

**BALLOT QUESTION**

**PROPOSAL NO. 5: Eligibility for Redistricting Commissioners to be Candidates for County Council**

Shall section 3-17, County Redistricting Commission, of the Hawai‘i County Charter be amended by adding the following, to take effect after the 2021 Redistricting Plan: “(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”?

**If you agree with Proposal No. “5,” vote yes.**

**If you disagree with Proposal No. “5,” vote no.**

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**FULL TEXT OF PROPOSAL NO. 5  
ORDINANCE NO. 12-70**

AN ORDINANCE TO INITIATE AN AMENDMENT TO ARTICLE III, SECTION 3-17, OF THE HAWAI‘I COUNTY CHARTER (2010 EDITION), RELATING TO THE COUNTY REDISTRICTING COMMISSION.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAI‘I:

SECTION 1. Purpose. The purpose of this ordinance is to initiate an amendment to the Hawai‘i County Charter to prohibit redistricting commissioners from becoming a candidate for the County Council for the first election cycle following the redistricting.

SECTION 2. Article III, section 3-17 of the Hawai‘i County Charter (2010 Edition) is amended to read as follows:

**“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 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 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.

SECTION 3. New charter material is underscored. When revising, compiling, or printing these charter provisions for inclusion in the Charter of the County of Hawai'i, the reviser need not include the underscoring.

SECTION 4. If any provision of this ordinance, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance, which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

SECTION 5. Upon adoption of this ordinance, this council, by appropriate resolution, shall provide that this amendment be submitted to the electorate of Hawai'i County for approval in the 2012 general election.

SECTION 6. The charter amendment proposed in this ordinance shall take effect upon its approval by a majority of voters voting on this legislation in the 2012 General Election, as duly certified. The provisions of this charter amendment shall take effect in the first County election following the 2021 redistricting plan.

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