Meetings of the Charter Review Commission will be conducted as follows until further notice:

- Meetings will be publicly noticed pursuant to HRS Chapter 92.
- Minutes of meetings will be completed pursuant to HRS Chapter 92 and posted to the Commission’s website upon completion and approval.

Public Comments and Testimony:

- **Written testimony** will be accepted for any agenda item herein.
  - Written testimony indicating your 1) name, and if applicable, your position/title and organization you are representing, 2) the agenda item that you are providing comment on, and 3) contact information (telephone number and email address), may be submitted to asegregi@kauai.gov or mailed to the Charter Review Commission, c/o Office of Boards and Commission, 4444 Rice Street, Suite 300, Lihue, Hawaii 96766.
  - Written testimony received by the Charter Review Commission at least 24 hours prior to the meeting will be distributed to all Charter Review Commissioners prior to the meeting.
  - Any testimony received after this time and up to the start of the meeting will be summarized by the Clerk of the Commission during the meeting and added to the record thereafter.
  - Any late testimony received will be distributed to the to the members after the meeting is concluded.

- **Oral testimony** will be taken during the public testimony portion of the meeting.
  - It is recommended that anyone interested in providing oral testimony register at least 24 hours prior to the meeting by emailing asegregi@kauai.gov or calling (808) 241-4917. Any request to register shall include your 1) name, and if applicable, your position/title and organization you are representing, and 2) the agenda item that you are providing comment on, and 3) contact information (telephone number and email address).
  - Per the Charter Review Commission’s and Chairs practice, there is three-minute time limit per testifier per agenda item.
  - Individuals who have not registered to provide testimony will be given an opportunity to speak on an agenda item following the registered speakers.

SPECIAL ASSISTANCE

IF YOU NEED AN AUXILIARY AID/SERVICE, OTHER ACCOMMODATION DUE TO A DISABILITY, OR AN INTERPRETER FOR NON-ENGLISH SPEAKING PERSONS PLEASE CONTACT THE OFFICE OF BOARDS AND COMMISSIONS AT (808) 241-4917 OR ASEGRETI@KAUAI.GOV AS SOON AS POSSIBLE. REQUESTS MADE AS EARLY AS POSSIBLE WILL ALLOW ADEQUATE TIME TO FULFILL YOUR REQUEST. UPON REQUEST, THIS NOTICE IS AVAILABLE IN ALTERNATIVE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.
REGULAR MONTHLY MEETING NOTICE AND AGENDA
Monday, April 25, 2022
3:00 p.m. or shortly thereafter
Boards & Commissions Office Conference Room
Pi`ikoi Building, Suite 300
4444 Rice Street, Līhu`e, HI 96766

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

D. MINUTES of the meeting of the Open Session
   1. March 28, 2022

E. PUBLIC TESTIMONY

F. COMMUNICATION
   None

G. BUSINESS
   CRC 2022-08 Discussion and possible action on the report of the Permitted Interaction Group (PIG). The purpose of the Permitted Interaction Group (PIG) is to provide a written recommendation on how and whether to create districting for our County Council.

   CRC 2020-17 Discussion and possible action on proposing a Charter amendment relating to Council Districting.

   CRC 2022-09 Discussion and possible action on a proposal proposed ballot question, purpose, and background on Charter amendment to amend Article XXIX of the Charter allowing the Salary Commission authority to establish the maximum salaries of all elected and appointed officials.
CRC 2022-05  Discussion and possible action on proposed ballot question, purpose, and background on Charter amendment to remove Article XXX relating to the Electric Power Authority.

H. **ANNOUNCEMENTS**
   Next Meeting: May 23, 2022

I. **ADJOURNMENT**

**NOTICE OF EXECUTIVE SESSION**
Pursuant to Hawaii Revised Statutes §92-7(a), the Board may, when deemed necessary, hold an executive session on any agenda item without written public notice if the executive session was not anticipated in advance. Any such executive session shall be held pursuant to HRS §92-4 and shall be limited to those items described in HRS §92-5(a). Discussions held in Executive Session are closed to the public.

cc: Hugo Cabrera, Deputy County Attorney
COUNTY OF KAUA\i
Minutes of Meeting
OPEN MEETING SESSION

<table>
<thead>
<tr>
<th>Board/Commission:</th>
<th>CHARTER REVIEW COMMISSION</th>
<th>Meeting Date</th>
<th>MARCH 28, 2022</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>Boards &amp; Commissions Conference Room, Lihue Civic Center</td>
<td>Start of Meeting: 3:17 p.m.</td>
<td>End of Meeting: 4:38 p.m.</td>
</tr>
<tr>
<td>Present</td>
<td>Chair Lori Koga, Vice Chair Jan TenBruggencate. Commissioners: Virginia Kapali, Marissa Sandblom, Coty Trugillo. Also: Hugo Cabrera, Deputy County Attorney. Boards &amp; Commissions Office Staff: Administrator Ellen Ching, Administrative Specialist Anela Segreti.</td>
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<tr>
<td>Excused</td>
<td>Bronson Bautista, Reid Kawane</td>
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<td></td>
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<tr>
<td>Absent</td>
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<thead>
<tr>
<th>SUBJECT</th>
<th>DISCUSSION</th>
<th>ACTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Call To Order</td>
<td>Chair Koga welcomed new Commissioner Trugillo and said good-bye to Commissioner Kapali, thanking her for being a mentor to her.</td>
<td>Chair Lori Koga, called the meeting to order at 3:17 p.m.</td>
</tr>
<tr>
<td>B. Roll Call</td>
<td>Roll Call: Commissioner Bautista-excused Commissioner Kapali- present Chair Kawane - excused Commissioner Sandblom- present Commissioner Trugillo-present Vice Chair TenBruggencate-present Chair Koga- present Quorum: 5 commissioners present</td>
<td></td>
</tr>
<tr>
<td>C. Approval of Agenda</td>
<td>Vice Chair TenBruggencate moved to approve the agenda. Commissioner Sandblom seconded. Voice Vote: 5 Ayes, 0 Nays Motion carried 5:0</td>
<td></td>
</tr>
<tr>
<td>D. Minutes</td>
<td>Open Session Minutes of February 28, 2022</td>
<td>Vice Chair TenBruggencate moved to</td>
</tr>
<tr>
<td>SUBJECT</td>
<td>DISCUSSION</td>
<td>ACTION</td>
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<tr>
<td>Chair Koga corrected errors in roll call for Vice Chair TenBruggencate, Chair Koga and Commissioner Kawane.</td>
<td>approve the minutes of February 28, 2022, as edited. Commissioner Sandblom seconded. Voice Vote: 5 Ayes, 0 Nays Motion carried 5:0</td>
<td></td>
</tr>
<tr>
<td><strong>E. Public Testimony</strong></td>
<td>None</td>
<td></td>
</tr>
<tr>
<td><strong>F. Communication</strong></td>
<td>BOE 2022-07 Memorandum from the Chair and Members of the Salary Commission dated January 31, 2022, regarding a proposal to amend Article XXIX of the Charter allowing the Salary Commission authority to establish the maximum salaries of all elected and appointed officials. Chair Koga clarified that Chair of Salary Commission is Patrick Ono.</td>
<td>Vice Chair TenBruggencate moved to receive communication BOE 2022-07. Commissioner Sandblom seconded. Voice Vote: 5 Ayes, 0 Nays Motion carried 5:0</td>
</tr>
<tr>
<td><strong>G. Business</strong></td>
<td>CRC 2022-08 Discussion and possible action on the report of the Permitted Interaction Group (PIG). The purpose of the Permitted Interaction Group (PIG) is to provide a written recommendation on how and whether to create districting for our County Council. Chair Koga explained that per Sunshine Law today will be a presentation by the PIG and no discussion. At the next meeting they will be able to ask questions and have discussion. Commissioner Sandblom presented an overview of the PIG report and shared a</td>
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</table>
few highlights. She stated that the PIG met four times and spent intensive amounts of time review in historical proposals, recent articles on districting and came up with nine (9) recommendations that can be found on page 14 of the document (on file). She entertained questions for clarity only.

Chair Koga stated that the committee did an awesome job.

Commissioner Sandblom commended Administrator Ching for her assistance in gathering information for review to get a better foundation on how to approach this proposal this time around.

Commissioner Kapali clarified that this presentation is just to submit the report and that the public also has access to it as part of the agenda.

Vice Chair TenBruggencate stated that the PIG reviewed the many proposals and issues around them and asked the ultimate recommendation to characterize a further look at this.

Commissioner Sandblom stated that they did not want any proposal that is put out to have any unintended consequences, i.e., the recent special election that was not an intended outcome of the Charter amendment. She went on that the first recommendation of hiring a consultant came about as the PIG could not come to an agreement on what would be most beneficial for Kauai stating that in the report, for example, there are questions that they assumed wrongfully that based on public testimony that it might be cheaper to run an election if had districting, it might be more representative of the island geography and some of these have been proven false by the data.

Commissioner Truigillo asked why the question of districting has come up and Commissioner Sandblom explained that public interest had sparked the need to look at districting proposals.
<table>
<thead>
<tr>
<th>SUBJECT</th>
<th>DISCUSSION</th>
<th>ACTION</th>
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<tbody>
<tr>
<td>Administrator Ching added that about two years ago she was approached by a member of the public to get a districting proposal on the ballot, she explained it was late in the process but asked the Chair and it was placed on the agenda, but the Commission at that time stated that they committed to get in back on the agenda the next time.</td>
<td>Vice Chair TenBruggencate moved to defer CRC 2022-08 to the next meeting for discussion. Commissioner Sandblom seconded.</td>
<td></td>
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<td>Vice Chair TenBruggencate stated that different proposals have been on the ballot before and never passed and therefore it is back again. The Commission have looked at proposals several years and they could not agree on a proposal to take to the ballot. He went on to explain why the PIG was formed.</td>
<td>Voice Vote: 5 Ayes, 0 Nays</td>
<td>Motion carried 5:0</td>
</tr>
<tr>
<td>Commissioner Kapali stated that in understanding the depth of all of this there needs to be more discussion on a proposed amendment to the ballot and thanked all that worked on it.</td>
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<td>CRC 2020-17 Discussion and possible action on proposing a Charter amendment relating to Council Districting.</td>
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<td>Chair Koga asked if there were any members of the public that wanted to speak on this item.</td>
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<td>Mr. Burt Lyon, testifier, stated that he was impressed on the report of the PIG and thanked them for their work. He agreed that it is a difficult to make a decision right now, and to do it properly they should explore everything. He commented on the recommendations, i.e., Recommendation #1, he feels that a consultant is an excellent idea, and that Colin Moore from the UH (University of Hawaii) Public Policy department gave a presentation to Maui Charter Review Commission, and he thought that may be someone they’d want to consider. He added that if they choose the consultant</td>
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<td>SUBJECT</td>
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<td>PRIVA</td>
<td>should determine the sample size and confidence interval. On Recommendation #3, on the pros and cons and equal worth of each persons vote, he feels is subjective. Regarding the concern of having a reapportion commission to ensure that there will not be a canoe district, he does not see how there could be one for Kauai, that it would be impossible, aside from Niihau that would not be possible. Recommendation #6 about starting with the 2016 ballot question which lost by 161 votes, the assumption that since it lost by such a small amount that it was a popular option. He believes that the Commission should look at the 2016 survey and look at two most popular make-ups which were five (5) district, two (2) at large and seven (7) district, zero (0) at large, which were 24% and 23% respectively. He went on to state that starting with the three (3) districts with the House of Representatives, he does not see a danger of a canoe district but that there would be a danger of the State having a canoe district and one of the districts would be short a certain number of votes whatever they would have on another island. He believes that sticking with number of State districts goes against the purpose of having districts which is smaller districts and have more concise representation.</td>
<td>Vice Chair TenBruggencate moved to defer CRC 2020-17 to next meeting. Commissioner Sandblom seconded. Voice Vote: 5 Ayes, 0 Nays Motion carried 5:0</td>
</tr>
<tr>
<td>Discussion and possible action on a proposal to amend Article XXIX of the Charter allowing the Salary Commission authority to establish the maximum salaries of all elected and appointed officials.</td>
<td>Vice Chair TenBruggencate stated that he is generally in support of the Salary Commission’s recommendations on this. Administration Ching stated that the proposal is based on the ballot question that was on the 2018 ballot, exactly. She explained that the Salary Commission has difficulty every other year with the economic condition and that it does not make sense for them to put forward a salary resolution in an election year. They continue to struggle with salary conversions, union raises which department heads do not receive, vacancies and difficulty in hiring local. She pointed out that Kauai is the only County that the Salary Commission is</td>
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<td>SUBJECT</td>
<td>DISCUSSION</td>
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<td>not authorized to set the salaries. This is a way to address some of the issues. Commissioner Kapali added that when the Salary Commission gets together a salary resolution it must be approved by the County Council and when it reaches the Council agenda, it can be changed. She also explained that they Salary Commission does do a lot of research in determining salaries. Administrator Ching added that the Director of Finance and Human Resources are consulted, and reports are reviewed. Vice Chair TenBruggencate stated that unlike the other Kauai Commissions which are given a lot more power than other Counties give to citizen commissions except for Salary Commission, and he feels that giving them the authority fits within how we put our county government together. Administrator Ching and the Commissioners discussed the issues of Council voting to approve the salary resolution and how that can be an issue for the council members as it is perceived as them giving themselves a raise when in fact it is for the next elected council. As well as people not seeing that it is a maximum amount and that there is flexibility to offer less. Discussion of the ballot question being simple and legal. Chair Sandblom recommended that the question not have two parts as in the current question. Administrator Ching asked that the commissioners allow her and the Deputy County Attorney Cabrera work on the ballot question, purpose and background and get back to the commission.</td>
<td>Vice Chair TenBruggencate moved to approve CRC 2022-09 the Salary Commissions proposed Charter language and to hear from administrator for discussion. Commissioner Kapali seconded. Vice Chair TenBruggencate withdrew his motion. Vice Chair TenBruggencate moved to approve the recommendation of the salary commission with the deletion of references to ex-officio members and ask staff to review the proposal and bring back to Commission at the next meeting to review. Commissioner Kapali seconded. Voice Vote: 5 Ayes, 0 Nays</td>
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<tr>
<td>SUBJECT</td>
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<td>ACTION</td>
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<tr>
<td>CRC 2022-05 Discussion and possible action on proposed ballot question, purpose, and background on Charter amendment to remove Article XXX relating to the Electric Power Authority.</td>
<td>Vice Chair TenBruggencate recused himself from this item, he is a member of the KIUC board.</td>
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<td>Administrator Ching shared that she and Deputy County Attorney worked on the ballot question, purpose, and background (on file) for the Commission to review.</td>
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<td>Commissioner Kapali clarified that this was looked at before but did not make the ballot in 2020.</td>
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<td>Administrator Ching clarified that it was on the ballot in 2018 and voted down, but that it is a housekeeping item, and she has asked the Commission to look at it again for the 2022 ballot and worked on the question to simplify it.</td>
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<td>The Commissioners and Administrator discussed the ballot question.</td>
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<td>Commissioner Kapali suggested, “Shall the Charter to remove Article XXX which gives the County Council…”</td>
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<td>Commissioner Sandblom suggested that the purpose of the amendment is to remove provisions in the Charter that will allow rather than will allow.</td>
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<td>Administrator Ching clarified that there will be a final vote on what will go on the ballot.</td>
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<tr>
<td>Commissioner Kapali moved to put the Charter amendment for removing Article XXX on the next ballot pursuant to tweaking language and getting purpose, and background with the County Attorneys and Administrator and made clearer and it be brought to the next meeting for final consideration. Commissioner Sandblom seconded.</td>
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<td>Voice Vote: 4 Ayes, 0 Nays</td>
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<tr>
<td>SUBJECT</td>
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<td>ACTION</td>
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</table>
| CRC 2021-08 Discussion and possible action on proposed ballot question,  | **Vice Chair TenBruggencate returned to the meeting at 4:26pm**
| purpose, and background to amend Charter Section 9A.05. Vacancy in Office  | Administrator Ching welcomed input on proposed language presented to Commissioners (on file).
| related to the Office of the Prosecuting Attorney.                      | Commissioner Sandblom clarified that this amendment is to clarify that if there is a vacancy the first deputy will assume the position to the next election.
|                                                                        | Vice Chair TenBruggencate clarified that the 1st Deputy will serve until the next regular election cycle. He said that the last amendment was to fix the six-month gap with no guidance whatsoever, but then that created a new problem of a special election.
|                                                                        | Administrator Ching clarified that it is a 4-year term, and it could be less than 2 years.                                                                                                                                                                                                                                                 | Motion carried 4:0:1 recused                                                                 |
| CRC 2021-04 Discussion and possible action on Charter Initiatives of   | Vice Chair TenBruggencate moved to make this proposed Charter amendment part of the 2022 general election to be reviewed at the final review. Commissioner Sandblom seconded.                                                                                                                | 5 Ayes, 0 Nays                                                                                     |
| interest.                                                              | Voice Vote: 5 Ayes, 0 Nays                                                                                                           | Motion carried 5:0                                                                                     |
H. Announcements

Administrator Ching announced that this is Commissioner Kapali’s last meeting and thanked her for her service, and stated that she added so much to the commission.

Commissioner Kapali thanked everyone for their work.

<table>
<thead>
<tr>
<th>SUBJECT</th>
<th>DISCUSSION</th>
<th>ACTION</th>
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</thead>
<tbody>
<tr>
<td>H. Announcements</td>
<td>Next Meeting: April 25, 2022</td>
<td>Motion carried 5:0</td>
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<tr>
<td></td>
<td>Administrator Ching announced that this is Commissioner Kapali’s last</td>
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<td></td>
<td>meeting and thanked her for her service, and stated that she added so much</td>
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<td>to the commission.</td>
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<td></td>
<td>Commissioner Kapali thanked everyone for their work.</td>
<td></td>
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<tr>
<td>I. Adjournment</td>
<td></td>
<td>Hearing no objections Chair Koga adjourned the meeting at 4:38pm</td>
</tr>
</tbody>
</table>

Submitted by: __________________________________  Reviewed and Approved by: _________________________________________

Anela Segreti, Administrative Specialist      Lori Koga, Chair

( ) Approved as circulated.
( ) Approved with amendments. See minutes of _______________
MEMORANDUM

March 9, 2022

TO: Lori Koga, Chair and
    Members of the Charter Review Commission

FROM: Bronson Bautista, Reid Kawane, and Marissa Sandblom
    Members of the Charter Review Committee Permitted Interaction Group

RE: Charter Amendment on Districting Report

Task

On January 10, 2022, the Charter Review Commission formed a Permitted Interaction Group (PIG) with the scope of creating a written report with recommendations on if it is in the best interest of the citizens of Kauai whether to create districting for County Council seats and how to do so if decided that it is beneficial.

The PIG was further authorized:

1. To access all previous communications of districting proposals to the Commission,
2. Review additional recommendations, and
3. Conduct any other kinds of research required, including interacting with subject matter experts and members of the Kauai public.

Background

Definition of district: A territorial division (as for administrative or electoral purposes).\(^1\)


In 2006, the ballot question proposed three councilmembers be elected by districts, four councilmembers elected at large and established a reapportionment commission every ten years. The question was defeated, 45.1% or 9,557 voted against and 44.3% or 9,396 voted yes. See Attachment #1, History on Ballot Questions on Districting

\(^1\) Merriam-Webster. [https://www.merriam-webster.com/dictionary/district](https://www.merriam-webster.com/dictionary/district)
Given the narrow defeat of this ballot question (161 voters), this configuration of districting would appear to have the best chance of passing.

See Attachment #2, County of Kauai Charter Amendment Ballot Questions: 2006 General Election, Proposal No. 3: Relating to Council Districting

Since 2020, the item of a Charter Amendment on Districting has been on every Charter Review Commission agenda as follows:

<table>
<thead>
<tr>
<th>Date</th>
<th>Date</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>June 22, 2020</td>
<td>September 28, 2020</td>
<td>November 22, 2021</td>
</tr>
<tr>
<td>June 29, 2020</td>
<td>August 23, 2021</td>
<td>December 20, 2021</td>
</tr>
<tr>
<td>July 27, 2020</td>
<td>September 27, 2021</td>
<td>January 10, 2022</td>
</tr>
<tr>
<td>August 7, 2020</td>
<td>October 25, 2021</td>
<td>January 24, 2022</td>
</tr>
</tbody>
</table>

In 2020-2022, the Charter Review Commission has reviewed the following documents:

1. History of Ballot Questions on Districting
2. Various Charter Amendment Proposals on Districting
3. Table of Comparison of Charter Amendments regarding Districting Proposals
   See Attachment #3, Kauai County Charter Review Commission, Special Committee on County Districting CRC-2015-13, CRC 2020-17
   (Proposed Amendment for Council Partial-Districting)
   See Attachment #4, Kauai County Charter Review Commission, Subcommittee Report CRC-2013-07
   (Proposed Amendment for Council Partial-Districting)

Since 2020, the Charter Review Commission has received several proposals.
See Attachment #5, Table of Districting Proposals

In summary the proposals are as follows:

<table>
<thead>
<tr>
<th>#</th>
<th>Districting Proposals</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>9 Councilmembers, 3 per district (14, 15, 16*)</td>
</tr>
<tr>
<td>2</td>
<td>9 Councilmembers, 2 per district (14, 15, 16*), 3 at large</td>
</tr>
<tr>
<td>3</td>
<td>7 Councilmembers, 1 per district (7 districts), Reapportionment Commission</td>
</tr>
<tr>
<td>4</td>
<td>7 Councilmembers, 1 per district (14, 15, 16*, 2 yr. term, part-time), 4 at large (4 yr. term, full-time)</td>
</tr>
<tr>
<td>5</td>
<td>7 Councilmembers, 2 per district (14, 15, 16*), 1 at large</td>
</tr>
</tbody>
</table>

*State House Districts
The PIG reviewed the following to obtain additional information on districting and its related benefits and issues.

**Districting in Neighboring Counties**

A review of districting in the neighboring counties as follows:

<table>
<thead>
<tr>
<th>County</th>
<th>Districting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Honolulu</td>
<td>9 Councilmembers, 9 districts, 1 member per district, Reapportionment Commission</td>
</tr>
<tr>
<td>Maui</td>
<td>9 Councilmembers, 9 districts, members are elected at large*</td>
</tr>
<tr>
<td>Hawaii</td>
<td>9 Councilmembers, 9 districts, 1 member per district, Redistricting Commission</td>
</tr>
<tr>
<td>Kauai</td>
<td>No districts, 7 Councilmembers elected at large</td>
</tr>
</tbody>
</table>

*Maui Charter Commission will be placing on the ballot a Charter amendment to have 3 districts, voters from each district would elect 3 councilmembers and create a Reapportionment Commission.²*

See Attachment #6, Honolulu City & County Charter excerpt related to Districts, Reapportionment Commission Rules, and 2021 Reapportionment Commission Report

See Attachment #7, Maui County Charter excerpt related to Districts

See Attachment #8, Hawai‘i County Charter and Ordinance excerpts related to Districts, 2021 Redistricting Commission Rules, and 2021 Redistricting Commission Report

**Reapportionment or Redistricting**

After a review of districting in the neighboring counties, it was noted that some counties had a Reapportionment Commission or a Redistricting Commission in conjunction with districting. Some of the proposals received by the Commission had a Reapportionment Commission and some did not. The PIG reviewed State and County reports on this issue.

For the purposes of this report, the terms of reapportionment or redistricting can be used interchangeably.

---

The definition of redistricting is to divide anew into districts specifically: to revise the legislative districts of\(^3\)

The definition of reapportionment is an act or result of reapportioning something: the process or result of making a new proportionate division or distribution of something, especially US law: the reassignment of representative proportionally among the states in accordance with changes in population distribution\(^4\)

Redistricting and reapportionment on the federal, state and county levels occurs after the U.S. census, basically every 10 years.

For the State of Hawaii, reapportionment starts with determining the permanent resident population of the State and each basic island unit (BIU) using a methodology approved by the State Reapportionment Commission. As stated in the Commission’s 2012 Supplement Report, non-permanent military and student residents were extracted from the U.S. Census population data. Thus, the permanent resident populations were determined as follows:\(^5\)

<table>
<thead>
<tr>
<th>Location</th>
<th>Census Population</th>
<th>Less Non-Permanent Resident Population</th>
<th>Permanent Resident Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oahu</td>
<td>953,207</td>
<td>(106,618)</td>
<td>846,589</td>
</tr>
<tr>
<td>Hawaii</td>
<td>185,079</td>
<td>(1,483)</td>
<td>183,596</td>
</tr>
<tr>
<td>Maui</td>
<td>154,924</td>
<td>(380)</td>
<td>154,544</td>
</tr>
<tr>
<td>Kauai</td>
<td>67,091</td>
<td>(286)</td>
<td>66,805</td>
</tr>
<tr>
<td>State of Hawaii</td>
<td>1,360,301</td>
<td>(108,767)</td>
<td>1,251,534</td>
</tr>
</tbody>
</table>

Using consultants and the Huntington-Hill Method of Equal Proportions, the Commission allocated the total number of members of the State Senate and the House of Representatives. Secondly, the Commission apportioned legislative members to each BIU among districts within that BIU. District lines were redrawn as necessary to achieve an average number of permanent residents per member as nearly equal to the average for the BIU.\(^6\)

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\(^3\) Merriam-Webster. [https://www.merriam-webster.com/dictionary/redistrict](https://www.merriam-webster.com/dictionary/redistrict)


The State House of Representatives Districts for the County of Kauai are as follows:

<table>
<thead>
<tr>
<th>State House of Rep. Districts</th>
<th>BIU Target Population</th>
<th>Total Population</th>
<th>Deviation from BIU Target</th>
<th>% Deviation from BIU Target</th>
</tr>
</thead>
<tbody>
<tr>
<td>House District 14</td>
<td>22,268</td>
<td>22,718</td>
<td>450</td>
<td>2.02%</td>
</tr>
<tr>
<td>House District 15</td>
<td>22,268</td>
<td>21,835</td>
<td>-433</td>
<td>-1.94%</td>
</tr>
<tr>
<td>House District 16</td>
<td>22,268</td>
<td>22,252</td>
<td>-16</td>
<td>-0.07%</td>
</tr>
</tbody>
</table>

Kauai BIU Deviation             |                         | 66,805           |                           | 3.96%                       |

The PIG also reviewed the neighboring Counties Reapportionment or Redistricting Commission reports to compare County Council district Population Size.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Honolulu</td>
<td>953,207</td>
<td>1,016,508</td>
<td>112,945 w/ 3.3% total deviation</td>
</tr>
<tr>
<td>Maui</td>
<td>154,834</td>
<td>164,754</td>
<td>N/A, No Reapportionment Commission</td>
</tr>
<tr>
<td>Hawaii</td>
<td>185,079</td>
<td>200,629</td>
<td>22,232 w/ (4.23% - 5.75%) deviation</td>
</tr>
<tr>
<td>Kauai</td>
<td>67,091</td>
<td>73,298</td>
<td>N/A</td>
</tr>
<tr>
<td>State of Hawaii</td>
<td></td>
<td></td>
<td>N/A</td>
</tr>
</tbody>
</table>


8 United States Census Bureau. “QuickFacts Honolulu County, Hawaii; Hawaii County, Hawaii; Maui County, Hawaii; Kauai County, Hawaii; Hawaii” https://www.census.gov/quickfacts/fact/table/honolulucountyhawaii,hawaiicountyhawaii,maucountyhawaii,kauaicountyhawaii,HI/PST045221 (April 1, 2020, April 1, 2010)

9 United States Census Bureau. “QuickFacts Honolulu County, Hawaii; Hawaii County, Hawaii; Maui County, Hawaii; Kauai County, Hawaii; Hawaii” https://www.census.gov/quickfacts/fact/table/honolulucountyhawaii,hawaiicountyhawaii,maucountyhawaii,kauaicountyhawaii,HI/PST045221 (April 1, 2020, April 1, 2010)


The PIG identified several concerns related to reapportionment or redistricting. The first is the creation of “canoe districts” on the State and Federal levels. This is when a district includes parts of more than one island or County. Currently the U.S. House of Representative Kaialii Kahele represents Congressional District 2. District 2 is comprised of parts of Oahu, and the Counties of Kauai, Maui (Molokai and Lanai) and Hawaii. On the State level, Kauai has been part of a “canoe district” consisting of the Kauai north shore communities and some Maui communities.

In the State of Hawaii’s Reapportionment Commission, 2012 Supplement, the Commission was guided by specific criteria such as no district shall extend beyond the boundaries of any basic island unit (county unit) and districts shall be contiguous. However, there is no express absolute prohibition against “canoe districts”.

One of the districting proposals being considered recommends using the current districts of the State House of Representatives and does not have a Reapportionment or Redistricting Commission. The concern lies with designating County districts by relying on the district boundaries of the State House which remains open to the possibility of the “canoe districts”.

Should districting be established on Kauai, there would be one district that would include Ni‘ihau, although Ni‘ihau is not contiguous with the island of Kauai, it is part of the County of Kauai. Due to this potential, any proposal on districting must include a Reapportionment or Redistricting Commission.

Once district boundaries are established, the new boundaries go into effect in the first regularly scheduled election. At the State level, due to reapportionment, every ten (10) years, all seats at the Legislature are up for election.

Currently, each Council member is eligible for four (4) consecutive two-year terms. In practice, this has resulted in staggering terms and the County Council being composed of both seasoned Council members and new Council members. This has resulted in the community and the Council benefiting from new ideas from the freshmen members as well as the institutional experience and knowledge of the senior members.

The potential of having only freshman Council members is a concern, however over the history of the Kauai State legislators, there has always been a balance of senior and freshman members.

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Reapportionment/redistricting has become mired in conflict and charges of partisan gerrymandering. The State of Hawaii’s current plan for Reapportionment has attracted criticism for “rewarding or punishing” legislators, impacting their ability to get re-elected and for splitting up communities that were traditionally in one district. For example, the current plan divides Manoa Valley between two districts. Some individuals felt that living in a district that is split between two or more lawmakers resulted in more representation.\(^\text{13}\)

Any reapportionment/redistricting can be fraught with litigation.\(^\text{14}\) As of February 26, 2022, the Hawaii Supreme Court has temporarily prohibited the State Office of Elections and the Chief Election Officer from making nomination papers (for the 2022 election) available pending resolution of a legal challenge over the districts.\(^\text{15}\)

Lastly, the overall concept of districting and reapportionment/redistricting is related to the intent to improve representation by elected officials. However, whether that promise has been fulfilled is debatable. Justia US Law which provides a legal history of congressional districting states, “neither voters nor minority parties have yet benefitted”.\(^\text{16}\)

**Cost of Campaigns**

The Commission received testimony that districting would result in more Council candidates as the cost of campaigning for a district vs. island-wide would be less. Thus, the PIG reviewed the cost of campaigns.

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\(^\text{13}\) “Can the Hawaii Reapportionment Commission Solve this Political ‘Jigsaw Puzzle’?”
Civil Beat, November 29, 2021

\(^\text{14}\) “Hawaii Supreme Court Mulls Constitutional Requirements In Redistricting Challenge”
Civil Beat, March 1, 2022

\(^\text{15}\) “Legal challenge puts start of political season in limbo”
The Maui News, February 25, 2022

\(^\text{16}\) Justia US Law, “Congressional Districting”
A review of the total cost of Kauai’s Council campaigns in 2020.¹⁷

<table>
<thead>
<tr>
<th>Number of Candidates</th>
<th>Total Receipts</th>
<th>Average Receipts</th>
<th>Total Expenditures</th>
<th>Average Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>21</td>
<td>$241,408.96</td>
<td>$11,495.66</td>
<td>$167,667.66</td>
<td>$7,984.17</td>
</tr>
</tbody>
</table>

A review of the cost of the current Councilmember’s campaigns in 2020.¹⁸

<table>
<thead>
<tr>
<th>Status</th>
<th>Name</th>
<th>Total Receipts</th>
<th>Total Expenditures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Challenger</td>
<td>Carvalho, Bernard</td>
<td>$21,620.75</td>
<td>$14,631.10</td>
</tr>
<tr>
<td>Incumbent</td>
<td>Chock, Sr., Mason</td>
<td>14,900.68</td>
<td>11,744.27</td>
</tr>
<tr>
<td>Incumbent</td>
<td>Cowden, Felicia</td>
<td>25,465.00</td>
<td>23,768.65</td>
</tr>
<tr>
<td>Challenger</td>
<td>DeCosta, Bill</td>
<td>2,386.94</td>
<td>2,386.94</td>
</tr>
<tr>
<td>Incumbent</td>
<td>Evslin, Luke</td>
<td>5,962.80</td>
<td>5,791.84</td>
</tr>
<tr>
<td>Incumbent</td>
<td>Kaneshiro, Arryl</td>
<td>46,621.44</td>
<td>30,957.38</td>
</tr>
<tr>
<td>Incumbent</td>
<td>Kualii, KipuKai</td>
<td>47,210.51</td>
<td>18,196.85</td>
</tr>
</tbody>
</table>

|               | Grand Total       | $164,168.12    | $107,477.03        |
|               | Average           | $23,452.58     | $15,353.86         |

In the primary, there were 21 candidates running for a Kauai County Council seat. After the primary, the top 14 candidates are placed on the general election ballot. In the general election, the top seven (7) candidates become a member of the County Council.

Since one of the districting proposals being considered is using the same districts as the State House of Representatives, the PIG reviewed the cost of those campaigns.

---


The average cost of the State House Representative’s campaigns in 2020.19

<table>
<thead>
<tr>
<th>Number of Candidates</th>
<th>Total Receipts</th>
<th>Average Receipts</th>
<th>Total Expenditures</th>
<th>Average Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>$118,347.80</td>
<td>$19,724.00</td>
<td>$78,933.17</td>
<td>$13,155.20</td>
</tr>
</tbody>
</table>

A review of the cost of the current State House Representative’s campaigns in 2020.

<table>
<thead>
<tr>
<th>District</th>
<th>Status</th>
<th>Name</th>
<th>Total Receipts</th>
<th>Total Expenditures</th>
</tr>
</thead>
<tbody>
<tr>
<td>14</td>
<td>Incumbent</td>
<td>Nakamura, Nadine</td>
<td>$43,695.54</td>
<td>$25,353.35</td>
</tr>
<tr>
<td>15</td>
<td>Incumbent</td>
<td>Tokioka, James</td>
<td>36,700.00</td>
<td>24,600.49</td>
</tr>
<tr>
<td>16</td>
<td>Incumbent</td>
<td>Morikawa, Daynette</td>
<td>23,983.91</td>
<td>15,880.25</td>
</tr>
</tbody>
</table>

|                  | Grand Total | $104,379.45 | $64,834.09 |
|                  | Average     | $34,793.15  | $21,611.36 |

All six (6) candidates for the State House ran in the primary and the general election. There were two (2) candidates per district.

The district population size of Kauai’s State House of Representatives ranges from 21,835 - 22,718. The ideal basic island unit or BIU is 22,268. The district population size for Hawaii County Council districts ranges from 20,954 – 23,172. The ideal BIU is 22,232.

Due to the similar district size of Kauai’s State House of Representatives and the Hawaii County Council districts, the PIG reviewed those costs as well.


<table>
<thead>
<tr>
<th>Number of 2020 Candidates</th>
<th>Total Receipts</th>
<th>Average Receipts</th>
<th>Total Expenditures</th>
<th>Average Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>24</td>
<td>$375,777.92</td>
<td>$15,657.41</td>
<td>$295,378.55</td>
<td>$12,307.43</td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>District</th>
<th>Number of Primary Candidates</th>
<th>Status</th>
<th>Name</th>
<th>Total Receipts</th>
<th>Total Expenditures</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>7</td>
<td>Open</td>
<td>Kimball, Heather</td>
<td>$36,410.96</td>
<td>$33,251.86</td>
</tr>
<tr>
<td>2</td>
<td>2</td>
<td>Incumbent</td>
<td>Chung, Aaron</td>
<td>8,400.00</td>
<td>0.00</td>
</tr>
<tr>
<td>3</td>
<td>3</td>
<td>Incumbent</td>
<td>Lee Loy, Susan</td>
<td>41,544.35</td>
<td>40,431.15</td>
</tr>
<tr>
<td>4</td>
<td>1</td>
<td>Incumbent</td>
<td>Kierkiewicz, Ashley*</td>
<td>17,904.99</td>
<td>4,587.58</td>
</tr>
<tr>
<td>5</td>
<td>3</td>
<td>Incumbent</td>
<td>Kaneali-Kleinfelder, Matthew</td>
<td>26,821.11</td>
<td>26,612.49</td>
</tr>
<tr>
<td>6</td>
<td>1</td>
<td>Incumbent</td>
<td>David, Maile*</td>
<td>378.76</td>
<td>378.76</td>
</tr>
<tr>
<td>7</td>
<td>2</td>
<td>Incumbent</td>
<td>Villegas, Rebecca</td>
<td>17,990.81</td>
<td>17,990.81</td>
</tr>
<tr>
<td>8</td>
<td>2</td>
<td>Open</td>
<td>Inaba, Holeka</td>
<td>13,299.73</td>
<td>13,299.73</td>
</tr>
<tr>
<td>9</td>
<td>3</td>
<td>Incumbent</td>
<td>Richards, Herbert</td>
<td>46,875.65</td>
<td>26,279.29</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Grand Total</th>
<th>$209,626.36</th>
<th>$162,831.67</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average</td>
<td>$23,291.81</td>
<td>$18,092.40</td>
<td></td>
</tr>
</tbody>
</table>

*Unopposed

The average cost in 2020 for a Kauai County Council campaign was $7,984.17, for a State House of Representatives campaign on Kauai, $13,155.20 and for a Hawaii County Council campaign, $12,307.43.
Comparatively the average of cost of a successful 2020 campaign for the Kauai County Council was $15,353.86, for State House of Representatives on Kauai $21,611.36 and for the Hawaii County Council $18,092.40.

Based on this data, currently with or without districts the cost of a Kauai County Council seat is less than the cost of a State House of Representatives campaign on Kauai or a Hawaii County Council campaign despite the similarities in district size.

One of the determining factors related to costs in the Hawaii County Council campaign appears to be whether there was more than one candidate in the race.
**Number of Candidates**

Testimony was received that there would be more candidates with the cost of campaign being lower for a district council seat vs. an island-wide council seat.

<table>
<thead>
<tr>
<th>County</th>
<th>2010 Census Population</th>
<th>2020 Census Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hawaii</td>
<td>185,079</td>
<td>200,629</td>
</tr>
<tr>
<td>Kauai</td>
<td>67,091</td>
<td>73,298</td>
</tr>
</tbody>
</table>

The population of Hawaii County is almost three times the size of Kauai’s population. However, the Hawaii Council BIU district size of 22,232 is very close to Kauai’s State House BIU district size of 22,268.

<table>
<thead>
<tr>
<th>Location/Position</th>
<th>2020 Primary Election</th>
<th>2020 General Election</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hawaii County, County Council (9 districts)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hawaii County, County Council, District 1</td>
<td>7</td>
<td>2</td>
</tr>
<tr>
<td>Hawaii County, County Council, District 2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Hawaii County, County Council, District 3</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Hawaii County, County Council, District 4</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Hawaii County, County Council, District 5</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Hawaii County, County Council, District 6</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Hawaii County, County Council, District 7</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Hawaii County, County Council, District 8</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Hawaii County, County Council, District 9</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Kauai County, State House of Representative (3 districts, 14,15,16)</td>
<td>2 per district</td>
<td>2 per district</td>
</tr>
<tr>
<td>Kauai County, County Council</td>
<td>21</td>
<td>14</td>
</tr>
</tbody>
</table>

Based on this data, it would be difficult to come to any conclusions about whether there would be more candidates or not. Considering that Hawaii County’s population is approximately 2.75 times the size of Kauai’s population, the number of Hawaii County Council primary candidates (26 in 2020) seems much less than it should be in comparison to the number of Kauai County Council primary candidates of 21.

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23 United States Census Bureau. “QuickFacts Honolulu County, Hawaii, Hawaii County, Maui County, Hawaii; Kauai County, Hawaii; Hawaii”
https://www.census.gov/quickfacts/fact/table/honolulucountyhawaii,hawaiicountyhawaii,mauicountyhawaii,kauaicountyhawaii,HI/PST045221 (April 1, 2020, April 1, 2010)

24 United States Census Bureau. “QuickFacts Honolulu County, Hawaii, Hawaii County, Maui County, Hawaii; Kauai County, Hawaii; Hawaii”
https://www.census.gov/quickfacts/fact/table/honolulucountyhawaii,hawaiicountyhawaii,mauicountyhawaii,kauaicountyhawaii,HI/PST045221 (April 1, 2020, April 1, 2010)
In contrasting the number of candidates in the 2020 primary election, Kauai had an average of three (3) candidates for each Council seat, two (2) candidates for each House district on Kauai, and Hawaii County had an average of 2.88 per district.

**Representation**

The Commission received testimony that one of the benefits of districting, is the belief that if the elected official lives in the district they will be better informed on an issue in the district, will be more accessible and therefore that district and its residents will be represented better. A reasonable analogy may be, do residents believe that their elected official from the State House represents them better than Councilmembers with regards to being more informed on district issues and more accessible?

The election of a Council Chair and the adoption of any ordinances are dependent on a majority vote. If the district Council member is not in the majority, will that district be negatively or positively impacted? How and will representation improve from the designation of a Councilmember’s constituency to a district vs. island-wide?

Should the remedy for these issues of being more informed, more accessible, and better representation be the responsibility of the elected official or be addressed by a charter amendment?

**Other Considerations**

However, the larger question remains, to quote from Justia US Law, “as nearly as is practicable is one person’s vote worth as much as another’s”. If you reside in district 14 with 450 more residents than districts 15 and 16, is your vote “worth” more or less? How would this impact residents? Would this encourage or discourage individuals to vote?

What are the benefits of districting? Will the result of districting result in improvements? Improvements such as in voter participation, representation, more council candidates, lowering the cost of council campaigns, access to County Councilmembers and better-informed Councilmembers.

Will it address, long-term planning for long-standing issues positively, negatively or no impact at all?

When national partisan politics seems to have become an insurmountable obstacle, is there a clear and absolute benefit for districting to warrant a charter amendment?

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Per the Kauai County Charter, “In the event the Commission deems changes are necessary or desirable, the Commission may propose amendments to the existing charter...” Thus, it is necessary that the Commission proceed with a thorough examination of the issue of districting as well as, a thorough deliberation before any final decisions.

**Recommendations**

Given the outstanding questions, the Charter Review Commission Permitted Interaction Group finds the following:

1. The Commission should retain a consultant to formulate a plan to seek and obtain input of a minimum of 5% of registered voters or 2,362 persons (based on the 2020 election) to a maximum of 10% or 4,725 persons for a valid sample size. The input solicited should be on the larger questions below, their opinion on districting, their opinion of the analogy of current councilmembers and State House of Representatives regarding quality of representation with respect to who is better informed, accessible and representation, and what form of districting (3, 5 or 7 districts).

2. The Commission should retain a consultant to conduct a study on the costs of districting in general as well as with 3 districts, 5 districts or 7 districts.

3. Upon obtaining the reports on input and costs, the Commission should deliberate on the larger question of the pros and cons of districting and the equal “worth” of each person’s vote.

4. Upon obtaining the reports on input and costs, the Commission should deliberate on the larger question of the benefits of districting and will it result in improvements.

5. Any future proposal on districting must include a Reapportionment Commission to ensure that at no time will there be a “canoe district”.

6. Upon the obtaining the reports on input and costs, any future consideration on districting should start with the 2006 ballot question and proposal, which was defeated by a margin of 161 votes.

7. Upon the obtaining the reports on input and costs, any future consideration on districting should consider the elements of efficiency and cost containment and start with the concept of three (3) districts like the Kauai State House of Representatives.

8. Upon the obtaining the reports on input and costs, any future consideration on districting should consider the elements of efficiency and cost containment and start with the concept of a seven-member Council.

9. Due to the findings above and the significance of adopting districting, the Commission should defer any proposal on districting to perform its due diligence.
Table of Attachments

- **Attachment #1**, History on Ballot Questions on Districting
- **Attachment #2**, Excerpt on Districting from County of Kauai Charter Amendment Ballot Questions: 2006 General Election
- **Attachment #3**, See Attachment #3, Kauai County Charter Review Commission, Special Committee on County Districting, CRC-2015-13, 2020-17
- **Attachment #5**, Table of Districting Proposals
- **Attachment #6**, Honolulu City & County Charter excerpt related to Districts, Reapportionment Commission Rules, and 2021 Reapportionment Commission Report
- **Attachment #7**, Maui County Charter excerpt related to Districts
- **Attachment #8**, Hawaii County Charter and Ordinance excerpts related to Districts, 2021 Redistricting Commission Rules, and 2021 Redistricting Commission Report
<table>
<thead>
<tr>
<th>Election Year</th>
<th>Proposed Charter Amendment</th>
<th>Proposed by Council</th>
<th>Proposed by Charter Comm</th>
<th>Proposed by Petition</th>
<th>Passed by Electorate</th>
<th>Rejected by Electorate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1982</td>
<td>Shall Council members be elected by districts, with one member residing in and elected from each of three districts which shall be established by a reapportionment committee, and four members elected at large, and shall 1983 and every tenth year thereafter be a reapportionment year?</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1990</td>
<td>Effective 1992, shall Council members be elected by districts and shall 1991 and every tenth year thereafter be a reapportionment year?</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>Pending decision set forth by Ninth Circuit Court</td>
</tr>
<tr>
<td>1996</td>
<td>Effective 1998 shall Council members be elected by districts, with one member residing and elected from each of 5 districts, which shall be established by an apportionment commission to be appointed in 1997, and 2 members elected at-large, and shall 2001 and every tenth year thereafter be apportionment year?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>2006</td>
<td>Effective 2008, shall three of the seven council members be elected by districts, with one member residing in and elected from each of three districts that shall be established by an apportionment commission to be appointed in 2007, and four of the seven council members elected at-large, and shall 2011 and every tenth year thereafter be a reapportionment year?</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

1982-# of registered voters = 22,563
# of votes cast = 18,222

1990-5 single member districts
- Yes 3528 16.7%
- No 2282 10.7%

3 single member districts
- Yes 1566 7.8%
- No 874 4.7%

Blank votes 5349 24.7%
Over votes 7966 36.7%
September 7, 2006

Mr. Dwayne D. Yoshina  
Chief Election Officer  
Office of Elections, State of Hawai‘i  
802 Lehua Avenue  
Pearl City, Hawai‘i 96782

Dear Mr. Yoshina:

SUBJECT: COUNTY OF KAUA‘I CHARTER AMENDMENT BALLOT QUESTIONS: 2006 GENERAL ELECTION

Pursuant to §11-119, Hawai‘i Revised Statutes, transmitted for inclusion on the 2006 General Election ballot are the County of Kaua‘i 2006 Charter Commission’s (“Charter Commission’s”) proposed Charter amendments, in accordance with Article XXIV, Section 24.03 of the Kaua‘i County Charter (“Charter”).

1 Kaua‘i County Charter; Article XXIV; Section 24.03. Mandatory Review. Five years after the adoption of the charter and at ten-year intervals thereafter, the mayor with the approval of the council shall appoint a charter commission composed of seven members to study and review the operation of the county government under this charter. In the event the commission deems changes are necessary or desirable, the commission may propose amendments to the existing charter or draft a new charter which shall be submitted to the county clerk. The county clerk shall provide for the submission of such amendments or new charter to the voters at any general or special election as may be determined by the commission. The commission shall publish not less than thirty (30) days before any election at least once in a newspaper of general circulation within the county the entire text of the amendments or new charter.

A. Unless a new charter is submitted to the voters, each amendment to the charter shall be voted on separately.

B. If a majority of the voters voting upon a charter amendment votes in favor of it or a new charter, if a new charter is proposed, the amendment or new charter shall become effective at the time fixed in the amendment or charter, or if no time is fixed, thirty (30) days after its adoption by the voters. Any charter or amendment shall be published in its entirety not more than thirty (30) days after its adoption.
The attached report from the Charter Commission compiled by Curtis Shiramizu, Special Counsel to the Charter Commission, dated August 8, 2006 (Revised August 22, 2006) contains fifteen (15) proposed Charter amendments. The order of ballot questions in the attached report is the proposed order in which the Charter Commission has requested the ballot questions appear on the 2006 General Election ballot.

Also enclosed, please find a CD with a Microsoft Word version of the August 8, 2006 (Revised August 22, 2006) Charter Commission report. Please feel free to contact me at 808.241.6371 if there are any questions or clarifications that your office may require. Thank you very much for all of your assistance in this matter.

Sincerely,

Peter A. Nakamura
County Clerk

Attachment

copy: Mr. Louis Abrams, Chair
    & Members of the 2006 County of Kaua'i Charter Commission
Office of the County Clerk – Elections Division
Council Chair Bill “Kaipo” Asing
    & Members of the Kaua'i County Council
Mayor Bryan J. Baptiste
PROPOSED CHARTER AMENDMENTS

2006 CHARTER COMMISSION

August 8, 2006
(Revised August 22, 2006)

Compiled by:
Curtis Shiramizu
Special Counsel to the Charter Commission
PROPOSAL NO. 1: RELATING TO A NEW DEPARTMENT OF PARKS & RECREATION

1. Text

ARTICLE XXXI
DEPARTMENT OF PARKS AND RECREATION

Section 31.01. Organization. There shall be a department of parks and recreation consisting of a parks and recreation director and any necessary staff.

Section 31.02. Director. The parks and recreation director shall be appointed and may be removed by the mayor. The director shall have had a minimum of five years of experience in a responsible administrative capacity, either in public service or private business, or both, and shall be the administrative head of the department.

Section 31.03. Powers, Duties and Functions. Except as otherwise provided by law, the director of parks and recreation shall:
   A. Plan, design, construct, operate, and maintain all parks and recreational facilities of the county.
   B. Develop and implement programs for the cultural, recreational, and other leisure-time activities for the people of the county.
   C. Beautify the public parks and recreational facilities of the county.
   D. Perform such other duties as may be prescribed by the mayor or by ordinance.

(Material to be deleted is bracketed; new material is underlined)

2. Ballot question

Shall the parks and recreation function, which is currently performed by divisions of the Offices of Community Assistance and the Department of Public Works, be instead performed by a newly-created Department of Parks and Recreation?
PROPOSAL 2: RELATING TO TERM LIMITS FOR COUNCILMEMBERS

1. Text

"Section 3.03. Terms. The terms of office of councilmembers shall be for two years beginning at twelve o'clock meridian on the first working day of December following their election. No person shall be elected to the office of councilmember for more than four consecutive two year terms."

(Deleted material is bracketed; new material is underlined)

2. Ballot Question

Shall the term of office for councilmembers be limited to four consecutive elected two-year terms, beginning with the 2008 election?
PROPOSAL NO. 3: RELATING TO COUNCIL DISTRICTING

1. Text

"Section 3.02. Composition. There shall be a council of seven members [elected at-large]. Four members shall be elected at-large by all eligible voters in the county. Each of the other three members shall reside in and shall be elected from a separate council district by eligible voters residing in that separate council district.

Section 3.04. Qualifications.

A. To be eligible for the council, a person must be a citizen of the United States and must have been a duly qualified [elector] registered voter of the county for at least two years immediately preceding his filing candidacy papers for election [or appointment]. In addition, those candidates for the council who wish to represent one of the three council districts must state which district they wish to represent and that they have been a registered voter of that district for the preceding ninety days. Should a councilmember move from, or be removed from, any of the seven council positions from which that person was elected, any replacement appointee must meet all requirements of a candidate for that position.

B. Any [councilman] councilmember who removes his residence from the county or district from which elected, or is convicted of a felony, shall immediately forfeit his office.

Section 3.19. District Election and Reappointment.

A. The first election by separate council districts shall be in the primary election of 2008.

B. The year 2011 and every tenth year thereafter shall be reapportionment years.

C. An initial council apportionment commission shall be constituted on or before the first day of April, 2007. A council reapportionment commission shall be constituted on or before the first day of July of each reapportionment year or whenever reapportionment is required by court order. The commission shall consist of seven members. The members of the commission shall be appointed by the mayor and confirmed by the council.

The initial council apportionment commission shall be
responsible for designating the geographic boundaries of the council districts provided for above. The council reapportionment commission shall be responsible for the reapportionment and redistricting of those districts.

The commission shall elect a chair from among its members. Any vacancy in the commission shall be filled in the same manner as for an original appointment. The commission shall act by the majority vote of its membership and shall establish its own procedures. No member of the commission shall be eligible to become a candidate for election or appointment to the council in the initial election held under any apportionment or reapportionment plan adopted by the commission.

The commission shall be furnished all necessary technical and secretarial services. The mayor and the council shall appropriate funds to enable the commission to carry out its duties.

D. In effecting the initial apportionment and each subsequent reapportionment, the commission shall be guided by and comply with all applicable Federal and State laws.

E. On or before February 1 of the year following appointment, the commission shall file with the county clerk an apportionment or reapportionment plan, which shall become effective upon its filing.

F. Any registered voter may petition the proper court to compel, by mandamus or otherwise, the appropriate person or persons to perform their duty or to correct any error made in the apportionment or reapportionment plan, or the court may take such other action to effectuate the purposes of this section as it may deem appropriate. Any such petition must be filed within forty-five calendar days after the filing of the plan.

G. The commission's tenure shall end upon the filing of its plan."

(Deleted material is bracketed; new material is underlined)

2. **Ballot Question**

Effective 2008, shall three of the seven council members be elected by districts, with one member residing in and elected from each of three districts that shall be established by an apportionment commission to be appointed in 2007, and four of the seven council members elected at-large, and shall 2011 and every tenth year thereafter be a reapportionment year?
Attachment #3

Kauai County Charter Review Commission, Special Committee on County Districting CRC 2015-13, CRC 2020-17
Kauai County Charter Review Commission

Special Committee on County Districting

Report to the commission, Jan. 25, 2016

Members: Commissioners Allan Parachini (chair); Mia Ako; Patrick Stack

The committee was charged with identifying what districting proposal, if any, should be accepted by the Charter Review Commission and placed on the November, 2016, general election ballot.

The committee reviewed procedures followed by previous committees of the commission that have considered the districting question. The committee felt that public meetings, while useful, reached fewer than 90 members of the public when they have been held in the past. Those choosing to attend those meetings may have had agendas for districting that did, or did not, reflect those of the broad community. Before recommending any districting scheme, the committee wanted to be reasonably certain that Kauai County residents wanted to enact such a system and, if so, which particular design they would favor.

The committee opted to alter the approach for this review and to explore public opinion survey techniques that could be easily and quickly accessed by the public and that would produce a reliable cross section of Kauai County residents' views on whether County Council members should run by district, at large or a combination of both. At the present time, all seven County Council members are elected and serve on an at large basis.

Between Friday, Dec. 4, 2015, and Wednesday, Dec. 30, 2015, the committee, with the support of the County Information Technology Department, conducted a survey using via software on SurveyMonkey.com. This was a poll of Kauai County residents to assess their attitudes toward various options for instituting a district-based election system for the County Council. SurveyMonkey.com software is routinely used by Kauai County and hundreds—if not thousands—of other government agencies, media organizations and other concerns and enjoys a favorable reputation in the polling industry.

The survey was programmed to reject more than one response from any individual IP address. No member of the committee saw any survey response data while the poll was still online.

The SurveyMonkey software package includes a calculator that permits computation of margins of error. Calculating margin of error based on Kauai County's population (approximately 69,000) and the number of the county's registered voters (approximately 42,000), the calculator result was the same for total population and registered voters. At a confidence level of 95 percent, the margin of error is plus-or-minus five percent. At a confidence level of 90 percent, the margin of error is plus-or-minus four percent.

CRC 2015-13
CRC 2020-17
The margin of error quantifies the degree of accuracy that the survey results should provide, so a five percent margin of error means that the percentage responding a certain way to a question might vary by as much as five percentage points higher or lower than the data themselves show. This is a common attribute of all legitimate opinion survey methodologies.

The survey results were:

**Question 1: Would you be in favor of a County Council that is composed of:**

<table>
<thead>
<tr>
<th>Number of Members</th>
<th>Percentage</th>
<th>Votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>7 members, each with a district?</td>
<td>23.3 percent</td>
<td>108 votes</td>
</tr>
<tr>
<td>3 districts, 4 at large?</td>
<td>7.8 percent</td>
<td>36 votes</td>
</tr>
<tr>
<td>4 districts, 3 at large?</td>
<td>15.3 percent</td>
<td>71 votes</td>
</tr>
<tr>
<td>5 districts, 2 at large?</td>
<td>24.2 percent</td>
<td>112 votes</td>
</tr>
<tr>
<td>No change from current at large system?</td>
<td>29.4 percent</td>
<td>136 votes</td>
</tr>
</tbody>
</table>

**Question 2: If the County were to adopt a form of County Council districting, should voters be able to:**

<table>
<thead>
<tr>
<th>Option</th>
<th>Percentage</th>
<th>Votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vote for all 7 candidates, regardless of voter’s residency?</td>
<td>34 percent</td>
<td>158 votes</td>
</tr>
<tr>
<td>Vote only for at large members and one member representing voter’s district?</td>
<td>65 percent</td>
<td>305 votes</td>
</tr>
</tbody>
</table>

**Question 3: Should district County Council candidates be required to live in the districts they represent?**

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Percentage</th>
<th>Votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Candidate must be required to live in district</td>
<td>90 percent</td>
<td>419 votes</td>
</tr>
<tr>
<td>Candidate may live anywhere in the county</td>
<td>9 percent</td>
<td>44 votes</td>
</tr>
</tbody>
</table>

**Question 4: Are you registered—or eligible to register—to vote in Kauai County?**

<table>
<thead>
<tr>
<th>Eligibility</th>
<th>Percentage</th>
<th>Votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Registered voter or eligible to register in Kauai County—YES</td>
<td>96 percent</td>
<td>448 votes</td>
</tr>
<tr>
<td>Registered voter or eligible to register in Kauai County—NO</td>
<td>3 percent</td>
<td>15 votes</td>
</tr>
</tbody>
</table>

**DISCUSSION:**

While participants supporting no change in the existing at large election system for the County Council represented the largest single bloc in this poll, the data also show—perhaps more significantly—that slightly more than 70 percent of participants want some form of district election. Support for five districts and two at large seats was only slightly higher than for having all seven County Council members be elected by district. It is important to note that no change; 5-and-2 and 7 districts are all clustered within the poll’s calculated margin of error.
The committee is proposing that the Charter Review Commission choose between two courses of action:

1) The Commission could vote onto the ballot a proposed Charter Amendment changing the County Council electoral system so the council is made up of five members representing districts and two serving at large. District members would be required to live in the district they represent and would be chosen only by voters in that district.

2) The Commission could decline to propose any Charter Amendment and leave the status quo in place.

The committee is mindful that the 5-and-2 option has been on the ballot before, in 1996, and failed. Voters have also been asked on two different occasions—in 1982 and 2006—if they wished to adopt a system in which three County Council members would be elected by district and four at large. Both of those proposed amendments also failed. The survey results may shed light on these previous ballot failures, since voters may have been confused by the complexity of the Charter Amendment they were asked to vote on; they may not have felt they had enough information to make an intelligent voter decision, or they might have favored districting but not the particular scheme proposed.

If the Commission moves forward with placing a districting Charter Amendment on the ballot in 2016, an organized effort to explain the proposal to the public may be in order. The committee did not select the seven district option for two reasons. First, while no change, 5-and-2 and 7 districts are all within the poll's margin of error, the 7 district plan had the least support—albeit by only a small number of votes. Second, and perhaps more important, the committee was mindful of the fact that the County Council may itself place a county manager Charter Amendment on the ballot that would substantially alter the powers of the Mayor and could perhaps make the mayor the presiding officer of the County Council. While the committee takes no position on whether this county manager amendment is in the county's best interests, it seems very unlikely that the presiding officer (mayor) of the County Council could serve credibly on anything other than an at large basis—thus making it impossible to adopt a seven district system.

Accordingly, the Special Committee on County Districting recommends to the Charter Review Commission that it consider and choose between taking no action to institute a districting system or to approve, for inclusion on the 2016 ballot, a Charter Amendment to institute a system in which five County Council members would represent districts and two would serve at large, effective in 2018. An apportionment commission would have to be created to draw district lines and this process is provided in the draft Charter Amendment we present to you. Under a new district election system, those members representing districts would be required to reside in those districts. Only voters living within a particular district would be able to vote for the County Council member who would represent that district. All voters would vote for two at large members.

If the commission chooses to pursue placing a district system on the 2016 ballot, the commission's February meeting should include a public hearing at which written and in-person testimony could be received from any member of the community.
County Council- Partial Districting (Five District/Two At-Large)

1. "Section 3.02. Composition. There shall be a council of seven members [elected at-large]. Two members shall be elected at-large by all registered voters in the county. Each of the other five members shall reside in and shall be elected from a separate council district by registered voters residing in that separate council district.

   Section 3.03. Terms. The terms of office of [councilmembers] council members shall be for two years beginning at twelve o'clock meridian on the first working day in December following their election. No person shall be elected to the office for more than four consecutive two year terms.

   Section 3.04. Qualifications.

   A. To be eligible for the council, a person must be a citizen of the United States and must have been a [duly qualified elector] registered voter of the county for at least two years immediately preceding his or her filing candidacy papers for election or appointment. In addition, those candidates for the council who intend to represent one of the five council districts must state which district they intend to represent and that they have been a registered voter of that district for the preceding ninety days. Should a council member move from, or be removed from, any of the seven council positions from which that person was elected, any replacement appointee must meet all requirements of a candidate for that position.

   B. Any [councilman] council member who removes his or her residence from the county or district from which elected, or is convicted of a felony, shall immediately forfeit his or her office.

   Section 3.19. District Election and Reapportionment.

   A. The first election by separate council districts shall be in the primary election of 2018.

   B. The year 2023 and every tenth year thereafter shall be district reapportionment years.

   C. An initial council district apportionment commission shall be constituted on or before the first day of April, 2017. A council district reapportionment commission shall be constituted on or before the first day of July of each district reapportionment year or whenever district reapportionment is required by court order. The commission shall consist of seven members. The members of the commission shall be appointed by the mayor and confirmed by the council.

   The initial council district apportionment commission shall be responsible for designating the geographic boundaries of the council districts provide for above. The council district reapportionment commission shall be responsible for the reapportionment and redistricting of those districts.
The commission shall elect a chair from among its members. Any vacancy in the commission shall be filled in the same manner as for an original appointment. The commission shall act by the majority vote of its membership and shall establish its own procedures. No member of the commission shall be eligible to become a candidate for election or appointment to the council in the initial election held under any apportionment or reapportionment plan adopted by the commission.

E. Any registered voter may petition the proper court to compel by mandamus or otherwise, the appropriate person or persons to perform their duty or to correct any error made in the district apportionment or reapportionment plan, or the court may take such other action to effectuate the purposes of this section as it may deem appropriate. Any such petition must be filed within forty-five calendar days after the filing of the plan.

F. The commission's tenure shall end upon the filing of its plan."

(Deleted material is bracketed; new material is underlined)

2 Ballot Question-
Effective 2018, shall five of these seven council members be elected by districts (North, East, Central, South, West) and two of the seven council members be elected at-large, with a commission to be appointed in 2017 to establish district apportionment, and shall 2023 and every tenth year thereafter be a district reapportionment year?
Attachment #4

Subcommittee Report
CRC-2013-07
(Proposed Amendment for Council Partial-Districting)

Dates & Locations of Subcommittee Meetings:
Thursday, July the 11th, 12:05pm, County Elections Building, Lihue, Hi
and
Tuesday, August the 13th, 10:30am, Gensburg Thai Restaurant, Lihue, Hi
[Note: no County monies or funds were spent for these meetings]

Attending Commissioners:
Mr. Joel Guy, Member
Mr. Patrick Stack, Member
Mr. Ed Justus, Member (Subcommittee Chair)
Mr. Ricky Watanabe (guest at first meeting)
Mr. Lyndon Yoshioka (sp?) (guest at first meeting)

Reason for Subcommittee:

The Commission has for many meetings been discussing proposals for amending Sections 3.02-.04 and creating a Section 3.19 for the purposes of creating partial districting for the Council. On 4/22/2013, the Commission voted to create a PIG (Permitted Interaction Group) Subcommittee to develop language for and to establish a definite arrangement of districts-to-at-large for the proposed charter amendment, and then present to the Commission its decision.

Summary of Discussion:

At the first meeting, held at the County Elections building, at the recommendation of Barbara Davis from Office of Boards and Commissions, the Subcommittee met with County Clerk Ricky Watanabe and Lyndon Yoshioka from Elections Office to discuss the results, impacts, and processes of a voter approval of a council districting charter amendment, and also to hear any thoughts, concerns, and input their offices may have on the matter.

Mr. Yoshioka thanked the subcommittee for allowing their offices to provide input. He stated that since the county council elections are current at large, their office has not been set up to process county council elections with districts. He said that they would participate in the apportionment meetings and public hearings in order for their offices to have the information to work with. He said that their office would provide technical and clerical support to the original apportionment and every-decade reapportionment committees, takes minutes, etc, much like what Office of Boards and Commissions do for Commissions. They would need to take on a vendor for the GIS portion to help with the district lines. The process is all very similar to how the state does their reapportionments, he said.

Mr. Guy wanted to know how the state does districting reapportionments.
Mr. Yoshioka explained the process, speaking of an advisory council and how the layers of it are put together, utilizing much the same process he explained earlier.

Mr. Justus asked if having council districts that match the existing state districts would make the process easier on their office.

Mr. Yoshioka said possibly, but it would depend on how the language in the charter amendment was worded.

Mr. Guy asked if fixed districting lines, like Maui, would work better for their office.

Mr. Yoshioka said that he didn’t know how Maui established it, but the lines don’t necessary line up with the state representative lines.

Mr. Watanabe stated that a potential drawback of fixed line districts, since they are for at-large, is that a person can be elected in a district without having the majority vote in that district, and cited a recent example of this problem in Maui.

Mr. Justus explained the several districting options they were looking at presenting: 3 district/4-at large; 4 district/3 at-large; 5 district/2 at-large, 6 district/1 at-large, 7 districts only, or any combination with districts at large. Asked what thoughts they may have on these proposals.

Mr. Yoshioka suggested that whatever method chosen, we should do our best to avoid “submerging” (dividing natural towns boundaries in between different districts).

Mr. Watanabe said that their office runs a state-wide election system and they are trying to increase mail-in voting.

Mr. Yoshioka said that in regards to what number of districts, his sense was that with large or small numbers, the smaller they get, the more challenging it gets trying to keep the population equal. The broader they are may make it easier during reapportionment meetings...well, possibly. He continued to say that the process of establishing the original lines is where the majority of the work takes place. Nonetheless, he said he was confident that their office would be able to handle it competently.

Mr. Justus asked which would be easier, partial districting, or just complete districting.

Mr. Yoshioka said that it would be a little more work with smaller districts, but is confident that they could do it.

Mr. Watanabe said that establishing where the voters resided within the districts would be the most important thing.

Mr. Justus asked if it were approved, would voters then need to register what district they were in.

Mr. Yoshioka said that that they have a database that has all the voter addresses, districts, precincts, etc. Nowadays, there is little to no manual efforts needed to set all the registered voters into their proper districts once the district lines are established. The computer technology makes the process just happen.

Mr. Watanabe said that in thinking about the districting proposals mentioned before, he thought that perhaps a disadvantage to larger districts is that they may absorb the smaller communities. He also said that the whole process of adjusting over to districting is certainly doable. It would take additional jobs to do so in the beginning.

Mr. Justus asked what kind of cost and work do they anticipate.

Mr. Yoshioka said that there would be more paid man-hours during the original apportionment committee. Also it may create more ballot types with more printing costs. Currently the ballots for our county cost approximately $100,000 to produce, prorated by population and the state helps out with a
portion of it. He said that they were unable to speculate as to what the increase in printing costs would be until they had more information.

Mr. Yoshioka asked that our commission please send their office the final proposal so they could review it and prepare if the amendment passes.

Mr. Watanabe said that we can address any technical questions or matters to the Elections Office.

Both Mr. Watanabe and Mr. Yoshioka thanked the Subcommittee for welcoming their input, and reiterated that whatever plan the commission ends up choosing, they are confident that their office can handle the adjustment.

After Mr. Watanabe and Mr. Yoshioka left, Mr. Justus, Mr. Stack, and Mr. Guy discussed what had been learned, and how it related to the various district proposals. They talked of the testimonial given by Mr. Lyons and others, and the pros and cons of each of the proposals. It was felt that 3 districts would be too large and would absorb the smaller communities, as had been pointed out. 4 districts was discussed, but given the population discrepancy of the North district as compared to the rest, and to adjust it appropriately would cause north shore communities to become absorbed with Kapaa in order to be balanced, it was decided to be abandoned. The discussion of 6 districts came to the conclusion that six was too small a number and it seemed unreasonable to have only one at-large council member. 7 districts was proposed, but Mr. Justus stated that he was not in favor of such an arrangement, regardless of whether it was district or at-large districts, so this was abandoned. The remaining 5 districts with 2 at-large seats was then decided to be the only remaining option that was both small enough to allow each of the distinct regions of the island to have a roughly equalized vote and allowed for enough at-large members to allow them to have an effect on the council, it was felt.

It was agreed that the district arrangement would be 5 districts with 2 at large seats. Mr. Justus said he would redraft the language he had from his prior proposals and present them to the subcommittee at their next meeting for their review and approval.

The group agreed and closed the meeting.

The next meeting, held at Ginghia Restaurant, had Mr. Justus, Mr. Guy, and Mr. Stack present. The three looked over the adjusted language for review. Discussion ensued with ideas of adding a provision for making the two at large members be the only ones to be able to qualify for chair and vice-chair positions, and also for making the council members be required to go out into their communities to meet with the public once a month and bring the community’s input back to the council for discussion or action. It was suggested that any additions to the districting proposal should be presented as a separate agenda item, separate ballot question, and with separate language and proposal, as has been done in the past with prior charter amendments proposals that had been on the ballot. It was agreed that only the proposal that was brought for review would be presented. The subcommittee approved the proposed language.

Proposal from the Subcommittee:

The subcommittee hereby presents to the Commission the following language:

**County Council- Partial Districting (Five District/Two At-Large)**
1. "Section 3.02. Composition. There shall be a council of seven members [elected at-large]. Two members shall be elected at-large by all registered voters in the county. Each of the other five members shall reside in and shall be elected from a separate council district by registered voters residing in that separate council district.

Section 3.03. Terms. The terms of office of [councilmembers] council members shall be for two years beginning at twelve o’clock meridian on the first working day in December following their election. No person shall be elected to the office for more than four consecutive two year terms.

Section 3.04. Qualifications.

A. To be eligible for the council, a person must be a citizen of the United States and must have been a [duly qualified elector] registered voter of the county for at least two years immediately preceding his or her filing candidacy papers for election or appointment. In addition, those candidates for the council who intend to represent one of the five council districts must state which district they intend to represent and that they have been a registered voter of that district for the preceding ninety days. Should a council member move from, or be removed from, any of the seven council positions from which that person was elected, any replacement appointee must meet all requirements of a candidate for that position.

B. Any [councilman] council member who removes his or her residence from the county or district from which elected, or is convicted of a felony, shall immediately forfeit his or her office.

Section 3.19. District Election and Reapportionment.

A. The first election by separate council districts shall be in the primary election of 2016.

B. The year 2021 and every tenth year thereafter shall be district reapportionment years.

C. An initial council district apportionment commission shall be constituted on or before the first day of April, 2015. A council district reapportionment commission shall be constituted on or before the first day of July of each district reapportionment year or whenever district reapportionment is required by court order. The commission shall consist of seven members. The members of the commission shall be appointed by the mayor and confirmed by the council. The initial council district apportionment commission shall be responsible for designating the geographic boundaries of the council districts provide for above. The council district reapportionment commission shall be responsible for the reapportionment and redistricting of those districts.

The commission shall elect a chair from among its members. Any vacancy in the commission shall be filled in the same manner as for an original appointment. The commission shall act by
the majority vote of its membership and shall establish its own procedures. No member of the commission shall be eligible to become a candidate for election or appointment to the council in the initial election held under any apportionment or reapportionment plan adopted by the commission.

The commission shall be furnished all necessary technical and secretarial services. The mayor and the council shall appropriate funds to enable the commission to carry out its duties.

D. In effecting the initial apportionment and each subsequent reapportionment, the commission shall be guided and comply with all applicable Federal and State Laws.

E. On or before February 1 of the year following appointment, the commission shall file with the county clerk an apportionment or reapportionment plan, which shall become effective upon its filing.

F. Any registered voter may petition the proper court to compel, by mandamus or otherwise, the appropriate person or persons to perform their duty or to correct any error made in the district apportionment or reapportionment plan, or the court may take such other action to effectuate the purposes of this section as it may deem appropriate. Any such petition must be filed within forty-five calendar days after the filing of the plan.

G. The commission’s tenure shall end upon the filing of its plan.”

(Deleted material is bracketed; new material is underlined)

2. Ballot Question –

Effective 2016, shall five of the seven council members be elected by districts (North, East, Central, South, West) and two of the seven council members be elected at-large, with a commission to be appointed in 2015 to establish district apportionment, and shall 2021 and every tenth year thereafter be a district reapportionment year?

Conclusion of Meeting:

Subcommittee Chair Justus stated he would write up the report and send it in for the upcoming meeting. Mr. Guy and Mr. Stack agreed. Meeting was adjourned sometime after 11:15am.

Subcommittee Report Drafted by Commissioner Justus

Approved By:

Ed Justus, Subcommittee Chair  Joel Guy, Member  Patrick Stack, Member
## Table of Comparison of Charter Amendments regarding Districting Proposals

<table>
<thead>
<tr>
<th>Mtg. Date &amp; Source of Proposal</th>
<th>Districting Proposals</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>6/22/20 Jonathan Jay</td>
<td>9 Councilmembers</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3 per district (14, 15, 16)*</td>
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<tr>
<td></td>
<td>*14, 15, 16 per State House Districts</td>
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<tr>
<td></td>
<td><strong>Verbal testimony on 6/22/20 minutes</strong></td>
<td><strong>1 in favor</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Per Lyon to consider having two proposals on the ballot, 3 districts vs. 6 districts and 1 at large.</strong></td>
<td><strong>(Note: per atty cannot have two proposals)</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Per Jay testimony, amend to delete residency requirement, unclear to delete it for voters or candidates.</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Written testimony rec’d in 6/29/20 packet</strong></td>
<td><strong>6 in favor (1 person changed their mind and submitted alternate proposal)</strong></td>
</tr>
<tr>
<td></td>
<td><strong>2 against</strong></td>
<td><strong>1 concerned</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Written testimony rec’d on 8/7/20 packet</strong></td>
<td><strong>Same as above</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Per Lyon verbal testimony - proposed 7 members, 7 districts (see below)</strong></td>
<td></td>
</tr>
<tr>
<td>6/29/20 Norma Doctor Sparks</td>
<td>9 Councilmembers</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3 per district (14, 15, 16)</td>
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<tr>
<td></td>
<td><strong>Provided as testimony in support of the proposal above and is the same as the proposal above.</strong></td>
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<tr>
<td>6/29/20 Dana Bekeart</td>
<td>9 Councilmembers</td>
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<tr>
<td></td>
<td>2 per district (14, 15, 16)</td>
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<tr>
<td></td>
<td>3 at large</td>
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</tr>
<tr>
<td></td>
<td><strong>Per testimony in 6/29/20 packets</strong></td>
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</tbody>
</table>

*14, 15, 16 per State House Districts

Voters living in the district, vote for candidates in their district
<table>
<thead>
<tr>
<th>Mtg. Date &amp; Source of Proposal</th>
<th>Districting Proposals</th>
<th>Notes</th>
</tr>
</thead>
</table>
| 8/7/20 Bert Lyon              | 7 Councilmembers      | Seven Districts:  
|                               | 1 per district        | 1. Haena-Hanalei-Princeville-Kilauea-Moloa’a-Anahola  
|                               |                       | 2. Kapa’a-Kealia  
|                               |                       | 3. Wailua Houselots-Wailua Homesteads  
|                               |                       | 4. Hanamaulu-Lihue-Puhi  
|                               |                       | 5. Koloa-Poipu-Kukuiula  
|                               |                       | 6. Kalaheo-Omao-Lawai  
|                               |                       | 7. Eleele-Hanapepe-Kaumakani-Waimea-Kekaha-N’ihau  
|                               |                       | Creates a Reapportionment Commission |
| 12/20/21 Felicia Cowden       | 4-4yr Full-time members  
|                               | At-large               | The 4 top vote recipients will serve at-large  
|                               | 3-2yr Part-time members, one per district (14, 15, 16) | Next 3 votes will fill district seats  
|                               |                       | Per email excerpts:  
|                               |                       | “I can testify at the next meeting charter review commission but am not submitting my recommendation. Please send my thoughts along to the charter review commission.  
|                               |                       | As a councilmember, I value representing the entire island(s). I believe it strengthens my ability to represent the north shore’s interest as I actively engage the needs of all the communities. I prefer at-large to districting” |
| 12/20/21 Jonathan Jay         | 3x2+1                 | Island-wide voting for all candidates.  
|                               | 2 per district (14, 15, 16) | Highest vote recipient island wide is elected at-large, and then top 2 vote recipients by each district elected to fill the other 6 seats.  
|                               | 1 at large             | Maintain existing island residency requirement for all candidates. Require district residency for voters, voters can choose their councilmember from the entire island wide slate of candidates. |
Attachment #6

Honolulu City & County Charter excerpt related to Districts
Section 2-102. Purposes –
All city powers shall be used to serve and advance the general welfare, safety and aspirations of its inhabitants in a sustainable manner and promote stewardship of natural resources for present and future generations. All city powers shall be administered in a transparent manner that is inclusive and shall encourage full participation by the citizenry in the process of governance.
(2016 General Election Charter Amendment Question No. 7)

ARTICLE III -
LEGISLATIVE BRANCH

CHAPTER 1 -
COUNCIL

Section 3-101. Legislative Power –
The legislative power of the city shall be vested in and exercised by the city council, except as otherwise provided by this charter.

Section 3-102. Number, Election and Terms of Office of Councilmembers –
The council shall consist of nine members. One member shall be elected from each of the nine districts hereinafter provided. Except as provided in Section 16-122, the regular terms of office of councilmembers shall be four years beginning at twelve o'clock meridian on the second day of January following their election. The terms shall be staggered in accordance with Section 16-122. No person shall be elected to the office of councilmember for more than two consecutive four-year terms.
(Reso. 83-357; 1992 General Election Charter Amendment Question No. 2; 1998 General Election Charter Amendment Question No. 8(I))

Section 3-103. Reapportionment and Reapportionment Years –
1. The year 1991 and every tenth year thereafter shall be reapportionment years.
2. A council reapportionment commission shall be constituted on or before the first day of July of each reapportionment year and whenever reapportionment is required by court order. The commission shall consist of nine members. The presiding officer of the council shall, with the approval of the council, select the members of the commission, no more than a majority of who shall be from the same political party.
The commission shall elect a chair from among its members. Any vacancy in the commission shall be filled in the same manner as for an original appointment. The commission shall act by majority vote of its membership and shall establish its own procedures. The members of this commission shall not, in any manner, be deemed officers of the city. The commission and its members shall be subject only to the provisions of this section, Section 3-114, and Section 3-502 of the charter. Commission members shall be compensated and reimbursed for their necessary expenses as provided by ordinance. No member of the commission shall be eligible to become a candidate for election to the council in the initial election held under any reapportionment plan adopted by the commission.

The city clerk, under the direction of the commission, shall furnish all necessary technical and secretarial services. The council shall appropriate funds to enable the commission to carry out its duties.

3. In effecting reapportionment, the commission shall be guided by the following criteria:

(a) No district shall be so drawn as to unduly favor a person or political faction.
(b) Districts, insofar as practicable, shall be contiguous and compact.
(c) District lines shall, where possible, follow permanent and easily recognized features, and, when practicable, shall coincide with census tract boundaries.

4. On or before January 2 of the year following appointment, the commission shall file with the city clerk a reapportionment plan, which shall be applicable to the next succeeding election at which councilmembers are elected to regular terms.

5. Any duly registered voter may petition the proper court to compel, by mandamus or otherwise, the appropriate person or persons to perform their duty or to correct any error made in a reapportionment plan, or the court may take such other action to effectuate the purposes of this section as it may deem appropriate. Any such petition must be filed within forty-five days after the filing of a reapportionment plan.

6. In order to commence the staggering of councilmembers’ terms in accordance with Section 16-122, the reapportionment plan for 2002 shall retain the council district numbering of I, II, III, IV, V, VI, VII, VIII, and IX.

(Reso. 83-357 and 88-242; 1992 General Election Charter Amendment Question Nos. 1 and 32A(14); 1998 General Election Charter Amendment Question No. 8(II); Reso. 02-39)

Section 3-104. Qualifications of Councilmembers –

To be eligible for election or appointment to the council, a person must be a duly qualified elector of the council district from which the person seeks to be elected or appointed. Any councilmember who removes his or her residence from the district
Attachment #6
Honolulu City & County
Reapportionment
Commission Rules
2021 COMMISSION RULES

1. **Meetings.** All meetings shall be conducted pursuant to (the Sunshine Law) Chapter 92, Part I, Hawaii Revised Statutes. The presence of a quorum of the Commission is required for a meeting.

2. **Public Testimony.** Pursuant to State law, any interested person shall be afforded the opportunity to present oral testimony on any agenda item. Interested persons may also submit data, views, or arguments, in writing on any agenda item.

   Any person wishing to present oral testimony may register with the City Clerk no later than the time posted on the agenda for the meeting. Any person who has not registered to testify will be afforded the opportunity to present oral testimony on any item after those persons who have registered to speak have testified.

   Testimony shall be limited to three minutes; however, by a vote of the majority of members present, time may be extended. No person may read another person’s testimony or statement.

3. **Chairperson’s Duties.** The Chairperson shall preside at all meetings of the Commission.

4. **Vice Chairperson’s Duties.** The Vice Chairperson shall preside over meetings and have the authority of the Chairperson when the Chairperson is absent.

5. **Quorum.** Five members shall constitute a quorum of the Commission.

6. **Voting.** The affirmative vote of a majority of the entire membership shall be necessary to take any action.

7. **Reapportionment Plan.** In accordance with the City Charter, the Reapportionment Plan shall not require the approval of the City Council. At least one public hearing on the proposed Reapportionment Plan shall be held at a time and location decided upon by the Commission. Upon adoption of the Reapportionment Plan by the Commission, the Plan shall be made available to the public on a City website or in hard copy upon request.
8. **Minutes.** The minutes of all meetings of the Commission shall be in summary form setting forth the major decisions and actions. Drafts of minutes shall be distributed upon completion by the staff.

9. **Staff Instructions.** Instructions to the staff shall be given only through the chair with notification to the members.

10. **Agenda.** The agenda for each meeting shall be discussed at the end of the previous meeting. Additional items may be added at the discretion of the chair until the time the agenda is posted. After the agenda is posted, additional items may only be added in accordance with Chapter 92, Part I, Hawaii Revised Statutes.

11. **Additional Rules.** When these Rules are silent, Robert's Rules of Order shall be used as guidance except where rules of procedure are specified in the City Charter.

12. **Effective Date.** These rules shall be effective upon the date of adoption by the Commission.

Date of Adoption: July 27, 2021
Attachment #6

Honolulu City & County 2021 Reapportionment Commission Report
November 24, 2021

Mr. Glen I. Takahashi  
City Clerk, Honolulu City Council  
Honolulu Hale  
530 S. King St, 100  
Honolulu, Hawaii 96813

Dear Clerk Takahashi:

RE: REPORT AND FINAL REAPPORTIONMENT PLAN OF THE  
2021 COUNCIL REAPPORTIONMENT COMMISSION

Pursuant to Section 3-103 of the Revised Charter of the City and County of Honolulu, the 2021 Council Reapportionment Commission submits the Final Reapportionment Plan to govern the election of the members of the next succeeding Councils of the City and County of Honolulu. This report outlines the work of the Commission and explains the rationale of the Plan.

MEMBERS OF THE COMMISSION

Members of the 2021 Council Reapportionment Commission were selected by City Council Chair Tommy Waters and approved by the entire Council by adoption of Resolution No. 21-053, attached hereto and incorporated herein as Exhibit I, in accordance with the provisions of Section 3-103.2 of the City Charter. The members of the Commission are:

James R. Duke Aiona, Chair  
Shaina Caporoz  
Natalia Hussey-Burdick  
Marvin Mau  
Richard Sing  

Chace Shigemasa, Vice Chair  
Daniel Douglass  
Burt Lau  
Alan Quevido, Jr.

In accordance with Section 3-103.2 of the City Charter, the Office of the City Clerk furnished secretarial and technical staff services. The staff included:

Rex Quidilla, Elections Administrator  
Michael Sunouchi, Assistant Elections Administrator  
Rhowell Ruiz, Elections Program Coordinator
Amanda Brockway, Elections Program Coordinator
Kirstin Matsunaga, Elections Specialist
Doris Lam, Elections Specialist
Chelsea Ashimine, Professional Trainee I

ACKNOWLEDGMENTS

The Commission expresses its gratitude to Deputies Corporation Counsel Duane Pang, Dawn Spurlin, Erica Osterkamp, Haley Chee and Justin Luney for legal assistance and advice.

The Commission also expresses its gratitude to Mr. David Rosenbrock, Project Manager of the 2021 State Reapportionment Commission who presented an overview of the State legislative redistricting and a technical overview of the redistricting tools and products.

I. SUMMARY OF PROCESS

Election of Chair and Vice Chair. The Commission’s first action, in accordance with the City Charter, was to elect a chair from its members. Although not required by the City Charter, the Commission also elected a vice chair to preside in the absence of the chair.

Rule of Procedure. The City Charter also required the Commission to establish its own procedures and to that effect, the 2021 Commission Rules attached hereto and incorporated herein as Exhibit II, were adopted to govern the conduct of Commission meetings and the manner in which the Commission would accomplish its objective.

Preparatory Work. The Commission members familiarized themselves with the applicable City Charter provisions and various legal decisions pertaining to reapportionment and redistricting. A briefing was also provided on redistricting principles and guidelines.

Criteria and Considerations. In effecting reapportionment, the Commission was governed by criteria established by Section 3-103.3 of the City Charter.


II. DEVELOPMENT OF THE PLAN

Preliminary Plans. At its September 1, 2021 meeting, the Commission directed staff to draft four proposals for the Commission’s consideration.
The first plan would start at Kaena Point and proceed to create districts clockwise around the island.

The second plan would start at Makapuu Point and proceed to create districts counter-clockwise around the island.

The third plan, the Kaena/Makapuu Dual Point Plan, would start from both Kaena and Makapuu points and would utilize the Waianae and Koolau mountain ranges as boundaries. The urban Honolulu districts were drawn from the remaining portions of Oahu.

The fourth plan, the Modified Existing Districts Plan would be based generally upon the existing 2011 council district boundaries; while maintaining existing boundaries as much as possible, with adjustments made for population changes.

The four maps were presented to the Commission at its September 20, 2021 meeting. Chair Aiona invited members to meet with staff to develop proposed maps utilizing one of the four preliminary plans as a starting point. In addition to the Preliminary Plans, these “Member Drafts” would be considered by the Commission for presentation at the upcoming public hearings.

At the September 28, 2021 Commission meeting, three Member Drafts were introduced, one (1) map amended the Makapuu Plan and two (2) maps amended the Kaena/Makapuu Dual Point Plan.

The Commission voted to forward the two Member Drafts of the Kaena/Makapuu “Dual Point” Plan and the Modified Existing Districts Plan to public hearing.

Public Hearings. Proposed maps and plan information were also available for public review on the 2021 Council Reapportionment Commission website at http://www.honolulu.gov/elections/reapportionment and at the Office of the City Clerk. Maps were also on display for public review at Honolulu Hale and Kapolei Hale. Public hearings were held on October 7 and 11, 2021. Each public hearing commenced at 6:00 p.m. The legal notice for the public hearings was published on September 27, 2021 in the Honolulu Star Advertiser. The affidavit of publication and legal notice is attached hereto and incorporated herein as Exhibit III.

III. THE FINAL REAPPORTIONMENT PLAN

Description. At the Commission meeting on October 26, 2021, a map was introduced by Vice Chair Shigemasa entitled, Kaena/Makapuu Member Draft 1 (Public Hearing Amendment), which proposed to amend Kaena/Makapuu Member Draft 1 plan. The Commission voted to amend Kaena/Makapuu Member Draft 1.
After full discussion, deliberation, and vote the Commission adopted the Kaena/Makapuu Member Draft 1 (henceforth, "Final Reapportionment Plan").

The Final Reapportionment Plan redistricts a population of 1,016,508 persons within the City and County of Honolulu among nine council districts. The target district population was 112,945 per district and the total deviation of the Plan is 3.3%, as illustrated in Exhibit IV that is attached hereto and incorporated herein. Any population in the Northwestern Hawaiian Islands is incorporated into District III.

**General Features.** Due to the increases in population on the leeward portion of the island, there were significant shifts to the existing district boundaries.

The Council District Census Block Listing attached hereto and incorporated herein as Exhibit V describes each Council District by assignment of each census block to a Council District. For ease in interpretation, narrative district boundary descriptions and a map are attached hereto and incorporated herein as Exhibits VI and VII, respectively. The general description of each district is as follows:

- **District I** – Includes portions of Ewa Beach, Kapolei, Hoopili, Makakilo, Kalaaeloa, Honokai Hale, Ko Olina, Nanakuli, Maili, Waianae, Makaha, Keaau, and Makua.
- **District III** – Includes Ahuimanu, Heeia, Haiku, Kaneohe, Maunawili, Kailua, Olomana, Enchanted Lake, and Waimanalo.
- **District V** – Includes Palolo Valley, St. Louis Heights, Manoa, Moiliili, McCully, Ala Moana, Makiki, and portions of Kakaako.
- **District VI** – Includes portions of Kakaako, Downtown Honolulu, Punchbowl, Papakolea, Pauoa Valley, Nuuanu, Iwilei, Liliha, Alewa Heights, Kalihi and Kalihi Valley.
- **District VIII** – Includes Waimalu, Newtown, Pearl City, Seaview, Crestview, Waipio Gentry, Koa Ridge, Millilani Town, and Mililani Mauka.
- **District IX** – Waipahu, Iroquois Point, West Loch, Ewa Villages and portions of Ewa Beach.
The Council District Census Block Listing shall control in identifying the location of each Council District Boundary in the event of any conflict with the narrative district boundary descriptions or map.

IV. CONCLUSION

The Final Reapportionment Plan was adopted by a vote of 7-2, with Commissioners Aiona and Douglass voting in opposition. The minutes of the Commission meetings, including the minutes of the October 26, 2021 meeting noting the final adoption of the redistricting plan are attached hereto and incorporated herein as Exhibit VIII.

Upon adoption of the Final Reapportionment Plan, the Commission entered into Executive Session to consider recommendations to the City Council for a proposed revision to the Revised Charter of the City and County of Honolulu relating to staggered terms.

The Commission expressed concern that the Revised Charter of the City and County of Honolulu, Sections 3-103 and 16-122 results in delayed voting. To address the effects of such delay, the Commission strongly recommends the Charter Commission adopt language similar to Article Four, Section Eight of the Hawaii State Constitution which would have the effect of resetting staggered terms when redistricting is conducted.

A letter to Council Chair Tommy Waters with the Commission's recommendation is attached hereto and incorporated herein as Exhibit IX.

Pursuant to the 2021 Commission Rules, a copy of this Final Reapportionment Plan will be posted online at http://www.honolulu.gov/elections/reapportionment and will also be available in hard copy upon request.

Finally, the Commission expresses its gratitude to the Honolulu City Council for its confidence in and the resources it provided to the Commission to perform the 2021 City Council redistricting. The Commissioners who voted in favor of adopting the Final Reapportionment Plan on October 26, 2021, finds that it complies with the principles and legal requirements for redistricting of the City and County of Honolulu, State of Hawaii.
Attachment #7

Maui County Charter excerpt related to Districts
specifically enumerated in this charter; and no enumeration of powers in this charter shall be deemed exclusive or restrictive.

Section 2-2. Exercise of Powers. All powers of the county shall be carried into execution as provided by this charter, or, if the charter makes no provisions, as provided by ordinance or resolution of the county council.

ARTICLE 3
COUNTY COUNCIL

Section 3-1. Composition. There shall be a council composed of nine members who shall be elected-at-large. Of the nine members elected to the council, one shall be a resident of the Island of Lānaʻi, one a resident of the Island of Molokaʻi, one a resident of the residency area of East Maui, one a resident of the residency area of West Maui, one a resident of the residency area of Makawao-Haʻikū-Pāʻia, one a resident of the residency area of "Upcountry" comprising Pukalani-Kula-'Ulupalakua, one a resident of the residency area of South Maui, one a resident of the residency area of Kahului, and one a resident of the residency area of Wailuku-Waiheʻe-Waikapū. The county clerk shall prepare the nomination papers in such a manner that candidates desiring to file for the office of council member shall specify the residency area from which they are seeking a seat. The ballots shall, nevertheless, be prepared to give every voter in the county the right to vote for each and every council seat.

1. The East Maui (Hana-Keanae-Kailua) residency area shall be described as follows:
   - Beginning at shoreline and Kakiipi Gulch
   - Proceed to Kepuni Gulch
   - North along Kepuni Gulch to Kahikinui Forest Reserve boundary
   - Easterly along Kahikinui Forest Reserve boundary to Haleakalā National Park boundary
   - Northwest, west, northerly, then southeast along Haleakalā National Park boundary to Waikamoi Stream
   - North along Waikamoi Stream and continuing due west to Kaʻiliʻili Road
   - West on Kaʻiliʻili Road to Opana Gulch
   - North along Opana Gulch to jeep trail
   - Easterly on jeep trail to Pālama Gulch then northeasterly to Halehaku Gulch
   - North along Halehaku Gulch to Kakiipi Gulch
   - North along Kakiipi Gulch to point of beginning
2. The West Maui residency area shall be described as follows:
Beginning at shoreline and Lahaina-Wailuku District boundary at Po'elua Bay
Proceed south along boundary to shoreline (Manawainui Gulch)
Northwest, north, then northeast along shoreline to point of beginning
(includes the islands of Molokini and Kaho'olawe)

3. The Wailuku-Waihe'e-Waikapū residency area shall be described as follows:
Beginning at shoreline and Lahaina-Wailuku District boundary
Proceed southeast along shoreline to Kanaloa Avenue extension
Southwest on Kanaloa Avenue extension to Kahului Beach Road
Southeast on Kahului Beach Road to Ka'ahumanu Avenue
West on Ka'ahumanu Avenue to Mahalani Street
Southwest on Mahalani Street to Pu'umele Street
Southwest on Pu'umele Street to Wai'inau Road
West on Wai'inau Road to Wai'ale Road
South on Wai'ale Road to East Waikō Road
East on East Waikō Road to Kū'ihélanii Highway
Southwest on Kū'ihélanii Highway to Honoapi'ilani Highway
South on Honoapi'ilani Highway to Pohākea Gulch
West, then northwest along Pohākea Gulch to point of beginning

4. The Kahului residency district area shall be described as follows:
Beginning at shoreline and Kanaloa Avenue extension
Proceed east along shoreline to Kanahe Beach Park boundary
Southeast along Kanahe' Beach Park boundary to Kaialiihi Gulch
Southeast along Kaialiihi Gulch to Haleakalā Highway
Southwest on Haleakalā Highway to Lowrie Ditch
Southwest along Lowrie Ditch to Spanish Road
West, then northwest on Spanish Road to East Waikō Road
West on East Waikō Road to Wai'ale Road
North on Wai'ale Road to Wai'inau Road
East on Wai'inau Road to Pu'umele Street
North on Pu'umele Street to Mahalani Street
East, then north on Mahalani Street to Ka'ahumanu Avenue
East on Ka'ahumanu Avenue to Kahului Beach Road
Northwest on Kahului Beach Road to Kanaloa Avenue extension
Northeast on Kanaloa Avenue extension to point of beginning
5. The South Maui residency area shall be described as follows:

Beginning at Lahaina-Wailuku District boundary and Pōhākea Gulch

Proceed southeast, then east along Pōhākea Gulch to Honoa'i'ilani Highway
North on Honoa'i'ilani Highway to Kū'ihēlani Highway
Northeast on Kū'ihēlani Highway to East Waikō Road
East on East Waikō Road to Spanish Road
Southeast, then east on Spanish Road to Lowrie Ditch
South along Lowrie Ditch to Pōlehu Gulch
Southeast along Pōlehu Gulch to Waiakoa Road
South on Waiakoa Road to Kihei CDP boundary
South along Kihei CDP boundary to unnamed road
Southwest, then south on unnamed road to unnamed stream (west of Keonekai Road)
East on unnamed stream to Kula Highway
Southwest on Kula Highway to jeep trail (abutting Tiger 2000 line 85098642)

West, then south on jeep trail to Kanaio-Kalama Park Road ('Ulupalakua Road)
Southeast along Kanaio-Kalama Park Road to Pi'ilani Highway
Southeast, then east on Pi'ilani Highway to Kepuni Gulch
Southeast along Kepuni Gulch to shoreline
Southwest, west, north, northwest, southwest then northwest along shoreline to Lahaina-Wailuku District boundary (Manawainui Gulch)
North along boundary to point of beginning

6. The Makawao-Ha'ikū-Pā'i'a residency area shall be described as follows:

Beginning at shoreline and Kanahā Beach Park boundary
Proceed east along shoreline to Kakipi Gulch
South along Kakipi Gulch to Halehaku Gulch
South along Halehaku Gulch to Pālama Gulch
Southeast along Pālama Gulch to unnamed jeep trail
Northwest, then southwest along jeep trail to Opana Gulch
South along Opana Gulch to Kaʻiʻilīʻili Road
East on Kaʻiʻilīʻili Road to Waikamoi Stream
South along Waikamoi Stream to Haleakalā National Park boundary
Northwest, then southwest along Haleakalā National Park boundary to Kailua Gulch
Northwest along Kailua Gulch to Lowrie Ditch
Southwest along Lowrie Ditch to Haleakalā Highway
Northwest along Haleakalā Highway to Kalalinui Gulch
Northwest along Kalalinui Gulch to ʻĀmala Place
Northwest along Kanahā Beach Park boundary to point of beginning

7. The Upcountry (Pukalani-Kula-ʻUlupalakua) residency area shall be described as follows:
   Beginning at Lowrie Ditch and Kailua Gulch
   Proceed southeast along Kailua Gulch to Haleakalā National Park boundary
   Southwest, southeast, east, then southwest along Haleakalā National Park boundary to Kahikinui Forest Reserve boundary
   Southwest along Kahikinui Forest Reserve boundary to Kepuni Gulch
   South along Kepuni Gulch to Piʻilani Highway
   West on Piʻilani Highway to Kanaio-Kalama Park Road (ʻUlupalakua Road)
   Northwest along Kanaio-Kalama Park Road to jeep trail
   Northeast on jeep trail to Kula Highway (abutting Tiger 2000 line 85038842)
   Northeast along Kula Highway to unnamed stream
   Northwest, then west along unnamed stream to unnamed jeep trail
   North on unnamed jeep trail to unnamed road
   North on unnamed road to Kihei CDP boundary
   North on Kihei CDP boundary to Waiakea Road
   North on Waiakea Road to Pūlehu Gulch
   Northwest along Pūlehu Gulch to Lowrie Ditch
   North, then northeast along Lowrie Ditch to point of beginning

Section 3-2. Election of Council and Term of Office.
1. Council members shall be elected by nonpartisan special elections. Such special elections shall be held in conjunction with the primary and general elections every two (2) years commencing in 2000. The special election held in conjunction with the primary election every two (2) years shall be known as the first special election. The special election held in conjunction with the general election every two (2) years shall be known as the second special election.
Attachment #8

Hawaii County Charter excerpts related to Districts
ARTICLE I
INCORPORATION AND GEOGRAPHICAL LIMITS

Section 1-1. Incorporation.
The people of the county of Hawai‘i shall be and continue as a body politic and corporate by the name of “County of Hawai‘i,” hereinafter in this charter called “county.” By that name it shall have perpetual succession.
(2010, Prop. 7, sec. 2.)

Section 1-2. Geographical Limits.
The island of Hawai‘i and all other islands within the shores thereof and the waters adjacent thereto shall be the county of Hawai‘i.
(2010, Prop. 7, sec. 2.)

ARTICLE II
POWERS OF THE COUNTY

Section 2-1. Powers of the County.
The county shall have all powers possible under the constitution and laws of the State of Hawai‘i, including all powers now or hereafter given by such constitution or laws, and all other powers not prohibited by such constitution or by this charter. The county shall have such powers as fully and completely as though specifically enumerated in this charter, and no enumeration of powers in this charter shall be deemed exclusive or restrictive.
(2010, Prop. 7, sec. 3.)

Section 2-2. Exercise of Powers.
All powers of the county shall be carried into execution as provided by this charter or, if the charter makes no provision, by ordinance or resolution of the county council.

ARTICLE III
LEGISLATIVE BRANCH
COUNTY COUNCIL

Section 3-1. Powers and Functions.
The legislative powers of the county shall be vested in the county council. Its primary function shall be legislation and public policy formulation, as distinct and separate from the executive administration of county government.

Section 3-2. Composition and Terms.
There shall be a county council composed of nine members. One member shall be elected from each of nine districts. The terms of the council members shall be two years and shall begin at twelve o’clock meridian on the first Monday of December after their election. The terms of the council members shall not exceed four consecutive two year terms. Candidates shall be elected in accordance with the election laws of the state, insofar as applicable.
(1990, Prop. 1, sec. 1; 1996, Ord. No. 95-20, sec. 2; 2000, Prop. 1, sec. 2.)
or privately owned, for water, sewers, light, power, transit, and other purposes; the extent and location of public housing projects; adequate drainage facilities and control; air pollution; and such other matter as may, in the council's judgment, promote the general welfare, health, and prosperity of its people.

(b) The council shall enact zoning, subdivision, and such other ordinances which shall contain the necessary provisions to carry out the purpose of the general plan.

(c) No public improvement or project, or subdivision or zoning ordinance, shall be initiated or adopted unless the same conforms to and implements the general plan.

(d) Amendments to the general plan may be initiated by the council or the planning director.

(1979, Prop. 3; 2016, Ord. No. 16-62, sec. 1.)

Section 3-16. Mandatory Program Review.

At least once every four years, the council shall critically review every program supported wholly or partially by county funds, and unless the council shall favorably authorize its continuation at current or modified levels, the program shall be terminated. The council shall adopt procedures and details to implement this section.

(1979, Prop. 4.)

Section 3-17. County Redistricting Commission.

(a) There shall be a county redistricting commission which shall establish the boundaries of the council districts.

(b) The initial redistricting commission shall consist of seven members, two of whom shall be residents of the combined judicial districts of North and South Hilo, one from the judicial district of Puna, one from the judicial district of Ka'ū, one from the combined judicial districts of North and South Kona, one from the combined judicial districts of North and South Kohala, and one from the judicial district of Hāmākua. The members shall be appointed by the mayor and confirmed by the council in the manner prescribed in Section 13-4.

(c) Each subsequent redistricting commission shall consist of nine members. One member shall be a resident of each council district as established by the previous redistricting commission. The members shall be appointed by the mayor and confirmed by the council in the manner prescribed in Section 13-4.

(d) The year 1991 and every tenth year thereafter shall be redistricting years. The redistricting commission shall be appointed and confirmed by July 1 of the year immediately preceding the redistricting year, and shall file a redistricting plan with the county clerk by December 31 of the redistricting year. A report shall be filed with the redistricting plan providing an explanation of the commission's reasoning for the plan and how the plan complies with the criteria provided in subsection (g). The redistricting commission shall be dissolved after the filing of the redistricting plan.

(e) Prior to completing a draft of the redistricting plan, the commission shall hold at least one public hearing in each of the nine council districts. Upon completion of a draft redistricting plan, the commission shall hold at least one public hearing in east Hawaiʻi and one in west Hawaiʻi.

(f) The county clerk shall furnish all necessary technical and secretarial services for the redistricting commission. The council shall appropriate necessary funds to enable the commission to carry out its duties.
(g) The redistricting commission shall adhere to the following criteria in establishing the boundaries of the council districts:

(1) No district shall be drawn to unduly favor or penalize a person or political faction;
(2) Insofar as possible, districts should be contiguous and compact;
(3) District lines shall, where possible, follow permanent and easily recognizable features;
(4) Districts shall have approximately equal resident populations as required by applicable constitutional provisions.

(h) The district boundaries as established by the redistricting commission shall be in effect at the first regularly scheduled council election following the filing of the plan and for any subsequent council election. The district boundaries in effect prior to the filing of the redistricting plan shall remain in effect during the duration of the term of all councilmembers elected or appointed to represent such districts until the expiration of the full term of such councilmembers, including any election held to fill an unexpired term under Section 3-5.

(i) No member of the redistricting commission shall be eligible to become a candidate for election to the County Council in the first election under any such redistricting plan.

(1990, Prop. 1, sec. 3; 2010, Prop. 5, sec. 1 and Prop. 7, sec. 6; 2012, Ord. No. 12-70, sec. 2.)

Section 3-18. Office of the Legislative Auditor.

(a) There is established within the legislative branch an independent office of the legislative auditor to be headed by a legislative auditor who shall be appointed by the county council and shall serve for a period of six years, and thereafter, until a successor is appointed. The council, by a two-thirds vote of its membership, may remove the legislative auditor from office at any time for cause.

(b) The legislative auditor shall possess adequate professional proficiency for the office demonstrated by relevant certification, such as certification as a certified internal auditor or certified public accountant or an advanced degree in a relevant field, and at least three years of general auditing experience which shall include a minimum of one year’s experience in the field of government auditing. A certified internal auditor or certified public accountant shall be preferred. All financial audits shall be conducted by a certified public accountant.

(c) The legislative auditor shall submit an annual budget to the county council. The legislative auditor on behalf of the county council shall hire the necessary staff for which appropriations have been made by the county council.

(d) The legislative auditor shall conduct or cause to be conducted:

(1) The annual financial audit of the county, as required in Article X, Financial Procedures, Section 10-13, Post-audit.
(2) Performance and/or financial audits of the funds, programs, services, and operations of any county agency, executive agency, or program, as set forth by the legislative auditor in an annual audit plan that shall be transmitted to the county council and the mayor and filed with the county clerk as a public record.
(3) Follow-up audits and monitoring of responses to audit recommendations by audited entities.
Attachment #8

Hawaii County
Ordinance excerpts
related to Districts
CHAPTER 36
REDISTRICTING

Article 1. Definitions.
Section 36-1. Definitions.

Article 2. Training.
Section 36-2. Training.

Article 3. Redistricting Criteria.
Section 36-3. Established criteria.
Section 36-4. Additional criteria.

Article 4. Plan Deviations.
Section 36-5. Total deviation.
Section 36-6. Maximum council district deviation.

Article 5. Alternate Plan.
Section 36-7. Plan proposed by the public.
Section 36-8. Alternate plan consideration.
Section 36-9. Repealed.

Article 6. Final Plan.
Section 36-10. Written report.
Section 36-11. Challenges to the plan.
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Chapter 36

Redistricting

Article 1. Definitions.

Section 36-1. Definitions.
As used in this chapter:

"Bizarre council district shape" means a council district that is drawn to have a very odd or grotesque shape, that has absurdities or is ridiculous in design, may cause grotesque projections into another district, may add an area that defies logic as to why it was included, or is so weird on its face that it is unexplainable on grounds other than gerrymandering.

"Commission" means the redistricting commission.

"Commissioner" means one of the nine members of the commission, duly appointed in the manner prescribed in section 13-4 of the Charter.

"Community of interest" or "community of common interest" means a group defined by actual shared interests.

"Council district deviation" means the number of percentage points plus or minus 5.99 percent that a population assigned to a council district differs from that of an ideal council district's population.

"Fracturing" or "cracking" means drawing council district lines so that a minority population is broken up and spread among as many council districts as possible, keeping them a minority in every council district, rather than permitting them to concentrate their strength enough to elect representatives in some council districts.

"Gerrymander" means the process of drawing council districts with odd or bizarre shapes to create an unfair advantage.

"Ideal council district's population" means the total number of the County's permanent residents divided by the number of council districts.

"Minority population" means a group with similar demographics or characteristics that may share but not be limited to: ethnicity, political preferences, a socio-economic group, or a community of interest or community of common interest.

"One person, one vote" means using a benchmark against which the residents of the County may measure democracy; the vote of each resident shall be as equally powerful as practicable and the population shall be divided as equally as practicable as to the County's permanent resident population so that each person and each interest has an equal amount of representation in government.

"Packing" means drawing council district boundary lines so that the members of the minority population are concentrated, or "packed," into as few council districts as possible, resulting in a super-majority of that minority population in the packed council district.
“Permanent resident” for census purposes means a person who is domiciled in the County for other than a temporary or transitory purpose. No person shall be deemed to have gained or lost a residence simply because of a person’s presence or absence in compliance with military or naval orders of the United States, or while engaged in aviation or navigation, or while a student at any institution of learning.

“Plan” means a redistricting plan proposed by the commission or any alternative plan submitted by the public.

“Practicable” means reasonably capable of being accomplished, possible or feasible.

“Redistricting” means establishing the boundaries of the council districts, which shall have approximately equal resident populations as required by applicable constitutional provisions.

“Redistricting cycle” means that period of time when the United States Census Bureau conducts a census of the population of the United States of America in the census year followed by redistricting in the redistricting year, and culminates with the next general election following redistricting.

“Region” means one of six geographical areas which includes: Puna, comprised of Upper and Lower Puna; Kona, comprised of North and South Kona; Kohala, comprised of North and South Kohala; Hilo, comprised of North and South Hilo; Ka‘ū; and Hāmākua.

“Socio-economic group” means a group that shares both economic and social characteristics.

“Standard of fairness principles” means that the commission shall use honesty, morality, and fairness in its decisions regarding redistricting.

“Total deviation” means the overall range used to measure the population equality of a plan; the difference between the council district with the most negative percentage deviation and the council district with the most positive percentage deviation.

“United States census year” means those years ending in the numeral zero such as 2010, 2020, etc.

“Vote dilution” means the limitation of the effectiveness of a particular group’s vote by political gerrymandering.

(2011, ord 11-29, sec 2; am 2018, ord 18-98, sec 2.)

**Article 2. Training.**

**Section 36-2. Training.**

Commissioners shall be trained in redistricting law and the code of ethics by the office of the corporation counsel or its designated agent, and may be provided any other training by appropriate personnel to enable the commission to be efficient and educated on this topic.

(2011, ord 11-29, sec 2.)
Article 3. Redistricting Criteria.

Section 36-3. Established criteria.

The commission shall adhere to the criteria in establishing boundaries of the council districts set forth in section 3-17, subsection (g) of the Charter.

Section 36-4. Additional criteria.

In addition to the established criteria, the commission shall also adhere to the following criteria in establishing boundaries of the council districts:

1. Council districts shall have approximately equal, permanent, resident populations, as required by applicable constitutional provisions to prevent vote dilution to the maximum degree practicable.

2. Nonresident military personnel, nonresident military dependents, nonresident students, and foreign nationals or aliens shall be excluded from the permanent, resident population base used to calculate each proposed council district’s population and its deviations from an ideal council district’s population, if practicable.

3. An ideal council district’s population number shall be used to determine by what percentage each council district’s population deviates from the population of an ideal council district.

4. The number of council districts to which a region is entitled shall be determined by dividing the permanent resident population according to the United States census for the applicable United States census year within each region and dividing that number by an ideal council district’s population.

   A. Fractional portions of such districts shall be rounded to the nearest integer to determine the number of council districts required for that region.

   B. Numbers from 0.10 to 0.49 shall be rounded down to the nearest integer.

   C. Numbers from 0.50 to 0.99 shall be rounded up to the nearest integer.

5. There shall be no partisanship or racism in drawing council district boundaries.

6. No council district shall be drawn to unduly favor or penalize an incumbent.

7. Council district boundaries shall be drawn without regard to any incumbent’s residential location, any incumbent’s ability to run for re-election in that incumbent’s current council district, or whether any incumbent faces another incumbent for re-election.

8. Community of interest or community of common interest shall be respected and be kept together in the plan, if practicable.

9. Council districts shall be drawn to be as compact as practicable while maintaining the community or communities of interest.
§ 36-4    HAWAI’I COUNTY CODE

(10) The County shall use to the extent possible a reasonably current computer
      mapping program and shall make the program accessible to the public, if
      practicable.

(11) All parts of each council district shall be contiguous to the council district and
      be reachable by roads internal to the council district.

(12) There shall be no gerrymandering for any reason.

(13) The drawing of bizarre council district shapes shall be avoided even if a
      previous plan was designed using an odd, unusual, or illogical shape.

(14) There shall be no fracturing, packing, or cracking of council districts, if
      practicable.

(15) The one person, one vote principle shall be used.

(16) If the commission establishes criteria in addition to those enumerated in the
      Charter and this chapter, the commission shall use impartial criteria that
      meet standard of fairness principles.

(17) If practicable, socio-economic criteria used in developing the plan, not
      specifically set forth in this chapter, shall be identified, documented, and
      approved by majority vote of the commission, before drawing proposed council
      district boundaries. If practicable, socio-economic groups shall be kept
      together.

(2011, ord 11-29, sec 2.)

Article 4. Plan Deviations.

Section 36-5. Total deviation.
(a) The total deviation for the entire plan shall be less than ten percent.

(b) If a population of permanent residents must be assigned to a different council
    district to ensure that the total deviation is less than ten percent and such
    equalization involves reassigning any portion of a subdivision, the entire
    subdivision shall be moved as a unit, if practicable.

(2011, ord 11-29, sec 2.)

Section 36-6. Maximum council district deviation.
(a) The maximum council district deviation for a proposed council district shall not
    exceed plus or minus 5.99 percent of an ideal council district’s population.

(b) If practicable, documented, high-growth areas shall be drawn to receive the most
    negative council district deviation percentage in the final plan so that as a high
    growth area or district continues to increase in population between census years,
    the council district’s deviations may be equalized.

(2011, ord 11-29, sec 2; am 2018, ord 18-98, sec 3.)
Article 5. Alternate Plan.

Section 36-7. Plan proposed by the public.
(a) Any resident or group of residents of the County shall have the right to propose an alternate plan to the commission for review.
(b) The deadline for the submission of an alternate plan or plans shall be determined by the fourth meeting of the commission and that date shall be publicly announced.
(c) Any proposed alternate plan shall be submitted to the commission at least eight weeks prior to the deadline for the draft plan.
(2011, ord 11-29, sec 2.)

Section 36-8. Alternate plan consideration.
(a) To be considered for commission review, the alternate plan shall include a computerized map of the proposed council districts, the total population number used to devise the plan, the total deviation not to exceed ten percent, and the deviation for each council district not to exceed plus or minus 5.99 percent.
(b) An alternate plan shall be provided to the commission for discussion at public hearings unless the commission formally rejects the alternate plan for just cause.
(c) Any alternate plan submitted for consideration that the commission has not formally rejected for just cause during public hearings shall continue to be considered by the commission for the remaining public hearings and meetings until a final plan is selected.
(2011, ord 11-29, sec 2; am 2018, ord 18-98, sec 4.)

Section 36-9. Repealed.
(2011, ord 11-29, sec 2; rep 2018, ord 18-98, sec 5.)

Article 6. Final Plan.

Section 36-10. Written report.
(a) The commission shall submit a written report to the county clerk transmitting the final plan chosen by the commission.
§ 36-10  HAWAII COUNTY CODE

(b) The written report shall include:
   (1) The final vote of the commission as to its choice of plan;
   (2) The total permanent, resident population base used by the commission;
   (3) The total deviation of the final plan;
   (4) Each proposed council district's population and its associated deviation;
   (5) Maps of each council district and a written description of each council district's boundary;
   (6) A map of the island with all proposed council districts included;
   (7) Justification for any divergence from any of these requirements or criteria or any criteria added by the commission and, in addition:
      (A) Divergence from or adding additional redistricting criteria shall require formal adoption by the commission. The commission shall justify the divergence or addition to the redistricting criteria at a duly noticed and scheduled public meeting. Such justification and public meeting is to be held prior to the commission’s selection or determination of any council district boundaries and before the deadline for filing an alternate plan or plans, as the case may be;
      (B) Written justification for divergence, criteria changes, and meeting minutes shall be included with the submission of the final plan and shall set forth the commission's rationale for divergences from or additions to the redistricting criteria.
   (8) Minutes of all meetings and hearings associated with the commission;
   (9) Documentation in the commission's final report stating the reason any alternate plan, whether accepted or not, was selected or rejected; and
   (10) Any other data used by the commission in its deliberations.

(2011, ord 11-29, sec 2.)

Section 36-11. Challenges to the plan.
In the event of a successful court challenge of a plan, the commission shall continue in operation and may assist the court in formulating a new plan unless a court of competent jurisdiction determines otherwise.

(2011, ord 11-29, sec 2.)
Attachment #8

Hawaii County
2021 Redistricting
Commission Rules
1. **MEETINGS AND QUORUM**

   a. **Regular Meetings.** Unless otherwise designated in advance, the date, time and place of regular meetings will be determined by a majority of the Commission members.

   b. **Meeting Location.** Meetings will be held at the Hawaii County Council Chambers, 25 Aupuni Street, Hilo, Hawaii 96720, or at the Hawaii County Council Chambers at the West Hawaii Civic Center, 75-5044 Ane Keohokalole Highway, Building A, Kailua-Kona, Hawaii 96740, or such other location as the Commission may designate in advance. Videoconferencing may be utilized, subject to availability and applicable laws.

   c. **Special Meetings.** Special meetings may be called by the Chairperson or by a majority of the Commission.

      i) The time, date, and place of such special meeting shall be announced prior to adjournment of a regular meeting. If the Commission is unable to announce a special meeting prior to the adjournment of a regular meeting, written notice must be filed in accordance with HRS § 92-7 and § 13-20(c) of the Hawaii County Charter.

   d. **Executive Meetings.** The Commission may hold a meeting closed to the public for one or more of the purposes set forth in HRS § 92-5, or where personal matters affecting the privacy of an individual are to be considered and the individual involved requests a closed meeting to consider such matter; however, any resultant official action shall be acted upon in an open meeting in accordance with § 13-20(b) of the Hawaii County Charter. An affirmative vote of two-thirds of the members present is required to enter into executive session provided that the majority vote constitutes a majority of the members to which the board is entitled. The reason for holding a meeting closed to the public shall be recorded, and entered into the minutes of the meeting.

   e. **Public Hearings.** Prior to completing a draft Redistricting Plan, the Commission is required to conduct nine public hearings, one hearing in each of the nine Council Districts. Upon completion of a draft Redistricting Plan, the Commission shall hold at least one public hearing
in east Hawai‘i and one in west Hawai‘i. The Commission shall give
public notice, in accordance with HRS § 92-7 and Section 13-20(c),
Hawai‘i County Code, to inform the public of the time, place and subject
matter of the public hearing.

f. **Committee Meetings.** Reserved.

g. **Quorum.** The majority of the members to which the Commission is
entitled shall constitute a quorum for the transaction of business. In the
absence of a quorum, a meeting may not be convened except for the
purpose of either recessing the meeting to another date, time, and specific
location or publicly adjourning the meeting due to lack of quorum.

II. **ATTENDANCE**

All Commission members shall attend all meetings unless excused by the
Chairperson. If a Commissioner wants to attend a meeting via
videoconference pursuant to HRS § 92-3.5, a written request must be
submitted to the Chairperson and approval obtained prior to the filing
deadline of the agenda for that meeting.

III. **OFFICERS AND THEIR DUTIES**

a. **Officers.** The officers of the Commission shall consist of a Chairperson, a
Vice-Chairperson.

b. **Nomination and election of the Chairperson.** As provided in Article XIII,
Section 13-4(h), Hawai‘i County Charter, a Chairperson of the
Commission shall be elected from its membership annually. Any member
of the Commission may be nominated as Chairperson and voted into the
position at the first meeting of the Redistricting Commission by a majority
of all members to which the Commission is entitled.

c. **Duties and Powers of the Chairperson.** The Chairperson of the
Commission shall be the presiding officer of the Commission and shall
have the right to vote, debate, and make motions as other members. It
shall be the duty of the chairperson to:

i. Maintain order and decorum and reasonably administer the receipt
of oral and written testimony in accordance with these rules;

ii. Set the meeting agenda. Items requested in writing by
Commission members to be placed on an agenda within two
regularly scheduled; [Am. 04/10/09]

iii. Announce the business before the Commission in the order
prescribed by these rules and announce the results of any
Commission vote;
iv. When necessary or required, to sign and certify all official acts of
the Commission and all vouchers, purchase orders, etc., for
payment of expenditures of the Commission;

v. To appoint committees, and consultants when authorized by the
Commission, in accordance with applicable laws; and

vi. Serve as the chief spokesperson and representative for the
Commission before the public and the County government. All
official information shall be released through the Chairperson.

d. **Duties and Powers of the Vice-Chairperson.** It shall be the duty of the
Vice-Chairperson to:

i. Exercise all duties and powers of the Chairperson in the
Chairperson's absence;

ii. Assist the Chairperson as needed; and

iii. Perform other such duties as are prescribed by law or assigned by
the Commission.

IV. **NOTICE**

a. The Commission shall comply with all notice provisions of HRS § 92-7
and Hawaii County Charter § 13-20(c).

b. **Agenda Items Submitted by Commission Members.** Commission
members may request, in writing to the Chairperson, that a particular issue
be placed on an upcoming agenda. All requests must be made at least 10
days in advance of the meeting date. Unless otherwise requested and
appropriate, agenda items submitted under this section shall be placed
under the agenda heading "Communications."

[V. **COMMITTEES**

a. Reserved.

VI. **VOTING**

a. **Method of Voting.** There shall be five methods of voting:

i. By voice;
ii. By raising of hands;
iii. By rising;
iv. By unanimous consent; and
v. By roll call.

b. **Voting Procedure.** The method of voting shall be determined by the
Chairperson of the Commission provided that if a vote is not unanimous,
the Chairperson shall announce the names of those members voting in the minority and those who are absent. If, however, a meeting is conducted via videoconference pursuant to HRS § 92-3.5, voting on non-procedural matters shall be conducted via roll call.

c. **Abstentions.** No member shall refrain from voting unless excused by the Chairperson or is otherwise excused by law. Unless a member is excused from voting, silence shall be recorded as an affirmative.

d. **Rule of the Majority.** Procedural matters, requests for information, and internal Commission matters shall require the approval of a majority vote of those present at any meeting. Voting on the submission of the final plan shall require the approval of six (6) members of the Commission.

e. **Reconsideration.** A vote of the Commission may be reconsidered in accordance with Robert's Rules of Order, 10th Edition and applicable notice requirements.

VII. ORDER OF BUSINESS

a. The order of business shall be as follows:

i. Roll Call;

ii. Introduction of Guests;

iii. Statements from the Public;

iv. Approval of Minutes;

v. Communications;

vi. Order of the Day;

vii. Unfinished Business;

viii. Reports;

ix. Referrals for Executive Session; and

x. Adjournment.

b. **Alterations to Order of Business.** The order of business may be altered by the Chairperson or by majority vote of the Commission.

VIII. PUBLIC STATEMENTS AND TESTIMONY

a. **Written Testimony.** Written testimonies shall be received for the record on any agenda item. If possible, fourteen (14) written copies of the testimony should be submitted for presentation to the Commission by 12:00 noon the previous business day of the meeting. Testimony received after 12:00 noon shall still be received for the record and will be presented to the Commission members as soon as practicable.
b. **Oral Testimony.** Members of the public who wish to provide oral testimony shall abide by the following:

i. Persons wishing to present oral testimony on any agenda item shall register with the secretary prior to the closing of statements from the public at the call of the Chairperson, indicating the item on which they wish to speak and their position, if any. Persons may provide their name, address, and organization they represent, if any;

ii. The Chairperson shall call the name of the person wishing to speak, and all persons shall speak before a microphone, and be informed that their statements will be recorded;

iii. Each person may speak for three (3) minutes for each agenda item that they wish to speak on. At the discretion of the Chairperson, any statements not relevant to an agenda item shall not be heard or considered;

iv. No person will be allowed to speak more than once on the same agenda item;

v. Any person wishing to speak on more than one agenda item shall register separately for each agenda item;

vi. All statements are to be made to the Commission in general, and not to any specific member;

vii. With the exception of public hearings, Commission members shall refrain from making comments or asking questions of testifiers during statements from the public;

viii. Written proposals regarding any alternate plans shall be submitted as provided for in Ordinance No. 11-29;

ix. Written statements on issues before the Commission may be deferred until such time as the subject matter referred to in the statement appears on the Commission's agenda. If deferred, the writer shall be informed when the issue will be on the agenda to allow the writer the opportunity to address the Commission and elaborate and/or provide clarity, should the writer so desire;

x. All members of the public shall extend proper courtesy and respect to one another and to all Commission members and staff. All persons shall be addressed by their surnames and no profanity or abusive remarks will be allowed at any time. Any person who is disrespectful to the Commission, staff or other members of the public through disorderly or contemptuous behavior, or who disrupts the exercise of any Commissioner's duty, may be removed from the meeting at the discretion of the Chairperson; and

xi. Any person who does not abide by these rules may be ruled out of order by the Chairperson.
c. **No Diminished Responsibility.** Nothing in this rule shall diminish the responsibility or the authority of the Chairperson to maintain order and decorum.

IX. **REDISTRICTING PLAN**

a. **Authority.** The Redistricting Commission of the County of Hawai‘i shall comply with the provisions of the following:

i. Section 3-17 of the Hawai‘i County Charter;

ii. The provisions of Ordinance No. 11-29, an Ordinance Establishing a Chapter Relating to Redistricting. “Chapter 36 Redistricting.”;

iii. All applicable Constitutional provisions and laws of the State of Hawai‘i; and

iv. All applicable Constitutional provisions and laws of the United State of America.

b. **Deadlines.** In order to ensure ample time to consider proposed redistricting plans, to consider alternate plans, and to ensure for public hearings as required under the Charter of the County of Hawai‘i, time for the consideration of Alternate Plans as set forth in Hawai‘i County Ordinance No. 11-29, and the preparation and transmission of the written report transmitting the Final Redistricting Plan to the Clerk of the County of Hawai‘i, the draft of the Final Redistricting Plan shall be completed by December 9, 2021.

c. **Draft Final Plan.** Upon completion of the draft Redistricting Plan, the Commission shall conduct two public hearings, one in west Hawai‘i and one in East Hawai‘i.

d. **Final Redistricting Plan.** The Final Redistricting Plan and report shall be submitted to the Clerk of the County of Hawai‘i no later than December 31, 2011.

X. **ORDER AND DECORUM**

a. A Commissioner must be recognized by the Chairperson before speaking. The member shall address the Chairperson when recognized and shall confine discussion to the question under debate and avoid personalities.

b. Any Commissioner who arrives late at a hearing or meeting shall refrain from taking the Commission’s time with questions and inquiries on matters already discussed.
c. If any Commissioner behaves in a disorderly or contemptuous manner during any session of the Commission or its Committees, the Chairperson shall order such member to cease and shall preserve the peace. If the Commissioner persists, the Chairperson shall order the offending Commissioner removed from the meeting, and that Commissioner shall not be permitted to be seated during the remainder of the session, except upon approval of the Chairperson or by majority vote of the Commission.

d. All Commissioners shall extend proper courtesy and respect to one another and to all persons speaking before the Commission. No profanity or abusive remarks shall be allowed at any time in any meeting.

e. All persons shall be addressed by their surnames.

XI. PARLIAMENTARY AUTHORITY


XII. EXPENSES

Authorization. No member of the Commission shall incur any expense in which the member intends to seek reimbursement from the Commission except with the consent of the Chairperson.

XIII. PUBLIC ACCESS

Documents and Information. Any person may obtain information, or submit requests for records by contacting the secretary to the Commission subject to applicable laws. Copies of all official minutes, documents, agenda, procedures, statements, or decisions shall be available from the secretary at such costs as may be authorized by law. All official documents, agenda, procedures, statements or decisions shall also be placed on the County of Hawai'i website: co.hawaii.hi.us.

XIV. MINUTES

a. Generally. The Commission shall keep written minutes of all meetings. Neither a full transcript nor a recording of the meeting is required, but the written minutes shall give a true reflection of the matters discussed and the views of the participants. The minutes shall include, but need not be limited to:

i. The date, time, and place of the meeting;
ii. The members of the Commission recorded as either present or absent;

iii. The substance of all matters proposed, discussed, or decided, and a record, by individual member, of any votes taken; and

iv. Any other information that any member of the Commission requests be included or reflected in the minutes.

b. Availability. The minutes shall be public records and shall be available within thirty (30) days after the meeting except where such disclosure would be inconsistent with Section 92-5, Hawai‘i Revised Statutes, or Section 13-20 of the Hawai‘i County Charter. Minutes of executive meetings may be withheld only as long as their publication would defeat the lawful purpose of the executive meeting.

XV. ATTORNEY AND SECRETARY TO THE COMMISSION

a. Attorney. The attorney for the Commission shall be appointed by the Office of the Corporation Counsel, subject to confirmation by majority vote of the entire membership of the Commission. All requests for legal opinions shall be made through the Chairperson after discussion of the matter at a properly noticed meeting. All legal opinions will be distributed to the entire Commission and are subject to the attorney-client privilege. The duties of the attorney are as follows:

i. Attend all meetings of the Commission and its Committees;

ii. Ensure compliance with all applicable open meeting laws, rules, and procedural requirements;

iii. Provide legal research and opinions to the Commission; and

iv. Other duties as required.

b. Secretary. The secretary to the Commission shall be designated by the County Clerk of the County of Hawai‘i, subject to confirmation by majority vote of the entire membership of the Commission. All assignments for the secretary shall be made through the Chairperson. The duties of the secretary are as follows:

i. Take and transcribe all notes and minutes of the Commission and Committee meetings;

ii. Prepare and post the meeting agenda;

iii. Securing and preparing the meeting location;

iv. Receive and distribute public testimony;

v. Set-up and break-down video-conferencing equipment when required; and

vi. Other duties as assigned.
XVI. AMENDMENTS AND REVISIONS TO THE RULES OF PROCEDURE

a. Amendments. These rules may be amended at a regular meeting of the Commission by an affirmative majority vote of the entire membership of the Commission, provided that at least six (6) days advance notice of such amendment(s) and meeting are first given to each member.

b. Revisions. Whenever changes to the rules are so extensive and general that they are scattered throughout the rules such that an entirely new set of rules, called a revision, is necessary, then such revision shall require the adoption by a two-thirds affirmative vote of the entire membership of the Commission. The notice requirement shall be the same as those for amendments.

XVII. SEVERABILITY

In the event any rule contained herein is in conflict with the provisions of the U.S. Constitution, Hawai‘i State Constitution, Hawai‘i Revised Statutes, Hawai‘i County Charter, or the Hawai‘i County Code, such rule shall be deemed invalid. Such invalidity shall not affect other rules contained herein that can otherwise be given effect without the invalid rule, and to this end these rules are severable.

These Rules of Procedure of the County Redistricting Commission were adopted by the 2021 County Redistricting Commission on March 1, 2021.

[Signatures]

Chairperson, County Redistricting Commission

Secretary to the Redistricting Commission
December 21, 2021

Jon Henricks, County Clerk
Office of the County Clerk
Hawai'i County Council
25 Aupuni Street, Suite 1402
Hilo, Hawai'i 96720

RE: 2021 Redistricting Commission Report

The 2021 Hawai'i County Redistricting Commission submits its Report to the County Clerk. This report transmits the Final Redistricting Plan approved by the Commission and supporting documentation pursuant to Hawai'i County Code, Chapter 36 (2016 Edition, as amended), and Hawai'i County Charter, Article III, Section 3-17.

The Commission extends its appreciation to the citizens and organizations of Hawai'i County for their participation and input during the redistricting process.

Sincerely,

[Signature]
Bronsten-Glenn Kossow
Chairperson
2021
HAWAII’I COUNTY
REDISTRICTING COMMISSION
REPORT

The Hawai‘i County Redistricting Commission consists of nine members representing each of the current County Council Districts. Commission members are appointed by the Mayor and confirmed by the County Council.

District 1 Commissioner: Meizhu Lui
District 2 Commissioner: Dwayne Yoshina
District 3 Commissioner: Lehuamani Ah Nee
District 4 Commissioner: Jennifer Yadao
District 5 Commissioner: Stephanie Bath
District 6 Commissioner: Aina Akamu
District 7 Commissioner: Bronsten Glenn-Kossow (Chairperson)
District 8 Commissioner: Stephen Lopez
District 9 Commissioner: James Hustace (Vice-Chairperson)

The Commission is required to follow the provisions of both Hawai‘i County Charter, Article III, Section 3-17 and Hawai‘i County Code, Chapter 36 (2016 Edition, as amended). Copies of these Charter and Code sections are attached as EXHIBIT 1.

Commission proceedings adhered to the 2021 Hawai‘i County Redistricting Commission Rules of Procedure, a copy of which is attached to this report as EXHIBIT 2.

Pursuant to Hawai‘i County Code Chapter 36, Article 6, Section 36-10, along with transmitting its final redistricting plan, the Commission reports the following:
(1) **FINAL VOTE OF THE COMMISSION AS TO CHOICE OF FINAL PLAN.**

The final vote of the Commission as to the adoption of the Final Redistricting Plan was unanimous, 9-0.

(2) **TOTAL PERMANENT RESIDENT POPULATION BASE USED BY THE COMMISSION.**

The total permanent resident population used by the Redistricting Commission was 200,090. This resident population number was determined by using the Total Population for Hawai‘i County as determined by the United States Census of 2020 (200,629) and deleting 499 nonresident students and 40 nonresident military.

The criteria for the total permanent resident population base used by the Commission is set forth in Hawai‘i County Code Chapter 36, Article 3, Section 36-4(2).

(3) **TOTAL DEVIATION OF THE FINAL PLAN.**

The total deviation in the final plan is: 9.98%.

(4) **EACH PROPOSED COUNCIL DISTRICT’S POPULATION AND ASSOCIATED DEVIATION.**

As defined by Hawai‘i County Code Chapter 36, Section 36-1, the “ideal council district’s population” is 22,232 (the total permanent resident population divided by nine council districts).

<table>
<thead>
<tr>
<th>COUNCIL DISTRICT</th>
<th>TOTAL POPULATION</th>
<th>DEVIATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>District 1</td>
<td>20,954</td>
<td>-5.75%</td>
</tr>
<tr>
<td>District 2</td>
<td>23,172</td>
<td>4.23%</td>
</tr>
<tr>
<td>District 3</td>
<td>23,120</td>
<td>3.99%</td>
</tr>
<tr>
<td>District 4</td>
<td>23,084</td>
<td>3.83%</td>
</tr>
<tr>
<td>District 5</td>
<td>23,147</td>
<td>4.12%</td>
</tr>
<tr>
<td>District 6</td>
<td>21,256</td>
<td>-4.39%</td>
</tr>
<tr>
<td>District 7</td>
<td>21,707</td>
<td>-2.36%</td>
</tr>
<tr>
<td>District 8</td>
<td>21,236</td>
<td>-4.48%</td>
</tr>
<tr>
<td>District 9</td>
<td>22,414</td>
<td>0.82%</td>
</tr>
</tbody>
</table>

(5) **MAPS OF EACH COUNCIL DISTRICT AND WRITTEN DESCRIPTION OF EACH COUNCIL DISTRICT’S BOUNDARY.**

Maps of each Council District are attached as EXHIBIT 3.

Written descriptions of each Council District are attached as EXHIBIT 4.
(6) MAP OF THE ISLAND WITH ALL PROPOSED COUNCIL DISTRICTS.

A map of the County of Hawai‘i showing all Council Districts is attached as EXHIBIT 5.

(7) JUSTIFICATION FOR ANY DIVERGENCE FROM REQUIREMENTS OR CRITERIA.

The Commission did not diverge from any requirements or criteria.

(8) MINUTES OF ALL MEETINGS AND PUBLIC HEARINGS.

Completed minutes of the 2021 Redistricting Commission Meetings are attached as EXHIBIT 6.

Meetings and hearings were conducted as follows:

<table>
<thead>
<tr>
<th>MEETINGS</th>
<th>PUBLIC HEARINGS</th>
<th>PUBLIC HEARINGS ON DRAFT PLAN</th>
</tr>
</thead>
<tbody>
<tr>
<td>March 1, 2021</td>
<td>October 11, 2021 District 2</td>
<td>December 14, 2021 West Hawai‘i</td>
</tr>
<tr>
<td>September 9, 2021</td>
<td>October 14, 2021 District 1</td>
<td>December 16, 2021 East Hawai‘i</td>
</tr>
<tr>
<td>September 23, 2021</td>
<td>October 18, 2021 District 3</td>
<td></td>
</tr>
<tr>
<td>September 30, 2021</td>
<td>October 21, 2021 District 4</td>
<td></td>
</tr>
<tr>
<td>October 14, 2021</td>
<td>October 25, 2021 District 5</td>
<td></td>
</tr>
<tr>
<td>October 28, 2021</td>
<td>October 28, 2021 District 6</td>
<td></td>
</tr>
<tr>
<td>November 12, 2021</td>
<td>November 1, 2021 District 7</td>
<td></td>
</tr>
<tr>
<td>November 23, 2021</td>
<td>November 4, 2021 District 8</td>
<td></td>
</tr>
<tr>
<td>(recessed and reconvened November 29, 2021)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>December 9, 2021</td>
<td>November 8, 2021 District 9</td>
<td></td>
</tr>
<tr>
<td>December 17, 2021</td>
<td></td>
<td></td>
</tr>
<tr>
<td>December 21, 2021</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Hawai‘i Revised Statutes Chapter 92, Section 92-9 allows for minutes to be made available within forty days after a commission meeting. In addition to complying with this requirement, to accommodate the availability of timely public review of its proceedings, the 2021 Commission utilized a YouTube channel. Beginning with its September 23, 2021 session, all meetings and public hearings were livestreamed for the public. Archived videos were posted for playback of sessions, in its entirety, within 24 hours of the meeting. The Commission intends to maintain its YouTube channel through at least calendar year 2022 for public access in viewing all sessions.
(9) DOCUMENTATION FOR ACCEPTING OR REJECTING ALTERNATE PLANS.

The deadline for submission of an alternate plan was October 14, 2021. Pursuant to Hawai‘i County Code Chapter 36, Article 5, the Commission determined this deadline during its September 9, 2021 session, prior to the fourth meeting. The deadline was publicly announced during an open session of the Commission and on the September 23, 2021 agenda.

As defined by the Code, the Commission received one Alternate Plan. The plan adopted by the Redistricting Commission includes, in large part, portions of the alternate plan recommended to the commission.

In addition, testimony and public input received from various community members throughout the redistricting process were taken under consideration by the Commission within the extent of its requirements to act within the parameters of the Charter and Code.

(10) ANY OTHER DATA USED BY THE COMMISSION.

The Commission did not use any other data or criteria in adopting the Final Redistricting Plan.

In addition to the required components for its report, the following are recommendations of the 2021 Redistricting Commission:

1) Amend Hawai‘i County Charter Section 3-17(e) to reverse the current order of public hearings in such that there be one each in east and west Hawai‘i prior to completion of a draft plan and nine hearings be held in each council district after the Commission selects a draft plan. This would allow for more constructive feedback from the public. (For further rationale, see Exhibit 7 – letters from Chairperson.)

2) Explore and enact applicable legislation that would provide oversight for future commissions to adjust incarcerated individuals based on their residential address instead of the incarcerated facility. (For further rationale, see Exhibit 7 – letters from Chairperson.)

3) The County work with the State Office of Elections and United States Census Bureau to address problematic census blocks identified by the Commission that result in data irregularities and issues in applying boundary map lines. (For further details and information, see Exhibit 7 – letters from Chairperson, Exhibit 8 – Census Block Issue List, and Exhibit 9 – New District Boundaries and Communities of Interest, additional comments section in submission by Vice-Chairperson Hustace.)

Supplemental to this report, Commissioners representing council districts 1, 2, 5, 7, 8, and 9 provided individual rationale statements for their respective areas. See: Exhibit 9 – New District Boundaries and Communities of Interest.
Section 3-17. County Redistricting Commission.

(a) There shall be a county redistricting commission which shall establish the boundaries of the council districts.

(b) The initial redistricting commission shall consist of seven members, two of whom shall be residents of the combined judicial districts of North and South Hilo, one from the judicial district of Puna, one from the judicial district of Ka‘ū, one from the combined judicial districts of North and South Kona, one from the combined judicial districts of North and South Kohala, and one from the judicial district of Hāmākua. The members shall be appointed by the mayor and confirmed by the council in the manner prescribed in Section 13-4.

(c) Each subsequent redistricting commission shall consist of nine members. Each of the nine council districts shall be represented by a resident appointed from that district, as established by the previous redistricting commission. The members shall be appointed by the mayor and confirmed by the council in the manner prescribed in Section 13-4.

(d) The year 1991 and every tenth year thereafter shall be redistricting years. The redistricting commission shall be appointed and confirmed by July 1 of the year immediately preceding the redistricting year, and shall file a redistricting plan with the county clerk by December 31 of the redistricting year. A report shall be filed with the redistricting plan providing an explanation of the commission’s reasoning for the plan and how the plan complies with the criteria provided in subsection (g). The redistricting commission shall be dissolved after the filing of the redistricting plan.

(e) Prior to completing a draft of the redistricting plan, the commission shall hold at least one public hearing in each of the nine council districts. Upon completion of a draft redistricting plan, the commission shall hold at least one public hearing in east Hawai‘i and one in west Hawai‘i.

(f) The county clerk shall furnish all necessary technical and secretarial services for the redistricting commission. The council shall appropriate necessary funds to enable the commission to carry out its duties.

(g) The redistricting commission shall adhere to the following criteria in establishing the boundaries of the council districts:

(1) No district shall be drawn to unduly favor or penalize a person or political faction;
(2) Insofar as possible, districts should be contiguous and compact;
(3) District lines shall, where possible, follow permanent and easily recognizable features;
(4) Districts shall have approximately equal resident populations as required by applicable constitutional provisions.

(h) The district boundaries as established by the redistricting commission shall be in effect at the first regularly scheduled council election following the filing of the plan and for any subsequent council election. The district boundaries in effect prior to the filing of the redistricting plan shall remain in effect during the duration of the term of all council members elected or appointed to represent such districts until the expiration of the full term of such council members, including any election held to fill an unexpired term under Section 3-5.

(i) No member of the redistricting commission shall be eligible to become a candidate for election to the County Council in the first election under any such redistricting plan.
CHAPTER 36
REDISTRICTING

Article 1. Definitions.

Section 36-1. Definitions.

Article 2. Training.

Section 36-2. Training.

Article 3. Redistricting Criteria.

Section 36-3. Established criteria.
Section 36-4. Additional criteria.

Article 4. Plan Deviations.

Section 36-5. Total deviation.
Section 36-6. Maximum council district deviation.

Article 5. Alternate Plan.

Section 36-7. Plan proposed by the public.
Section 36-8. Alternate plan consideration.
Section 36-9. Repealed.

Article 6. Final Plan.

Section 36-10. Written report.
Section 36-11. Challenges to the plan.
Section 36-1. Definitions.

As used in this chapter:

"Bizarre council district shape" means a council district that is drawn to have a very odd or grotesque shape, that has absurdities or is ridiculous in design, may cause grotesque projections into another district, may add an area that defies logic as to why it was included, or is so weird on its face that it is unexplainable on grounds other than gerrymandering.

"Commission" means the redistricting commission.

"Commissioner" means one of the nine members of the commission, duly appointed in the manner prescribed in section 13-4 of the Charter.

"Community of interest" or "community of common interest" means a group defined by actual shared interests.

"Council district deviation" means the number of percentage points plus or minus 5.99 percent that a population assigned to a council district differs from that of an ideal council district's population.

"Fracturing" or "cracking" means drawing council district lines so that a minority population is broken up and spread among as many council districts as possible, keeping them a minority in every council district, rather than permitting them to concentrate their strength enough to elect representatives in some council districts.

"Gerrymander" means the process of drawing council districts with odd or bizarre shapes to create an unfair advantage.

"Ideal council district's population" means the total number of the County's permanent residents divided by the number of council districts.

"Minority population" means a group with similar demographics or characteristics that may share but not be limited to: ethnicity, political preferences, a socio-economic group, or a community of interest or community of common interest.

"One person, one vote" means using a benchmark against which the residents of the County may measure democracy; the vote of each resident shall be as equally powerful as practicable and the population shall be divided as equally as practicable as to the County's permanent resident population so that each person and each interest has an equal amount of representation in government.

"Packing" means drawing council district boundary lines so that the members of the minority population are concentrated, or "packed," into as few council districts as possible, resulting in a super-majority of that minority population in the packed council district.
“Permanent resident” for census purposes means a person who is domiciled in the County for other than a temporary or transitory purpose. No person shall be deemed to have gained or lost a residence simply because of a person’s presence or absence in compliance with military or naval orders of the United States, or while engaged in aviation or navigation, or while a student at any institution of learning.

“Plan” means a redistricting plan proposed by the commission or any alternative plan submitted by the public.

“Practicable” means reasonably capable of being accomplished, possible or feasible.

“Redistricting” means establishing the boundaries of the council districts, which shall have approximately equal resident populations as required by applicable constitutional provisions.

“Redistricting cycle” means that period of time when the United States Census Bureau conducts a census of the population of the United States of America in the census year followed by redistricting in the redistricting year, and culminates with the next general election following redistricting.

“Region” means one of six geographical areas which includes: Puna, comprised of Upper and Lower Puna; Kona, comprised of North and South Kona; Kohala, comprised of North and South Kohala; Hilo, comprised of North and South Hilo; Ka‘ū; and Hāmākua.

“Socio-economic group” means a group that shares both economic and social characteristics.

“Standard of fairness principles” means that the commission shall use honesty, morality, and fairness in its decisions regarding redistricting.

“Total deviation” means the overall range used to measure the population equality of a plan; the difference between the council district with the most negative percentage deviation and the council district with the most positive percentage deviation.

“United States census year” means those years ending in the numeral zero such as 2010, 2020, etc.

“Vote dilution” means the limitation of the effectiveness of a particular group’s vote by political gerrymandering.

(2011, ord 11-29, sec 2; am 2018, ord 18-98, sec 2.)

Article 2. Training.

Section 36-2. Training.

Commissioners shall be trained in redistricting law and the code of ethics by the office of the corporation counsel or its designated agent, and may be provided any other training by appropriate personnel to enable the commission to be efficient and educated on this topic.

(2011, ord 11-29, sec 2.)
Article 3. Redistricting Criteria.

Section 36-3. Established criteria.
The commission shall adhere to the criteria in establishing boundaries of the council districts set forth in section 3-17, subsection (g) of the Charter.
(2011, ord 11-29, sec 2.)

Section 36-4. Additional criteria.
In addition to the established criteria, the commission shall also adhere to the following criteria in establishing boundaries of the council districts:

1. Council districts shall have approximately equal, permanent, resident populations, as required by applicable constitutional provisions to prevent vote dilution to the maximum degree practicable.

2. Nonresident military personnel, nonresident military dependents, nonresident students, and foreign nationals or aliens shall be excluded from the permanent, resident population base used to calculate each proposed council district's population and its deviations from an ideal council district's population, if practicable.

3. An ideal council district's population number shall be used to determine by what percentage each council district's population deviates from the population of an ideal council district.

4. The number of council districts to which a region is entitled shall be determined by adding together the permanent resident population according to the United States census for the applicable United States census year within each region and dividing that number by an ideal council district's population.
   4A. Fractional portions of such districts shall be rounded to the nearest integer to determine the number of council districts required for that region.
   4B. Numbers from 0.10 to 0.49 shall be rounded down to the nearest integer.
   Numbers from 0.50 to 0.99 shall be rounded up to the nearest integer.

5. There shall be no partisanship or racism in drawing council district boundaries.

6. No council district shall be drawn to unduly favor or penalize an incumbent.

7. Council district boundaries shall be drawn without regard to any incumbent's residential location, any incumbent's ability to run for re-election in that incumbent's current council district, or whether any incumbent faces another incumbent for re-election.

8. Community of interest or community of common interest shall be respected and be kept together in the plan, if practicable.

9. Council districts shall be drawn to be as compact as practicable while maintaining the community or communities of interest.
(10) The County shall use to the extent possible a reasonably current computer mapping program and shall make the program accessible to the public, if practicable.

(11) All parts of each council district shall be contiguous to the council district and be reachable by roads internal to the council district.

(12) There shall be no gerrymandering for any reason.

(13) The drawing of bizarre council district shapes shall be avoided even if a previous plan was designed using an odd, unusual, or illogical shape.

(14) There shall be no fracturing, packing, or cracking of council districts, if practicable.

(15) The one person, one vote principle shall be used.

(16) If the commission establishes criteria in addition to those enumerated in the Charter and this chapter, the commission shall use impartial criteria that meet standard of fairness principles.

(17) If practicable, socio-economic criteria used in developing the plan, not specifically set forth in this chapter, shall be identified, documented, and approved by majority vote of the commission, before drawing proposed council district boundaries. If practicable, socio-economic groups shall be kept together.

(2011, ord 11-29, sec 2.)

Article 4. Plan Deviations.

Section 36-5. Total deviation.
(a) The total deviation for the entire plan shall be less than ten percent.
(b) If a population of permanent residents must be assigned to a different council district to ensure that the total deviation is less than ten percent and such equalization involves reassigning any portion of a subdivision, the entire subdivision shall be moved as a unit, if practicable.

(2011, ord 11-29, sec 2.)

Section 36-6. Maximum council district deviation.
(a) The maximum council district deviation for a proposed council district shall not exceed plus or minus 5.99 percent of an ideal council district's population.
(b) If practicable, documented, high-growth areas shall be drawn to receive the most negative council district deviation percentage in the final plan so that as a high growth area or district continues to increase in population between census years, the council district's deviations may be equalized.

(2011, ord 11-29, sec 2; am 2018, ord 18-98, sec 3.)
Article 5. Alternate Plan.

Section 36-7. Plan proposed by the public.
(a) Any resident or group of residents of the County shall have the right to propose an alternate plan to the commission for review.
(b) The deadline for the submission of an alternate plan or plans shall be determined by the fourth meeting of the commission and that date shall be publicly announced.
(c) Any proposed alternate plan shall be submitted to the commission at least eight weeks prior to the deadline for the draft plan.
(2011, ord 11-29, sec 2.)

Section 36-8. Alternate plan consideration.
(a) To be considered for commission review, the alternate plan shall include a computerized map of the proposed council districts, the total population number used to devise the plan, the total deviation not to exceed ten percent, and the deviation for each council district not to exceed plus or minus 5.99 percent.
(b) An alternate plan shall be provided to the commission for discussion at public hearings unless the commission formally rejects the alternate plan for just cause.
(c) Any alternate plan submitted for consideration that the commission has not formally rejected for just cause during public hearings shall continue to be considered by the commission for the remaining public hearings and meetings until a final plan is selected.
(2011, ord 11-29, sec 2; am 2018, ord 18-98, sec 4.)

Section 36-9. Repealed.
(2011, ord 11-29, sec 2; rep 2018. ord 18-98, sec 5.)

Article 6. Final Plan.

Section 36-10. Written report.
(a) The commission shall submit a written report to the county clerk transmitting the final plan chosen by the commission.
§ 36-10  HAWAI'I COUNTY CODE

(b) The written report shall include:

(1) The final vote of the commission as to its choice of plan;
(2) The total permanent, resident population base used by the commission;
(3) The total deviation of the final plan;
(4) Each proposed council district's population and its associated deviation;
(5) Maps of each council district and a written description of each council district's boundary;
(6) A map of the island with all proposed council districts included;
(7) Justification for any divergence from any of these requirements or criteria or any criteria added by the commission and, in addition:
   (A) Divergence from or adding additional redistricting criteria shall require formal adoption by the commission. The commission shall justify the divergence or addition to the redistricting criteria at a duly noticed and scheduled public meeting. Such justification and public meeting is to be held prior to the commission's selection or determination of any council district boundaries and before the deadline for filing an alternate plan or plans, as the case may be;
   (B) Written justification for divergence, criteria changes, and meeting minutes shall be included with the submission of the final plan and shall set forth the commission's rationale for divergences from or additions to the redistricting criteria.
(8) Minutes of all meetings and hearings associated with the commission;
(9) Documentation in the commission's final report stating the reason any alternate plan, whether accepted or not, was selected or rejected; and
(10) Any other data used by the commission in its deliberations.

(2011, ord 11-29, sec 2.)

Section 36-11. Challenges to the plan.

In the event of a successful court challenge of a plan, the commission shall continue in operation and may assist the court in formulating a new plan unless a court of competent jurisdiction determines otherwise.

(2011, ord 11-29, sec 2.)
2021 HAWAII COUNTY REDISTRICTING COMMISSION

RULES OF PROCEDURE

1. MEETINGS AND QUORUM

   a. Regular Meetings. Unless otherwise designated in advance, the date, time and place of regular meetings will be determined by a majority of the Commission members.

   b. Meeting Location. Meetings will be held at the Hawaii County Council Chambers, 25 Aupuni Street, Hilo, Hawaii 96720, or at the Hawaii County Council Chambers at the West Hawaii Civic Center, 75-5044 Ane Keohokalole Highway, Building A, Kailua-Kona, Hawaii 96740, or such other location as the Commission may designate in advance. Videoconferencing may be utilized, subject to availability and applicable laws.

   c. Special Meetings. Special meetings may be called by the Chairperson or by a majority of the Commission.

      i) The time, date, and place of such special meeting shall be announced prior to adjournment of a regular meeting. If the Commission is unable to announce a special meeting prior to the adjournment of a regular meeting, written notice must be filed in accordance with HRS § 92-7 and § 13-20(c) of the Hawaii County Charter.

   d. Executive Meetings. The Commission may hold a meeting closed to the public for one or more of the purposes set forth in HRS § 92-5, or where personal matters affecting the privacy of an individual are to be considered and the individual involved requests a closed meeting to consider such matter; however, any resultant official action shall be acted upon in an open meeting in accordance with § 13-20(b) of the Hawaii County Charter. An affirmative vote of two-thirds of the members present is required to enter into executive session provided that the majority vote constitutes a majority of the members to which the board is entitled. The reason for holding a meeting closed to the public shall be recorded, and entered into the minutes of the meeting.

   e. Public Hearings. Prior to completing a draft Redistricting Plan, the Commission is required to conduct nine public hearings, one hearing in each of the nine Council Districts. Upon completion of a draft Redistricting Plan, the Commission shall hold at least one public hearing
in east Hawai‘i and one in west Hawai‘i. The Commission shall give public notice, in accordance with HRS § 92-7 and Section 13-20(c), Hawai‘i County Code, to inform the public of the time, place and subject matter of the public hearing.

f. **Committee Meetings.** Reserved.

g. **Quorum.** The majority of the members to which the Commission is entitled shall constitute a quorum for the transaction of business. In the absence of a quorum, a meeting may not be convened except for the purpose of either recessing the meeting to another date, time, and specific location or publicly adjourning the meeting due to lack of quorum.

II. ATTENDANCE

All Commission members shall attend all meetings unless excused by the Chairperson. If a Commissioner wants to attend a meeting via videoconference pursuant to HRS § 92-3.5, a written request must be submitted to the Chairperson and approval obtained prior to the filing deadline of the agenda for that meeting.

III. OFFICERS AND THEIR DUTIES

a. **Officers.** The officers of the Commission shall consist of a Chairperson, a Vice-Chairperson.

b. **Nomination and election of the Chairperson.** As provided in Article XIII, Section 13-4(h), Hawai‘i County Charter, a Chairperson of the Commission shall be elected from its membership annually. Any member of the Commission may be nominated as Chairperson and voted into the position at the first meeting of the Redistricting Commission by a majority of all members to which the Commission is entitled.

c. **Duties and Powers of the Chairperson.** The Chairperson of the Commission shall be the presiding officer of the Commission and shall have the right to vote, debate, and make motions as other members. It shall be the duty of the chairperson to:

   i. Maintain order and decorum and reasonably administer the receipt of oral and written testimony in accordance with these rules;
   
   ii. Set the meeting agenda. Items requested in writing by Commission members to be placed on an agenda within two regularly scheduled; [Am. 04/10/09]
   
   iii. Announce the business before the Commission in the order prescribed by these rules and announce the results of any Commission vote;
iv. When necessary or required, to sign and certify all official acts of
the Commission and all vouchers, purchase orders, etc., for
payment of expenditures of the Commission;
v. To appoint committees, and consultants when authorized by the
Commission, in accordance with applicable laws; and
vi. Serve as the chief spokesperson and representative for the
Commission before the public and the County government. All
official information shall be released through the Chairperson.

d. **Duties and Powers of the Vice-Chairperson.** It shall be the duty of the
Vice-Chairperson to:

i. Exercise all duties and powers of the Chairperson in the
Chairperson's absence;
ii. Assist the Chairperson as needed; and
iii. Perform other such duties as are prescribed by law or assigned by
the Commission.

IV. **NOTICE**

a. The Commission shall comply with all notice provisions of HRS § 92-7
and Hawaii County Charter § 13-20(c).

b. **Agenda Items Submitted by Commission Members.** Commission
members may request, in writing to the Chairperson, that a particular issue
be placed on an upcoming agenda. All requests must be made at least 10
days in advance of the meeting date. Unless otherwise requested and
appropriate, agenda items submitted under this section shall be placed
under the agenda heading "Communications." [Am. 04/10/09]

V. **COMMITTEES**

a. Reserved.

VI. **VOTING**

a. **Method of Voting.** There shall be five methods of voting:

i. By voice;
ii. By raising of hands;
iii. By rising;
iv. By unanimous consent; and
v. By roll call.

b. **Voting Procedure.** The method of voting shall be determined by the
Chairperson of the Commission provided that if a vote is not unanimous,
the Chairperson shall announce the names of those members voting in the minority and those who are absent. If, however, a meeting is conducted via videoconference pursuant to HRS § 92-3.5, voting on non-procedural matters shall be conducted via roll call.

c. **Abstentions.** No member shall refrain from voting unless excused by the Chairperson or is otherwise excused by law. Unless a member is excused from voting, silence shall be recorded as an affirmative.

d. **Rule of the Majority.** Procedural matters, requests for information, and internal Commission matters shall require the approval of a majority vote of those present at any meeting. Voting on the submission of the final plan shall require the approval of six (6) members of the Commission.

e. **Reconsideration.** A vote of the Commission may be reconsidered in accordance with Robert’s Rules of Order, 10th Edition and applicable notice requirements.

VII. ORDER OF BUSINESS

a. The order of business shall be as follows:

i. Roll Call;

ii. Introduction of Guests;

iii. Statements from the Public;

iv. Approval of Minutes;

v. Communications;

vi. Order of the Day;

vii. Unfinished Business;

viii. Reports;

ix. Referrals for Executive Session; and

x. Adjournment.

b. **Alterations to Order of Business.** The order of business may be altered by the Chairperson or by majority vote of the Commission.

VIII. PUBLIC STATEMENTS AND TESTIMONY

a. **Written Testimony.** Written testimonies shall be received for the record on any agenda item. If possible, fourteen (14) written copies of the testimony should be submitted for presentation to the Commission by 12:00 noon the previous business day of the meeting. Testimony received after 12:00 noon shall still be received for the record and will be presented to the Commission members as soon as practicable.
b. **Oral Testimony.** Members of the public who wish to provide oral testimony shall abide by the following:

i. Persons wishing to present oral testimony on any agenda item shall register with the secretary prior to the closing of statements from the public at the call of the Chairperson, indicating the item on which they wish to speak and their position, if any. Persons may provide their name, address, and organization they represent, if any;

ii. The Chairperson shall call the name of the person wishing to speak, and all persons shall speak before a microphone, and be informed that their statements will be recorded;

iii. Each person may speak for three (3) minutes for each agenda item that they wish to speak on. At the discretion of the Chairperson, any statements not relevant to an agenda item shall not be heard or considered;

iv. No person will be allowed to speak more than once on the same agenda item;

v. Any person wishing to speak on more than one agenda item shall register separately for each agenda item;

vi. All statements are to be made to the Commission in general, and not to any specific member;

vii. With the exception of public hearings, Commission members shall refrain from making comments or asking questions of testifiers during statements from the public;

viii. Written proposals regarding any alternate plans shall be submitted as provided for in Ordinance No. 11-29;

ix. Written statements on issues before the Commission may be deferred until such time as the subject matter referred to in the statement appears on the Commission's agenda. If deferred, the writer shall be informed when the issue will be on the agenda to allow the writer the opportunity to address the Commission and elaborate and/or provide clarity, should the writer so desire;

x. All members of the public shall extend proper courtesy and respect to one another and to all Commission members and staff. All persons shall be addressed by their surnames and no profanity or abusive remarks will be allowed at any time. Any person who is disrespectful to the Commission, staff or other members of the public through disorderly or contemptuous behavior, or who disrupts the exercise of any Commissioner's duty, may be removed from the meeting at the discretion of the Chairperson; and

xi. Any person who does not abide by these rules may be ruled out of order by the Chairperson.
c. **No Diminished Responsibility.** Nothing in this rule shall diminish the responsibility or the authority of the Chairperson to maintain order and decorum.

IX. **REDISTRICTING PLAN**

a. **Authority.** The Redistricting Commission of the County of Hawai'i shall comply with the provisions of the following:

i. Section 3-17 of the Hawai'i County Charter;

ii. The provisions of Ordinance No. 11-29, an Ordinance Establishing a Chapter Relating to Redistricting. "Chapter 36 Redistricting;"

iii. All applicable Constitutional provisions and laws of the State of Hawai'i; and

iv. All applicable Constitutional provisions and laws of the United State of America.

b. **Deadlines.** In order to ensure ample time to consider proposed redistricting plans, to consider alternate plans, and to ensure for public hearings as required under the Charter of the County of Hawai'i, time for the consideration of Alternate Plans as set forth in Hawai'i County Ordinance No. 11-29, and the preparation and transmission of the written report transmitting the Final Redistricting Plan to the Clerk of the County of Hawai'i, the draft of the Final Redistricting Plan shall be completed by December 9, 2021.

c. **Draft Final Plan.** Upon completion of the draft Redistricting Plan, the Commission shall conduct two public hearings, one in west Hawai'i and one in East Hawai'i.

d. **Final Redistricting Plan.** The Final Redistricting Plan and report shall be submitted to the Clerk of the County of Hawai'i no later than December 31, 2011.

X. **ORDER AND DECORUM**

a. A Commissioner must be recognized by the Chairperson before speaking. The member shall address the Chairperson when recognized and shall confine discussion to the question under debate and avoid personalities.

b. Any Commissioner who arrives late at a hearing or meeting shall refrain from taking the Commission’s time with questions and inquiries on matters already discussed.
c. If any Commissioner behaves in a disorderly or contemptuous manner during any session of the Commission or its Committees, the Chairperson shall order such member to cease and shall preserve the peace. If the Commissioner persists, the Chairperson shall order the offending Commissioner removed from the meeting, and that Commissioner shall not be permitted to be seated during the remainder of the session, except upon approval of the Chairperson or by majority vote of the Commission.

d. All Commissioners shall extend proper courtesy and respect to one another and to all persons speaking before the Commission. No profanity or abusive remarks shall be allowed at any time in any meeting.

e. All persons shall be addressed by their surnames.

XI. PARLIAMENTARY AUTHORITY


XII. EXPENSES

Authorization. No member of the Commission shall incur any expense in which the member intends to seek reimbursement from the Commission except with the consent of the Chairperson.

XIII. PUBLIC ACCESS

Documents and Information. Any person may obtain information, or submit requests for records by contacting the secretary to the Commission subject to applicable laws. Copies of all official minutes, documents, agenda, procedures, statements, or decisions shall be available from the secretary at such costs as may be authorized by law. All official documents, agenda, procedures, statements or decisions shall also be placed on the County of Hawai‘i website: co.hawaii hi.us.

XIV. MINUTES

a. Generally. The Commission shall keep written minutes of all meetings. Neither a full transcript nor a recording of the meeting is required, but the written minutes shall give a true reflection of the matters discussed and the views of the participants. The minutes shall include, but need not be limited to:

i. The date, time, and place of the meeting;