

**Electronically Filed
Supreme Court
SCPW-12-0000058
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NO. SCPW-12-0000058

IN THE SUPREME COURT OF THE STATE OF HAWAII

GLEN OAMILDA, Petitioner,

vs.

2011 COUNCIL REAPPORTIONMENT COMMISSION and
2011 STATE REAPPORTIONMENT COMMISSION, Respondents.

ORIGINAL PROCEEDING

AMENDED ORDER¹

(By: Recktenwald, C.J., Nakayama, Acoba, Duffy, and McKenna, JJ.)

Upon consideration of the petition for a writ of mandamus filed by petitioner Glen Oamilda, it appears that: (1) Revised Ordinances of Honolulu, article III, section 3-103 does not require that communities remain undivided in the reapportionment of council districts; see Kawamoto v. Okata, 75 Haw. 463, 468-69, 868 P.2d 1183, 1186 (1994); (2) article III, section 3-103 does not require that council districts be drawn on a permanent resident population base; and (3) petitioner's assertions that the Council Reapportionment Commission did not

¹ The amendment corrects the February 9, 2012 order that misspelled petitioner's first name as Glenn.

follow lawful process are not supported by any evidence. Consequently, petitioner fails to demonstrate a clear and indisputable right to relief and petitioner is not entitled to mandamus relief. See Kema v. Gaddis, 91 Hawai'i 200, 204, 982 P.2d 334, 338 (1999) (A writ of mandamus is an extraordinary remedy that will not issue unless the petitioner demonstrates a clear and indisputable right to relief and a lack of alternative means to redress adequately the alleged wrong or obtain the requested action.).

It further appears that: (1) petitioner's challenge to the 2011 Final Reapportionment Plan for the State Legislature is untimely; see Hawai'i Constitution, article IV, section 10; and (2) the 2011 Final Reapportionment Plan for the State Legislature was invalidated on January 4, 2012. Therefore,

IT IS HEREBY ORDERED that the petition for a writ of mandamus is: (1) denied as to relief against the 2011 Council Reapportionment Commission and (2) dismissed as to relief against the 2011 State Reapportionment Commission.

DATED: Honolulu, Hawai'i, February 10, 2012.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ James E. Duffy, Jr.

/s/ Sabrina S. McKenna

