

Redistricting Commission

Training on Redistricting Law

Redistricting Commission

Section 3-17 County Charter

- Establishes the boundaries of the council districts
- Members are appointed by the Mayor and confirmed by the council
- Consists of nine members, each representing one of the nine council districts
- Meets every tenth year
- Files a redistricting plan with the county clerk by December 31 of the redistricting year

County Charter Requirements

- Prior to completing a draft of the redistricting plan, hold at least one public hearing in each of the nine council districts.
- Hold at least one public hearing in east Hawai‘i and one in west Hawai‘i
- Technical and secretarial support provided by the County Clerk
- Funds to enable the commission to carry out its duties appropriated by the County Council

Criteria to Establish Boundaries

- No district shall be drawn to unduly favor or penalize a person or political faction
- Districts should be contiguous and compact to the extent possible
- District lines shall, where possible, follow permanent and easily recognizable features
- Districts shall have approximately equal resident populations as required by applicable constitutional provisions

Effective Date of Plan

- District boundaries 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 election
- 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

Hawai'i County Code Article 3

Redistricting Criteria

- §36-3 Established Criteria
- The commission shall adhere to the criteria in establishing boundaries of the council districts contained in section 3-17 of the County Charter
- §36-4 Additional Criteria
- Council districts shall have approximately equal, permanent, resident populations, as required by applicable constitutional provisions to prevent vote dilution to the maximum degree practicable.

§ 36-1 HCC Definitions

- Redistricting means establishing the boundaries of the council districts, which shall have approximately equal resident populations as required by applicable constitutional provisions.
- Permanent resident for census purposes means a person who is domiciled in the County for other than a temporary or transitory purpose.
- Gaining or losing residency is not triggered by military service or student status
- Practicable means reasonably capable of being accomplished, possible or feasible.

§36-4 HCC Additional Criteria

- 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.
- 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.

§36-1 Definitions

- Ideal council district's population means the total number of the County's permanent residents divided by the number of council districts.
- Vote dilution means the limitation of the effectiveness of a particular group's vote by political gerrymandering.
- Gerrymander means the process of drawing council districts with odd or bizarre shapes to create an unfair advantage.
- Region means one of six geographical areas which includes: Puna, Kona, Kohala, Hilo, Ka'u, and Hāmākua.

§36-4 HCC Additional criteria

- 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.
 - Fractional portions shall be rounded to the nearest integer in determining the number of council districts for a region
 - Numbers from 0.10 to 0.49 shall be rounded down to the nearest integer
 - Number from 0.50 to 0.99 shall be rounded up to the nearest integer.

§36-4 HCC Additional Criteria

- No partisanship or racism in drawing council district boundaries.
- No council district shall be drawn to unduly favor or penalize an incumbent.
- Council district boundaries shall be drawn without regard to any incumbent's residential location, ability to run for re-election, or other related issue.
- Community of interest or community of common interest shall be respected and be kept together in the plan, if practicable.

§36-1 HCC Definitions

- Bizarre council district shape means a council district that is drawn to have a very odd or grotesque shape, has absurdities or is ridiculous in design, defies logic or is so weird on its face that it is unexplainable on grounds other than gerrymandering.
- Community of interest or community of common interest means a group defined by actual shared interests.

§36-4 HCC Additional Criteria

- Council districts shall be drawn to be as compact as practicable while maintaining the community or communities of interest.
- 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.
- All parts of each council district shall be contiguous to the council district and be reachable by roads internal to the council district.
- No gerrymandering for any reason.

§36-4 HCC Additional Criteria

- The drawing of bizarre council district shapes shall be avoided, notwithstanding what may have been done in a previous plan.
- No fracturing, packing, or cracking of council districts, if practicable
- The one person, one vote principle shall be used.
- 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.

§36-1 HCC Definitions

- 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.
- 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.

§36-1 HCC Definitions

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

§36-4 HCC Additional Criteria

- 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.

Article 4 HCC Plan Deviations

§36-5 Total Deviation

- Total Deviation
- The total deviation for the entire plan shall be less than ten percent.
- 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.

§36-1 HCC Definitions

- 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.

§36-6 HCC Maximum Council District Deviation

- 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.
- 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 continued to increase in population between census years, the council district's deviations may be equalized.

§36-7 HCC Plan Proposed by the Public

- Any resident or group of residents of the County shall have the right to propose an alternate plan to the commission for review.
- 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.
- Any proposed alternate plan shall be submitted to the commission at least eight weeks prior to the deadline for the draft plan.

§36-8 HCC Alternate Plan Consideration

- 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.
- 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.
- 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.

§36-10 HCC Article 6. Final Plan

- Written Report
- The commission shall submit a written report to the county clerk transmitting the final plan chosen by the commission.
- Required Components of the Written Report
 - The final vote of the commission as to its choice of plan;
 - The total permanent, resident population base used by the commission;
 - The total deviation of the final plan;
 - Each proposed council district's population and its associated deviation;
 - Maps of each council district and a written description of each council district's boundary

§36-10 HCC Written Report

- Requirements of the Written Report (continued)
- Justification for any divergence from any of these requirements or criteria or any criteria added by the commission and, in addition:
 - 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.
 - The 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;

§36-10 Written Report

- Requirements of the Written Report (continued)
 - 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.
- Minutes of all meetings and hearings associated with the commission;
- Documentation in the commission's final report stating the reason any alternate plan, whether accepted or not, was selected or rejected, and any other data used by the commission in its deliberations.

§36-11 HCC 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.