



MARK MUGIISHI, M.D.
CHAIR

STATE OF HAWAII REAPPORTIONMENT COMMISSION

NOTICE OF REAPPORTIONMENT COMMISSION MEETING

Date: Tuesday, July 20, 2021
Time: 9:00 A.M.
Place: via Video Conference or Telephone*

*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/91914302250>

Telephone: +1 253 215 8782
+1 346 248 7799
+1 669 900 6833
+1 301 715 8592
+1 312 626 6799
+1 929 205 6099

Meeting ID: 919 1430 2250

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 submit their name, email, and phone number to reapportionment@hawaii.gov. Should problems occur with the videoconferencing technology which precludes individuals from providing

- oral testimony, the Reapportionment Commission will proceed with the meeting.
- IV. Extension of Reapportionment Deadlines by July 7, 2021 Hawaii Supreme Court Order
 - V. Deliberation and Decision Making on the Draft 2021 Rules of the Reapportionment Commission Recommended by the Rules Permitted Interaction Group
 - VI. Continued Redistricting and Reapportionment Presentation by Reapportionment Project Staff
 - VII. Adjournment

IF YOU REQUIRE SPECIAL ASSISTANCE OR AUXILARY 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.

**IV. EXTENSION OF
REAPPORTIONMENT
DEADLINES BY JULY 7, 2021
HAWAII SUPREME COURT
ORDER**

SCPW-21-0000342

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

STATE OF HAWAI‘I ex rel. Clare E. Connors,
Attorney General, Petitioner,

vs.

STATE OF HAWAI‘I 2021
REAPPORTIONMENT COMMISSION, Respondent.

ORIGINAL PROCEEDING

ORDER GRANTING PETITION FOR WRIT OF MANDAMUS
OR EXTRAORDINARY WRIT

(By: Recktenwald, C.J., Nakayama, McKenna, Wilson, and Eddins, JJ.)

The State of Hawai‘i ex rel. Clare E. Connors, Attorney General of the State of Hawai‘i (“Petitioner”) has filed a petition for writ of mandamus or extraordinary writ, with the support of the State of Hawai‘i 2021 Reapportionment Commission (“Commission”), to adjust the deadlines for the Commission to (1) issue public notice of its proposed legislative and congressional reapportionment plans and (2) file its final legislative and congressional reapportionment plans, by slightly less than six months. Upon consideration of the petition and the supporting documents, and given the unique circumstances faced by the Commission, the requested extraordinary writ is necessary and within this court’s authority.

At the start of every decade, the United States Census Bureau ("Census Bureau") counts the total number of persons in each state. The following year, the Commission uses the data collected in the decennial census to reapportion the members of both houses of the State Legislature and the members of the U.S. House of Representatives allocated to Hawai'i among districts that are as of nearly equal population as is practicable. This year, however, due to the federal government's unprecedented and unforeseeable delay in transmitting census data to the States as a result of the COVID-19 pandemic, it is impossible for the Commission to meet the deadlines for issuing public notice of its proposed legislative and congressional reapportionment plans and filing its final legislative and congressional reapportionment plans as set forth under Haw. Const. art. IV, § 2 and HRS § 25-2.

Article IV, Section 2 of the Hawai'i Constitution sets forth deadlines regarding the formation of the Commission and the submission of legislative reapportionment and congressional reapportionment plans:

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 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.

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Not more than one hundred fifty days from the date on which the members are certified, the commission shall file with the chief election officer a reapportionment plan for the state legislature and a reapportionment plan for the United States congressional districts which shall become law after publication as provided by law.

HRS § 25-2(a), which was recently amended by Act 14, Session Laws of Hawai'i 2021, sets forth additional requirements and deadlines for legislative reapportionment:

Legislative reapportionment. The commission shall reapportion the members of each house of the legislature on the basis, method, and criteria prescribed by the Constitution of the United States and article IV of the Hawaii State Constitution. For purposes of legislative reapportionment, a "permanent resident" means a person having the person's domiciliary in the State. In determining the total number of permanent residents for purposes of apportionment among the four basic island units, the commission shall only extract non-permanent residents from the total population of the State counted by the United States Census Bureau for the respective reapportionment year. The commission shall conduct public hearings and consult with the apportionment advisory council of each basic island unit. **No more than one hundred days from the date on which all members are certified, the commission shall cause to be given in each basic island unit, public notice[] of a legislative reapportionment plan prepared and proposed by the commission.** At least one public hearing on the proposed reapportionment plan shall be held in each basic island unit after initial public notice of the plan. At least twenty days' notice shall be given of the public hearing. The notice shall include a statement of the substance of the proposed reapportionment plan, and of the date, time, and place where interested persons may be heard thereon. The notice shall be given at least once in a basic island unit where the hearing will be held. All interested persons shall be afforded an opportunity to submit data, views, or arguments, orally or in writing, for consideration by the commission. **After the last of the public hearings, but in no event later than one hundred fifty days from the date on which all members of the commission are certified, the commission shall determine whether the plan is in need**

of correction or modification, make the correction or modification, if any, and file with the chief election officer, a final legislative reapportionment plan.

Within fourteen days after the filing of the final reapportionment plan, the chief election officer shall cause public notice [] to be given of the final legislative reapportionment plan which, upon public notice, shall become effective as of the date of filing and govern the election of members of the next five succeeding legislatures.

(Emphases added). HRS § 25-2(b) sets forth additional requirements and deadlines for congressional reapportionment:

The commission shall first determine the total number of members to which the State is entitled and shall then apportion those members among single member districts so that the average number of persons in the total population counted in the last preceding United States census per member in each district shall be as nearly equal as practicable. . . . **Not more than one hundred days from the date on which the members are certified, the commission shall cause public notice to be given of a congressional reapportionment plan prepared and proposed by the commission.** The commission shall conduct public hearings on the proposed plan in the manner prescribed under subsection (a). At least one public hearing shall be held in each basic island unit after initial public notice of the plan. **After the last of the public hearings, but in no event later than one hundred fifty days from the date on which all members of the commission are certified, the commission shall determine whether or not the plan is in need of correction or modification, make the correction or modification, if any, and file with the chief election officer, a final congressional reapportionment plan.**

Within fourteen days after filing of the final reapportionment plan, the chief election officer shall cause public notice to be given of the final congressional reapportionment plan which, upon public notice, shall become effective as of the date of filing and govern the election of members of the United States House of Representatives allocated to this State for the next five succeeding congresses.

(Emphases added).

Under the present constitutional and statutory framework, the Commission's deadline to issue public notice of

its proposed legislative and congressional reapportionment plans is July 22, 2021, and its deadline to file its final legislative and congressional reapportionment plans is September 10, 2021.

Due to COVID-19-related delays, the Census Bureau has announced that it will not be able to provide 2020 census data to the states until between August 15 and August 31, 2021, and that delivery of the 2020 redistricting data would be delayed from March 31, 2021 to September 30, 2021. Given this forecasted delay in the Census Bureau's release of the data, the Commission is unable to meet the time requirements under Haw. Const. art. IV, § 2 and HRS § 25-2.

The purpose of the deadlines set forth in Haw. Const. art. IV, § 2 and HRS § 25-2 is to provide a means for timely action by the Commission to conduct a reapportionment. Taking this into consideration, together with the impossibility of compliance with the deadlines due to the extraordinary and unprecedented circumstances that we have faced over the past year -- a global public health crisis that has compelled the federal government to pause the decennial census and seek congressional authorization for an extension of its own deadline -- compels this court to provide relief in this instance. The Hawai'i State Senate also recognized the need for relief when it adopted Senate Resolution No. 220, S.D. 1, which requested the Attorney General "to begin legal proceedings to . . . petition the Hawaii Supreme Court seeking relief to prevent action against the Reapportionment Commission for the Reapportionment Commission's

failure to meet statutory or constitutional deadlines relating to the 2021 reapportionment plans resulting from the United States Census Bureau's delay in delivering high quality data to the states and public[.]”

Thus, pursuant to this court's jurisdiction under article VI, section 1 of the Constitution of the State of Hawai'i, which provides this court with authority under HRS § 602-5(6) “[t]o make and award such judgments, decrees, orders and mandates, . . . and do such other acts and take such other steps as may be necessary to carry into full effect the powers . . . given to it by law or for the promotion of justice in matters pending before it[,]” and in light of the extraordinary and unprecedented circumstances at issue here, a narrow, one-time adjustment to the deadlines, to enable the relevant constitutional and statutory redistricting provisions otherwise to operate as written and intended, is appropriate. Accordingly,

IT IS HEREBY ORDERED that the petition for writ of mandamus or extraordinary writ is granted. The Commission shall:

(1) issue a public notice of the Commission's proposed legislative and congressional reapportionment plans no later than **January 8, 2022**; and

(2) file its final legislative and congressional reapportionment plans with the Chief Election Officer no later than **February 27, 2022**.

We emphasize that these adjustments to the relevant deadlines are solely limited to the required notice and filing set forth in (1) and (2), above. Should the federal government release the census data sooner, the Commission should make every effort to expedite its process and issue its public notice and final reapportionment plans in advance of the deadlines set forth in this order.

DATED: Honolulu, Hawai'i, July 7, 2021.

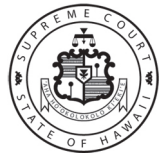
/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Michael D. Wilson

/s/ Todd W. Eddins



**V. DELIBERATION AND
DECISION MAKING ON THE
DRAFT 2021 RULES OF THE
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. 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. 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, 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 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 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.

“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 may be 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. Public 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 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 vendor for reproduction or photocopying;
- (3) The costs of searching for, reviewing, and segregating records as set forth in HAR §§ 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.

RULE 7. Notice of Meetings. Notice of any regular, special or rescheduled meetings of the Commission shall be posted 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 provided 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 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. The Commission may hold an emergency meeting to deliberate and decide whether and how to act in response to an unanticipated event in accordance with HRS §§ 92-4 and 92-5.

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.

RULE 10. Reserved.

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 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. 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 Commission 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 §§ 1-28.5 and 25-2.

RULE 14. Hearing Procedures.

(a) Hearings on the initial plans for legislative and congressional reapportionment shall be held in accordance with HRS § 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 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. Requests to testify and written testimony 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, arguments, or other testimony, which 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 meetings of the Commission, including 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. Permitted Interaction Groups. Permitted interaction groups may be established as deemed necessary to carry out functions of the Commission. Tasks may be delegated to a permitted interaction group as deemed appropriate by the Commission. A majority of the

members of a permitted interaction group shall constitute a quorum, and the presence of a quorum of the permitted interaction group shall be necessary to conduct business.

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 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 the State Constitution or HRS, the provisions of the State Constitution and HRS 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.

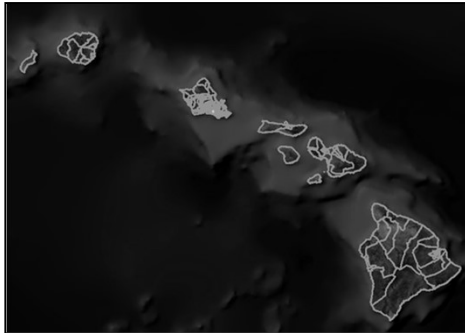
RULE 29. Adoption, Amendment, or Repeal of Rules. Rules of the Commission shall be adopted by a vote of two-thirds of the members to which the Commission is entitled. Amendments to, or repeal of, the rules shall be made by a vote of two-thirds of the members to which the Commission is entitled.

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

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

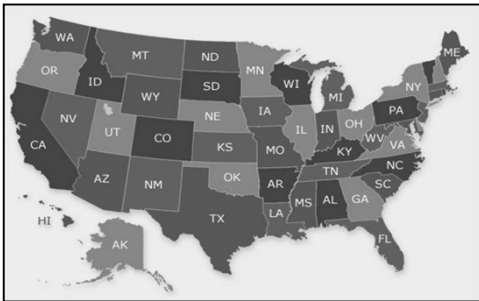


Reapportionment and Redistricting in Hawaii



Reapportionment Commission Meeting 20 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

Final Report and Reapportionment Plan



STATE OF HAWAII

2011 REAPPORTIONMENT COMMISSION

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
Private
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**

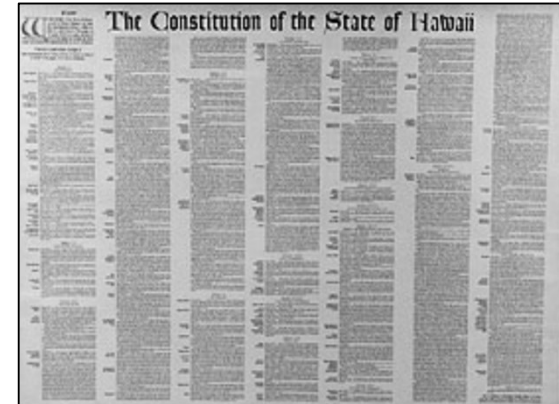
Reapportionment and Redistricting in Hawaii

Equal Representation

- Federal



- State



Reapportionment and Redistricting in Hawaii

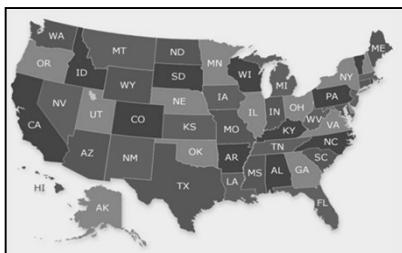
Equal Representation

- 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

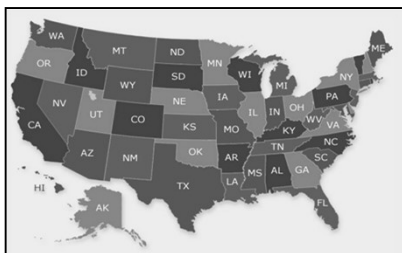
Reapportionment and Redistricting in Hawaii

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

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 - Kauai
 - Niihau

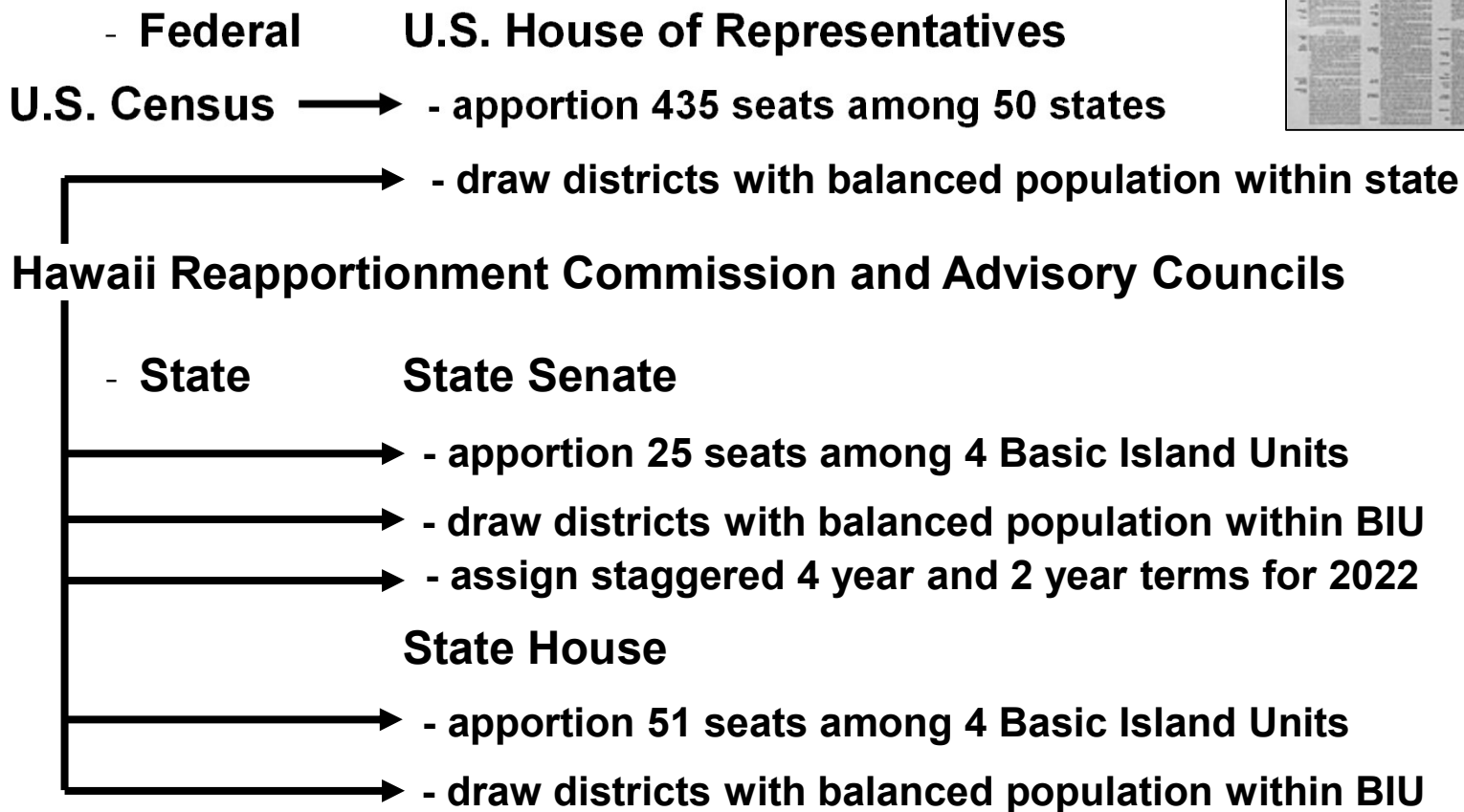
Oahu

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

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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

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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

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 - 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

- 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

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 - 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
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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

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- 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.



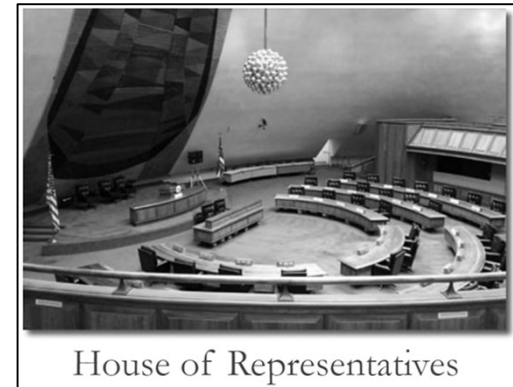
Reapportionment and Redistricting in Hawaii

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**



Senate



House of Representatives

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. Miwa
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

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 - Molokai
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- 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**

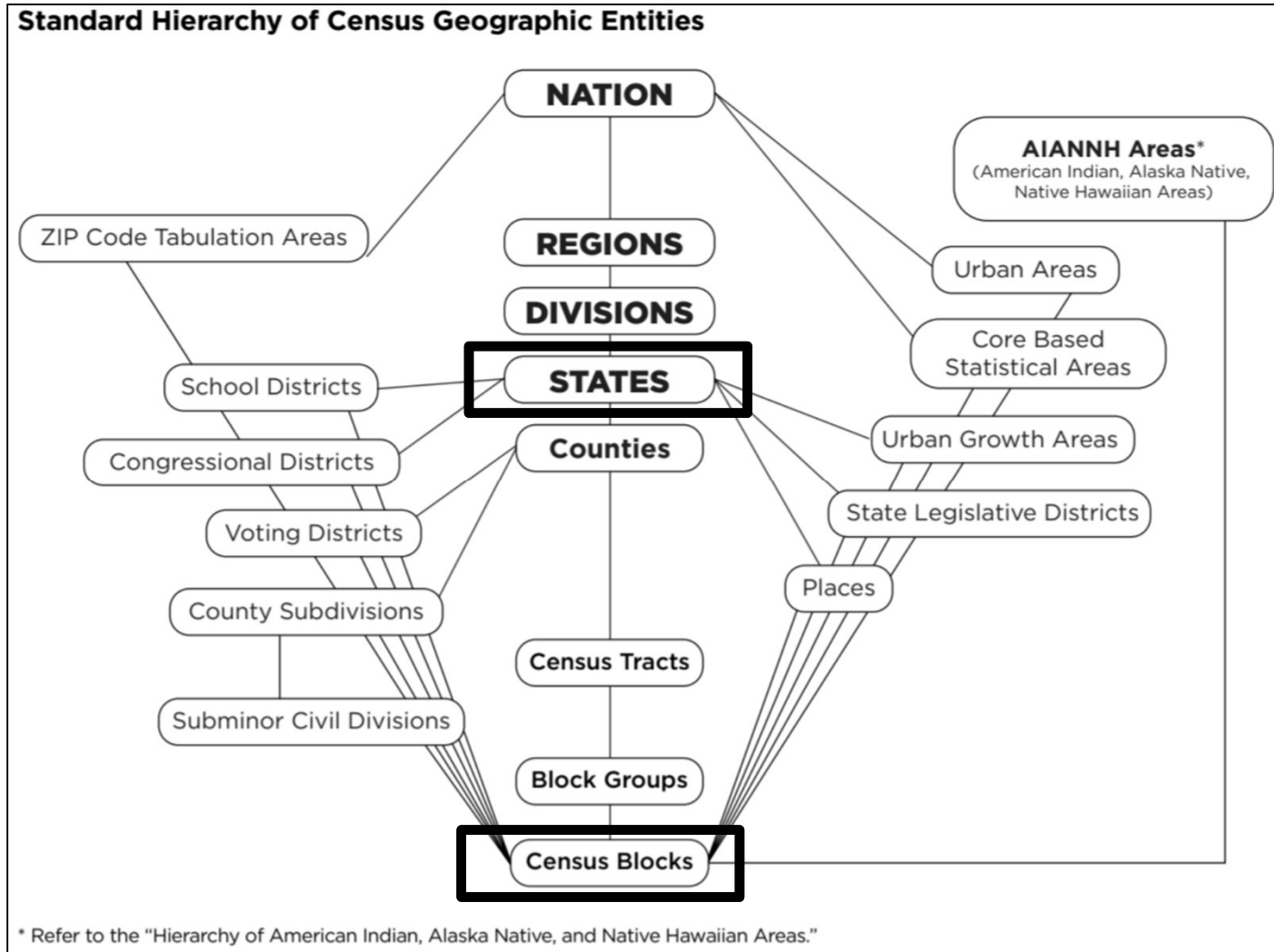
- **U.S. Census in 2020**

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



Reapportionment and Redistricting in Hawaii

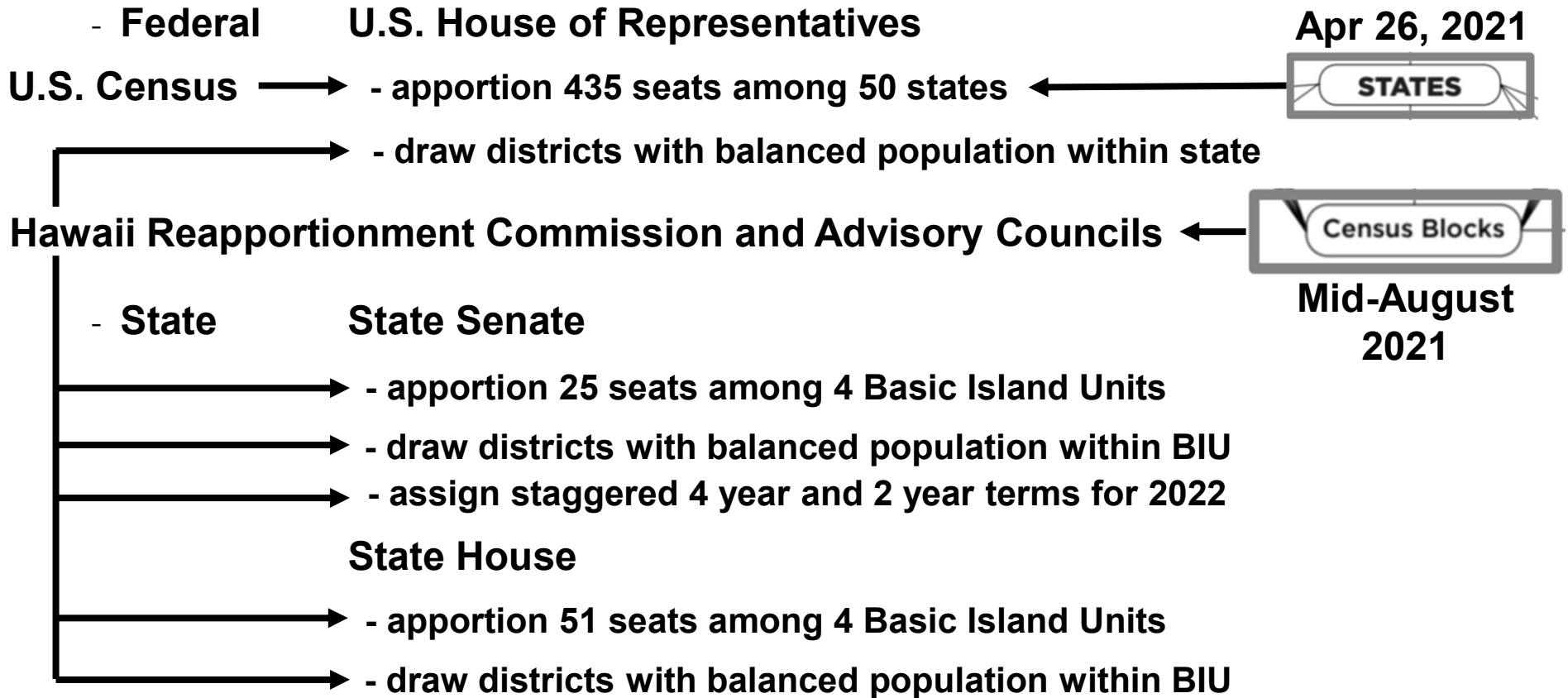
Census Data



Reapportionment and Redistricting in Hawaii

Census Data

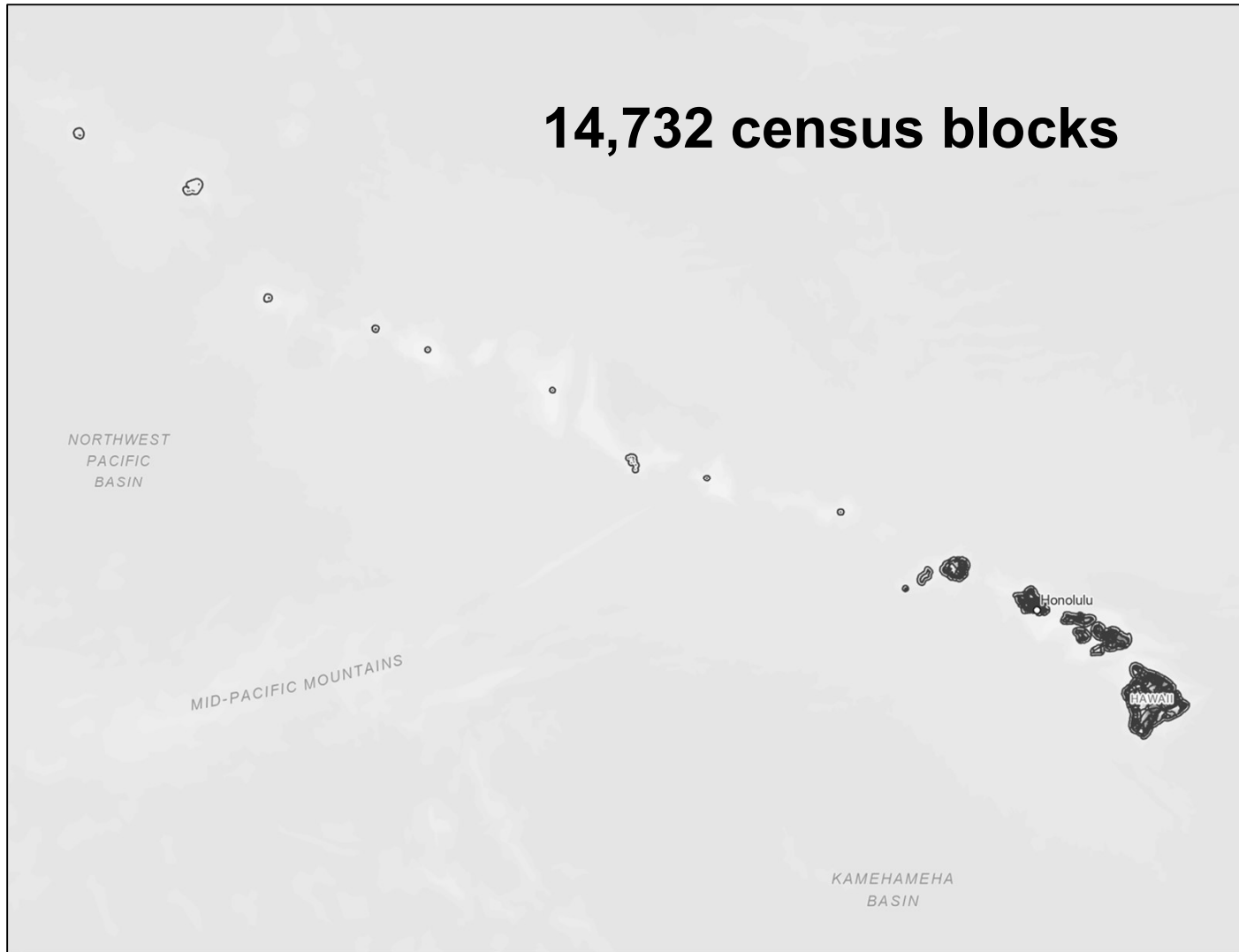
- Reapportionment
- Redistricting



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



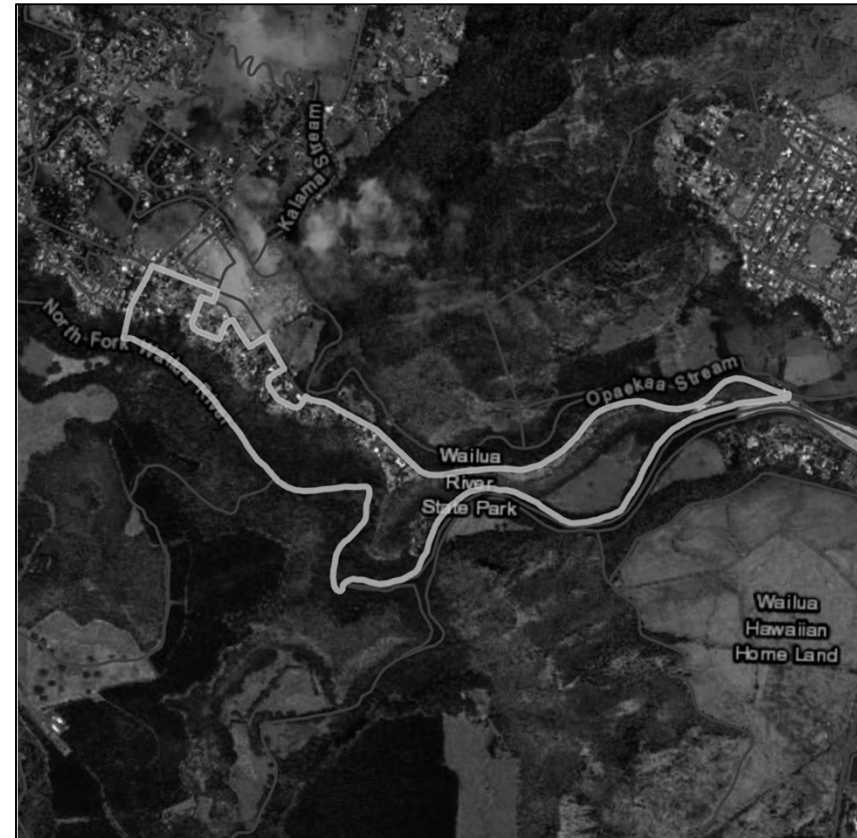
**U.S. Census reports resident populations for every block
as of April 1, 2020**

Mid-August
2021

Reapportionment and Redistricting in Hawaii

Census Blocks

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

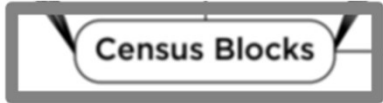
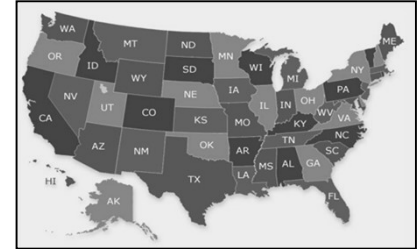


**U.S. Census reports resident populations for every block
as of April 1, 2020**

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
NPR Total	71,162	70,104	536	225	297

- 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

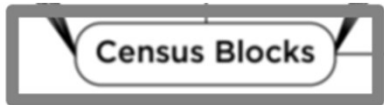
Reapportionment and Redistricting in Hawaii

Census Data

Population Base - State



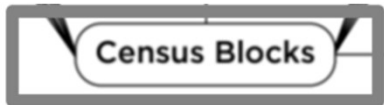
**Permanent Resident Population
State Senate and State House**



**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 Reapportionment

Steps:

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



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- Revision and final adoption of plans by Commission
- Commission files plans with Chief Elections Officer

Reapportionment:

- *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*

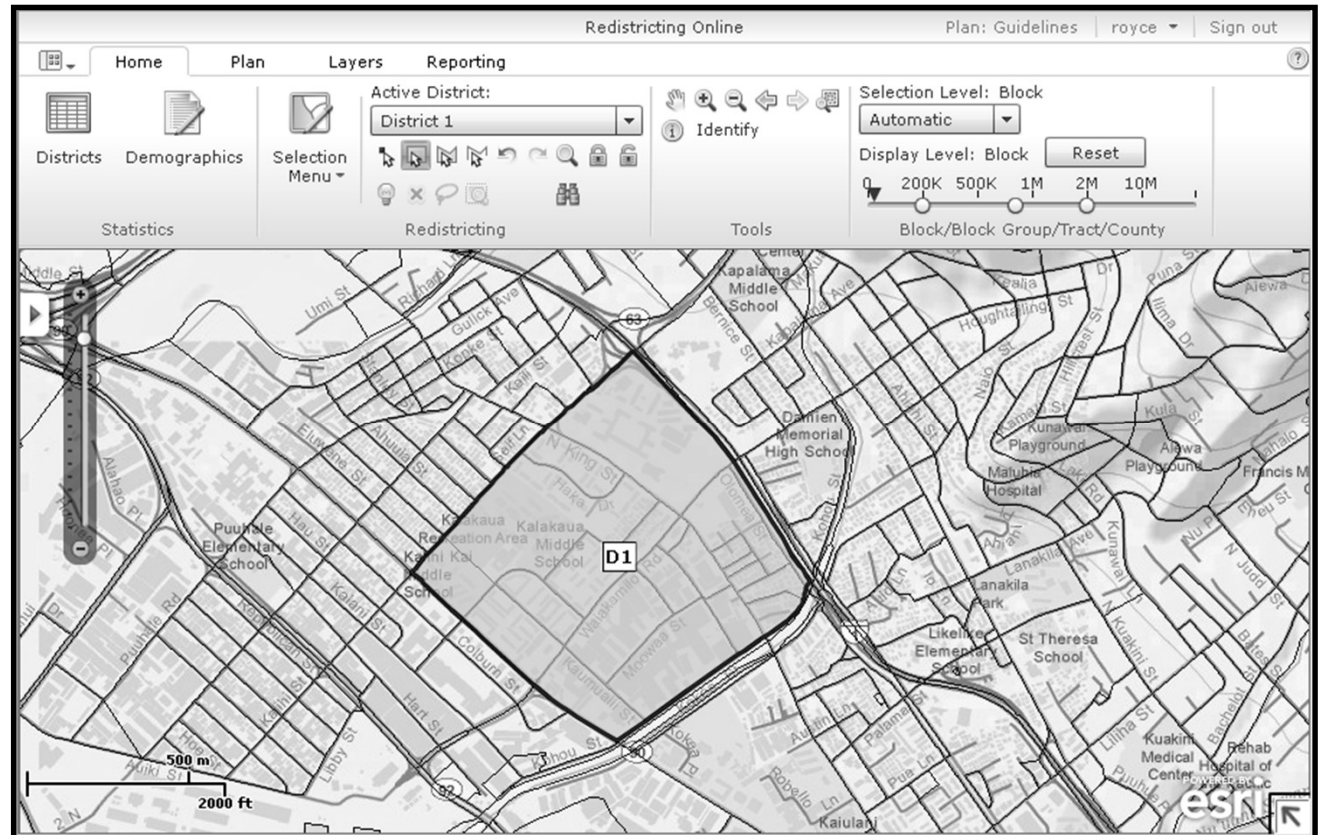
Reapportionment and Redistricting in Hawaii

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

Reapportionment and Redistricting in Hawaii

Redistricting Guidelines

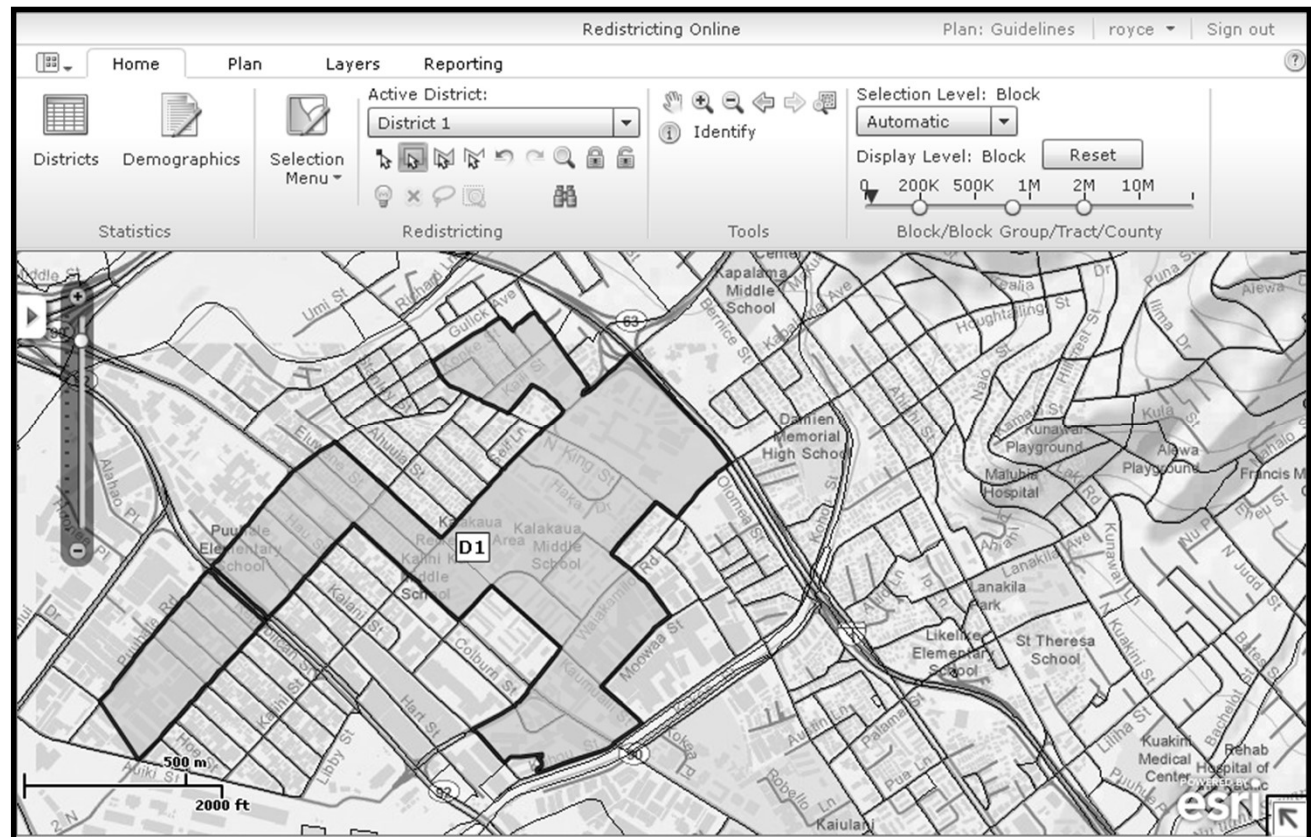
- geometrically
- Compact



Reapportionment and Redistricting in Hawaii

Redistricting Guidelines

- Compact - geometrically

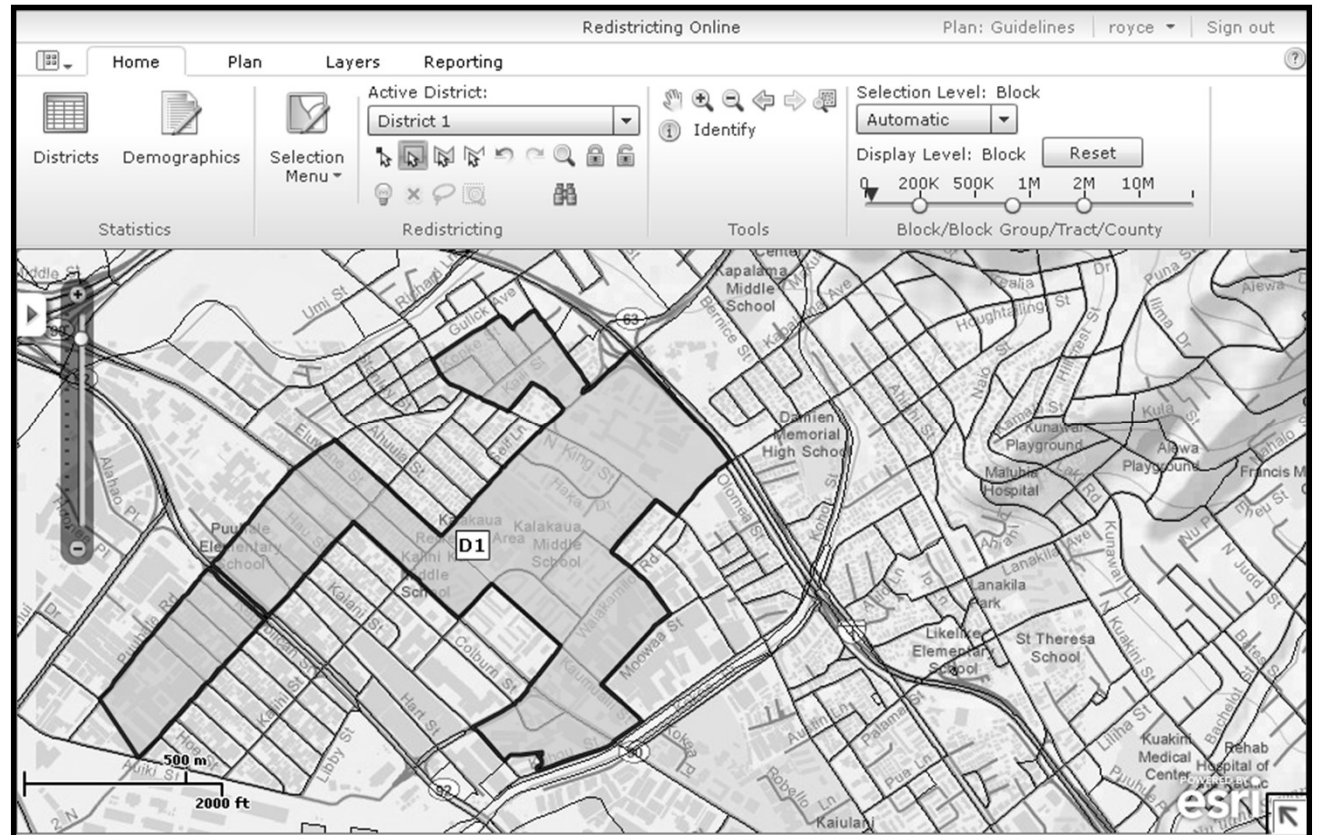


Reapportionment and Redistricting in Hawaii

Redistricting Guidelines

- geometrically

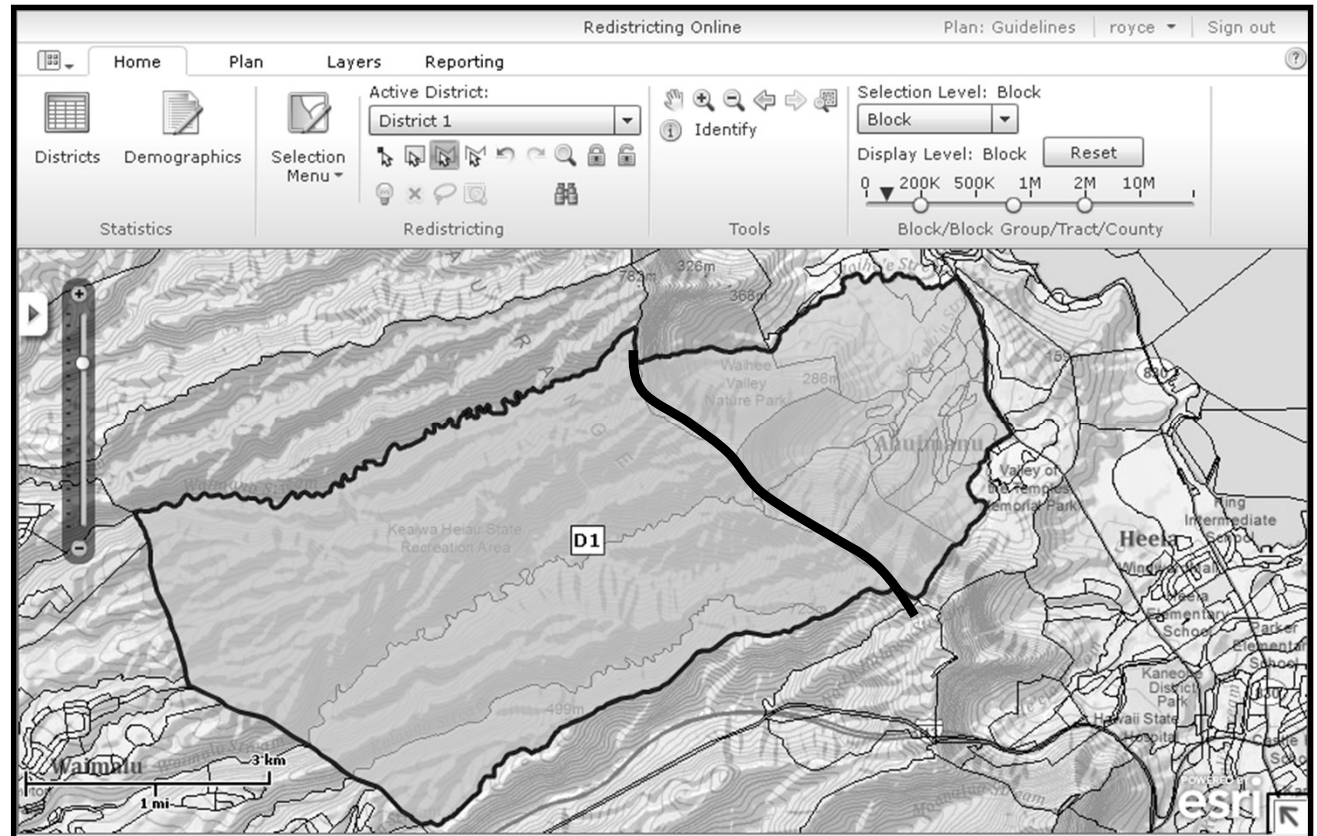
- Compact



Reapportionment and Redistricting in Hawaii

Redistricting Guidelines

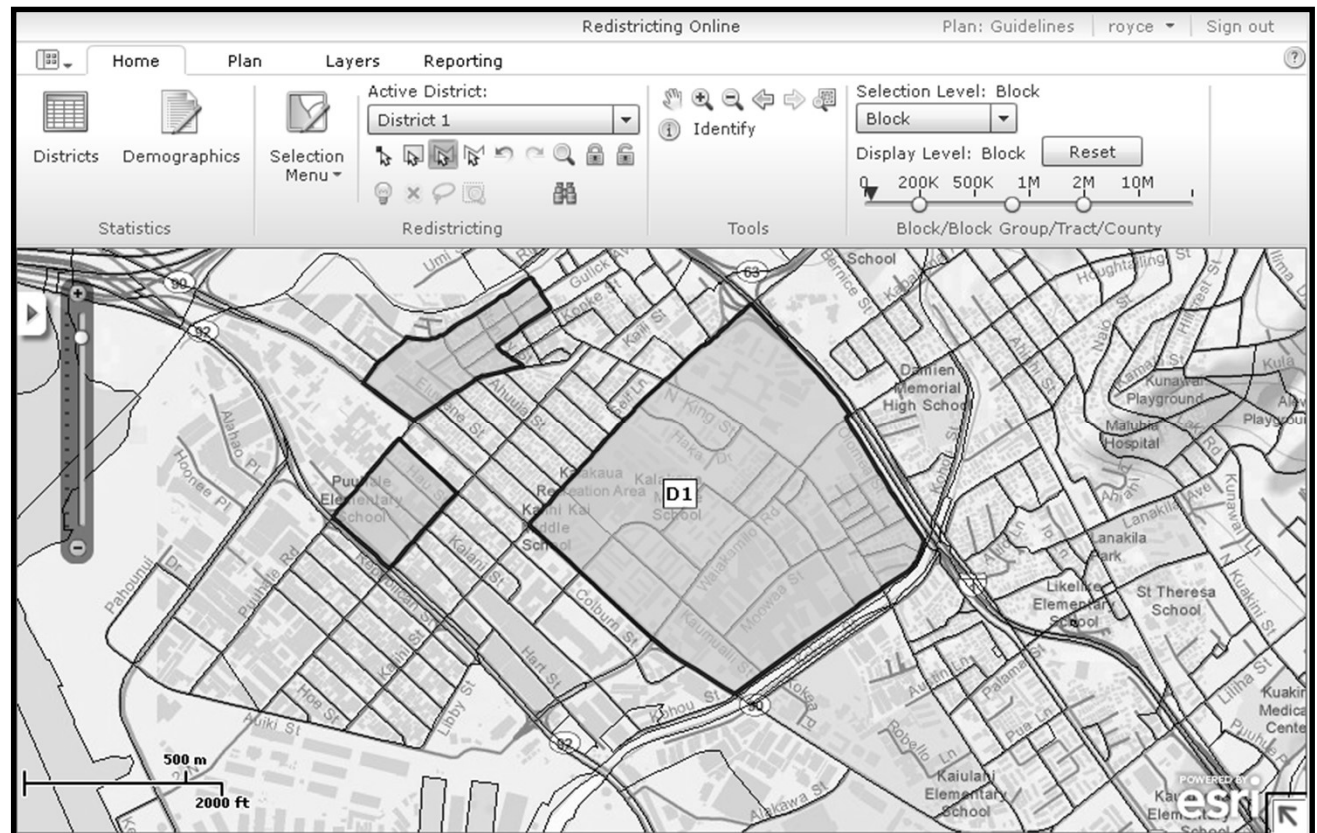
- Compact
 - geometrically
 - geographically



Reapportionment and Redistricting in Hawaii

Redistricting Guidelines

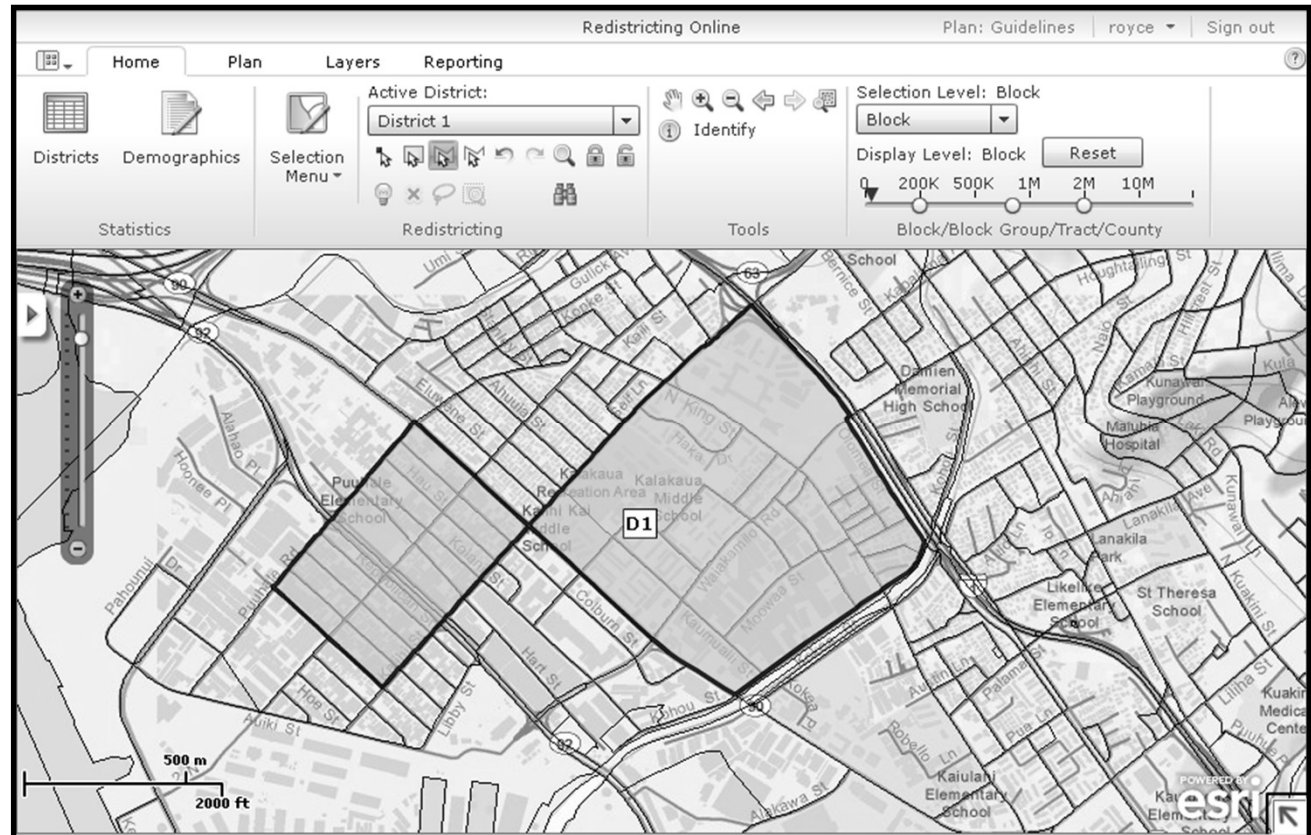
- Compact
- Geographically
- Contiguous
- No disconnects



Reapportionment and Redistricting in Hawaii

Redistricting Guidelines

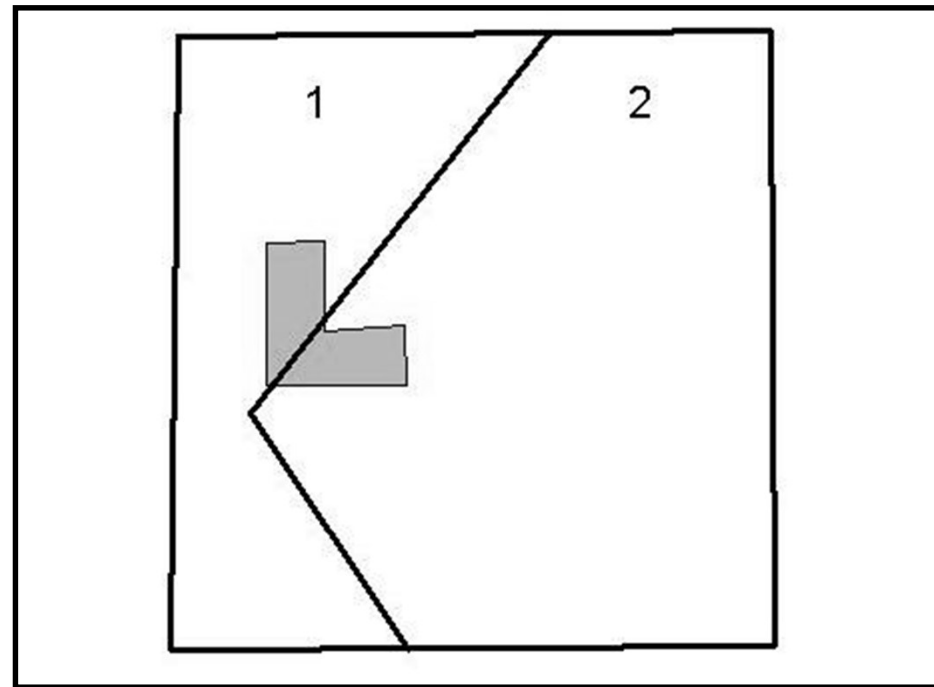
- Compact
- Geographically
- Contiguous
- no disconnects
- no “one point” connections



Reapportionment and Redistricting in Hawaii

Redistricting Guidelines

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



Reapportionment and Redistricting in Hawaii

Redistricting Guidelines

- Compact
 - geometrically
 - geographically
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 - preserve socio-economic communities



“where practicable”



Reapportionment and Redistricting in Hawaii

Redistricting Guidelines

- Compact
 - geometrically
 - geographically
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- 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

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

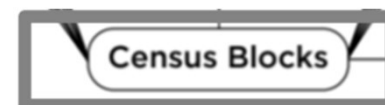
Ideal (target) population per Senate district ??,???

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

Oahu BIU

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

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



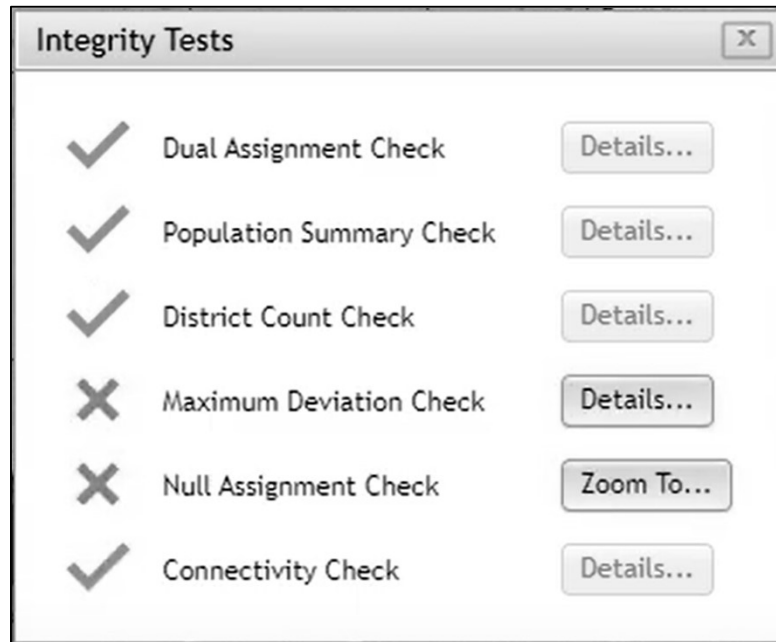
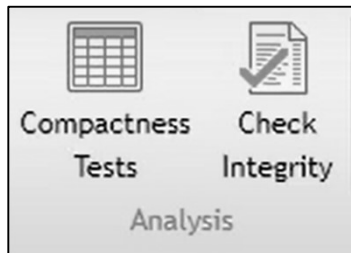
**Mid-August
2021**



Reapportionment and Redistricting in Hawaii

Redistricting Guidelines

- Compact
 - geometrically
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- Court Accepted Deviation less than 10% within Basic Island Unit (State)



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:

- 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 | 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