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APPENDIX D

ROUGH TRANSCRIPTS FOR PORTIONS OF
2021 REAPPORTIONMENT COMMITTEE MEETINGS

May 17, 2021, Reapportionment Committee meeting

Video recording available at <https://www.youtube.com/watch?v=mARxrUzwgZQ>

1 12:48:50 Commissioner Mugiishi: Okay, thank you commissioners we're now going to move to
2 agenda items 6 and 7, and I'm going to recommend that we take up agenda items six and seven
3 together because they're related. So agenda item six permits the commission to address the
4 technical development of plans, like extraction of non-permanent residents, whether redrawing
5 the lines should start with the existing districts and then make changes to accommodate for the
6 changes in the census data, whether there should be single member or multi-member legislative
7 districts, whether canoe districts or state legislative seats which encompass more than one island
8 should be allowed, and basic housekeeping matters like that. We need to, like, decide how the
9 commission wants to conduct its business. So we can either decide that here as a full
10 commission, or we can establish committees to investigate matters and make recommendations
11 that the committee can then vote on it, or the commission can then vote on at a subsequent
12 meeting. So in the past this has included a committee that would discuss these rules, you know,
13 a committee to develop rules and operation and conducts. So we can entertain whether we want
14 to do that. The 2011 rules committee recommendations were given to you in advance in the
15 packet. There was also a technical committee that was established that was intended to prepare
16 the plans necessary for drawing the lines with the GIS vendor and the commission staff. So if the
17 commissioners are interested in being part of those committees, please let me know and I can
18 appoint you to those. However, because of Sunshine Law rules, there can only be four
19 commissioners on the committee, and of course I will not be on any of those committees, but
20 because there can only be four, I would ask that only one member from each appointing
21 authority join any committee so that we will only have a maximum of four. The committees will
22 then be tasked with a particular scope to investigate and report back their findings which we
23 would discuss and ratify at a full commission meeting. So with that I kind of like, put it all
24 together, so that the commission members can discuss agenda items six and seven. We can
25 either delay to a later meeting discussing the rules of conduct, we can establish and assign them
26 to committees, you know after establishing the committees, or we can discuss further, whatever
27 your pleasure. So with that I'll open it up to discussion.

28 12:51:50 Commissioner Kennedy: I mean personally I feel like we need to have an
29 understanding of what the committees should be. Does anybody have an understanding of what
30 are the committees that we need?

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1 12:52:04 Commissioner Mugiishi: Yeah, you know I think maybe our two veterans who were
2 present in 2011 can cast a little more light. But from my understanding what happened then,
3 there were two committees: one committee was to create the rules of conduct so that we could
4 understand the best way we want to operate, and to then to bring that to the full commission for
5 approval, and the second was a technical committee that actually was involved with the GIS
6 vendor and the project manager at actually creating the line.

7 12:52:40 Commissioner Rathbun: I would ask if the Secretary has any legacy data that we could
8 review and look at with regards to the committees?

9 12:52:43 Secretary Nago: Legacy data as far as the last the data from the 2011 reapportionment?

10 12:52:01 Commissioner Rathbun: Yes.

11 12:53:01 Commissioner Kennedy: As far as these two committees are concerned. If those
12 committees like what were their findings.

13 12:53:10 Secretary Nago: Oh, what were their findings. So as far as the rules committees, the
14 rules are actually in your packet, that was what their findings were and it was voted on by the
15 entire commission as to how they wanted to proceed with their conduct. The technical committee
16 was responsible for proposing the actual lines for the House and Senate, which was then voted
17 on by the commission at a subsequent meeting.

18 12:53:40 Commissioner Kennedy: I guess the question is do we need the rules of conduct
19 committee. Does anyone believe that we need to hash that out?

20 12:53:54 Commissioner Nonaka: It's worth having a discussion and a review and if the
21 recommendations are the same as they were the last time, I mean we can just ratify that as a
22 commission, after the committee reviews it.

23 12:54:04 Commissioner Chipchase: I agree.

24 12:54:04 Commissioner Nekota: I agree with you guys, I think we should just - it should still be
25 there.

26 12:54:18 Commissioner Nonaka: And then from the technical committee standpoint, I mean
27 that's a critical one in the whole process. It's very time consuming and, it's a lot of work to put
28 together the draft maps and so for those looking to serve on that one, just prepare for at least
29 weekly meetings in between commission meetings for multiple hours at a time because it's a long

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1 arduous process to go through each district by district and island by island, and actually draw the
2 lines. So that was that one's a lot bigger of a commitment.

3 12:55:01 Commissioner Chipchase: Dylan and I were both on the technical committee last time,
4 but this time we are appointed by the same appointing authority. And so in accord with the
5 chair's recommendation, which I agree with, we would not both be on the technical committee
6 this time, but I would suggest that one of us serve on a technical committee, and my
7 recommendation would be Dylan. I'm happy to serve on the rules committee to review what we
8 did in the last reapportionment and participate in discussion whether we want to change or
9 simply ratify the same procedure.

10 12:55:43 Commissioner Nekota: Okay since I was not on it last time, I would want to be on the
11 committee that would actually draw the lines.

12 12:55:58 Commissioner Ono: I think Commissioner Chun and I have spoken, and he will do the
13 rules committee and I will do the technical committee.

14 12:56:13 Commissioner Kennedy: I didn't know there was a choice, but I would love to do the
15 technical one, but Kevin do we need to talk? How do you guys all know you're supposed to talk
16 before the meetings about things?

17 12:56:35 Commissioner Chipchase: Dylan and I didn't talk, I just threw him out there. But he's
18 on mute so he couldn't say no quickly enough.

19 12:56:32 Commissioner Nonaka: Thanks Cal, appreciate it.

20 12:56:39 Commissioner Kennedy: What are you thinking Kevin?

21 12:56:44 Commissioner Rathbun: Yeah you can go ahead and do the technical, I was thinking
22 about that but I'll join the rules committee.

23 12:56:49 Commissioner Kennedy: So it can only be one from each?

24 12:56:56 Commissioner Nekota: That is correct. Actually the most growth is in westward
25 O'ahu, so I thought Kevin was from westward O'ahu. Are you not Kevin?

26 12:57:07 Commissioner Rathbun: That was my thought.

27 12:57:10 Commissioner Nekota: Yeah, and I think that's, to be perfectly honest, I think that's
28 where the most goals should be, and that's where probably the most technical person should
29 be. So I would actually think that. And like me, I'm from Central O'ahu, so I know that we
30 have Pearlridge, and West O'ahu has Ho'opili, so I think the growth is in those two areas.

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- 1 12:57:42 Commissioner Kennedy: If you want to take it, it's up to you.
- 2 12:57:45 Commissioner Rathbun: I'm comfortable with that. We do have the most growth in the
3 state.
- 4 12:57:58 Commissioner Nonaka: Just to clarify process with that, and I'm sure things have
5 gotten a lot better than they were 10 years ago, but there is a system that the contractor will
6 provide that will give everybody access to the software to make adjustments and make proposals,
7 and so no one would be excluded in terms of examining the data and then coming up with
8 proposed plans, and the public will also have access to that also, or did 10 years ago, so I'm sure
9 that software has improved significantly. You don't have to be on the technical committee to
10 have input, I guess is the short story. Everybody will have an opportunity.
- 11 12:58:44 Commissioner Kennedy: That's important, that's cool. Okay.
- 12 12:58:47 Commissioner Mugiishi: Yeah that's great, thanks for the clarification Dylan. And
13 also, I would just say that ultimately, we're all going to have a responsibility to vote our
14 conscience when we vote on the final lines, and you know I'm just fully expecting that
15 everybody will have looked at it and thoroughly felt in their own hearts that they're doing the
16 right thing. So that will mean that we'll all be paying attention to how the lines are being
17 drawn. So with that, first I guess I'm just assuming by the fact that we jumped to who was going
18 to be on which committee - are we agreeing that we're going to create these two
19 committees? One would be a rules and conduct committee that will look at the 2011 rules and
20 see if we're going to adopt them as is or make some adjustments to it, and the second would be a
21 technical committee that would actually do the preliminary work to creating the work product
22 with the GIS vendor. So are we first saying that we would like to have those two
23 committees? Is there a motion for that?
- 24 12:59:45 Commissioner Nekota: I'll make a motion for that.
- 25 12:59:46 Commissioner Nishimura: Second.
- 26 12:59:47 Commissioner Mugiishi: Okay any further discussion? All in favor say aye.
- 27 12:59:55 Multiple members: Aye
- 28 12:59:58 Commissioner Mugiishi: Any opposed?
- 29 [None opposed].

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- 1 13:00:06 Commissioner Mugiishi: Okay so we have our two committees, and from what I'm
2 reading is that, and this next part doesn't require motion because I get to appoint who it is, but
3 I'm hearing that Dylan, Charlotte, Diane, and Kevin will be on the technical committee, and that
4 Cal, Robin, Grant, and Randy will be on the rules committee. Did I misspeak on anybody's
5 place?
- 6 13:00:46 Commissioner Nonaka: Sounds good.
- 7 13:00:46 Commissioner Mugiishi: Okay terrific. Mr. Secretary, you have that recorded?
- 8 13:00:51 Secretary Nago: Yes I do.
- 9 13:00:54 Commissioner Mugiishi: Fantastic. Okay, let's see. Well, I think we did a pretty
10 efficient meeting members, thanks I think we covered a lot of important ground and we're off to
11 a good start, even though our data might be late, but we have a plan for that. Excited to work
12 with all of you. It was great to meet you, public. Thanks for joining us and for being interested
13 in this very important process. I think you have my commitment and the commitment of the
14 commissioners to be as transparent as appropriate and getting through this so everyone has great
15 confidence in the process that we have and therefore the work product at the end. So with that,
16 mahalo, and if there's no further business that the commissioners would like to raise I would
17 entertain a motion to adjourn.

December 22, 2021, Reapportionment Committee meeting

Video recording available at <https://www.youtube.com/watch?v=9ApGyxKAu04>

1 16:12:09 Commissioner Mugiishi: Can I make one comment Commissioner Kennedy about the
2 House District 51 - so one of the comments that Commissioner Ono made at the beginning was
3 that this map creates some synergy between the Senate map and the House map, and I guess
4 what I'm trying to understand is why people would have checked to having a senator and a
5 representative unified and representing their district, because the legislative process in order for
6 anything to happen you need both houses, both chambers of the legislature to agree. And so if
7 you have a district that has synergy between the representative getting elected by the same
8 constituency as the senator, you have a much better chance of effecting meaningful change for
9 your community. And so I guess I'm trying to understand why people would object to aligning
10 their Senate map and their House map. I would think that would be a wonderful thing to do.

11 16:13:07 Commissioner Kennedy: Yeah, and I actually have information on that because again,
12 at our meetings, they basically shared that the Senate map that was done was not a good
13 representation, that nobody is agreeing with that Senate map. So following it again is a
14 problem. So they don't agree with the Senate being split like that either, it just hasn't been
15 voiced.

16 16:14:33 Commissioner Mugiishi: It's been like that as long as we've been doing
17 reapportionment. It's not just one iteration - 20 years ago it was like that - that's just the way it's
18 always been.

19 16:14:38 Commissioner Kennedy: They shared that it was done - it was a horrible mistake - and
20 why continue the horrible mistake. Again, I'm just sharing...

21 16:14:44 Commissioner Mugiishi: Well again, and changing the Senate map would be
22 massively disruptive, right? Because as you know there are much fewer senators, so if you're
23 going to start to change the Senate map, the whole island of O'ahu will explode.

24 16:14:55 Commissioner Kennedy: I'm not encouraging any changes.

25 16:14:58 Commissioner Mugiishi: I'm just saying when you put all of that together, I just think
26 that there are a lot of considerations. You ask for the thinking, the rationale, and I think you're
27 getting that. And even as commissioners, we're not necessarily all going to agree at the end of
28 the day. That's why we're going to ultimately have discussions, and then we're going to vote, but
29 the point of the matter is - I think that you're getting a reflection that it wasn't arbitrary the way
30 they made these decisions, there was some consideration and thought of public testimony, about

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Video recording available at <https://www.youtube.com/watch?v=9ApGyxKAu04>

- 1 what might be best for the community, what might be best for the state, all those kinds of things.
- 2 And I know I see Commissioner Nishimura as a stand-up site, I don't want to monopolize the
- 3 conversation, so Randall, you had something.

January 13, 2022, Reapportionment Committee meeting

Video recording available at <https://www.youtube.com/watch?v=p6JUITHMrfU>

1 13:31:27 Commissioner Nonaka: One more thing I wanted to just address and bring up for
2 consideration. There was some comment made about the Congressional districts, not splitting
3 house and senate districts, and house districts being inside of senate districts. And just from a
4 practicality standpoint, the congressional districts are based on a dramatically different
5 population base than the house and senate districts, right? So it's not possible, let alone
6 practicable, to have the congressional districts wholly contain house and senate districts just
7 because there's such an imbalance of population, right? Most of the population was extracted
8 from CD1 and so you're going to have a big imbalance and it's just not going to match up to stay
9 inside of the deviations. And the same is true of the house and the senate. We have an unequal
10 amount of house and senate districts on O'ahu and so it's something that that would be difficult
11 and you'd have to do it for some. It definitely wouldn't be possible for all. So if you start from
12 that and make that a guiding principle, it's going to be hard to follow. So that's something that you
13 know we're definitely aware of and we heard in the public comment process but was discussed
14 and that's kind of conclusion we came to. It is not necessarily practical to make that happen.

15

16 [Later in the meeting]

17 14:46:55 Commissioner Kennedy: If I can get one of the commissioners from the technical
18 committee to help us understand it, we'll stop moving forward a lot of testimony on that
19 situation. So basically I'm just trying to make sure that the Commission—I wrote it down to
20 make it easier—that we can address the senate districts crossing six house districts and vice
21 versa, like with house 28 and 34. They're crossing four senate districts, right? So I feel like it
22 would go a long way—Dyl or one of you guys—if you could just share that you actually did take
23 that into consideration or if you didn't, why? Or how you guys put that together, just so everyone
24 knows that you're looking at both sides of the law and trying to do this; you know to the best of
25 your ability. But can you share your thoughts on how senate crossing house and house crossing
26 senate was taken a look at?

27 14:47:47 Commissioner Nekota: I'd like to answer that Robin. Senator Kidani happens to be my
28 senator. She now, in this right now, as we said, has five representatives in her senate district.
29 They have worked very well together, done a whole lot of things for the community. And I just
30 think having people working together like that is more important than just taking away numbers.

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1 I mean she will tell you quite honestly that it's worked very well for her. Got to know districts
2 that maybe you would not know if you only had two. And I'm going to go back to what Clare
3 [Tamamoto] said. We're one island, we all have one focus and it's to make life better. And she's
4 brought up Red Hill and that is a huge, huge factor right now. Not only is it impacting Red Hill,
5 but it's impacting all of our water and I think people are forgetting that that it's not just about one
6 little community, but it is about the island.

7 14:47:53 Commissioner Nonaka: Let's also take into account that interpretation of the
8 Constitution is everybody's opinion. And we can do all of the things that people say that or are
9 commenting that are not constitutional. And then I can find six more reasons why once we make
10 that change, it's not constitutional too. So again this goes back to not everybody's going to be
11 happy. Clearly, after we address many things there's still many unhappy people, but I'm looking
12 over the public submissions and I have been since they came in and you know I can point out
13 just as many flaws and inconsistencies with the constitutional and statutory guidelines as
14 anybody else can. I'm not going to individually criticize people's submissions, but the reality is
15 that there are communities on those maps that you know unite Hau'ula with Waikele in central
16 O'ahu and I mean you do stuff like that, those communities would complain just as heavily as
17 the ones that we're hearing from in the last couple of months. So I just think there's no way to
18 satisfy everybody's constitutional guideline or everybody's interpretation of a constitutional
19 guideline. And that's why there's "where practicable" language in the statute and we always got
20 to make the best decision possible to meet those guidelines. And you know try and do the best
21 job we can.

22 14:50:18 Commissioner Kennedy: I guess the bottom line is you guys did take that into
23 consideration, it just wasn't practicable.

24 14:50:26 Commissioner Nonaka: Yeah, you have to do it, you have to do a lot of arbitrary
25 splitting. I mean there's areas in these maps, where Waikele for example, in central O'ahu is split
26 into three different house districts. So again it just depends on where you're looking. If you focus
27 in on one area you can find things to criticize, you can find something in the constitution that it
28 violates. But if you're trying to do where practicable, all the way around deal with deviations,
29 deal with keeping communities together. There's a lot of communities who like the district that
30 they have and don't want to see it change very much and that's something that we have to take

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1 into consideration too. If we just arbitrarily stick districts within other districts, it's going to
2 greatly change the historic districts that have existed for decades and so that's another
3 consideration that's got to be taken into account. We don't just arbitrarily draw lines to fit
4 population bases and constitutional requirements that you know, our interpretation of a
5 constitutional requirement, we got to take a lot of other things into account. And I fully respect
6 everybody's opinion that our job wasn't perfect, but I don't think anybody's would be in
7 everybody's eyes.

8 14:51:35 Commissioner Kennedy: That's awesome, okay, thank you.

9 14:51:38 Commissioner Mugiishi: I think, you know, Commissioner Nakota, Commissioner
10 Kennedy, Commissioner Nonaka, thanks for that discussion. Because I think what it articulates
11 well is that we are as a Commission considering all of those statutory requirements and
12 constitutional requirements that that is asked of us and we are doing our best to make sure to the
13 extent that it's practicable that we are following them. But sometimes they're in conflict with
14 each other and that's where that's why we have a commission rather than a computer program
15 drawing these lines. It's because human beings who are going to care about people and
16 individual neighborhoods, are going to make judgment calls on what's the best way to make a
17 practical decision about a conflict between two principles. And that's why I think again, and I've
18 said it about four times already, but I really do appreciate the work of the technical committee
19 because they've been doing this now for weeks, months, and for the last few days every single
20 hour of the day to try and consider all of those factors. Because we're going to affect people and
21 that's so we're going to follow the constitution, we're going to follow the law and we're going to
22 do our best to take care of people. So thank you again. Commissioner Chun, you have your hand.

23 14:53:03 Commissioner Chun: Thank you, Mr. Chair. As you know I was not on the technical
24 committee and I know the maps we're discussing have to do with the Big Island and O'ahu. But
25 I just like to comment on this topic. I'd just like to comment on a generalization, an assumption
26 concerning Maui that was raised in testimony that I would like to clarify and it kind of speaks to
27 this discussion. So here on Maui, as an example, shifts in population and differing rates of
28 growth in population between Central Maui and West Maui have necessitated the movement of a
29 house district lines across large expanses of unpopulated lands essentially connecting Wailuku
30 with Lahaina. And that said, the public in central Maui, which of course is our population center,

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1 has expressed an interest in at least at minimum having representation by a central Maui house
2 member or a central Maui senator. So in order to meet this goal on Maui, it became infeasible to
3 neatly and nicely align two house districts with one senate district as has been the case in the past
4 and still meet the mandate of balancing populations between districts. So I would just submit on
5 that it's not practicable or even preferable necessarily to be hamstrung with the idea of you know
6 aligning two house districts and one senate district in every instance throughout the state of
7 Hawai'i.

8 14:54:27 Commissioner Mugiishi: Thanks Commissioner Chun. Commissioner Nishimura, you
9 have your hand up.

10 14:54:32 Commissioner Nishimura: Thank you mister chair, you know, kind of echoing or
11 adding onto Commissioner Chun's statement. So, I think one of the things that has become more
12 and more evident over the past few weeks is, you know, the extent to which the technical group
13 has listened and incorporated all of the comments into their current maps. And you know, I
14 really take my hat off to them and I'm even more appreciative that they've been able to turn
15 around these maps in such a short time. And I'd also like to, you know, acknowledge, you
16 know, the maps that the public has put out in equally short time, and you know, as Dylan has
17 said that, you know, at the end of the day, we all have our opinions and at the same time, you
18 know, be able to respect the opinions of others and work toward the betterment of the
19 community. And also like to acknowledge and complement our chair for being such a good
20 leader for all of us. I think you've done an excellent job dealing with not just the commission
21 and the public, but legislators and others as well, and just wanted to, you know, put those points
22 in. Thank you Mr. Chair.

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1 14:45:35 Commissioner Mugiishi: Back now to agenda item four. As I was saying at our last
2 meeting, and you also heard some comments about that today, there were some questions
3 regarding the constitutional guidelines that govern legislative redistricting. And so I wanted to
4 take a little bit of time to reiterate what those guidelines are, and summarize what I interpret what
5 I heard at our last meeting that was discussed by the commission regarding article 4 section 6 of
6 the state constitution. So there are eight guidelines and what the constitution says is in affecting
7 such redistricting, the commission shall be guided by the following criteria: Number one: no
8 district shall extend beyond the boundaries of any basic island unit. Number two: no district shall
9 be so drawn as to unduly favor a person or political faction. Number three: except in the case of
10 districts encompassing more than one island, districts shall be contiguous. Number four: insofar
11 as practicable, districts shall be compact. Number five: where possible, district lines shall follow
12 permanent and easily recognized features such as streets, streams, and clear geographical
13 features and when practicable shall coincide with census tract boundaries. Number six: where
14 practical, representative districts shall be wholly contained within senatorial districts. Number
15 seven: no more than four members shall be elected from any district. And number eight: where
16 practicable, submergence of an area in a larger district wherein substantially different
17 socioeconomic interests predominate shall be avoided. So commissioners, at our last meeting,
18 including those from the technical committee spoke to the constitutional guidelines. In my, to
19 what I heard, there were two important points made which I would like to reiterate here. I tried to
20 summarize it then, but I want to reiterate it again here today. The first is that there has been
21 consideration by the technical committee of all the constitutional guidelines. The commissioners
22 verbalized at that meeting that they did not pick and choose among their criteria. They
23 considered them all. Consideration is required and due consideration is being given. The second
24 is that after due consideration the members of the technical committee believed that the modified
25 proposed plans represent what they the technical committee deemed to be the best,
26 best complies with the constitutional guidelines. The point is that the need to balance the eight
27 requirements of the constitution is why many of the guidelines are modified by the phrases
28 where possible and where practicable. That is what I heard the commissioners speak to at our
29 last meeting. Now, following the public's input with

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1 testimony over the next few days, the technical committee is planning to meet again to
2 consider whether there will be any changes to the proposed maps, and final proposed maps are
3 planned to be presented at the January 26th meeting. These guidelines will continue to be
4 followed throughout that process as well. So now what I would like to do is invite the
5 commissioners, or any commissioner and the members of the technical committee especially,
6 to confirm if I've accurately summarized what was represented at the last meeting and what's
7 being done in our process to date. Yes, Commissioner Ono.

8 14:49:00 Commissioner Ono: Chair Mugiishi, yes, that accurately summarizes where we're at,
9 and additionally, today as well as the two subsequent commission meetings where we'll be in,
10 you know, receiving public input, all of that um written as well as oral testimony will be duly
11 considered as we re-look at the maps before, you know, our final vote is taken.

12 14:49:31 Commissioner Mugiishi: Thank you Commissioner Ono. Any other commissioners
13 want to make a comment?

14 14:49:42 Commissioner Nonaka: I would agree with Commissioner Ono and just add, like
15 I've said before right, I respect everybody's opinion, but there's many different opinions about
16 what the constitution constitutional criteria are and what they mean and, you know, that's
17 something that, sometimes we got to respect other people's opinions and agree to disagree. But
18 there is no way that we are going to satisfy everyone's opinion on the eight criteria, you know,
19 to their full extent because there's different things that are going to be taken into account and,
20 you know, the end of the day, I mean I know everybody's doing their best and the input has
21 been definitely duly noted and you know reflected in the past the ability to make changes
22 based on that, and you know, we'll take that into account going forward also.

23 14:50:29 Commissioner Mugiishi: Yep, thank you Commissioner Nonaka. I think I always use
24 the expression, it's a Latin expression, *res ipsa loquitur*, but it means the facts speak for
25 themselves. And I think, you know, the fact that the technical committee took a lot of public
26 input in our earlier public hearings and made substantial changes to the maps based on that
27 testimony indicates that you're listening to public testimony, and I appreciate that very very
28 much, so thank you. Any other commissioners with any comments?

29 14:50:57 Commissioner Nakota: I'm going to agree with Commissioner Ono and Nonaka. we
30 really did take public testimony to heart. We did not just go draw lines to draw lines. We really

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1 did and follow the constitution as we perceive it to be along with our legal counsel. And I, you
2 know, it's like Commissioner Nonaka said, you know, we're not going to make everybody happy
3 and it's just the way it is. And unfortunately that's, that's probably life. But, we will take a look at
4 our, our lines again and hopefully we can make some adjustments if needed. If not, you know,
5 we'll go look at it again.

6 14:51:38 Commissioner Mugiishi: Thank you Commissioner Nakota. Anyone else? Okay,
7 mahalo, we'll now move on to the next agenda item, agenda item five, reports by the
8 apportionment advisory councils. So we have invited each advisory council, Hawai'i, Maui,
9 Kaula'i, and O'ahu, to provide feedback on matters affecting redistricting for each basic island
10 unit. We have planned to allow each advisory council to present at our commission meetings.
11 Would any advisory council like to present?

12 14:52:10 Guest Chair Steven Pavao [Hawai'i Island]: Good afternoon chair and
13 commissioners. I just wanted to report that we did have a meeting on Tuesday night the 18th
14 of January and that the majority testimony and testifiers were in favor of the Boyea plan for
15 the Hawai'i island. The commission had a lot of discussion about it. We did not vote to
16 endorse any specific plan, but the commission did note that the plan does well meet the
17 criteria. It does well in keeping communities intact. It does a good job of keeping two house
18 districts in each senate district. The advisory commission noted all of that and thought that the
19 plan, all in all, was a good plan and that it did meet the criteria. I realize that the criteria and
20 constitution are guidelines. But where practical, what that plan presents to me is that it is
21 practicable to meet most of the criteria. Given the reality of that plan, the commission noted
22 the effort of the community that put the time and energy to create the plan. And again, as I
23 said, we didn't endorse any specific plan, but we did acknowledge that the plan meets the
24 majority of the criteria and does a good job in redistricting the eight house districts for the Big
25 Island. Thank you.

January 26, 2022, Reapportionment Committee meeting

Video recording available at https://www.youtube.com/watch?v=VYggM_0zOQc

1 14:03:45 Commissioner Kennedy: Okay, so I'm so sorry you guys believe it or not I got COVID,
2 thought I was invincible but apparently not, so forgive my lack of being able to communicate.
3 Dyl, I was just wondering is there any way, because obviously you guys have done a great job of
4 handling the Makapu'u Point thing, Kailua, Waimanalo, Hawai'i Kai, you guys listened and we
5 appreciate that. Is there any opportunity for any of the technical committee to please just try to
6 communicate the whole Senate and House practicability, because I think that's obviously now
7 we've moved on to that, you know, the majority of speakers are talking about. Is there anything
8 you guys can help them understand so it can be less adversarial as far as why we couldn't follow
9 those constitutional criteria, or that criteria? Is there anything you guys can help them understand
10 with that?

11 14:04:35 Commissioner Nonaka: That essentially would be a redraw of the whole map and we'd
12 have to, and we'd have to start over, and we would have a whole separate set of issues to deal
13 with in terms of opposition to certain parts of it and details that people would have different
14 opinions on. So I mean I get it, I totally understand the desire to do it. It's never been done in the
15 past, and it's, you know, it's never had a crushing effect on elections or communities, so yeah, I
16 think it's the more of an issue of timing and do we want to go down that road and redraw the
17 whole map and start over again and, you know, potentially raise other issues, a whole set of
18 separate issues that could come up.

19 14:05:18 Commissioner Kennedy: So when you take a look at Bill Hicks's or Mr. Boyea's,
20 neither of those, because they've already done it, that doesn't help you guys? You'd really have
21 to start over?

22 14:05:29 Commissioner Nonaka: We haven't had any public input on those maps, you know, I
23 mean, the public hasn't looked at those and said, hey this is something I like or I don't like. I
24 mean, there's people advocating for it, but they haven't examined in a close way just to criticize
25 whether or not they, you know, it works and again, there's a whole separate set of issues when
26 the Senate map's not perfect, the House maps is not perfect, and maybe some place in between
27 works, right, a solution that bridges the gap in between the two, in between both of them. So, it
28 was looked at, it's just, I mean, I think, do we really want to start over and pose a whole different
29 map right now and not give the public time to comment on it.

January 26, 2022, Reapportionment Committee meeting

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1 14:06:15 Commissioner Mugiishi: And then Commissioner Kennedy, I just wanted to clarify
2 one point of your question. You were absent last week when we had this discussion so I just
3 wanted to clear for the record that we did talk with the technical committee about whether or not
4 they were truly, like, not following any one of those constitutional requirements, and they did
5 assert that they are following them all, it's just that they have, you know, they're eight of them,
6 and then they have a varying degree of the practicability is how do they interplay with each
7 other, but they did not disregard any one of the eight.

8 [Later in the meeting]

9 14:54:47 Commissioner Ono: Chair, I just wanted to say to the public that I really appreciated
10 everybody who came forward. I feel like I know some people quite well already, you know,
11 having heard them multiple times, and please know that you were all listened to. We heard you,
12 and we also have read the written testimony. So, I do appreciate that because I know how time-
13 consuming these commission meetings are, and to take that chunk of time and effort and energy
14 out of your life, you know, for something you care so deeply about, is recognized and, you know,
15 doing your civic duty over, above and beyond I think. But I did want to say as a commission, as
16 the technical committee, I believe that we have taken all of eight constitutional criteria to heart.
17 We have taken everything into consideration and tried to balance all of them. So while they may
18 not appear to neatly fall, you know, two House districts into one Senatorial district, a lot of this
19 has to do with balancing and, you know, looking at neighborhoods and communities as they
20 function, and I feel that the maps are the best we could do under the circumstances.

January 28, 2022, Reapportionment Committee meeting

Video recording available at <https://www.youtube.com/watch?v=DV1rylrkv2I>

1 14:01:10 Commissioner Mugiishi: Is there a motion to adopt the proposed final legislative and
2 congressional reapportionment and redistricting plans recommended by the technical committee
3 permitted an interaction group on January 26th 2022?
4 14:01:23 Commissioner Nakota: Sure I'll make the thing to do.
5 14:01:32 Commissioner Mugiishi: Is there a second?
6 14:01:34 Commissioner Ono: I second the motion
7 14:01:37 Commissioner Mugiishi: Okay we have a motion by Commissioner Nakota and a
8 second by Commissioner Ono. Any further discussion?
9 14:01:44 Commissioner Kennedy: I guess I have a question. So we're voting on the entirety of
10 the proposed maps, where we won't be separating House by island, Senate, it's just all or
11 nothing? Is that what I'm understanding?
12 14:02:00 Commissioner Mugiishi: That's what the motion is for, it's for the presentation that was
13 just made on the technical committee's maps.
14 14:02:07 Commissioner Kennedy: Okay.
15 14:02:09 Commissioner Mugiishi: Any other discussion?
16 14:02:14 Commissioner Chipchase: Chair, this is Commissioner Chipchase. I'll speak briefly to
17 the motion. I do support the motion and I support that the maps, the maps as revised that have
18 come to us from the technical committee and that have been reviewed most recently in our
19 meetings, they follow a long iteration of taking into account the best available data that we've
20 received, and that has changed and it's changed the way that we approach the mapping, and the
21 maps that we produced and have been responsive to community concerns and questions where
22 practicable. And if you look back to where we begin, Chair, where we began, the maps have
23 changed quite a bit from where we started this journey, and I believe that those iterations have
24 been appropriate and have been responsive as I say to the data and to the comments that we've
25 received. Having looked at the maps and having considered the community's comments over
26 these many weeks, I am satisfied that the technical committee and that this commission has
27 considered all of the constitutional criteria as practicable rather than favoring any one or ignoring
28 any condition. And so I do support the maps and I do support the work that this commission has
29 done. Thank you.

January 28, 2022, Reapportionment Committee meeting

Video recording available at <https://www.youtube.com/watch?v=DV1rylrkv2I>

- 1 14:03:21 Commissioner Mugiishi: Mahalo Commissioner Chipchase. Anything else from the
2 other commissioners?
- 3 14:03:32 Commissioner Ono: Commissioner Chun has his hand up
- 4 14:03:34 Commissioner Mugiishi: Oh I'm sorry, Commissioner Chun?
- 5 14:03:36 Commissioner Chun: Can you hear me? Before we vote I'd just like to say that I have
6 nothing but appreciation and admiration for my fellow commissioners and the work that's been
7 conducted with such diligence and regard for our communities all across the state. Particularly
8 for those of you who have served on the technical committee, it's been amazing to observe the
9 extent of the consideration and thought you have all put into producing the maps that are before
10 the commission. And your leadership through this process Mr. Chair has been inspirational. You
11 know, as someone who spends my whole life in meetings, I really have great appreciation for
12 your leadership and your skills. This process has been educational for me in terms of the
13 reapportionment: first, in arriving at an understanding that our constitution provides for standards
14 and criteria pertaining to extraction that are not necessarily in sync with data that is maintained
15 by either the military or the U.S. Census Bureau, secondly, arriving at an understanding as well
16 as to the guidelines that are set forth in the constitution pertaining to redistricting. The
17 constitution states that in effecting such redistricting, the commission shall be guided by the
18 following criteria. It sets forth guidance rather than inflexible standards so as to ensure
19 reasonableness and fairness are always a part of the equation in arriving at redistricting
20 determinations. I have observed complete objectivity and clear commitment to ensuring that
21 good decisions were made in the context of these guidelines and as they were applied to the
22 redistricting maps, so I will be pleased today to support the motion.
- 23 14:05:32 Commissioner Mugiishi: Thank you Commissioner Chun. Any other commissioners?
- 24 14:05:40 Commissioner Kennedy: I'm so sorry to do this but I'm, I also appreciate everything
25 that everybody has done, and I am sorry that I am not a politician and I have no relationship to
26 have come to this table with all of this understanding, so I have been doing my due diligence to
27 try to understand. So at this point, I don't understand why we are doing it in its entirety. Is there a
28 way to amend the motion and go island by island, or is this just the way that it's done? I'm so
29 sorry, I tried to ask prior to this meeting. I mean, I am in support of some, but I am against others
30 so I feel like, again the community voice has been heard over and over, we've all heard it, and I

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1 appreciate what everybody's done and I've looked at all of it, but do we have options? And
2 maybe that's for Lori. Can we amend the motion? Can we make a motion to accept Boyea and
3 Hicks maps? Again, I'm so sorry to throw all this out but, I understand it was an impossible
4 situation, but there are so many community voices not supporting it so, I guess that's a lot of
5 questions all at once. One, can we separate the islands or can we not? And then two, I mean this
6 is it right, I mean, I feel like the community still doesn't have the answers that they need, so what
7 are our options at this moment?

8 14:07:02 Commissioner Mugiishi: Yeah since our elections are statewide, we don't have
9 elections at separate dates island by island, I don't believe we can separate the approval process
10 on an island by island basis. It wouldn't make sense to have an election on Kaua'i but not on
11 O'ahu or whatever, because you know we're still drawing maps. And just a little bit of a
12 recollection of the timelines that we do have, I know timelines shouldn't be anything but if we're
13 satisfied in our own minds that the technical interaction group followed the constitution, which I
14 can just speak for myself and say I am satisfied that they did, then we are blocked by a timeline
15 that says on March 1st candidates have to file. And before they can file, all of the voters have to
16 be placed in the appropriate district, which Office of Elections has told us in the past has taken at
17 least a month. That's today. By June 29th, all ballots have to be mailed to overseas voters. So you
18 know, not only do we have to have people, you know, running for office, we have to actually get
19 ballots out to people, and then we have a primary election on August 13th. And then, and then
20 the general election in November. So you know, I guess you know, I know my words were
21 paraphrased today about the forest from the trees, I do believe the principle of the democratic
22 process is a fair and well-run election, and that's what as Chair, I've been trying to make sure that
23 we get to and that we never forget that that's what we're trying to do. And I think in order for us
24 to ensure that we're not responsible for not having a fair and well-run election, we have to either
25 approve or not approve this entire package as-is today. Otherwise you know, because the election
26 has to happen all together. I hope that answers your question.

27 14:09:05 Commissioner Kennedy: It does. I appreciate that, thank you. So are we voting as we
28 are discussing, are you going to take a vote?

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1 14:09:11 Commissioner Mugiishi: No, we're definitely going to take a vote but we're still having
2 a discussion on the current motion which is to accept the proposal. Commissioner Nishimura, I
3 see you have your hand up as well.

4 14:09:23 Commissioner Nishimura: Thank you Mr. Chair. I would like to echo the comments
5 made by Commissioners Chun and Chipchase. I think they have narrowed the considerations for
6 the motion and articulated them very well. In addition to that, you know, I would like to point
7 out to everyone that we on Kaua'i have been fortunate that we are probably one of the few that
8 meet all of the criteria of the constitution, whether it be a guideline or a dictate. That being said, I
9 do believe that, and I am convinced that the technical group has taken the information that has
10 been given to them and have given it due consideration to the extent that they are able to, and
11 have come up with maps that, at least for me, are acceptable. You know, there are several
12 arguments that could be made for and against all kind of lawsuits and all that. I think at the end
13 of the day, all of us in the commission, and in the public, would dearly love to avoid that. That
14 being said I do also know that there are disagreements as to the form of the plan. However, you
15 know, I would agree that the large majority of the people have not objected to the plans and
16 therefore, you know I feel fairly confident that, you know, we have done the best job we can
17 possibly do under the circumstances and given the information we have. Thank you Mr. Chair.

18 14:11:21 Commissioner Mugiishi: Thank you Commissioner Nishimura. Any other
19 commissioner? I know I just want to make kind of an overarching statement: Number one, it's
20 been an honor and a pleasure for me to serve as chair of this commission. This is brand new for
21 me as well, I run a health company, which is very different than something like this. But one
22 thing i will say.. we all live in the U.S. and we watch what's happening elsewhere where there's
23 all kinds of discord and divisiveness and, people are suing over the fundamental right to be
24 represented and I think, I just want to create a little bit of a distinction between what's happening
25 there and what's happening here. Like, a lot of places where that's happening, the majority party
26 of the state legislature is allowed to draw the new maps, and they without doubt are trying to
27 disadvantage the opposite party, and that is definitely causing problems with a representative,
28 representation of an entire group of people. That's not happening here in Hawaii. I think, you
29 know, we have eight commissioners, four of whom are Republican and four of whom are
30 Democrat, but you know what, all eight of whom I've had the privilege to get to know and find

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1 out that they all love Hawai‘i and they care about Hawai‘i they are here in Hawai‘i and they care
2 about the people of Hawai‘i. So as they are looking at what's happening, they are not here to
3 push a single agenda. They're here to make sure that we are paying attention to the constitution,
4 to the people, and then to having a fair and well-run election over the next 10 years. So I just
5 want to thank all the commissioners for giving me total faith in the people in Hawai‘i who
6 choose to serve on commissions like this. I appreciate everything, so thank you. And with that if
7 there is no further discussion, I'm going to call for a vote. So again, just to reiterate a motion was
8 made by Commissioner Nakota and seconded by Commissioner Ono. I'll read it again: the
9 motion is to adopt the proposed final legislative and congressional reapportionment and
10 redistricting plans recommended by the technical committee permitted interaction group on
11 January 26th 2022. Mr. Secretary can you please take the vote?
12 14:13:46 Secretary Nago: Commissioner Chipchase - aye, Commissioner Chun - aye,
13 Commissioner Kennedy - no, Commissioner Nakota - aye, Commissioner Nishimura - aye,
14 Commissioner Nonaka - aye, Commissioner Ono - aye, Commissioner Rathbun - aye, Chair
15 Mugiishi - aye. Chair, the motion carries eight to one.