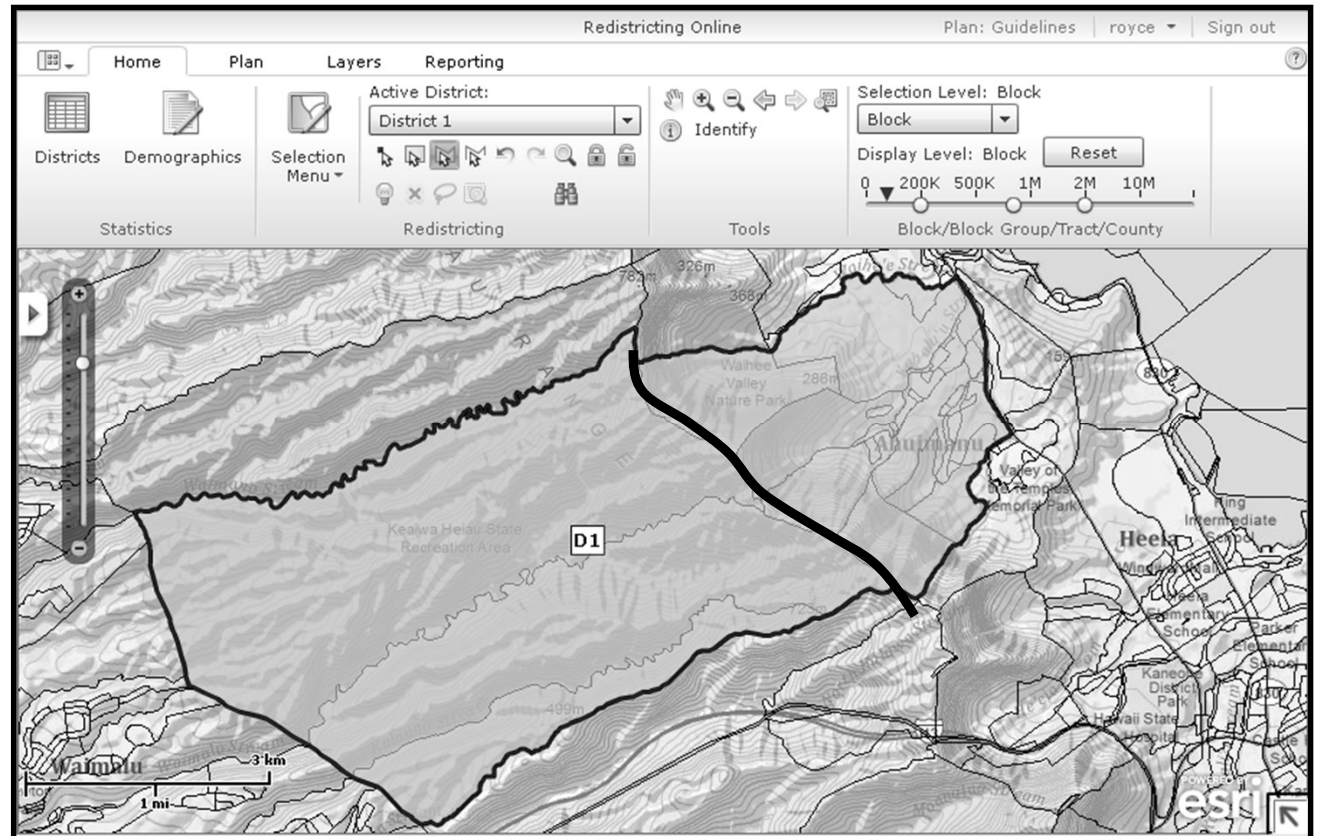
- Compact



# Reapportionment and Redistricting in Hawaii

## Redistricting Guidelines

- Compact
  - geometrically
  - geographically



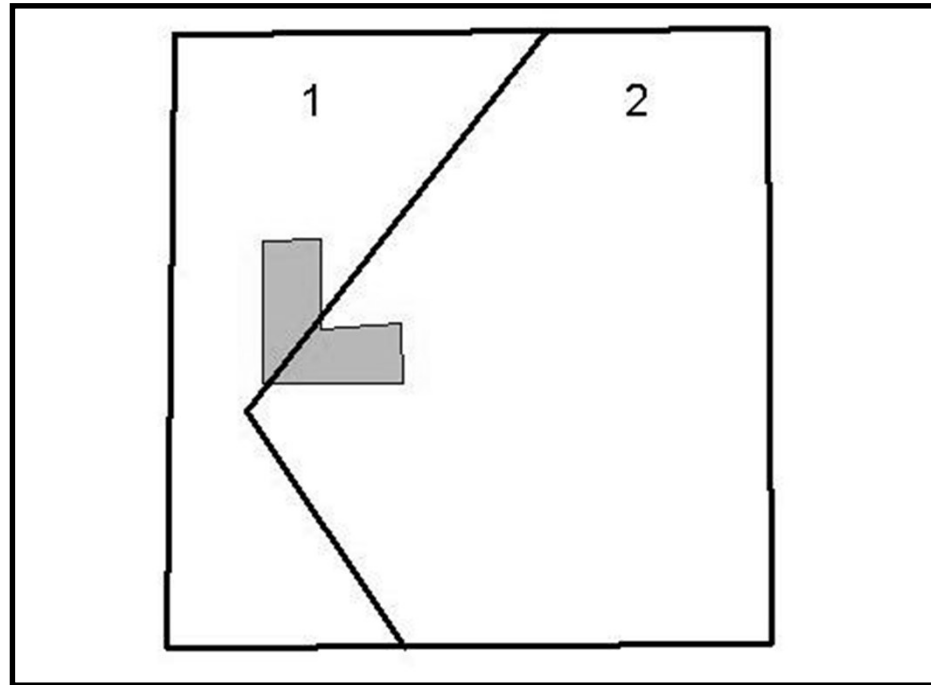




# Reapportionment and Redistricting in Hawaii

## Redistricting Guidelines

- Compact
- Contiguous
- No submergence
- geometrically
- geographically
- no disconnects
- no “one point” connections
- preserve socio-economic communities



# Reapportionment and Redistricting in Hawaii

## Redistricting Guidelines

- Compact
  - geometrically
  - geographically
- Contiguous
  - no disconnects
  - no “one point” connections
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  - preserve socio-economic communities



“where practicable”





# Reapportionment and Redistricting in Hawaii

## Redistricting Guidelines

- Compact
  - geometrically
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  - no disconnects
  - no “one point” connections
- No submergence
  - preserve socio-economic communities
- Court Accepted Deviation less than 1% (Federal)



	A	B	C
1	U.S. Department of Commerce		
2	U.S. Census Bureau		
3	Table 2. RESIDENT POPULATION FOR THE 50 STATES, THE DISTRICT OF COLUMBIA, AND PUERTO RICO: 2020 CENSUS		
4	AREA	RESIDENT POPULATION (APRIL 1, 2020)	
16	Hawaii	1,455,271	

**Ideal (target) population per district 727,636**



# Reapportionment and Redistricting in Hawaii

## Redistricting Guidelines

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  - preserve socio-economic communities
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- Court Accepted Deviation less than 10% within Basic Island Unit (State)



### Hawaii BIU

Ideal (target) population per Senate district ??,???

Ideal (target) population per House district ??,???

### Maui BIU

Ideal (target) population per Senate district ??,???

Ideal (target) population per House district ??,???

### Kauai BIU

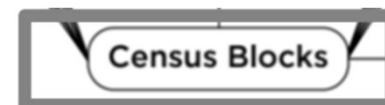
Ideal (target) population per Senate district ??,???

Ideal (target) population per House district ??,???

### Oahu BIU

Ideal (target) population per Senate district ??,???

Ideal (target) population per House district ??,???



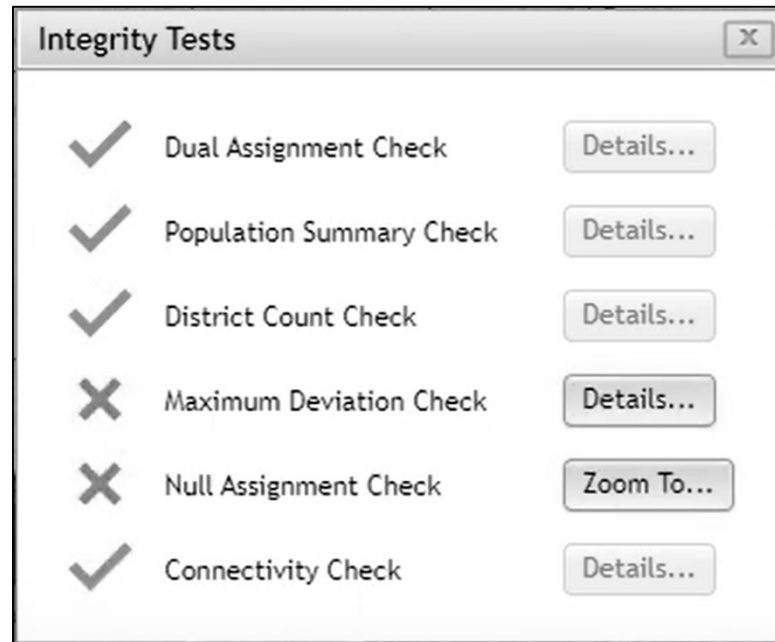
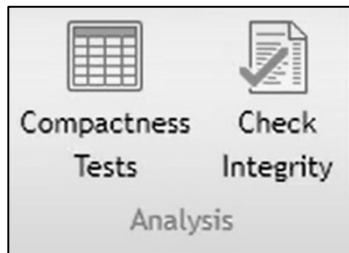
**Mid-August  
2021**



# Reapportionment and Redistricting in Hawaii

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# Reapportionment and Redistricting in Hawaii

- **Reapportionment and Redistricting**
- **Census Data**
- **Redistricting Guidelines**
- **Online Redistricting Application**

# Reapportionment and Redistricting in Hawaii

## Online Redistricting Application

File Learn View Create Review Share Submit

### Esri Redistricting Online

Welcome to Esri Redistricting Online!

Esri Redistricting Online assists state and local governments, advocacy groups, and the general public in drawing legislative and congressional redistricting plans. It provides comprehensive features and functionality for plan management, visualization, editing, and community collaboration.

Esri Redistricting Online can be used for geographic redistricting and territory design. Esri Redistricting Online is a web-based application that establishes and manages multiple redistricting scenarios before finalizing new boundaries.

Esri Redistricting Online provides online access to data content used by the community, including Census and PL 94-171 data. It includes tools to promote transparency and collaboration.

If you are new to the Esri Redistricting Online, start with the [Quick Tour](#), [Creating Plan](#), or read the [Frequently Asked Questions](#). Please refer to the help documentation for more information.

### How to use this tool:

The process flow is as follows:

- Login**
  - Use Account
  - Password
- Create Districts**
  - Draw
  - Tools
  - Summary Tables
- Review Data**
  - Reports
  - Charts
  - Integrity Check
  - Mark-up
- Share Plans**
  - Create Groups
  - Invite Partners

File Learn View Create Review Share Submit

New Open Save Save As Archive Open Local Save Local Print Print Plan Book Import Export

Plans Local Plans Print Interchange

# Reapportionment and Redistricting in Hawaii

## Online Redistricting Application

File Learn **View** Create Review Share Submit

Number of Districts: 2  
Target Mean: 2514598  
 Show Target Values

Use Unassigned Color  
 Display Lines  
 Fill Districts

Display Locks  
 Display Names  
 Shorten Names  
 Show Totals

Swap Districts | Modify Districts | Join Districts | Add Regional | View Regional | District Window

File Learn View **Create** Review Share Submit

Demographics | Selection

District: District 1 | Display Level: Block | Selection Level: Block

Automatic | Scale 1: 144K

0K 200K 500K 1M 2M 10M

Basemap | Themes | Add Content

File Learn View Create **Review** Share Submit

Plan | Plan | District | Compactness | Check Integrity | Reports | Clear All | Open Plan | Refresh

Histogram | Distribution | Distribution | Tests | Integrity | Reports | Map Notes | Plan Comparison/Merge

File Learn View Create Review **Share** Submit

Attach Files | Information | Comments | Access Log | Publish Plan Package | Publish KML | Publish Feature Layer | Share Plan | Manage Groups | Group Invites | Edit Profile

Plan Information | Community | Organization



# Reapportionment and Redistricting in Hawaii

- Reapportionment and Redistricting Questions?
- Census Data
- Redistricting Guidelines
- Online Redistricting Application