

KENNETH G. GOODENOW
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February 11, 2010

Edmund Hiatsuka, Chairman,
and Members of the Hawai'i County Charter Commission
25 Aupuni Street
Hilo, Hawai'i 96720

RE: Testimony on Charter Amendment Proposal CA-17

Dear Chairman Hiatsuka and Commission Members:

Thank you for the opportunity to provide information on proposed Charter amendment CA-17 which would amend section 3-17 "County Reapportionment Commission" Article III "Legislative Branch Council".

While our office takes no position on the changes to Section 3-17, we provide the following four points of information:

1) Charter amendment CA-17 reads:

Section 1. Article III, section 3-17, Hawaii County Charter, is amended to read as follows, with added language underscored and deleted language bracketed and stricken through:

"Section 3-17 County Redistricting Commission (d)"

The year 1991 and every tenth year thereafter shall be [~~reapportionment~~ redistricting] years. The [~~reapportionment~~ redistricting] commission shall be appointed and confirmed by [~~March 1 of the reapportionment year~~ July 1 of the year immediately preceding the redistricting year], and shall file a [~~reapportionment~~ redistricting] plan with the county clerk by December 31 of the [~~reapportionment~~ 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 Section 3-17(g). The [~~reapportionment~~ redistricting] commission shall be dissolved after the filing of the [~~reapportionment~~ redistricting] plan.

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Although the intent of the amendment is to provide the commission more time to complete their work, the necessary census data for redistricting is not available to the County until the second week of March of the reapportionment year.

2) Lengthening the time period that commissioners meet may increase costs. For the seven months that the Reapportionment Commission met in 2001 the following expenses were incurred:

Commission Secretary Salary and Wages:	\$16,694.69
Mileage and Hotel Charges:	\$ 3,164.71
Other Expenses:	<u>\$27, 110.29</u>
TOTAL:	\$46,969.69

3) The effective date of CA-17 is upon approval of the electorate. As this would be after July 1, 2010, the effective date should be amended.

4) Charter amendment CA-17 also reads:

“Section 3-17 County Redistricting Commission (g)”

The [~~reapportionment~~] redistricting commission shall [~~be guided~~] 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.

While there seems to be little legal significance between being “guided” and “adhering” to the guidelines provided, we note that the State Reapportionment Commission in fulfilling their duties uses the term “guided” opposed to “adhere” and that Hawaii Revised Statutes Chapter 25 (Reapportionment)25-2 Duties, (b) states:

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“In effecting the reapportionment and districting, the commission shall be guided by the following criteria:”

Thank you for the opportunity to provide the above information.

Sincerely,

A handwritten signature in dark ink, appearing to read "K. Goodenow", with a long horizontal flourish extending to the right.

KENNETH G. GOODENOW