

NO. _____

IN THE SUPREME COURT OF THE STATE OF HAWAII

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

MICHAEL J. MATSUKAWA,)
)
 Petitioner,)
)
 vs.)
)
 STATE OF HAWAII 2011 REAPPOR-)
 TIONMENT COMMISSION and SCOTT)
 NAGO, Chief Election Officer,)
 State of Hawaii)
)
 Respondents.)
)

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PETITION OF MICHAEL J. MATSUKAWA FOR

(1) AN ORDER THAT DETERMINES THAT THE
FINAL LEGISLATIVE REAPPORTIONMENT PLAN FOR THE
STATE LEGISLATURE THAT THE STATE OF HAWAII 2011
REAPPORTIONMENT COMMISSION ADOPTED AND FILED ON
SEPTEMBER 26, 2011 IS INVALID

(2) A PREEMPTORY WRIT OF MANDAMUS DIRECTED TO SCOTT NAGO, CHIEF ELECTION OFFICER, STATE OF HAWAII THAT COMPELS HIM TO RESCIND ANY PUBLIC NOTICE THAT HE MAY HAVE GIVEN OF THE FINAL LEGISLATIVE REAPPORTIONMENT PLAN FOR THE STATE LEGISLATURE THAT THE STATE OF HAWAII 2011 REAPPORTIONMENT COMMISSION ADOPTED AND FILED ON SEPTEMBER 26, 2011

(3) AN ORDER THAT DIRECTS THE RESPONDENT STATE OF HAWAII 2011 REAPPORTIONMENT COMMISSION TO PREPARE AND TO FILE A NEW FINAL LEGISLATIVE REAPPORTIONMENT PLAN FOR THE STATE LEGISLATURE THAT COMPLIES WITH THE REQUIREMENTS OF ARTICLE IV OF THE HAWAII STATE CONSTITUTION

MEMORANDUM IN SUPPORT OF PETITION

APPENDICES "1" TO "9"

STATEMENT OF RELATED CASES

DECLARATION OF MICHAEL J. MATSUKAWA

CERTIFICATE OF SERVICE

MICHAEL J. MATSUKAWA, 1885
75-5751 Kuakini Highway, #201
Kailua-Kona, Hawaii 96740
Telephone: (808) 329-1385
Facsimile: (808) 329-0512
Email: kapulu@msn.com

Petitioner, Pro Se

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The Petitioner MICHAEL J. MATSUKAWA, Pro Se, a registered voter, brings this Original Proceeding pursuant to Article IV, Section 10 of the Hawaii State Constitution, Rules 17 and 21,

Hawaii Rules of Appellate Procedure and Sections 602-5(a)(4) & (a)(6), Hawaii Revised Statutes, petitions this Honorable Court for the following relief:

1. Determination that the Final 2011 Legislative Reapportionment Plan is Invalid

That this Court determine that the Final 2011 Legislative Reapportionment Plan that the State of Hawaii 2011 Reapportionment Commission filed on September 26, 2011 for the State Legislature is invalid because the plan does not use the state's "permanent residents" as the population base for the plan as is constitutionally mandated by Article IV, Sections 4 and 6 of the Hawaii State Constitution and, as a consequence, the plan improperly apportions the legislative seats AMONG the four "basic island units";

2. Order for Rescission of Publication

That this Court compel the Respondent Scott Nago, Chief Election Officer, State of Hawaii (a public officer) to rescind any public notice that he may have given of the Final 2011 Legislative Reapportionment Plan for the State Legislature;

3. Order for New Legislative Reapportionment Plan

That this Court direct the State of Hawaii 2011 Reapportionment Commission, and its members, as follows:

- a. To prepare and to file a new final legislative reapportionment plan for the State Legislature that uses the "permanent residents" of the state as the population base and that otherwise complies

with Article IV, Sections 4 and 6 of the Hawaii State Constitution no later than December 1, 2011;

b. To file with this Court complete findings that explain the rationale for its plan;

4. Retention of Jurisdiction

That this Court retain jurisdiction over this matter until this Court's writ(s) and order(s) have been fully executed and satisfied; and

5. Other Relief

That this Court provide such other relief as may be just and equitable in the premises.

DATED: Kailua-Kona, Hawaii, October 11, 2011.



/s/ Michael J. Matsukawa
MICHAEL J. MATSUKAWA
Petitioner, Pro Se