



DEPARTMENT OF THE ATTORNEY GENERAL

News Release

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COURT APPROVES STATE REAPPORTIONMENT PLAN

Honolulu – The Department of the Attorney General announced that a three judge panel at the Federal District Court has ruled in favor of the State of Hawaii 2011 Reapportionment Commission on a challenge to the State's 2012 Reapportionment Plan. The Plan followed the Hawaii State Constitution's requirement to use "permanent residents" as the population base, by extracting non-resident military and non-resident students. The Court's decision also approved the part of the Plan that maintained all districts within the boundaries of basic island units and did not create any "canoe" districts that combined parts of different counties.

"Today's court ruling validates and supports the work of the Reapportionment Commission," according to Attorney General David Louie. "The court recognized the significant public policies which underlie the Reapportionment Plan and are embodied in the Hawaii State Constitution. These policies were also supported by a recent decision of the Hawaii Supreme Court."

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The Court said it is permissible to extract non-resident military and students from the population base and this process does not violate Equal Protection under the U.S. Constitution. The Hawaii State Constitution makes clear that the population base is limited to permanent residents only, and the Court ruled that this is constitutionally permissible under the U.S. Constitution.

Attorney General Louie explained that, "The Court noted that the military is a significant and welcome presence in Hawaii's population. The Court also recognized that the Plan does not exclude the entire military population, but only non-resident military personnel and students who do not register to vote or pay taxes in Hawaii. The Court further noted that this was a policy choice made by the people of Hawaii, because whether the Commission included or excluded non-resident military and students could lead to issues of underrepresentation or overrepresentation in either case."

The Court decision also affirmed that although there were some numerical inequalities, the process of maintaining basic island units to avoid "canoe" districts for purposes of districting, as specified in Hawaii's State Constitution, is allowable. The Court noted that the uncontested evidentiary record showed that neither voters nor representatives liked the idea of "canoe" districts when they had previously been imposed. The Court found that given Hawaii's unique geography, history, and culture, the Reapportionment Commission drew the best lines for districting that it could under the circumstances.

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