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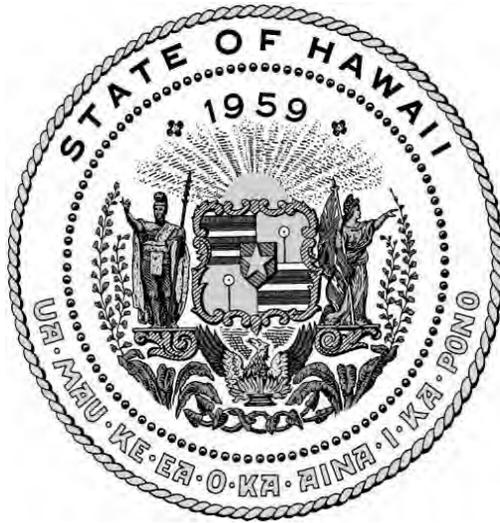
EXHIBIT “1”

State of Hawai‘i
2021 Reapportionment Commission
Final Report and Reapportionment Plan

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Entire report available at: <https://elections.hawaii.gov/wp-content/uploads/2021-Reapportionment-Commission-Final-Report-952-pages-February-25-2022.pdf>

STATE OF HAWAII
2021 REAPPORTIONMENT COMMISSION
FINAL REPORT AND REAPPORTIONMENT PLAN



Submitted to
The Thirty-First Legislature
Regular Session 2022

STATE OF HAWAII
2021 REAPPORTIONMENT COMMISSION
FINAL REPORT AND REAPPORTIONMENT PLAN

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STATE OF HAWAII
2021 REAPPORTIONMENT COMMISSION
FINAL REPORT AND REAPPORTIONMENT PLAN
EXECUTIVE SUMMARY

The 2021 Reapportionment Commission had three basic tasks: (1) redraw the U.S. Congressional Districts of the State of Hawaii; (2) reapportion and redistrict the Senate and House of Representative districts of the State of Hawaii Legislature; and (3) designate twelve of the twenty-five State Senate district seats that will have two-year terms in the election immediately following the reapportionment.

This executive summary provides an overview of the above actions taken by the Commission and lists recommendations described more fully in the Final Report for consideration by the Legislature and future Reapportionment Commissions. Also included is a list of reports and resources that can be viewed on the Reapportionment website <https://elections.hawaii.gov/about-us/boards-and-commissions/reapportionment/>.

U.S. CONGRESSIONAL DISTRICTS

The Federal Government determined that the State of Hawaii is entitled to two members in the U.S. Congress. Section 25-2(b) of the Hawaii Revised Statutes requires the Commission to apportion those two members among single member districts so that the average number of persons in the total population counted in the last U.S. Census per member in each district is as nearly equal as practicable.

Based on the 2020 U.S. Census, the Commission determined that the current Congressional Districts needed to be adjusted as:

- (a) The total population of the State of Hawaii was 1,455,271 persons.
- (b) The ideal district size of the State of Hawaii Congressional Districts is 727,636 persons.
- (c) Congressional District No. 1 is 726,395 persons or -0.17% below the ideal district size; and
- (d) Congressional District No. 2 is 728,876 persons or 0.17% above the ideal district size.

By transferring census blocks in the West Oahu region from Congressional District No. 1 to Congressional District No. 2, the Commission increased the size of the population of Congressional District No. 2 and decreased the size of the population of Congressional District No. 1. The deviation between the two districts is 0.34%

STATE LEGISLATIVE DISTRICTS

The Constitution of the State of Hawaii, Article IV, Section 4, requires the Commission to allocate the total number of members of each house of the state legislature among the four basic island units (Hawaii, Maui, Kauai, and Oahu) using the total number of permanent residents of each basic island unit and computed by the method of equal proportions. After making this allocation, Article IV, Section 6 of the Constitution requires the Commission to apportion the number of legislators allocated to each basic island unit among the districts therein in such manner that for each house the average number of permanent residents per member in each district is as nearly equal to the average for the basic island unit as practicable. Section 6 provides other criteria to guide the Commission in its redistricting.

The Commission originally adopted a permanent resident population base on September 9, 2021, after having been provided information from the military and local universities to allow for the removal of non-permanent residents from the total population figures from the last U.S. Census. However, on December 31, 2021, new data was provided to the Commission from the military. On January 6, 2022, the Commission approved of the use of the data and a methodology to determine the permanent resident population of the State of Hawaii and each basic island unit.

Briefly, non-permanent military and student residents were extracted from the U.S. Census population of the census blocks of each basic island unit: (1) by residence address or extended zip code where sufficient data was provided by the military and university data agencies, and (2) by disaggregation where there was insufficient data to pinpoint the census block in which the non-permanent resident resided. The methodology is described in Appendix D.

Using the approved methodology, the permanent resident populations for the State of Hawaii and the basic island units were determined as follows:

State of Hawaii	1,348,054 persons
Oahu	910,521 persons
Hawaii	199,990 persons
Maui	164,539 persons
Kauai	73,004 persons

Based on the permanent resident population figures above, and using the Huntington-Hill Method of Equal Proportions, the Commission allocated the 25 members of the Senate and the 51 members of the House of Representatives among the four basic island units as follows:

<u>Basic Island Unit</u>	<u>Senate</u>	<u>House</u>
Oahu	17 seats	34 seats
Hawaii	4 seats	8 seats
Maui	3 seats	6 seats
Kauai	1 seat	3 seats

After allocating the members of the state legislature among the four basic island units, the Commission redrew district boundaries in each of the four basic island units. The Commission considered the nature and extent of the population deviations among the districts in making its final legislative reapportionment plan, as discussed below:

Under the method of measuring legislative representation used in Burns v. Gill, 316 F. Supp. 1285, 1296 (D. Haw. 1970), the maximum statewide percentage deviation in the Commission’s allocation is 9.11%. The basic island unit percentage deviations are: Oahu - 0.65%, Hawaii -6.04%, Maui 3.07%, and Kauai 2.89%. These percentages are the percentage deviations from the statewide average number of permanent residents per legislator (both senators and representatives combined) of each basic island unit’s average number of permanent residents per legislator (both senators and representatives combined).

Deviations Within Each Basic Island Unit

The deviations in population between districts within each basic island unit were determined, e.g., the difference between the largest and smallest Senate Districts on Oahu was 4.93%, and the difference between the largest and smallest House Districts on Hawaii was 4.74%. The largest deviation statewide on the Senate District side is 4.93% (Oahu), and the largest deviation statewide on the House District side is 4.74% (Hawaii). More detail is shown in the Commission’s Principal Tasks section of this report. For each basic island unit, the deviation percentages are:

<u>Basic Island Unit</u>	<u>Senate</u>	<u>House</u>
Oahu	4.93%	4.05%
Hawaii	0.97%	4.74%
Maui	0.89%	4.44%
Kauai	0.0%	0.57%

The maximum statewide deviation among Senate Districts is 43.03%, i.e., Senate District 7 on Kauai is 35.39% and Senate District 4 on Hawaii is -7.64%. The maximum statewide deviation among House Districts is 14.69%, i.e., House District 10 on Maui is 6.47% and House District 15 on Kauai is -8.21%.

Staggering of Senate Seats

The Constitution of the State of Hawaii, Article IV, Section 8 provides that the Commission shall assign two-year terms to twelve Senate seats for the election immediately following the adoption of its reapportionment plan. Section 8 provides that insofar as practicable, the Commission shall assign such terms so that the resident population of each Senate district shall have no more than two regular Senate elections for a particular Senate seat within the six-year period beginning in the even-numbered year prior to reapportionment.

After the Commission approved its final reapportionment plan for the state legislative districts, the Commission's technical staff: (a) determined the percentage of population in each new Senate District that had a regular Senate election in the year 2020; and (b) identified the twelve new Senate District seats that had the smallest percentage of population that had a regular Senate election in the year 2020. The Commission's staff was able to do this by identifying each census block that did and did not have a regular election for State Senator in the year 2020.

These twelve new Senate Districts were designated by the Commission to have two-year terms in the next election:

Hawaii:	Senate Districts 1, 3 and 4
Maui:	Senate Districts 6 and 7
Kauai:	None
Oahu:	Senate Districts 12, 16, 18, 19, 22, 23 and 24.

The remaining Senate districts will have four-year terms in the 2022 election.

MEMBERSHIP OF THE COMMISSION AND THE ADVISORY COUNCILS

1. *The Commission.*

Article IV, Section, 2, State Constitution, prescribes the manner in which the members of the reapportionment commission are to be appointed. Pursuant to this section, the President of the Senate, the Speaker of the House of Representatives, the leader of the minority party, members of the Senate, and the leader of the minority party members of the House of Representatives, all of the State legislature, each appointed two persons to the 2021 Reapportionment Commission (the “Commission”) as follows:

Appointing Authority Commission Members Appointed

President of the Senate	Charlotte Nekota Randall Nishimura
Speaker of the House of Representatives	Grant Y.M. Chun Diane T. Ono
Minority Party Leader, the Senate	Robin Kennedy Kevin Rathbun
Minority Party Leader, House of Representatives	Calvert Chipchase Dylan Nonaka

All of the above members were appointed on or before May 1, as prescribed by the State Constitution. These members in turn selected Dr. Mark Mugiishi as the ninth member and chairperson of the Commission. This selection was made on April 13, 2021, within the thirty-day time period prescribed by the State Constitution for the appointment of the ninth member. Scott Nago, Chief Election Officer served as secretary to the Commission.

2. *Meetings of the 2021 Reapportionment Commission*

In accordance with Article IV, Section 3 of the Constitution of the State of Hawaii, the eight members of the Commission appointed by the presiding officers and minority party leaders of each house of the Legislature began meeting on April 13, 2021. Dr. Mark Mugiishi began presiding over the Commission meeting on May 17, 2021, and subsequent meetings. All meetings were held remotely using interactive conference technology.

May 17, 2021	October 14 & 28, 2021
July 6 & 20, 2021	December 22, 2021
August 26, 2021	January 6, 13, 22, 26 and 28, 2022
September 9, 2021	February 23, 2022

3. *The Advisory Councils.*

At the same time that they each named two members to serve on the Commission, the appointing authorities, pursuant to the State Constitution, each appointed one member to each of the basic island unit's apportionment advisory councils, as follows:

<i>Appointing Authority</i>	<i>Advisory Council Members Appointed</i>
President of the Senate	Steve Pavao - Hawaii Christopher Nii - Kauai Anthony Takitani – Maui Alan Takemoto - Oahu
Speaker of the House of Representatives	Amy Miwa - Hawaii Hermina Mina - Kauai Agnes Macadangdang Hayashi - Maui Jennifer Wilbur - Oahu
Minority party leader, the Senate	Marlene Murray – Hawaii Laurie Yoshida - Kauai Robert Stephenson – Maui Ginger Toma - Oahu
Minority party leader, the House of Representatives	Jame Schaedel - Hawaii Maryanne Kusaka – Kauai George Fontaine Maui Lynn Finnegan - Oahu

ACKNOWLEDGMENTS

Throughout the performance of their reapportionment and redistricting tasks, the members of the Commission have been reminded of the magnitude of their responsibilities. The Commission could not have discharged these responsibilities without the encouragement and assistance of many people. The Commission owes a debt of gratitude to each of them. In particular, the Commission wishes to acknowledge with heartfelt thanks the assistance of the following:

1. *The Public.*

During the course of its deliberations, the Commission had the opportunity to hear from and discuss with various people in the community the many aspects of reapportionment and redistricting. To name all the persons individually would result in an exhaustive list. A limited listing of these people is contained in those sections of this report dealing with the Commission's public hearings.

Members of the public also submitted redistricting plans on the Hawaii Redistricting

Online Application. The Commission would like to thank all members of the public who participated in the Commission's meetings or public hearings, or who provided written testimony, comments, or plans to the Commission. The Commission live streamed all meetings and public hearings using interactive conference technology.

2. *The Advisory Councils.*

Under the State Constitution, the advisory councils of each basic island unit were vested with the responsibility of advising and counseling the Commission with respect to reapportionment and redistricting within that basic island unit. The Commission notes that every council discharged that responsibility well. The Commission is grateful for the work of the councils in measuring the pulse of their respective basic island units and in recommending changes to the plans for their respective island units.

3. *The Project Office Staff.*

The project office staff was responsible for technical, logistical, and support services to the Commission including the day-to-day operations of the Commission's office. The Office of Elections provided the project office staff. The Commission is very appreciative of the work performed by the project office staff. Without the project office staff's diligent efforts, the Commission could not have completed its work in the limited time provided. The project office staff included:

David J. Rosenbrock, Project Manager
Carolyn Roldan, Secretary

4. *Office of Elections*

In addition to the project office staff, the Office of Elections staff provided additional logistical and support services to the Commission and the project office.

Scott T. Nago, Chief Election Officer
Aulii Tenn, Counting Center Operations Section Head
Kimberly Yamada, Computer Services Section Head
Keenan Kinimaka, Computer Services Specialist
Holly Ann Kiaaina, Election Support Services Section Head
Lance Aoki, Warehouse Supervisor
Kristen Uyeda, Ballot Operations Section Head
Nedielyn Bueno, Voter Services Section Head
Raymund de Vega, Voter Services Specialist
Aaron H. Schulaner, General Counsel
Jaime Kataoka, Secretary

5. *Professionals*

The Commission relied on a team of professionals from the Department of the Attorney General and technical specialists to aid it both in understanding the problems related to reapportionment and in performing the Commission's various tasks. These individuals were consulted by the Commission to provide legal, statistical, and logistical services:

Lori N. Tanigawa Deputy Attorney General
Reece R. Nakamura, Deputy Attorney General
Royce Jones (owner), Geographic Decision Systems International

PROCEDURE FOLLOWED

In the development of its final plans for the reapportionment and redistricting of the U.S. Congressional Districts and the State legislative districts, the Commission proceeded as follows:

1. *Legal and statistical background.*

On July 7, 2021, the Hawaii Supreme Court issued an Order that extended the deadlines for filing the final legislative and congressional reapportionment plans. This extension was due the unprecedented delay in the transmission of census data to the States as a result of the COVID-19 pandemic.

Additionally, pursuant to various emergency proclamations issued by the Governor relating the COVID-19 pandemic, all meetings were held remotely using interactive conference technology. The meetings were recorded and posted on the Office of Elections' website at <https://elections.hawaii.gov/about-us/boards-and-commissions/reapportionment/gov>.

At the outset, the Commission sought to familiarize itself with the legal and statistical aspects of reapportionment and redistricting. In this respect, the members of the Commission reviewed or were briefed on matters including, but not limited to, the following:

- a. The requirements for reapportionment and redistricting set forth in Article IV of the State Constitution and Chapter 25 of the Hawaii Revised Statutes.
- b. Relevant court decisions regarding reapportionment and redistricting. In particular, the Commission considered decisions such as Reynolds v. Sims, 377 U.S. 533 (1964); Burns v. Richardson, 384 U.S. 73 (1966); Burns v. Gill, 316 F. Supp. 1285 (D. Haw. 1970); Travis v. King, 552 F. Supp. 554 (D. Haw. 1982); Solomon v. Abercrombie, 126 Hawai'i 283 (2012); Kostick v. Nago, 960 F.Supp.2d 1074 (2013), *aff'd*, Kostick v. Nago, 134 S.Ct. 1001, 187L.Ed.2d 849 (2014); and State ex rel. Connors v. State of Hawai'i 2021 Reapportionment Commission, SCPW-21-0000342 (2021).
- c. The final reports of prior reapportionment commissions.

- d. Information from the 2020 U.S. Census as it related to the existing U.S. Congressional and Statelegislative districts.
- e. The results of the 2020 General Election.
- f. Other publications regarding the legal principles governing reapportionment and redistricting and statistical information relevant to reapportionment and redistricting.
- g. The Commission closely reviewed the reapportionment and redistricting criteria set forth in the State Constitution and Hawaii Revised Statutes. In addition, the Commission developed other standards and criteria to guide it in performing its reapportioning and redistricting tasks. For example, the Commission: (a) defined the “permanent resident” population base that it would use in reapportioning and redistricting the State legislative districts, and (b) decided not to use multi-member districts in its reapportionment plans. Other standards and criteria used by the Commission are discussed later in this report. The standards and criteria were adopted at the Commission’s public meeting on September 9, 2021.

2. *Meetings of the 2021 Reapportionment Commission*

In accordance with Article IV, Section 3 of the Constitution of the State of Hawaii, the eight members of the Commission appointed by the presiding officers and minority party leaders of each house of the Legislature met on April 13, 2021 and selected Dr. Mark Mugiishi as Chair, who presided over the subsequent meeting. All meetings of the Commission were held remotely using interactive conference technology. Agendas, Minutes, meeting materials and videos from the Commission’s meetings were posted on the Reapportionment website. <https://elections.hawaii.gov/about-us/boards-and-commissions/reapportionment/>.

3. *Advisory Council Meetings*

The advisory councils conducted a series of public meetings. The purpose of this series of meetings was to present information about reapportionment and redistricting and to present the criteria the Commission developed for its reapportionment plans. In this series of meetings, the advisory councils were most helpful in preparing the public for participation in the reapportionment process.

<u>ISLAND</u>	<u>DATE</u>
Island of Hawaii	September 29, 2021
Island of Hawaii	October 27, 2021
Island of Hawaii	November 29, 2021
Island of Hawaii	January 18, 2022
Islands of Maui, Lanai, Molokai, and Kahoolawe	October 26, 2021
Islands of Maui, Lanai, Molokai, and Kahoolawe	November 17, 2021
Islands of Maui, Lanai, Molokai, and Kahoolawe	December 17, 2021
Islands of Maui, Lanai, Molokai, and Kahoolawe	December 21, 2021
Islands of Kauai and Niihau	September 29, 2021
Islands of Kauai and Niihau	October 21, 2021
Island of Oahu	November 1, 2021
Island of Oahu	December 17, 2021
Island of Oahu	January 14, 2022
Island of Oahu	January 18, 2022

4. *Criteria development.*

The Commission closely reviewed the reapportionment and redistricting criteria set forth in the State Constitution and Hawaii Revised Statutes. In addition, the Commission developed other standards and criteria to guide it in performing its reapportioning and redistricting tasks.

For example, the Commission: (a) defined the "permanent resident" population base that it would use in reapportioning and redistricting the State legislative districts, and (b) decided not to use multi-member districts in its reapportionment plans. Other standards and criteria used by the Commission are discussed later in this report. The standards and criteria were adopted at the Commission's public meeting on August 26, 2021.

5. *Proposed reapportionment plans.*

The Commission formed a Technical Committee to investigate possible reapportionment plans for the Commission's consideration. Based on proposals from its Technical Committee, and after an opportunity for public comment, the Commission adopted proposed reapportionment plans for the U.S. Congressional Districts and State legislative districts. These actions were taken by the Commission at its meeting on August 26, 2021. However, Chair Mugiishi and other members of the Commission reiterated that the Commission would remain open to public comment and to taking further action on the population base at a later date. The Commission set a schedule of 11 public hearings throughout the State to receive input from the public regarding the proposed reapportionment plans.

6. *Public hearings.*

As required by Section 25-2 of the Hawaii Revised Statutes, the Commission held a series of public hearings on its initial proposed reapportionment plans concerning all the basic island units. The hearings began on November 30, 2021 (20 days after the publication of the proposed plans) and concluded on December 10, 2021. The names of the people who signed in at the hearings (“witnesses”) were as follows:

<u>DATE</u>	<u>TIME</u>	<u>GEOGRAPHIC AREA</u>
November 30, 2021 Witnesses: Dee Morikawa, Chris Nii	5:00 pm	Kauai
December 1, 2021 Witnesses: Maki Morinoue, Bart Dame, Becky Gardner, Eileen O’Hara, Benton Ching, Jacquelyn Ralph Boyea, Shannon Matson, Nicole Lowen, Keith	5:00 pm	Hawaii Island – West
December 2, 2021 Witnesses: Ralph Boyea, Cory Harden, Becky Gardner, Shannon Matson, Philip Barnes, Deborah Ward, Marvin Porter, Mary, Benton Ching, Jacquelyn, Ariel Murphy, Sandy Ma	5:00 pm	Hawaii Island - East
December 3, 2021 Witnesses: Jacob Aki	2:00 pm	Lanai
December 3, 2021 Witnesses: Jacob Aki	6:00 pm	Molokai
December 4, 2021 Witnesses: Roberta Mayor, Bill Hicks, Bart Dame, William Sims, Lisa Bishop, Judy Sobin, Dale Moana Gilmartin, Matthew Prellberg, Dylan Armstrong, Mariliz Reilly	2:00 pm	East Honolulu
December 6, 2021 Witnesses: Jacob Aki	6:00 pm	Maui – Lahaina
December 7, 2021 Witnesses: Jayne Kinoshita, Walette Pellegrino, Cheryl Adolpho, Glenn Adolpho, Jordan Helle	6:00 pm	Maui - Kahului
December 8, 2021 Witnesses: Bill Hicks, Kainoa Kaumeheiwa-Rego, Trish La Chica, Mary Smart, Alan Kumalae, Danielle Bass, Claire Tamamoto, Brandon Mitsuda, Ian Ross, Kendrick Farm, May Mizuno, Trevor Nagamine	6:30 pm	Oahu - Central
December 9, 2021	6:30 pm	Oahu – Leeward

Witnesses: Bill Hicks, Larry Veray, Michael Golojuch Jr., Brett Kulbis

December 10, 2021

6:30 pm

Oahu – Windward

Witnesses: Bill Hicks, Kimeona Kane, Bart Dame, Lisa Bishop, Kapua Medeiros, Roberta Mayor, Dale Moana Gilmartin, Gary Weller, Gail Baron, Ingrid Peterson, Amy Murai, Shaun Wilcox, Donna Wong, Louisa Keawe

7. *Adjustment to population base and revised reapportionment plan*

Based on initial population data received from United States Indo-Pacific Command (USINDOPACOM), universities, and the U.S. Census Bureau, the Commission voted on September 9, 2021 to extract 71,162 people from the State population reported by the Census. The adjusted population of 1,384,109 was used to apportion state legislative seats and redraw district boundaries for the State House and State Senate in the four basic island units.

In contrast, the unadjusted Census population of 1,455,271, as required by federal law, was used in redrawing Hawaii's two Congressional districts, so no revision was needed for the congressional plan.

The Commission subsequently received a revised population data set from USINDOPACOM on December 31, 2021. The Commission approved on January 6, 2022 a permanent resident reapportionment population base that extracted 107,217 non-permanent residents from the U.S. Census population of Hawaii, resulting in an adjusted population of 1,348,054 to be used to apportion state legislative seats and redraw district boundaries for the State House and State Senate in the four basic island units.

8. *Decision.*

Given this, the Technical Committee resumed its work and developed for plans the consideration of the Commission. On January 13, 2022, the Technical Committee presented its "Modified Proposed Final Legislative and Congressional Reapportionment Plans" to the Commission. A series of public meetings were held on January 6, 13, 22, 26 and 28, 2022 to receive testimony on the proposed plans. Ultimately, the Commission on January 28, 2022 adopted the proposed plans.

COMMISSION'S PRINCIPAL TASKS

The Commission had three basic tasks: (1) redraw the U.S. Congressional Districts of the State of Hawaii; (2) reapportion and redistrict the Senate and House of Representatives of the State of Hawaii Legislature; and (3) designate twelve of the twenty-five State of Hawaii Senate district seats that will have two-year terms in the election immediately following the 2021 reapportionment.

LEGAL CONSTRAINTS AND DISTRICTING CRITERIA

In the performance of its tasks, the commission was guided by certain criteria and legal requirements. Among them are federal constitutional standards and state constitutional requirements.

1. Federal Constitution

a. U.S. Congressional Districts.

Article I, Section 2 of the United States Constitution establishes a high standard of justice and common sense for the apportionment of U.S. Congressional Districts, i.e., “equal representation for equal numbers of people.” Karcher v. Daggett, 462 U.S. 725, 730 (1983) *citing* Wesberry v. Sanders, 376 U.S. 1, 18 (1964). In apportioning U.S. Congressional Districts, the standard is that such districts are to be apportioned to achieve population equality “as nearly as is practicable.” Karcher, 462 U.S. at 730. Congressional redistricting plans with maximum deviations in population of up to 1% have been approved by federal courts, “provided the state policies underlying each individual deviation are both legitimate and sufficiently related to the deviation.” *See* Hebert, *et al.*, *The Realists’ Guide to Redistricting, Second Edition*, ABA Section of Administrative Law and Administrative Practice, at page 7 (2010), *citing* Vera v. Bush, 933 F. Supp. 1341, 1348 & n. 9 (S.D. Tex., 1996) (three-judge court) and Vera v. Bush, 980 F. Supp. 251, 253 (S.D. Tex., 1997) (three-judge court).

b. State Legislative Districts.

The Equal Protection Clause of the Fourteenth Amendment to the United States Constitution also requires that both houses of a bicameral state legislature be apportioned substantially on a population basis. In Reynolds v. Sims, 377 U.S. 533, 577 (1964), the United States Supreme Court stated:

[W]e mean that the Equal Protection Clause requires that a State make an honest and good faith effort to construct districts, in both houses of its legislature, as nearly of equal population as is practicable. We realize that it is a practical impossibility to arrange legislative districts so that each one has an identical number of residents, citizens, or voters. Mathematical exactness or precision is hardly a workable constitutional requirement.

The U.S. Supreme Court has allowed more flexibility in population deviations with respect to state legislative reapportionment than for federal congressional redistricting. Mahan v. Howell, 410 U.S. 315, 321-322 (1977). As a general matter, the U.S. Supreme Court has held that state legislative reapportionment plans with a maximum population deviation under 10% are *prima facie* constitutional while those above 10% are *prima facie* discriminatory and must be justified by the state. Brown v. Thomson, 462 U.S. 835, 842-843 (1983). It has also held that state legislative plans with a maximum population deviation in excess of 10% can be justified by a state policy that seeks to preserve the integrity of political subdivisions. Brown, 462 U.S. at 843-844 and

Voinovich v. Quilter, 507 U.S. 146, 161-162 (1993). To date, the U.S. Supreme Court has not expressly stated how much of a maximum population deviation may be permitted in order to preserve the integrity of state political subdivisions. Cf. Gorin v. Karpan, 775 F. Supp. 1430, 1438, (D. Wyo. 1991).

The U.S. Supreme Court has held that in reapportioning state legislative districts, a slight overrepresentation of a particular area in one house could be balanced with minor underrepresentation of that area in the other house. Lucas v. Forty-Fourth General Assembly of State of Colo., 377 U.S. 713, 735, fn. 27 (1964); Reynolds, 377 U.S. at 577.

The United States Supreme Court has not specified what population base must be used to reapportion and redistrict state legislative districts. In Davis v. Mann, 377 U.S. 678, 691-692 (1964), the United States Supreme Court held that a state could not exclude from the reapportionment population base, a class of persons (military and military related personnel) based solely on the nature of their employment. However, the Court later stated that nothing in its prior decisions was meant to require the states to include in their reapportionment population base, “aliens, transients, short-term or temporary residents, or persons denied the vote for conviction of a crime”. Burns v. Richardson, 384 U.S. 73, 92 (1966). Further, with respect to its decision in Davis v. Mann, the Court said:

Discrimination against a class of individuals, merely the nature of their employment, without more being shown, is constitutionally impermissible. [citation omitted]. Where the exclusion is of those not meeting a State’s residence requirements, however, different principles apply. The difference between exclusion of all military and military-related personnel, and exclusion of those not meeting a State’s residence requirements is a difference between an arbitrary and a constitutionally permissible classification.

(Burns, 384 U.S. at 93, fn.22.)

2. *State Constitution and Laws*

a. *U.S. Congressional Districts.*

With respect to U.S. Congressional Districts, Section 25-2 of the Hawaii Revised Statutes requires the commission to determine the total number of members to which the State is entitled and to apportion those members into single member districts so that the number of persons in the total population of such districts (based on the last preceding U.S. Census) shall be as nearly equal as practicable. In addition, it provides that the Commission shall be guided by certain criteria including the following:

- (1) No district shall be drawn so as to unduly favor a person or political faction.
- (2) Except in the case of districts encompassing more than one island, districts shall be contiguous.
- (3) Insofar as practicable, districts shall be compact.

- (4) Where possible, district lines shall follow permanent and easily recognized features, and when practicable, shall coincide with census tract boundaries;
- (5) Where practicable, state legislative districts shall be wholly included within congressional districts; and
- (6) Where practicable, submergence of an area in a larger district wherein substantially different socio-economic interests predominate shall be avoided.

b. State Legislative Districts.

With respect to the State legislative districts, Article IV of the State Constitution provides for reapportionment to be performed using the following steps. First, the Commission is to allocate the total number of members of each house of the State legislature among the four basic island units, using the total number of permanent residents in each of the basic island units (Hawaii, Maui, Kauai and Oahu), and computed using the method of equal proportions. Second, the Commission is to draw the district lines within each basic island unit so that for each house the average number of permanent residents per member is as nearly equal to the average for the basic island unit as practicable. In effectuating this redistricting, the Commission is to be guided by certain specified criteria, including the following:

- (1) No district shall extend beyond the boundaries of any basic island unit.
- (2) No district shall be drawn so as to unduly favor a person or political faction.
- (3) Except in the case of districts encompassing more than one island, districts shall be contiguous.
- (4) Insofar as practicable, districts shall be compact.
- (5) Where possible, district lines shall follow permanent and easily recognized features, and where practicable, shall coincide with census tract boundaries.
- (6) Where practicable, representative districts shall be wholly included within senatorial districts.
- (7) Not more than four members shall be elected from any districts.
- (8) Where practicable, submergence of an area in a larger district wherein substantially different socio-economic interests predominate shall be avoided.

In Blair v. Ariyoshi, 515 P.2d 1253 (Haw. 1973), the Hawaii Supreme Court upheld the 1973 Reapportionment Commission's action in assigning seats in the State legislature so as to balance the overrepresentation of the basic island unit of Kauai in the House of Representatives (-0.98%) with underrepresentation of that basic island unit in the Senate (+16.19%). The Court said it was satisfied that the allocation in question was an eminently reasonable one, and that the Commission had made a good faith effort to achieve statewide voter equality.

3. Other Standards and Criteria.

In performing its reapportionment and redistricting responsibilities, the Commission also adopted other standards and criteria including, but not limited to, the following: (1) no splitting of census blocks; (2) attempting to maintain the integrity of existing districts; and (3) within each basic island unit, trying to keep the population

deviations of all districts within plus or minus 5% of the ideal district size for that basic island unit.

The technical staff and consultants advised the Commission to avoid splitting census blocks, as that would require staff to go to the blocks that were split and attempt to ascertain the number of permanent residents in each portion of the split block. The Commission had neither the time nor the staff to perform such work.

The Commission decided to attempt to maintain the integrity of existing districts for a number of reasons. The Commission felt that maintaining existing districts would create less confusion for voters who had grown used to their current districts. Additionally, it appeared to the Commission that the existing district represented the work of prior reapportionment commissions that had attempted to align districts with geographic features and communities of interest in the State.

THE REAPPORTIONMENT PLANS

1. U.S. Congressional Districts

a. General description of the redistricting plan.

The State is entitled to two members in the U.S. House of Representatives in the U.S. Congress. Under Section 25-2(b) of the Hawaii Revised Statutes, the Commission is required to apportion those two members among single member districts so that the average number of persons in the total population counted in the last U.S. Census per member per district was as nearly equal as possible.

Based on the 2020 U.S. Census, the Commission determined that the current U.S. Congressional Districts needed to be adjusted as:

- (1) The total population of the State of Hawaii was 1,455,271 persons.
- (2) The ideal district size of the two Congressional districts is, therefore, 727,636 persons.
- (3) In the final plan, Congressional District No. 1 includes 726,395 persons or 0.17% below the ideal district size: and
- (4) In the final plan, Congressional District No. 2 includes 728,876 persons or 0.17% above the ideal district size.

b. Explanation and justification of deviations.

Under the Commission's final redistricting plan, the deviation between the two Congressional Districts is 0.34%. This percentage is within the deviations that have been found acceptable in the past by the U.S. Supreme Court.

2. *State Legislative Districts*

a. *A general description of the reapportionment plans.*

(1) *The reapportionment base.*

(2) *Apportionment among basic island units.*

In 1992, the State Constitution was amended to provide that reapportionment is to be based on the “total number of permanent residents.” Like its predecessors, the 2021 Reapportionment Commission extracted non-permanent residents from the U.S. Census Bureau data it received to arrive at the “total number of permanent residents.” The data for the extracting of non-permanent residents came from the military and local universities. Ultimately, Commission approved a permanent resident reapportionment population base that extracted 107,217 people from the U.S. Census population of Hawaii to arrive at a total of 1,348,054 for reapportionment and redistricting purposes.

(2) *Apportionment among basic island units.*

The final plan adopted by the Commission allocates the total number of members of the State Senate and the House of Representatives among the four basic island units as shown in Table A below:

Table A – Allocation of State Senate and House Members to Basic Island Units

Basic Island Units	Senators	Representatives
Island of Hawaii	4	8
Islands of Maui, Lanai, Molokai, and Kahoolawe	3	6
Island of Oahu and all other islands not specifically enumerated	17	34
Islands of Kauai and Niihau	1	3
Total	25	51

Hawaii Island gained one House seat and Oahu Island lost one House seat.

(3) *Apportionment among basic island units.*

The second step in the process of reapportioning and redistricting the State legislature is apportioning the members allocated to each basic island unit among districts within that basic island unit and redrawing district lines where necessary in such a manner that for each house the average number of permanent residents per member is as nearly equal to the average for the

basic island unit as is practicable.

The table below illustrates this step in the process. We see Kauai has 73,004 permanent residents and is entitled to 3 House members. Therefore, the average or target population is 24,335 permanent residents per House member, as reflected in Table B. The remaining House seats for each basic island unit are calculated in the same fashion.

House Targets by Basic Island Unit

Table B – Average Population Per House Member by Basic Island Unit

Basic Island Unit	State Base Population	House Seats	Target Population Per Seat (House)
Oahu	910,521	34	26,780
Hawaii	199,990	8	24,999
Maui	164,539	6	27,423
Kauai	73,004	3	24,335

Senate Targets by Basic Island Unit

Redistricting the Senate assumes the same methodology, see Table C below. Table C – Average Population Per Senate Member by Basic Island Unit

Basic Island Unit	State Base Population	Senate Seats	Target Population Per Seat (Senate)
Oahu	910,521	17	53,560
Hawaii	199,990	4	49,998
Maui	164,539	3	54,846
Kauai	73,004	1	73,004

Again, using Kauai as an example, it has with 73,004 permanent residents and one apportioned Senate district (73,004 divided by 1 = 73,004). The Senate district on Kauai equals the total population of 73,004. Remaining Senate seats within the other basic island units are calculated in the same fashion.

The Commission’s final reapportionment and redistricting plan shows how the Commission accomplished this part of its task. Hawaii gained one House seat and Oahu lost one.

(a) Basic Island Unit of Kauai.

The final plan allocates three (3) House seats to Kauai in House Districts 15, 16 and 17. The final plan allocates one (1) Senate seat to Kauai in Senate District 8. No change from existing number of House and Senate seats.

(b) Basic Island Unit of Oahu.

The final plan allocates 34 House seats to Oahu in House Districts 18 through 51. The final plan allocates 17 Senate seats to Oahu in Senate Districts 9 through 25. No change from existing number Senate seats, one less House seat.

(c) Basic Island Unit of Maui.

The final plan allocates six (6) House seats to Maui in House Districts 9 through 14. The final plan allocates three (3) Senate seats to Maui in Senate Districts 5 through 7. No change from existing number of House and Senate seats.

(d) Basic Island Unit of Hawaii.

The final plan allocates eight (8) House seats to Hawaii in House Districts 1 through 8. The final plan allocates three (4) Senate seats to Hawaii in Senate Districts 1 through 4. No change from existing number of Senate seats, one more House seat.

(4) Deviations within each basic island unit.

With respect to the Commission’s apportionment within basic island units, the deviations among the districts in each basic island unit shown for each house of the legislature are as follows:

Table 1 - Oahu Basic Island Units Targets and Deviations (House Districts)

House District	BIU Target	District Population	BIU Deviation	BIU Deviation %	Min	Max	Overall
18	26,780	26,914	134	0.50%	-2.51%	1.54%	4.05%
19	26,780	26,514	-266	-0.99%			
20	26,780	26,561	-219	-0.82%			
21	26,780	26,608	-172	-0.64%			
22	26,780	26,451	-329	-1.23%			

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23	26,780	26,428	-352	-1.31%
24	26,780	26,986	206	0.77%
25	26,780	26,933	153	0.57%
26	26,780	27,193	413	1.54%
27	26,780	27,183	403	1.50%
28	26,780	26,970	190	0.71%
29	26,780	27,076	296	1.11%
30	26,780	26,996	216	0.81%
31	26,780	26,911	131	0.49%
32	26,780	26,566	-214	-0.80%
33	26,780	27,152	372	1.39%
34	26,780	26,872	92	0.34%
35	26,780	27,092	312	1.17%
36	26,780	26,910	130	0.49%
37	26,780	26,809	29	0.11%
38	26,780	26,955	175	0.65%
39	26,780	27,111	331	1.24%
40	26,780	26,968	188	0.70%
41	26,780	26,925	145	0.54%
42	26,780	26,477	-303	-1.13%
43	26,780	26,307	-473	-1.77%
44	26,780	27,177	397	1.48%
45	26,780	27,095	315	1.18%
46	26,780	26,984	204	0.76%
47	26,780	26,656	-124	-0.46%
48	26,780	26,108	-672	-2.51%
49	26,780	26,356	-424	-1.58%
50	26,780	26,160	-620	-2.32%
51	26,780	26,117	-663	-2.48%

Table 2 - Oahu Basic Island Units Targets and Deviations (Senate Districts)

Senate District	BIU Target	District Population	BIU Deviation	BIU Deviation %	Min	Max	Overall
9	53,560	52,970	-590	-1.10%	-2.50%	2.43%	4.93%
10	53,560	53,615	55	0.10%			
11	53,560	53,613	53	0.10%			
12	53,560	53,818	258	0.48%			
13	53,560	54,558	998	1.86%			
14	53,560	54,862	1302	2.43%			
15	53,560	54,757	1197	2.23%			
16	53,560	54,371	811	1.51%			
17	53,560	52,349	-1211	-2.26%			
18	53,560	52,289	-1271	-2.37%			
19	53,560	54,675	1115	2.08%			

20	53,560	54,408	848	1.58%
21	53,560	54,721	1161	2.17%
22	53,560	52,438	-1122	-2.09%
23	53,560	52,473	-1087	-2.03%
24	53,560	52,220	-1340	-2.50%
25	53,560	52,384	-1176	-2.20%

Table 3 - Hawaii Basic Island Units Targets and Deviations (House Districts)

House District	BIU Target	District Population	BIU Deviation	BIU Deviation %	Min	Max	Overall
1	24,999	25,166	167	0.67%	-2.80%	1.94%	4.74%
2	24,999	24,908	-91	-0.36%			
3	24,999	25,035	36	0.14%			
4	24,999	25,065	66	0.26%			
5	24,999	25,485	486	1.94%			
6	24,999	24,931	-68	-0.27%			
7	24,999	24,299	-700	-2.80%			
8	24,999	25,101	102	0.41%			

Table 4 - Hawaii Basic Island Units Targets and Deviations (Senate Districts)

Senate District	BIU Target	District Population	BIU Deviation	BIU Deviation %	Min	Max	Overall
1	49,998	50,019	21	0.04%	-0.40%	0.57%	0.97%
2	49,998	50,284	286	0.57%			
3	49,998	49,887	-111	-0.22%			
4	49,998	49,800	-198	-0.40%			

Table 5 - Maui Basic Island Units Targets and Deviations (House Districts)

House District	BIU Target	District Population	BIU Deviation	BIU Deviation %	Min	Max	Overall
9	27,423	28,143	720	2.63%	-1.81%	2.63%	4.44%
10	27,423	26,928	-495	-1.81%			
11	27,423	27,548	125	0.46%			
12	27,423	27,164	-259	-0.94%			
13	27,423	27,466	43	0.16%			
14	27,423	27,290	-133	-0.48%			

Table 6 - Maui Basic Island Units Targets and Deviations (Senate Districts)

Senate District	BIU Target	District Population	BIU Deviation	BIU Deviation %	Min	Max	Overall
5	54,846	55,121	275	0.50%	-0.39%	0.50%	0.89%
6	54,846	54,788	-58	-0.11%			
7	54,846	54,630	-216	-0.39%			

Table 7 - Kauai Basic Island Units Targets and Deviations (House Districts)

House District	BIU Target	District Population	BIU Deviation	BIU Deviation %	Min	Max	Overall
15	24,335	24,261	-74	-0.30%	0.30%	0.27%	0.57%
16	24,335	24,401	66	0.27%			
17	24,335	24,342	7	0.03%			

Table 8 - Kauai Basic Island Units Targets and Deviations (Senate Districts)

Senate District	BIU Target	District Population	BIU Deviation	BIU Deviation %	Min	Max	Overall
8	73,004	73,004	0	0.00%	0.00%	0.00%	0.00%

Table 9 - House Statewide Targets and Deviations

House District	Statewide Target	District Population	Statewide Deviation	Statewide Deviation %	Min	Max	Overall
1	26,432	25,166	-1266	-4.79%	-8.21%	6.47%	14.69%
2	26,432	24,908	-1524	-5.77%			
3	26,432	25,035	-1397	-5.29%			
4	26,432	25,065	-1367	-5.17%			
5	26,432	25,485	-947	-3.58%			
6	26,432	24,931	-1501	-5.68%			
7	26,432	24,299	-2133	-8.07%			
8	26,432	25,101	-1331	-5.04%			
9	26,432	28,143	1711	6.47%			
10	26,432	26,928	496	1.88%			
11	26,432	27,548	1116	4.22%			
12	26,432	27,164	732	2.77%			
13	26,432	27,466	1034	3.91%			
14	26,432	27,290	858	3.25%			
15	26,432	24,261	-2171	-8.21%			
16	26,432	24,401	-2031	-7.68%			
17	26,432	24,342	-2090	-7.91%			
18	26,432	26,914	482	1.82%			
19	26,432	26,514	82	0.31%			
20	26,432	26,561	129	0.49%			
21	26,432	26,608	176	0.67%			
22	26,432	26,451	19	0.07%			
23	26,432	26,428	-4	-0.02%			
24	26,432	26,986	554	2.10%			
25	26,432	26,933	501	1.90%			

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26	26,432	27,193	761	2.88%
27	26,432	27,183	751	2.84%
28	26,432	26,970	538	2.04%
29	26,432	27,076	644	2.44%
30	26,432	26,996	564	2.13%
31	26,432	26,911	479	1.81%
32	26,432	26,566	134	0.51%
33	26,432	27,152	720	2.72%
34	26,432	26,872	440	1.66%
35	26,432	27,092	660	2.50%
36	26,432	26,910	478	1.81%
37	26,432	26,809	377	1.43%
38	26,432	26,955	523	1.98%
39	26,432	27,111	679	2.57%
40	26,432	26,968	536	2.03%
41	26,432	26,925	493	1.87%
42	26,432	26,477	45	0.17%
43	26,432	26,307	-125	-0.47%
44	26,432	27,177	745	2.82%
45	26,432	27,095	663	2.51%
46	26,432	26,984	552	2.09%
47	26,432	26,656	224	0.85%
48	26,432	26,108	-324	-1.23%
49	26,432	26,356	-76	-0.29%
50	26,432	26,160	-272	-1.03%
51	26,432	26,117	-315	-1.19%

Table 10 - Senate Statewide Targets and Deviations

Senate District	Statewide Target	District Population	Statewide Deviation	Statewide Deviation %	Min	Max	Overall
1	53,922	50,019	-3903	-7.24%	-7.64%	35.39%	43.03% statewide 9.86% w/o Kauai
2	53,922	50,284	-3638	-6.75%			
3	53,922	49,887	-4035	-7.48%	-7.64%	2.22%	
4	53,922	49,800	-4122	-7.64%			
5	53,922	55,121	1199	2.22%			
6	53,922	54,788	866	1.61%			
7	53,922	54,630	708	1.31%			
8	53,922	73,004	19082	35.39%			
9	53,922	52,970	-952	-1.77%			
10	53,922	53,615	-307	-0.57%			
11	53,922	53,613	-309	-0.57%			
12	53,922	53,818	-104	-0.19%			

13	53,922	54,558	636	1.18%
14	53,922	54,862	940	1.74%
15	53,922	54,757	835	1.55%
16	53,922	54,371	449	0.83%
17	53,922	52,349	-1573	-2.92%
18	53,922	52,289	-1633	-3.03%
19	53,922	54,675	753	1.40%
20	53,922	54,408	486	0.90%
21	53,922	54,721	799	1.48%
22	53,922	52,438	-1484	-2.75%
23	53,922	52,473	-1449	-2.69%
24	53,922	52,220	-1702	-3.16%
25	53,922	52,384	-1538	-2.85%

(5) *Explanation and justification for deviations among districts.*

The Commission decided to eliminate “canoe districts” because of the State of Hawaii’s long-standing policy of protecting the integrity of basic island units and the overwhelming public sentiment voiced against the use of “canoe districts” at the Commission’s public hearings and meetings. The State’s policy of protecting the integrity of basic island units is evidenced by Sections 4 and 6 of Article IV, State Constitution, the proceedings of certain constitutional conventions in the State, the work of prior reapportionment commissions, and the general history of reapportionment in the State. Based on universal dissatisfaction with canoe districts and in the absence of any supporting testimony, the 2021 Reapportionment Commission voted against the use of canoe districts.

When viewed under the method of comparing maximum deviations among State and House districts statewide, the elimination of “canoe districts” resulted in substantial deviations particularly for the basic island unit of Kauai. Given the size of Kauai’s population, providing Kauai with two Senate seats would result in Kauai being overrepresented in the Senate by 37.6%, and providing Kauai with one Senate Seat would result in Kauai being underrepresented in the Senate by 24.8%. Following the U.S. Supreme Court’s statements that underrepresentation of an area in one house can be balanced with overrepresentation of that area in the other house, the 2021 Commission again assigned three House of Representative seats to Kauai, which resulted in Kauai being overrepresented in the House of Representatives by -7.93%, balanced with underrepresentation in the Senate by +35.39%.

In previous court cases, equality of representation as it related to reapportionment among the basic island units has been measured by determining whether the total number of legislators (both House and Senate) representing each basic island unit is fair from the standpoint of population represented per legislator. Burns v. Gill, *supra*; Blair v. Ariyoshi, *supra*; *see also* Report and Reapportionment Plan of the 1973 Legislative Reapportionment Commission at page 26, and Report and

Reapportionment Plan of the 1981 Reapportionment Commission, at page 31.

This has been done as shown in Tables D and E below: (a) combining the number of state legislators in both the Senate and House of Representatives to determine the total number of legislators statewide; (b) determining the average number of persons that each legislator represents on a statewide basis by dividing the State’s total reapportionment population base by the total number of state legislators; (c) determining the average number of persons in each basic island unit that the state legislators apportioned to that basic island unit represent by dividing thereapportionment population base of that basic island unit by the number of state legislators allocated; and (d) comparing the average number of persons represented by the state legislators on each basic island unit to the average number of persons represented by each state legislator on a statewide basis. Based on this methodology, the maximum deviation in the allocation of legislative representation under the Commission’s final reapportionment plan is 9.11%.

Apportionment among basic island units

The following table shows the average number of permanent residents represented per legislator statewide and by Basic Island Unit. This number is derived by dividing the population by the total number of legislators apportioned in each Basic Island Unit. The total population of 1,348,054 divided by 76 equals 17,737, shown in Table D below.

Table D – Apportionment Among Basic Island Units – Average No. Represented

	State Base Population	Senate Seats	House Seats	Total Seats	Average Pop. Per Seat
State of Hawaii	1,348,054	25	51	76	17,737
Oahu	910,521	17	34	51	17,853
Hawaii	199,990	4	8	12	16,665
Maui	164,539	3	6	9	18,282
Kauai	73,004	1	3	4	18,251

Under the method of measuring legislative representation used in Burns v. Gill, 316 F. Supp. 1285, 1296 (D. Haw. 1970), the maximum statewide percentage deviation in the Commission’s apportionment among basic island units is 9.11%. The basic island unit percentage deviations are: Oahu 0.65%, Hawaii -6.04%, Maui 3.07% and Kauai

2.89%.

Method used to calculate deviation in Burns v. Gill (1970)

The next table depicts the deviation between the Basic Island Units for the average permanent resident population base for each legislator. For example, Kauai has 4 legislators, 1 Senator and 3 Representatives. Kauai’s population of 73,004 divided by 4 legislators equals a population per legislator of 18,251.

Deviation is the difference between the statewide average population and the Basic Island Unit population as a percent of the statewide average population.

Each basic island unit will have a different deviation based on its population and the total number of legislators assigned to it. Using Kauai as an example: 18,251 – 17,737 equals 514, then 514 divided by 17,737 equals -2.89% deviation, see Table E below.

Table E –Deviation Between Basic Island Units Using Total Number of Legislators

	State Base Population	Senate Seats	House Seats	Total Seats	Population Per Seat	Deviation
State of Hawaii	1,348,054	25	51	76	17,737	
Oahu	910,521	17	34	51	17,853	0.65%
Hawaii	199,990	4	8	12	16,665	-6.04%
Maui	164,539	3	6	9	18,282	3.07%
Kauai	73,004	1	3	4	18,251	2.89%

By adding the largest positive deviation 3.07% on Maui to the largest negative deviation -6.04%, which is Hawaii the statewide deviation, equals 9.11%.

This method serves a rational state policy articulated in the Hawaii Constitution, which recognizes the geographic insularity and unique political and socio-economic identities of the Basic Island Units.

As noted previously, the Commission also considered the size of deviations in its final reapportionment plan under other methodologies. Under the methodology generally used by federal courts, the size of the deviations, particularly as they relate to the basic island unit of Kauai, is substantial. However, the Commission still felt that its final reapportionment plan is justified by the state of Hawaii’s policy of protecting the integrity of political subdivisions (basic island units), the concerns of the public who historically have opposed canoe districts, the overall fairness in representation of each basic island unit when measured by the Huntington-Hill Method of Equal Proportions, and the nature of U.S. Supreme Court decisions to date.

STAGGERING OF STATE SENATE DISTRICT SEATS

1. *Description of the methodology used.*

The Commission’s staff identified each census block that did and did not have a regular election for State Senator in the year 2020. After the Commission approved its final reapportionment plan for the state legislative districts, the Commission’s staff: (a) determined the population in each new Senate district that had a regular Senate election in the year 2020; and (b) identified the twelve new Senate district seats that had the smallest percentage of population that had a regular Senate election in the year 2020. These twelve new Senate districts were designated by the Commission to have two-year terms in the next election. When considering the term “regular Senate election” as used in Article IV, Section 8 of the Hawaii Constitution, the Commission did not designate as “regular” elections those contests for vacancies held in conjunction with the regular 2020 Primary and General Elections.

2. *Designation of Senate district seats.*

The 12 new Senate districts that will have two-year Senate terms in the 2022 election are:

Hawaii:	Senate Districts 1, 3 and 4
Maui:	Senate Districts 6 and 7
Kauai:	None
Oahu:	Senate Districts 12, 16, 17, 18, 21, 23 and 24

The remaining Senate districts will have four-year terms in the 2022 election.

RECOMMENDATIONS

The Commission submits the following recommendations:

1. The Commission recommends that future Commissions attempt to accommodate the working schedules of the public in scheduling public meetings and hearings.
2. The Commission finds that the current methodology of extracting non-permanent residents is flawed and recommends that the Legislature take appropriate action. However, the Commissioners were divided as to whether the best solution should be: (a) enacting legislation to clarify the extraction methodology to be used when calculating the total number of non-permanent residents for purposes of legislative reapportionment; (b) proposing a constitutional amendment to eliminate the need to extract non-permanent residents; or (c) convening a legislative working group to analyze the issue and propose a solution.
3. The Commission recommends that the Legislature take appropriate action to allow future Commissions to present digital maps for the public's review instead of printing out hard copies.
4. The Commission recommends that future Commissions enhance public participation and transparency.

CONCLUSION

The 2021 Reapportionment Commission approached its responsibilities in reapportioning and redistricting the U.S. Congressional Districts and the State legislature with great seriousness. The Commission believes that the final plans it has adopted are fair and equitable and provide meaningful representation for the people of Hawaii. Although the tasks of reapportionment and redistricting were demanding, the members of the Commission are gratified for the opportunity to participate in this meaningful endeavor.

APPENDIX A

WRITTEN SUMMARIES OF VIDEO RECORDINGS AND MINUTES
OF THE REGULAR MEETINGS OF THE
2021 REAPPORTIONMENT COMMISSION



**STATE OF HAWAII
REAPPORTIONMENT COMMISSION**

WRITTEN SUMMARY FOR VIDEO RECORD

REGULAR MEETING OF THE
REAPPORTIONMENT COMMISSION

APRIL 13, 2021 @ 4:00 PM

Note: The video of the meeting may be viewed on our website at <https://elections.hawaii.gov/about-us/boards-and-commissions/reapportionment/>

PROCEEDINGS

The time reference below indicates the point in the video of when the stated action begins.

I. Call to Order

[16:01]

The regular meeting of the Reapportionment Commission was called to order by Secretary Scott Nago. All members of the Reapportionment Commission were present at the meeting.

II. Administrative Matters

[16:02]

- A. Affirmation of Appointment Administered to Each Commissioner
- B. Duties and Responsibilities of Commissioners
- C. Fiscal Documents

III. Public Testimony

[16:06]

There was no public testimony given.

IV. Discussion and Action Regarding the Selection of Chairperson, Pursuant to Section 2, Article IV of the State Constitution

[16:11]

Commissioner Nonaka moved to nominate Dr. Mark Mugiishi as the Chairperson of the Reapportionment Commission, which was seconded by Commissioner Ono.

[16:17]

Commissioner Kennedy made a motion to amend the motion by Commissioner Nonaka to allow for more nominations prior to voting, which was seconded by Commissioner Nekota. Motion did not carry.

AYES: NISHIMURA, KENNEDY, RATHBUN – 3

NOES: NEKOTA, CHUN, ONO, CHIPCHASE, NONAKA – 5

[16:29]

Commissioner Nonaka moved to nominate Dr. Mark Mugiishi as the Chairperson of the Reapportionment Commission, which was seconded by Commissioner Nekota. Motion carried.

AYES: NEKOTA, NISHIMURA, CHUN, ONO, CHIPCHASE, NONAKA – 6

NOES: KENNEDY, RATHBUN – 2

V. Discussion and Action Regarding the Delayed Delivery of Census Data

[16:31]

Commissioner Chipchase made a motion to enter executive session, which was seconded by Commissioner Ono, and approved unanimously by the Commissioners.

VI. Adjournment

[16:49]

Commissioner Nekota made a motion to adjourn the meeting, which was seconded by Commissioner Nonaka, and approved unanimously by the Commissioners.



MARK MUGIISHI, M.D.
CHAIR

**STATE OF HAWAII
REAPPORTIONMENT COMMISSION**

WRITTEN SUMMARY FOR VIDEO RECORD

REGULAR MEETING OF THE
REAPPORTIONMENT COMMISSION

MAY 17, 2021 @ 12:00 PM

Note: The video of the meeting may be viewed on our website at <https://elections.hawaii.gov/about-us/boards-and-commissions/reapportionment/>

PROCEEDINGS

The time reference below indicates the point in the video of when the stated action begins.

I. Call to Order [12:00]

The regular meeting of the Reapportionment Commission was called to order by Chair Mark Mugiishi. All members of the Reapportionment Commission were present at the meeting with the exception of Commissioner Chipchase.

III. Public Testimony [12:03]

Public testimony was provided by Ms. Sandy Ma of Common Cause Hawaii and Mr. Bart Dame.

[12:08]

Commissioner Chipchase has joined the meeting.

IV. Discussion and Action Regarding the Hiring of Commission Administrative Staff – Executive Session

V. Discussion and Action Regarding the Delayed Delivery of Census Data
– Executive Session [12:13]

[12:14]

Commissioner Ono made a motion to enter executive session for the purposes of Agenda Items IV and V, which was seconded by Commissioner Chun, and approved unanimously by the Commission.

[12:48]

Commissioner Kennedy moved to request that the Attorney General petition the Hawaii Supreme Court for relief from the constitutional and statutory reapportionment deadlines that cannot be met due to the Census Bureau's delayed delivery of the 2020 redistricting data, in the form of a writ directing the Commission to (a) issue public notice of the Commission's proposed reapportionment plans by no later than January 8, 2022 and (b) file the final reapportionment plans with the Chief Election Officer by no later than February 27, 2022; and (2) authorize the Chairperson to sign a declaration and any other supporting documentation on the Commission's behalf which reflects the Commission's concurrence with and support of the petition, which was seconded by Commissioner Nonaka, and approved unanimously by the Commission.

VI. Discussion and Action Regarding the Standards and Criteria Governing the Reapportionment and Redistricting Process

VII. Discussion and Formation of Permitted Interaction Groups Pursuant to HRS §92-2.5(b) to Assist the Commission in its Official Business, Including Developing the Commission's Procedures and the Preparation of Proposed Reapportionment Plans [12:49]

[12:59]

Commissioner Nekota made a motion to form two committees – a Rules and Conduct Committee and a Technical Committee, which was seconded by Commissioner Nishimura, and approved unanimously by the Commission.

[13:00]

Chair Mugiishi named Commissioners Nekota, Nonaka, Ono, and Rathbun to the Technical Committee, and Commissioners Chipchase, Chun, Kennedy, and Nishimura to the Rules Committee.

VIII. Adjournment

[13:05]

Commissioner Nishimura made a motion to adjourn the meeting, which was seconded by Commissioner Nekota, and approved unanimously by the Commission.



MARK MUGIISHI, M.D.
CHAIR

**STATE OF HAWAII
REAPPORTIONMENT COMMISSION**

WRITTEN SUMMARY FOR VIDEO RECORD

REGULAR MEETING OF THE
REAPPORTIONMENT COMMISSION

JULY 6, 2021 AT 2:00 PM

Note: The video of the meeting may be viewed on our website at <https://elections.hawaii.gov/about-us/boards-and-commissions/reapportionment/>

PROCEEDINGS

The time reference below indicates the point in the video of when the stated action begins.

I. Call to Order [2:00 PM]

The regular meeting of the Reapportionment Commission was called to order by Chair Mark Mugiishi.

II. Roll Call and Determination of a Quorum [2:01 PM]

All members of the Reapportionment Commission were present at the start of the meeting with the exception of Commissioner Chipchase.

Due to technical difficulties, Commissioner Kennedy rejoined the meeting at 2:05 PM and Commissioner Chipchase was acknowledged as present at 2:14 PM.

III. Public Testimony [2:01 PM]

Public testimony was provided by Senator Laura Acasio, Sandy Ma of Common Cause Hawaii, and Becky Gardner of Policy Matters LLC.

IV. Discussion Regarding the Propriety of the Formation of the Permitted Interaction Groups Established at the May 17, 2021 Reapportionment Commission Meeting [2:14 PM]

Pursuant to HRS § 92-5(a)(4), the Commission may convene an executive session to consult with its attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities.

[2:16 PM]

Commissioner Chipchase made a motion to enter executive session for the purposes of Agenda Item IV, which was seconded by Commissioner Nonaka, and approved unanimously by the Commission.

[2:17 PM]

Commissioner Kennedy made a motion to enter executive session for the purposes of Agenda Item VII, which was seconded by Commissioner Nishimura, and approved unanimously by the Commission.

V. Presentation of the Draft Rules of the 2021 Reapportionment Commission Recommended by the Rules Permitted Interaction Group [2:35 PM]

VI. Redistricting and Reapportionment Presentation by Reapportionment Project Staff [2:44 PM]

VII. Executive Session – Consultation with the Commission's Attorney Regarding Members' Obligations Under and Compliance with HRS Chapter 84, Pursuant to HRS § 92-5(a)(4)

Agenda Item VII was considered with Agenda Item IV in Executive Session.

VIII. Adjournment

[2:50 PM]

Commissioner Ono made a motion to adjourn the meeting, which was seconded by Commissioner Nishimura, and approved unanimously by the Commission.



MARK MUGIISHI, M.D.
CHAIR

**STATE OF HAWAII
REAPPORTIONMENT COMMISSION**

WRITTEN SUMMARY FOR VIDEO RECORD

REGULAR MEETING OF THE
REAPPORTIONMENT COMMISSION

JULY 20, 2021 @ 9:00 AM

Note: The video of the meeting may be viewed on our website at <https://elections.hawaii.gov/about-us/boards-and-commissions/reapportionment/>

PROCEEDINGS

The time reference below indicates the point in the video of when the stated action begins.

I. Call to Order [9:00 AM]

The regular meeting of the Reapportionment Commission was called to order by Chair Mark Mugiishi.

II. Roll Call and Determination of a Quorum [9:00 AM]

All members of the Reapportionment Commission were present at the start of the meeting with the exception of Commissioner Nishimura and Commissioner Ono.

III. Public Testimony [9:02 AM]

[9:03 AM]

Commissioner Nishimura and Commissioner Ono were acknowledged as present by Secretary Nago.

Public testimony was provided by Sandy Ma of Common Cause Hawaii, Cory Harden, Brett Kulbis of the Honolulu County Republican Party, and Bart Dame.

IV. Extension of Reapportionment Deadlines by July 7, 2021 Hawaii Supreme Court Order [9:15 AM]

V. Deliberation and Decision Making on the Draft 2021 Rules of the Reapportionment Commission Recommended by the Rules Permitted Interaction Group [9:17 AM]

[9:19 AM]

Commissioner Chun made a motion to enter executive session for the purposes of Agenda Item V, which was seconded by Commissioner Nishimura, and approved unanimously by the Commission.

[9:32 AM]

Chair Mugiishi restated the motion by Commissioner Nonaka to adopt the Rules of the 2021 Reapportionment Commission that are in the meeting packet, which was seconded by Commissioner Kennedy. The motion was approved unanimously by the Commission.

VI. Continued Redistricting and Reapportionment Presentation by Reapportionment Project Staff [9:34 AM]

VII. Adjournment [10:06 AM]

Commissioner Nishimura made a motion to adjourn the meeting, which was seconded by Commissioner Nonaka, and approved unanimously by the Commission.



MARK MUGIISHI, M.D.
CHAIR

**STATE OF HAWAII
2021 REAPPORTIONMENT COMMISSION**

**MINUTES OF THE REGULAR MEETING OF THE
2021 REAPPORTIONMENT COMMISSION**

JULY 20, 2021
9:00 AM

Pursuant to the Governor's Twenty-First Proclamation Related to the COVID-19 Emergency, dated June 7, 2021, the Reapportionment Commission held this meeting using remote video and audio technology. This meeting was recorded and has been posted on the Office of Elections website at elections.hawaii.gov.

Commissioners in Attendance:

Mark Mugiishi, Chair
Calvert Chipchase IV
Grant Chun
Robin Kennedy
Charlotte Nekota
Randall Nishimura
Dylan Nonaka
Diane Ono
Kevin Rathbun

Staff in Attendance:

Royce Jones
Scott Nago
David Rosenbrock
Lori Tanigawa

Testifiers in Attendance:

Bart Dame
Cory Harden
Brett Kulbis, Honolulu County Republican Party
Sandy Ma, Common Cause Hawaii

PROCEEDINGS

I. Call to Order

Chair Mugiishi called the meeting to order at 9:00 a.m.

II. Roll Call and Determination of a Quorum

Reapportionment Commission Secretary, Scott Nago, conducted a roll call. All Commissioners were present with the exceptions of Commissioner Nishimura and Commissioner Ono. The Commission had a quorum.

III. Public Testimony

Chair Mugiishi addressed housekeeping matters related to conducting the meeting by video and telephone. He reminded testifiers that if technical issues arise, testifiers will be given a moment to resolve their issues and if the issues cannot be resolved, the Commission will move on to the next testifier. He asked that those wishing to testify raise their hand via the Zoom app or press * 9 if joining by phone. For the record, he asked testifiers to state their first and last name and the item they are testifying on.

Commissioner Nishimura and Commissioner Ono were acknowledged as present by Secretary Nago at 9:03 a.m.

Sandy Ma, Common Cause Hawaii testified providing comments related to the 2021 Rules of the Reapportionment Commission including that the draft rules be applied to commissioner members and staff as appropriate.

Cory Harden, Hilo testified providing comments related to the 2021 Rules of the Reapportionment Commission including having public committee hearings instead of permitted interaction groups for more trust, as well as asking legal counsel to postpone voting to adopt the rules.

Bart Dame testified providing comments related to the 2021 Rules of the Reapportionment Commission including requesting transparency by the Reapportionment Commission, suggested for outsourcing work to the committees to be deliberated before deciding, update on timeline for redistricting, and conflict of interest of members serving on the committee.

Brett Kulbis, Chair of the Honolulu County Republican Party testified providing comments related to the 2021 Rules of the Reapportionment Commission including transparency, and advocating that meetings of the permitted interaction group be public.

Following Public Testimony, Chair Mugiishi stated his commitment to transparency to instill public trust with a balance of practicality and accomplishing its work. He stated that the permitted interaction group would allow drafts to be created to be brought forward for public discussion. Chair Mugiishi explained that drafts would be acted upon at subsequent meetings to allow public comment and interaction before decided upon by the Commission. He said that the Commission will follow the laws and statutes to be transparent and build trust with the public.

IV. Extension of Reapportionment Deadlines by July 7, 2021 Hawaii Supreme Court Order

Chair Mugiishi stated that the Hawaii Supreme Court issued an order extending the reapportionment deadlines. He said that the order requires the Commission to issue public notice of its proposed legislative and congressional reapportionment plans no later than January 8, 2022; and file its final legislative and congressional reapportionment plans with the Chief Election Officer no later than February 27, 2022. Chair Mugiishi explained that the order also states that if the Census Bureau releases the data sooner than anticipated, the Commission must make every effort to expedite their process in advance of the new deadlines.

V. Deliberation and Decision Making on the Draft Rules of the Reapportionment Commission Recommended by the Rules Permitted Interaction Group

A draft of the Rules of the 2021 Reapportionment Commission was included in the meeting packet. Chair Mugiishi noted that the initial draft of these rules was presented at the July 6th meeting and the rules included in the packet were updated to include the technical, non-substantive changes discussed at the July 6th meeting.

Chair Mugiishi asked for a motion to approve the draft of the Rules of the 2021 Reapportionment Commission that was included in the meeting packet.

Commissioner Nishimura asked if the Commission met the statutory requirements for posting the draft rules. Chair Mugiishi stated that he was able to consult with Deputy Attorney General Lori Tanigawa and wanted to provide the other members of the Commission the opportunity to consult and ask questions with Deputy Attorney General Tanigawa as well. He asked if there was a motion to convene in Executive Session to consult with the Commission attorney on questions and issues pertaining to the Commission powers, duties, privileges, immunities, and liabilities pursuant to H-R-S Section 92-5(a)(4) regarding the draft rules of the Reapportionment Commission. Commissioner Chun made a motion to enter Executive Session, seconded by Commissioner Nishimura, and approved unanimously by the Commission.

The Commission went into Executive Session at 9:20 a.m. and returned to regular session at 9:30 a.m.

Chair Mugiishi stated that after discussing with Deputy Attorney General Tanigawa, the Commission was confident that the spirit and letter of the law was followed in the adoption of the rules. Chair Mugiishi confirmed that the rules had been posted on May 17, 2021 except for typos. He noted that the law requires the meeting agenda to be posted six days prior to the meeting, and that the meeting materials are made available to the public at the same time they are made available to the Commission.

Chair Mugiishi restated the motion by Commissioner Nonaka to adopt the Rules of the 2021 Reapportionment Commission that were in the meeting packet, which was seconded by Commissioner Kennedy. The motion was approved unanimously by the Commission.

VI. Continued Redistricting and Reapportionment Presentation by Reapportionment Project Staff

A presentation was made by David Rosenbrock, Reapportionment Project Manager, and Royce Jones, GIS Project Support, to provide an overview of reapportionment and redistricting. The presentation included information about apportionment for the federal and state level to provide equal representation, understanding how census data is being recorded and used as well as when to expect it, displaying the different ways of redistricting guidelines, and how to access and complete the online redistricting application.

At the completion of the presentation, Project Manager Rosenbrock noted that GIS vendor ESRI is planning to load the 2010 census data

by August 1st and training for the Technical Permitted Interactions Group will begin shortly thereafter. Chair Mugiishi recommended that the training be offered to the entire Commission. Project Manager Rosenbrock agreed with the recommendation.

VII. Adjournment

Commissioner Nishimura made a motion to adjourn the meeting, which was seconded by Commissioner Nonaka, and approved unanimously by the Commission. The meeting was adjourned at 10:06 a.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. Nago', written over a horizontal line.

SCOTT T. NAGO
Secretary to the Reapportionment Commission



MARK MUGIISHI, M.D.
CHAIR

**STATE OF HAWAII
REAPPORTIONMENT COMMISSION**

WRITTEN SUMMARY FOR VIDEO RECORD

REGULAR MEETING OF THE
REAPPORTIONMENT COMMISSION

AUGUST 26, 2021 @ 11:00 AM

Note: The video of the meeting may be viewed on our website at <https://elections.hawaii.gov/about-us/boards-and-commissions/reapportionment/>

PROCEEDINGS

The time reference below indicates the point in the video of when the stated action begins.

I. Call to Order [11:00 AM]

The regular meeting of the Reapportionment Commission was called to order by Chair Mark Mugiishi.

II. Roll Call and Determination of a Quorum [11:00 AM]

All members of the Reapportionment Commission were present at the start of the meeting with the exception of Commissioner Chipchase and Commissioner Nishimura.

III. Public Testimony [11:02 AM]

[11:03 AM]

Commissioner Chipchase joined the meeting.

Commissioner Nishimura was acknowledged as present by Secretary Nago.

Public testimony was provided by Brett Kulbis of the Honolulu County Republican Party, Bart Dame, Kainoa Kaumeheiwa-Rego of Common Cause

Hawaii, Shannon Matson, Senator Laura Acasio, Maki Morinoue, and Becky Gardner of Policy Matters LLC.

[11:10 AM]

Commissioner Chun exited the meeting.

IV. Approval of Minutes for the Meeting of July 20, 2021 [11:27 AM]

Commissioner Kennedy made a motion to approve the minutes for the meeting of July 20, 2021, which was seconded by Commissioner Nonaka, and approved by all Commissioners present noting the excused absence of Commissioner Chun.

V. Election of Vice Chair(s) for the Reapportionment Commission [11:29 AM]

Commissioner Ono nominated Commissioner Nonaka, which was accepted. Commissioner Nonaka nominated Commissioner Ono, which was accepted.

Commissioner Nekota made a motion to elect Commissioner Nonaka as a vice chair, which was seconded by Commissioner Ono, and approved by all Commissioners present noting the excused absence of Commissioner Chun.

Commissioner Nekota made a motion to elect Commissioner Ono as a vice chair, which was seconded by Commissioner Rathbun, and approved by all Commissioners present noting the excused absence of Commissioner Chun.

VI. Presentation by the Reapportionment Staff on the following topics [11:37 AM]

- a. August 12, 2021 release of census data
- b. Method of population extraction
- c. Apportionment “method of equal proportions” of basic island units
- d. Single- or multi-member districts
- e. Standards and criteria governing redistricting, such as the use of “canoe districts”
- f. Propose Public Information Committee
- g. Redistricting website demonstration
- h. Proposed schedule

[12:02 PM]

Commissioner Chun rejoined the meeting.

[12:32 PM]

Commissioner Rathbun exited the meeting.

VII. Discussion on the Role of the Reapportionment Advisory Councils [1:07 PM]

[1:20 PM]

Commissioner Ono made a motion to enter executive session for the purposes of Agenda Item VI and Agenda Item VII, as well as the approval of executive session minutes, which was seconded by Commissioner Nekota, and approved by all Commissioners present noting the excused absence of Commissioner Rathbun.

VIII. Adjournment [1:48 PM]

Commissioner Nonaka made a motion to adjourn the meeting, which was seconded by Commissioner Kennedy, and approved by all Commissioners present noting the excused absence of Commissioner Rathbun.



MARK MUGIISHI, M.D.
CHAIR

**STATE OF HAWAII
2021 REAPPORTIONMENT COMMISSION**

**MINUTES OF THE REGULAR MEETING OF THE
2021 REAPPORTIONMENT COMMISSION**

**AUGUST 26, 2021
11:00 AM**

Pursuant to the Governor's Emergency Proclamation Related to the COVID-19 Response, dated August 5, 2021, the Reapportionment Commission will be meeting remotely using interactive conference technology. This meeting was recorded and has been posted on the Office of Elections website at elections.hawaii.gov.

Commissioners in Attendance:

Mark Mugiishi, Chair
Calvert Chipchase IV
Grant Chun
Robin Kennedy
Charlotte Nekota
Randall Nishimura
Dylan Nonaka
Diane Ono
Kevin Rathbun

Staff in Attendance:

Royce Jones
Scott Nago
David Rosenbrock
Lori Tanigawa

Testifiers in Attendance:

Laura Acasio
Bart Dame
Becky Gardner
Kainoa Kaumeheiwa-Rego
Brett Kulbis
Shannon Matson
Maki Morinoue

PROCEEDINGS

I. Call to Order

Chair Mugiishi called the meeting to order at 11:00 a.m.

II. Roll Call and Determination of a Quorum

Reapportionment Commission Secretary, Scott Nago, conducted a roll call. All Commissioners were present with the exceptions of Commissioner Chipchase and Commissioner Nishimura. The Commission had a quorum.

III. Public Testimony

Chair Mugiishi addressed housekeeping matters related to conducting the meeting by video and by telephone. He reminded testifiers that if technical issues arise, testifiers would be given a moment to resolve their issues and if the issues cannot be resolved, the Commission would move on to the next testifier. He asked that those wishing to testify raise their hand via the Zoom or press *9 if joining by phone. For the record, he asked testifiers to state their first and last names and the item they are testifying on.

Commissioner Nishimura was acknowledged as present by Secretary Nago, and Commissioner Chipchase joined the meeting at 11:03 a.m.

Brett Kulbis, Chair of the Honolulu County Republican Party stated he had nothing to add to his submitted written testimony.

Bart Dame testified for clarification on the differences in numbers of non-permanent residents representing military and students between the 2011 census and the current census.

Chair Mugiishi stated that he believed a later agenda item would address the data regarding non-permanent residents. He also said that decisions would not be made by the Commission until they have heard the relevant testimony from the public to take into account.

Commissioner Chun exited the meeting at 11:10 am.

Kainoa Kaumeheiwa-Rego of Common Cause Hawaii testified for the inclusion of incarcerated residents at their home address as of

April 1, 2020 to be included in drawing redistricting lines as well as release of schedules to be publicly available as soon as possible.

Chair Mugiishi restated his commitment to transparency and explained that an online platform would be available for the public to submit plans for review and that the Commission would be considering public input on the plans.

Shannon Matson testified for inaccurate census counts for the Big Island. Matson stated that there are individuals who believe they were not accurately counted in the census, as the numbers should be higher. Matson also testified for the Big Island district to not be split when it comes to redistricting.

Senator Laura Acasio testified for concerns with transparency and accuracy of the non-permanent residency for military when it comes to extractions.

Chair Mugiishi restated that he believed the extraction of non-permanent residents would be addressed in the presentation by the Reapportionment Project Office.

Maki Morinoue testified with written testimony for education upon redistricting and census information.

Becky Gardner of Policy Matters LLC testified for the importance of open records and meetings under the Sunshine Law as well as integrity of the redistricting lines to have fair representation.

Chair Mugiishi stated that the Commission is familiar with the previous correspondence and Supreme Court decisions, and that they would be following the Sunshine Law and previous Supreme Court decisions.

IV. Approval of Minutes for the Meeting of July 20, 2021

Commissioner Kennedy made a motion to approve the minutes for the meeting of July 20, 2021, which was seconded by Commissioner Nonaka, and approved by all Commissioners present noting the excused absence of Commissioner Chun.

V. Election of Vice Chair(s) for the Reapportionment Commission

Chair Mugiishi stated that the Commission rules allow the election of up to two vice chairs to preside over the meeting in the event that the chair is not present. He opened the floor to nominations and said that

he would ask the Commissioner nominated if he or she consents to the nomination.

Commissioner Kennedy questioned the need to have two vice chairs referring to the small size of the Commission. Chair Mugiishi stated that the rules allow up to two chairs for coverage. He further explained that if he is not at a meeting, there would be a rotation among the vice chairs so that only one person would be chairing a Commission meeting.

Commissioner Ono nominated Commissioner Nonaka, which was accepted by Commissioner Nonaka. Commissioner Nonaka nominated Commissioner Ono, which was accepted by Commissioner Ono.

Commissioner Nekota made a motion to elect Commissioner Nonaka as a vice chair, which was seconded by Commissioner Ono, and approved by all Commissioners present noting the excused absence of Commissioner Chun.

Commissioner Nekota made a motion to elect Commissioner Ono as a vice chair, which was seconded by Commissioner Rathbun, and approved by all Commissioners present noting the excused absence of Commissioner Chun.

VI. Presentation by the Reapportionment Staff on the following topics

- a. August 12, 2021 release of census data**
- b. Method of population extraction**
- c. Apportionment “method of equal proportions” of basic island units**
- d. Single- or multi-member districts**
- e. Standards and criteria governing redistricting, such as the use of “canoe districts”**
- f. Propose Public Information Committee**
- g. Redistricting website demonstration**
- h. Proposed schedule**

Chair Mugiishi introduced Project Manager, David Rosenbrock, to present to the Commission. The presentation was made by GIS Project Support, Royce Jones, covering the following topics:

P.L. 94-171 U.S. Census Population Data

This section of the presentation provided an overview of the receipt and format of data received from the U.S. Census Bureau.

Hawaii Permanent Resident Population Base – Criteria

This section of the presentation explained the criteria used to establish the permanent resident population base by removing the non-permanent resident count from the U.S. Census data.

Commissioner Rathbun asked to confirm the number of military non-permanent residents is based on all members of the household claiming another state of residency. Project Manager Rosenbrock stated that the number is provided by the Defense Manpower Data Center.

Commissioner Nonaka asked if the criteria are different than the two-step process used 10 years ago. Project Manager Rosenbrock stated it is the same.

Commissioner Kennedy asked for clarification that for a military member claiming another state, all members of the household would also be tied to the other state under the military sponsors. Project Manager Rosenbrock agreed with the example she provided.

Commissioner Rathbun asked how that would impact voter registration to which Project Manager Rosenbrock explained that is a separate process. Commissioner Kennedy further explained that the rules on how the data is collected impacts how the Commission can use and apply the data for reapportionment. Commissioner Nonaka expressed that this is an imperfect process and explained that there is an argument to include the military in the count of permanent residents as they are members of the community and use the infrastructure. He further expressed, as a member of the 2011 Reapportionment Commission, they were told that interpretation was wrong. Chair Mugiishi stated that if these examples were applied to the count of military non-permanent residents, the number would further decrease from the count provided to the 2021 Reapportionment Commission.

Hawaii Permanent Resident Population Base – Non-Permanent Residents, Military

This section explained how non-permanent residents associated with the military were extracted from the U.S. Census population numbers from Hawaii to determine the permanent resident population for state reapportionment purposes. Specifically, the presentation noted that the military sponsor and their dependents were extracted if the sponsor declared a state other than Hawaii as their state of legal residence (Home State) to the military (i.e., legal residence in another state is inconsistent with being a permanent resident of Hawaii).

An image of the header of the spreadsheet provided by the military entitled "Active Duty Sponsors with Duty State of Hawaii but State of Legal Residence not Hawaii by Residence Mailing Zip and Mailing Zip Extension" was presented to reflect the source document that the military provided for extraction purposes. The document listed its source as the Active Duty Master File and an extract of the Defense Enrollment Eligibility Reporting System (DEERS) database and noted that it was as of April 1, 2020, the date of the decennial census.

Commissioner Chun rejoined the meeting at 12:02 pm.

Commissioner Kennedy asked if anyone asked the military why there was a 30% decrease from 2010 to 2020. Project Manager Rosenbrock responded no and provided context for the state's interaction with the military regarding the process. He noted that access to this type of data occurs by initiating contact with our congressional delegation to get the military to provide the information. Additionally, he noted that the military had general concerns over letting people know how many military members there are and where.

Commissioner Kennedy, noting the importance of transparency, indicated she would like to ask the military why the numbers are so much lower. Chair Mugiishi said that if Commissioner Kennedy was able to collect any insight as to why the numbers might be different it would be a topic for the next Commission meeting.

Hawaii Permanent Resident Population Base – Non-Permanent Residents, University Students

This section of the presentation explained how the data was received for university students using addresses provided by the schools and extracting the count based on the 9-digit zip code.

Hawaii Permanent Resident Population Base – Method of Extraction of Non-Permanent Residents

This section of the presentation explained how the non-permanent residents were extracted from the U.S. Census Bureau data by census block.

Chair Mugiishi asked about situations where there are more non-permanent residents than residents in a census block, if removing residents from adjoining census blocks is the standard solution. Project Manager Rosenbrock explained that Hawaii is one of only a few places that does extraction and that the data has improved from Reapportionment Commission to Reapportionment Commission to use the 9-digit zip code.

Apportionment of Basic Island Units – Method of Equal Proportions

This section of the presentation explained how the determined permanent resident population base was used to apportion the state senate and state representative districts.

Ideal (Target Population) – Total Deviation, Canoe District, and Single- or Multi-Member Districts

This section of the presentation described how the total deviation was determined. This section of the presentation also provided an overview the role of the Advisory Councils.

Commissioner Rathbun exited the meeting at 12:32 pm.

Hawaii Redistricting Online

This section of the presentation provided an overview of the online redistricting application that the public and Reapportionment Commission use to propose district lines and review proposed plans.

Proposed Schedule

This section of the presentation explained the Reapportionment Project Office's proposed schedule for submitting a draft plan for public hearing and final plan.

Chair Mugiishi thanked the Reapportionment Project Office for their presentation. He asked if Commissioners had any questions and suggested that if there were any questions for the Commission's

attorney, they would consider moving into Executive Session following agenda item VII.

VII. Discussion on the Role of the Reapportionment Advisory Councils

Chair Mugiishi stated that an advisory council from each basic island unit is established to serve in an advisory capacity to the Commission for matters affecting that island unit. He asked Project Manager, David Rosenbrock, to explain how the Advisory Councils worked with previous Commissions in 2011 and 2001.

Project Manager Rosenbrock stated these councils have served as a helpful tool in terms of reapportionment in their basic island unit. He stated that in 2001, the Commission formed a public information committee to coordinate with the Advisory Councils, and in 2011 the Reapportionment Project Office worked directly with the Advisory Council. Chair Mugiishi summarized the statements made by Project Manager Rosenbrock explaining that the recommendation is to set up a permitted interaction group for public information as a vehicle to interact with the advisory councils, and then bring that back to the full Commission.

Commissioner Nonaka suggested that the Commissioners from the neighbor islands and one Commissioner from Oahu serve as the point of contact for the Advisory Council to collect input and run ideas by. As such, he stated that he would work with the Hawaii Advisory Council, Commissioner Chun would work with the Maui Advisory Council, and Commissioner Nishimura would work with the Kauai Advisory Council for organization and that they would be the most familiar with their areas.

Chair Mugiishi asked if the Commissioners had any thoughts on Commissioner Nonaka's suggestion. Commissioner Kennedy asked how to volunteer for the role. Chair Mugiishi said that the only issue would be to identify a Commissioner to work with the Oahu Advisory Council as the Neighbor Island Commissioner would work with their respective Advisory Councils. He continued that for Oahu, the Commission would ask for volunteers and the Commission could elect the Commissioner to work with the Oahu Advisory Council.

Commissioner Nekota asked if the Commissioner working with the Oahu Advisory Council should be on the Technical Group. Commissioner Chipchase stated that Commissioner Nonaka is on the Technical Group. Commissioner Kennedy suggested that it did not

need to be someone on the Technical Group because the Rules Group is not meeting. Commissioner Nekota responded by explaining that her understanding is that the Technical Group would be working closely with the Advisory Council and deferred to Commissioner Nonaka to describe how it worked on previous Commissions.

Commissioner Nonaka stated that the discussions were not strictly structured, but they and Advisory Councils were in regular communication. Commissioner Nekota clarified that he meant the Technical Group, which Commissioner Nonaka agreed with.

Chair Mugiishi stated that it makes sense for the Technical Group, who will use the input, to be on the public information group. He also suggested that the Technical Group would be inundated with work in drawing the lines and that maybe others may have more time to allot. He stated that it is collectively up to the Commission.

Commissioner Kennedy stated that she would like to volunteer for the public information group to participate and be involved. She continued that she would defer to those who have been here longer. Commissioner Nekota stated that a Commissioner from the Technical Group would have the necessary background and information to work with the Advisory Council and volunteered to be the point of contact for the Oahu Advisory Council. Commissioner Ono agreed with Commissioner Nekota as they have the background knowledge, and that Commissioner Nekota should work with the Oahu Advisory Council.

Chair Mugiishi asked for any further feedback. Commissioner Nishimura asked to work with the Kauai Advisory Council and provide their thoughts to the Technical Group. Commissioner Nekota agreed with Commissioner Nishimura as he previously served on the Kauai Advisory Council. Commissioner Chun explained that it would be suitable for he and Commissioner Nishimura, as Commissioners from the neighbor islands, to interact with their respective Advisory Councils even though they are not on the Technical Group.

Commissioner Kennedy clarified that Commissioner Chun and Commissioner Nishimura are not on the Technical Group, to which Commissioner Chun agreed. Commissioner Kennedy expressed that supported her position that Commissioners on the Technical Committee would be engulfed in it, while Commissioners that are not have the opportunity to interact with the people and the Technical Group.

Commissioner Nekota restated her point was that Commissioner Nishimura was previously named to the Kauai Advisory Council and would be a good reference and resources. Commissioner Kennedy stated that she was in support of Commissioner Nishimura and Commissioner Chun working with the Advisory Councils.

Chair Mugiishi restated that the suggestion was for the Commissioners from the neighbor islands would represent the Commission for their respective Advisory Councils. He also clarified that the Commission could not take action to form a public information group at the current meeting and at the next meeting the Commission would have to vote to form the permitted interaction group and then name members. He explained that if there was a dispute over who would work with the Oahu Advisory Council, the Commission would vote. Then he asked if there was any further discussion.

Commissioner Kennedy asked how Commissioner could communicate their thoughts and position on this manner to lobby to serve on a public information group. Chair Mugiishi stated that any discussion, due to Sunshine Law, would have to occur now or at the next meeting before voting.

After the discussion ended, Chair Mugiishi suggested that there may be questions or a need to consult with the Commission's attorney. He asked for a motion to convene in Executive Session pursuant to HRS 92-5(a)(4) to consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities regarding agenda items VI and VII and for the approval of Executive Session minutes.

Commissioner Ono made a motion to enter executive session for the purposes of Agenda Item VI and Agenda Item VII, as well as the approval of executive session minutes, which was seconded by Commissioner Nekota, and approved by all Commissioners present noting the excused absence of Commissioner Rathbun.

The Commission went into executive session at 1:20 p.m. and returned to regular session at 1:40 p.m.

Chair Mugiishi stated that no decisions were made during executive session. He stated that the Commission would take the information provided at this meeting under advisement and having further discussion at the next meeting to likely take action. Additionally, Chair Mugiishi summarized the topics of the meetings as extraction of the military and university students, ways to minimize the deviation and

strategies to comply with as little deviation as possible – including the use of “canoe districts.” He asked for the public’s input on these topics by providing written testimony. Chair Mugiishi also announced that for future meetings, the Commission would be enforcing a 3-minute rule for oral testimony.

VIII. Adjournment

Commissioner Nonaka made a motion to adjourn the meeting, which was seconded by Commissioner Kennedy, and approved by all Commissioners present noting the excused absence of Commissioner Rathbun. The meeting was adjourned at 1:48 p.m.

Respectfully submitted,



SCOTT T. NAGO
Secretary to the Reapportionment Commission



MARK MUGIISHI, M.D.
CHAIR

**STATE OF HAWAII
REAPPORTIONMENT COMMISSION**

WRITTEN SUMMARY FOR VIDEO RECORD

REGULAR MEETING OF THE
REAPPORTIONMENT COMMISSION

AUGUST 26, 2021 @ 11:00 AM

Note: The video of the meeting may be viewed on our website at <https://elections.hawaii.gov/about-us/boards-and-commissions/reapportionment/>

PROCEEDINGS

The time reference below indicates the point in the video of when the stated action begins.

I. Call to Order [11:00 AM]

The regular meeting of the Reapportionment Commission was called to order by Chair Mark Mugiishi.

II. Roll Call and Determination of a Quorum [11:00 AM]

All members of the Reapportionment Commission were present at the start of the meeting with the exception of Commissioner Chipchase and Commissioner Nishimura.

III. Public Testimony [11:02 AM]

[11:03 AM]

Commissioner Chipchase joined the meeting.

Commissioner Nishimura was acknowledged as present by Secretary Nago.

Public testimony was provided by Brett Kulbis of the Honolulu County Republican Party, Bart Dame, Kainoa Kaumeheiwa-Rego of Common Cause

Hawaii, Shannon Matson, Senator Laura Acasio, Maki Morinoue, and Becky Gardner of Policy Matters LLC.

[11:10 AM]

Commissioner Chun exited the meeting.

IV. Approval of Minutes for the Meeting of July 20, 2021 [11:27 AM]

Commissioner Kennedy made a motion to approve the minutes for the meeting of July 20, 2021, which was seconded by Commissioner Nonaka, and approved by all Commissioners present noting the excused absence of Commissioner Chun.

V. Election of Vice Chair(s) for the Reapportionment Commission [11:29 AM]

Commissioner Ono nominated Commissioner Nonaka, which was accepted. Commissioner Nonaka nominated Commissioner Ono, which was accepted.

Commissioner Nekota made a motion to elect Commissioner Nonaka as a vice chair, which was seconded by Commissioner Ono, and approved by all Commissioners present noting the excused absence of Commissioner Chun.

Commissioner Nekota made a motion to elect Commissioner Ono as a vice chair, which was seconded by Commissioner Rathbun, and approved by all Commissioners present noting the excused absence of Commissioner Chun.

VI. Presentation by the Reapportionment Staff on the following topics [11:37 AM]

- a. August 12, 2021 release of census data
- b. Method of population extraction
- c. Apportionment “method of equal proportions” of basic island units
- d. Single- or multi-member districts
- e. Standards and criteria governing redistricting, such as the use of “canoe districts”
- f. Propose Public Information Committee
- g. Redistricting website demonstration
- h. Proposed schedule

[12:02 PM]

Commissioner Chun rejoined the meeting.

[12:32 PM]

Commissioner Rathbun exited the meeting.

VII. Discussion on the Role of the Reapportionment Advisory Councils [1:07 PM]

[1:20 PM]

Commissioner Ono made a motion to enter executive session for the purposes of Agenda Item VI and Agenda Item VII, as well as the approval of executive session minutes, which was seconded by Commissioner Nekota, and approved by all Commissioners present noting the excused absence of Commissioner Rathbun.

VIII. Adjournment [1:48 PM]

Commissioner Nonaka made a motion to adjourn the meeting, which was seconded by Commissioner Kennedy, and approved by all Commissioners present noting the excused absence of Commissioner Rathbun.



MARK MUGIISHI, M.D.
CHAIR

**STATE OF HAWAII
2021 REAPPORTIONMENT COMMISSION**

**MINUTES OF THE REGULAR MEETING OF THE
2021 REAPPORTIONMENT COMMISSION**

SEPTEMBER 9, 2021
1:00 PM

Pursuant to the Governor's Emergency Proclamation Related to the COVID-19 Response, dated August 5, 2021, the Reapportionment Commission will be meeting remotely using interactive conference technology. This meeting was recorded and has been posted on the Office of Elections website at elections.hawaii.gov.

Commissioners in Attendance:

Mark Mugiishi, Chair
Calvert Chipchase IV
Grant Chun
Robin Kennedy
Charlotte Nekota
Randall Nishimura
Dylan Nonaka
Diane Ono
Kevin Rathbun

Staff in Attendance:

Royce Jones
Scott Nago
David Rosenbrock
Lori Tanigawa

Testifiers in Attendance:

Laura Acasio
Bart Dame
Donovan Dela Cruz
Becky Gardner
Cory Harden
Kainoa Kaumeheiwa-Rego
Shannon Matson

PROCEEDINGS

I. Call to Order

Chair Mugiishi called the meeting to order at 1:00 p.m.

II. Roll Call and Determination of Quorum

Reapportionment Commission Secretary, Scott Nago, conducted a roll call. All Commissioners were present, with the exceptions of Commissioner Nekota and Commissioner Nishimura. The Commission had a quorum.

III. Public Testimony

Chair Mugiishi addressed housekeeping matters related to conducting the meeting by video and by telephone. He reminded testifiers that if technical issues arise, testifiers would be given a moment to resolve their issues and if the issues cannot be resolved, the Commission would move on to the next testifier. He asked that those wishing to testify raise their hand via the Zoom reactions feature or press *9 if joining by phone. For the record, he asked testifiers to state their first and last names and the item they are testifying on.

Bart Dame testified for the proposed extraction numbers of non-permanent residents and the discrepancy in the data provided by the Department of Business, Economic Development, & Tourism (DBEDT) and the data collected by the Reapportionment Project Staff. Dame believes the numbers from DBEDT are credible and if this data is not used the Commission is in danger of not complying with the Solomon ruling.

Commissioner Nonaka asked for a proposal of how to extract non-permanent residents using the numbers reported by DBEDT.

Dame suggested that in addition to the approach Project Manager David Rosenbrock and GIS Project Support Royce Jones are using, numbers should be extracted from the top of the county and use the same standards as used in the past.

Commissioner Nonaka again asked specifically where they come out from and that taking them out of the county is not representative of where they are on the ground.

Dame stated that in following the Solomon decision you are obligated to extract them from the permanent resident population of apportionment between the basic island units.

Commissioner Nonaka asked how lines should be drawn based off the method of extracting from the top.

Dame explained that this was a separate problem and emphasized the issue of extracting numbers from the top as part of his testimony.

Commissioner Nonaka stated it doesn't solve the problem and asked if the testifier didn't believe the numbers provided by the military directly are credible.

Dame expressed that was not what he was saying, but did not know what was asked of the military to get the numbers and suggested requesting numbers by county.

Commissioner Nonaka stated that if the zip code is provided then that would identify the county.

Dame reiterated that the military should be asked for data by county and does not believe that the military population has declined by one third in ten years.

Chair Mugiishi stated that there would be a staff presentation regarding the military data questions asked.

Commissioner Nekota joined the meeting at 1:11 p.m.

Cory Harden testified for setting a precedent for future reapportionments in terms of transparency, public involvement, and methods of determining extractions. Harden also stated she did not understand how the Technical Committee Permitted Interaction Group would be able to complete any work without violating the Sunshine Law and suggested the use of public testimony after agenda items have been discussed. Harden shared Bart Dame's concerns regarding DBEDT and military numbers, believes incarcerated people should be counted at their home address, and an improvement in technology is necessary for those who need it.

Shannon Matson testified for consideration of agenda items to be presented before public testimony and for transparency. Matson also advocated for incarcerated people to be counted at their home addresses.

Chair Mugiishi stated that Project Manager Rosenbrock did contact the Department of Public Safety regarding incarcerated persons and that they are counted within the census at their home address. Project Manager Rosenbrock confirmed this statement.

Kainoa Kaumeheiwa-Rego of Common Cause Hawaii testified for greater public access to scheduled meeting information, allowing public testimony after each agenda item, information regarding incarcerated individuals and canoe districts, as well as concerns about permitted interaction groups.

Chair Mugiishi stated that information on canoe districts would be addressed later in the meeting. He also explained that for the Commission to complete its business, it would not consider having public testimony following each agenda item.

Becky Gardner of Policy Matters LLC testified for the relevance of the Solomon decision focused on agenda item V.

Commissioner Nonaka asked if the testifier was contending that the data used for apportionment among the basic island units does not have to be related to the data used to redistrict within the basic island units.

Gardner stated she believes the data is related and that having a good process for step two should not allow for the avoidance of responsibility for what is mandated in step one.

Commissioner Nonaka asked what data set should be used for step one.

Gardner stated that is up to the Commission to decide, but if pressed would use DBEDT's data.

Commissioner Nonaka stated that no matter what, the data is imperfect and arbitrary, and the number used for extraction cannot be verified with the data from the U.S. Census.

Gardner disagreed and stated that the process should reflect a more accurate number, especially with military extractions. She stated there needs to be a change to the process.

Commissioner Kennedy asked Chair Mugiishi if the Reapportionment Project Staff would be presenting on this matter to answer these questions.

Chair Mugiishi stated the presentation would address these discrepancies in military extraction numbers. He also stated that the Commission takes the Solomon law seriously and every time they go into Executive Session is to confer with their attorney regarding legal opinions on these issues.

Senator Laura Acasio testified for clarity and transparency on how the military non-permanent resident numbers are chosen and what justifies that data. Senator Acasio referred to the August 26 meeting that these matters were not addressed.

Commissioner Nonaka addressed that the data the military provided used the same process that was used in 2011, noting that there was no deviation. He asked for confirmation from Project Manager Rosenbrock, who confirmed they did not use a different process and it was the same as used in 2001 and 2011.

Commissioner Nonaka asked if there needed to be more energy focused on other non-permanent residents, such as students or second homeowners.

Senator Acasio agreed that these individuals should be focused on as well and stated that the due diligence of the Commission is to get the most accurate numbers and would like transparency, explanation, and proper process, and for the Commission to follow the Constitution and the mandate from Solomon.

Commissioner Nonaka asked if the testifier had a suggestion on process.

Senator Acasio stated that she agreed with Dame's statements regarding the two-step process and Gardner's description of this process.

Chair Mugiishi reiterated that the Reapportionment Project Staff would be going over the numbers of non-permanent residents for extraction and the cause of discrepancies between data sets.

Commissioner Nishimura joined the meeting at 1:44 p.m.

Senator Donovan Dela Cruz asked the Commission about the verification of non-permanent residents claiming another state for their home residency and whether there is any verification for over-extracting.

Project Manager Rosenbrock stated that the data received for redistricting is geography and counts that are assigned to each census block and there is no question on the census regarding whether the resident lives in another state.

Commissioner Nonaka reiterated that there is no way of knowing whether a military person was counted in the census or not.

Senator Dela Cruz asked if there was a possibility of over-extraction as it is not possible to know if those extracted were counted in the census.

Project Manager Rosenbrock confirmed it was possible as there is no way to know whether the non-permanent residents were here in Hawaii when the census was taken, or if they took the census at all.

Senator Dela Cruz asked if there was an assumption that the numbers received from the military and universities were recorded as permanent residents.

Project Manager Rosenbrock stated that there are no questions on the census regarding residents listing another place as their residence.

Chair Mugiishi stated that the Office of Elections asked for an opinion from the Attorney General regarding this issue and if the Commissioners would like to hear that opinion, they can go into Executive Session during that agenda item.

Commissioner Kennedy stated that the presentation should be presented to answer any concerns and questions being asked during public testimony. She also asked if non-permanent residents must be extracted.

Chair Mugiishi confirmed that non-permanent residents need to be extracted based on the Supreme Court decision in 2011.

Commissioner Kennedy asked if the Commission is bound by the Supreme Court ruling.

Chair Mugiishi explained they were bound by the Supreme Court ruling and they have to extract everyone they deem as a non-permanent resident and the Commission must use its best effort to remove these individuals.

Commissioner Nekota agreed with Commissioner Kennedy on the confusion of military extraction numbers.

Chair Mugiishi stated an Executive Session can be held to discuss these matters with the Attorney General.

IV. Approval of Minutes for the Meeting of August 26, 2021

Commissioner Kennedy made a motion to approve the minutes for the meeting of August 26, 2021, which was seconded by Commissioner Nonaka and approved by all Commissioners present, noting that Chair Mugiishi's vote was not taken.

V. Discussion and Action to Establish the Permanent Resident Population Base

Chair Mugiishi stated that the Commission is expecting legal advice from the Department of the Attorney General regarding the establishment of the permanent resident population base and the Commission may want to consult with its attorney before any action is taken. He asked for a motion to convene in Executive Session pursuant to HRS 92-5(a)(4) to consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities.

Commissioner Rathbun made a motion to enter Executive Session for the purposes of Agenda Item V, which was seconded by Commissioner Nekota and approved unanimously by the Commission.

The Commission went into Executive Session at 2:09 p.m. and returned to regular session at 2:47 p.m.

Chair Mugiishi clarified that after confirming with the Attorney General in Executive Session, the Commission is following all rules under the Solomon Decision and Act 14 in processes. He then asked Project Manager Rosenbrock to explain how the data for the extraction of non-permanent residents was collected.

Project Manager Rosenbrock reiterated information from the August 26, 2021 presentation and discussed step one and step two in the process of extracting non-permanent residents for reapportionment among the four basic island units. He stated he again reached out to the military after questions were raised about the difference in numbers and is awaiting a response, but expects a similar response to what has been received in the past. He stated he believes the data that has been received is the most accurate data given the circumstances.

Commissioner Kennedy questioned if the Commission would be working off the same set of military numbers based on the Supreme Court ruling, which Project Manager Rosenbrock confirmed.

Commissioner Chun asked if the DBEDT military numbers include all personnel with no distinction between permanent and non-permanent, which Project Manager Rosenbrock confirmed.

Commissioner Nishimura asked if all the information from DBEDT also came from the military, which Project Manager Rosenbrock confirmed, with the caveat that different departments are responsible for reporting different numbers.

Commissioner Nonaka asked for clarification on whether the data set that was provided post-Solomon decision is the same data set that was requested this time, which Project Manager Rosenbrock confirmed.

Commissioner Rathbun asked if the military data provided post-Solomon is more accurate than the DBEDT data. Project Manager Rosenbrock explained that DBEDT has different needs in reporting these numbers and that the data used by the Commission is from the Defense Manpower Data Center and the Defense Enrollment Eligibility Reporting System file.

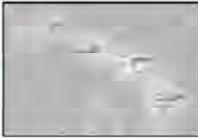
Chair Mugiishi stated that they would continue the discussion of apportionment and redistricting agenda items and then consider actions.

Following the discussion of Agenda item VII, at 3:46 p.m., the Commission considered a motion regarding Agenda Item V. Commissioner Nonaka made a motion to adopt the extraction of non-permanent residents from each basic island unit as presented by the Reapportionment Project Office on August 26, 2021, which was seconded by Commissioner Kennedy.

Questions?

Method of Extraction of Non-Permanent Residents

08/26/2021 Meeting Materials



P.L. 94-171 Resident Population Base
 - **Non-Permanent Residents by census block**

Permanent Resident Population Base

1 within block

2 adjoining blocks

3 neighboring blocks



PERSONS	State	BIU-Oahu	BIU-Hawaii	BIU-Maui	BIU-Kauai
Fed population	1,455,271	1,016,508	200,629	164,836	73,298
NPR military	64,415	64,010	40	117	248
NPR students	7,250	6,589	499	109	53
NPR Total	71,665	70,599	539	226	301
HI population	1,383,606	945,909	200,090	164,610	72,997

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Table 1: Extraction of non-permanent residents displayed during decision-making.

Prior to the vote, Commissioner Nonaka explained that the process used in the last 10 years and being used now should be continued. Commissioner Nonaka stated that the data received is as accurate as it is going to be and that using any other data would open the Commission to legal challenge.

Commissioner Nekota agreed with the statements made by Commissioner Nonaka.

Commissioner Nishimura stated support that the Reapportionment Project Office acted appropriately and consistently regarding the data.

Commissioner Chun restated that the data used by the Commission, as stated by Project Manager Rosenbrock, reflects non-permanent military, while the DBEDT data reflects all military. Commissioner Chun also

reiterated that regarding Act 14, the information received by the Attorney General is sensible and expressed support for Commissioner Nonaka's motion.

Commissioner Ono echoed the fact of permanent residents are to be counted under the Solomon decision and that Act 14 must work in concert with the State Constitution.

Commissioner Chipchase stated that the process being followed is consistent with the final plan adopted and upheld and the information provided that is proposed in this motion is accurate.

Chair Mugiishi thanked the Commissioners for their discussion and due diligence and expressed his agreement that the Commission is taking the best solution that is true to the State Constitution, the Solomon decision, and Act 14.

The motion was approved unanimously by the Commission.

VI. Discussion and Action Regarding the Use of "Canoe Districts"

Chair Mugiishi asked Project Manager Rosenbrock to provide an overview of "canoe districts" prior to the discussion.

Project Manager Rosenbrock explained the use and function of "canoe districts" in the use of the reapportionment process and that the State Constitution provides that no district shall extend beyond the boundaries of any basic island unit and that this can result in large deviations in the size of legislative districts. He then proceeded to reiterate the information provided during the August 26, 2021 presentation.

Chair Mugiishi clarified that if the Commission didn't use "canoe districts," they would likely fall under the 10% deviation threshold, which Project Manager Rosenbrock confirmed, adding that it would be statewide.

Commissioner Kennedy clarified that the Reapportionment Project Office is proposing that the Commission does not accept "canoe districts," which was confirmed by Project Manager Rosenbrock.

Following the discussion of Agenda Item IX, at 4:27 p.m., the Commission considered a motion regarding Agenda Item VI. Commissioner Rathbun made a motion to approve that the Commission would not use "canoe districts," which was seconded by Commissioner Chun and approved unanimously by the Commission.

VII. Discussion and Action Regarding the Standards and Criteria Governing the Reapportionment and Redistricting Process

Chair Mugiishi asked Project Manager Rosenbrock to provide a brief overview of the standards and criteria included in the meeting materials for consideration.

Project Manager Rosenbrock reiterated the information provided in the August 26, 2021 presentation.

Commissioner Chun asked if the standards and criteria clarify for the public the standards the Commission would be using, so that both the public and the Commission will be working within consistent guidelines, which Project Manager Rosenbrock confirmed.

Commissioner Nishimura asked if a public person would be able to submit a plan proposal if all the criteria were not met. Project Manager Rosenbrock clarified that Project Staff would alert the user to fix any issues with the plan and all plans submitted would be shared with the Technical Committee.

Commissioner Rathbun made a motion to adopt the standards and criteria included in the meeting materials, which was seconded by Commissioner Ono and approved unanimously by the Commission.

VIII. Discussion and Action Regarding the Commission's Interaction with the Advisory Councils

Chair Mugiishi summarized the discussion from the previous meeting when the Commission discussed how it would like to work with the Advisory Councils. He explained that one proposal was to form a Public Information permitted interaction group to work with the Advisory Councils. A second proposal was for the Commission to have a standing agenda item with a specific Commissioner from his/her home island as a liaison to the Advisory Council from that island. The liaison would assist them in preparing a report for the agenda item.

Commissioner Kennedy questioned if the liaison would be presenting that advisory council's information.

Chair Mugiishi stated the liaison would help represent the Advisory Council and present information however they would like.

Commissioner Chun stated that the Advisory Councils have local knowledge and insight and having a standing agenda item would provide them with a direct voice.

Commissioner Kennedy questioned the need for a liaison for these Advisory Councils. Chair Mugiishi stated that the liaison would serve as a connection to the Commission.

Commissioner Nekota asked if the Reapportionment Project Staff acted as liaisons in the past. Chair Mugiishi stated he believed the staff did do that in the past and they recommended that they not do it again.

Commissioner Nonaka stated the liaison can be a point of contact so the Commission can have a clear understanding of their thoughts, which can be relayed at the Commission meetings. Project Manager Rosenbrock stated that in 2001 the public information committee worked with the Advisory Councils to set up meetings, and in 2011 this was delegated to the Reapportionment Project Staff.

Commissioner Kennedy asked to confirm if these Advisory Councils have already been formed. Commissioner Nekota confirmed.

Commissioner Nekota stated a current member of the Technical Committee should be a liaison because they would have the most current information. Commissioner Nekota advised that the liaison would work closer with the Technical Committee rather than the entire Commission.

Commissioner Nishimura stated the Kauai Advisory Council reached out to him and it would be helpful to have a liaison in terms of passing information, but not directing how things would be done. Chair Mugiishi and Commissioner Nekota believed it made sense.

Commissioner Nonaka asked if there needed to be further action. Chair Mugiishi stated action would be needed to form a permitted interaction group, but if liaisons are accepted, Commissioners from their respective islands would be the liaison. He added that one person would need to be decided for Oahu as there are multiple Commissioners on Oahu.

Commissioner Kennedy asked if the liaison needed to be a Technical Committee member. Commissioner Nonaka stated it shouldn't be a requirement. Commissioner Chipchase agreed.

Commissioner Kennedy and Commissioner Nekota stated their previous offer to volunteer to be the liaison for Oahu. Commissioner Rathbun declined to be nominated.

Chair Mugiishi confirmed the neighbor island liaisons have already been chosen and asked for a vote to designate the liaison for the Oahu Advisory Council between Commissioner Nekota and Commissioner Kennedy.

Commissioner Nonaka was designated as the liaison to the Hawaii Advisory Council. Commissioner Chun was designated as the liaison to the Maui Advisory Council. Commissioner Nishimura was designated as the liaison to the Kauai Advisory Council. Commissioner Kennedy was designated as the liaison to the Oahu Advisory Council.

IX. Presentation of Proposed Congressional Reapportionment Plans by the Technical Committee Permitted Interaction Group

Chair Mugiishi introduced the Technical Committee to present their findings and recommendation regarding the Congressional Reapportionment plans it developed. He reminded the Commission that there would be no action taken today on this information pursuant to HRS § 92-2.5, which requires that any deliberation and decision making may only occur at a meeting subsequent to the one in which the findings and recommendations of the permitted interaction group were made.

Commissioner Ono stated that two proposed plans were composed and called upon GIS Project Support Jones to share these two plans.

GIS Project Support Jones presented the first plan as the existing plan, with a total deviation of 0.6%. The second plan had a total deviation of 0.34% and follows the guidelines.

Commissioner Kennedy asked if the Technical Committee members voted internally on which plan they prefer. Commissioner Nekota confirmed it was for all Commission members to vote on. Chair Mugiishi reiterated a vote would be conducted at the next meeting.

Commissioner Rathbun stated that both congressional plans fit the criteria and felt both should be presented. GIS Project Support Jones added that both plans seemed equally good and the Technical Committee wanted feedback from the other Commissioners and the public.

GIS Project Support Jones stated both plans would be available on the redistricting online application.

Commissioner Nishimura asked that all the Advisory Councils chime in on their opinions and feedback at the next meeting. Chair Mugiishi agreed and asked for the liaisons to reach out to their Advisory Councils and ask for their input.

X. Adjournment

Commissioner Nonaka made a motion to adjourn the meeting, which was seconded by Commissioner Ono, and approved unanimously by the Commission. The meeting was adjourned at 4:30 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. Nago', written over a horizontal line.

SCOTT T. NAGO
Secretary to the Reapportionment Commission



MARK MUGIISHI, M.D.
CHAIR

**STATE OF HAWAII
REAPPORTIONMENT COMMISSION**

WRITTEN SUMMARY FOR VIDEO RECORD

REGULAR MEETING OF THE
REAPPORTIONMENT COMMISSION

OCTOBER 14, 2021 @ 12:00 PM

Note: The video of the meeting may be viewed on our website at <https://elections.hawaii.gov/about-us/boards-and-commissions/reapportionment/>

PROCEEDINGS

The time reference below indicates the point in the video of when the stated action begins.

I. Call to Order [12:00 PM]

The regular meeting of the Reapportionment Commission was called to order by Chair Mark Mugiishi.

II. Roll Call and Determination of a Quorum [12:00 PM]

All members of the Reapportionment Commission were present at the start of the meeting.

III. Public Testimony [12:01 PM]

Public testimony was provided by Bart Dame, Nikhilananda, Sandy Ma of Common Cause Hawaii, Kimeona Kane, Vanessa Distajo, Rhiannon Callahan, Becky Gardner of Policy Matters LLC, Bill Hicks, Ellen Watson, Brett Kulbis, Amber Granite, and Matt Prellberg.

IV. Reports by the Apportionment Advisory Councils [1:00 PM]

Commissioner Nishimura stated that Kauai Advisory Council met and submitted a report to the Commission. Commissioner Chun stated that the Maui Advisory Council is scheduling their first meeting. Commissioner

Nonaka stated that the Hawaii Advisory Council is scheduling their second meeting to provide comments on the maps.

V. Approval of Minutes for the Meeting of September 9, 2021 [1:04 PM]

Commissioner Ono made a motion to approve the minutes for the meeting of September 9, 2021, which was seconded by Commissioner Nonaka and approved unanimously by the Commission.

VI. Discussion and Action to Adopt a Proposed Congressional Redistricting Plan [1:05 PM]

[1:15 PM]

Commissioner Kennedy made a motion to adopt the congressional alternate plan, which was seconded by Commissioner Nekota and approved unanimously by the Commission.

VII. Presentation of Proposed Legislative Redistricting Plans by the Technical Committee Permitted Interaction Group [1:16 PM]

The Technical Committee Permitted Interaction Group and Reapportionment Project Office staff presented the Legislative Redistricting Plans for the Senate and House as created by the Technical Committee Permitted Interaction Group.

VIII. Adjournment [2:29 PM]

Commissioner Nishimura made a motion to adjourn the meeting, which was seconded by Commissioner Nekota and approved unanimously by the Commission.



MARK MUGIISHI, M.D.
CHAIR

**STATE OF HAWAII
2021 REAPPORTIONMENT COMMISSION**

**MINUTES OF THE REGULAR MEETING OF THE
2021 REAPPORTIONMENT COMMISSION**

OCTOBER 14, 2021
12:00 PM

Pursuant to the Governor's Emergency Proclamation Related to the COVID-19 Response, dated October 1, 2021, the Reapportionment Commission will be meeting remotely using interactive conference technology. This meeting was recorded and has been posted on the Office of Elections website at elections.hawaii.gov.

Commissioners in Attendance:

Mark Mugiishi, Chair
Calvert Chipchase IV
Grant Chun
Robin Kennedy
Charlotte Nekota
Randall Nishimura
Dylan Nonaka
Diane Ono
Kevin Rathbun

Staff in Attendance:

Royce Jones
Scott Nago
David Rosenbrock
Lori Tanigawa

Testifiers in Attendance:

Bart Dame
Nikhilananda
Sandy Ma of Common Cause Hawaii
Kimeona Kane
Vanessa Distajo
Rhiannon Callahan
Becky Gardner of Policy Matters LLC
Bill Hicks
Ellen Watson
Brett Kulbis

Amber Granite
Matt Prellberg

PROCEEDINGS

I. Call to Order

Chair Mugiishi called the meeting to order at 12:00 p.m.

II. Roll Call and Determination of Quorum

Reapportionment Commission Secretary, Scott Nago, conducted a roll call. All Commissioners were present. The Commission had a quorum.

III. Public Testimony

Chair Mugiishi addressed housekeeping matters related to conducting the meeting by video and by telephone. He reminded testifiers that if technical issues arise, testifiers would be given a moment to resolve their issues and if the issues cannot be resolved, the Commission would move on to the next testifier. He asked that those wishing to testify raise their hand via the Zoom reactions feature or press *9 if joining by phone. For the record, he asked testifiers to state their first and last names and the item they are testifying on.

Bart Dame testified providing comments related to establishing permanent resident population, representative redistricting plan, and structure of the meeting.

Chair Mugiishi explained that the Technical Committee Permitted Interaction Group would be presenting the proposed legislative redistricting plan as part of this meeting.

Commissioner Nishimura asked Bart Dame if he submitted a proposed plan. Bart Dame responded that he had not since he had been unable to review the proposed legislative redistricting plan yet.

Nikhilananda testified providing comments regarding the legislative redistricting plan for the basic island unit of Maui, specifically proposed Representative District 13.

Sandy Ma, Common Cause Hawaii, testified providing comments regarding the conduct of meetings and the legislative redistricting plans.

Commissioner Ono asked Sandy Ma if she had submitted a proposed redistricting plan for consideration. Sandy Ma responded that Common Cause would be encouraging the communities to testify and provide public comment.

Kimeona Kane testified in opposition to the proposed redistricting plan for Representative District 51.

Commissioner Nishimura asked Kimeona Kane if he has access to the Hawaii Redistricting Online tool to submit a proposed plan. Kimeona Kane responded that he had not used the application but would work with the community to use the Hawaii Redistricting Online tool to provide input.

Vanessa Distajo testified in opposition to the proposed redistricting plan for Manoa valley, specifically Representative Districts 20 and 24.

Commissioner Chipchase expressed that it is helpful when the testifiers reference the specific districts of interest for the Commission to consider and review.

Rhiannon Callahan testified in opposition to the proposed redistricting plan for Waimanalo.

Becky Gardner, Policy Matters LLC, testified providing comments regarding the legal process regarding establishing the permanent resident population.

Bill Hicks testified providing comments regarding the proposed redistricting plan for Representative District 51.

Commissioner Chun asked if the current senate district currently extends into the Portlock neighborhood of Hawaii Kai as the proposed redistricting plan does. Commissioner Nonaka answered that the senate district does match the proposed redistricting plan.

Ellen Watson testified providing comments regarding the proposed redistricting plan for Manoa.

Brett Kulbis testified providing comments regarding the extraction of non-permanent residents, specifically the military.

Chair Mugiishi encouraged testifiers to use the Hawaii Redistricting Online tool to submit proposed plans for review in addition to their testimony.

Amber Granite testified in opposition to the redistricting plan and expressed concerns regarding the Native Hawaiian population.

Matt Prellberg testified providing comments regarding the proposed redistricting plan for Representative District 21.

IV. Reports by the Apportionment Advisory Councils

Chair Mugiishi explained that at the September 9, 2021 meeting, Commissioners were designated to work with each Advisory Council – Hawaii, Maui, Kauai, and Oahu. He further explained that the Advisory Councils make recommendations on the matters affecting each basic island unit to the Reapportionment Commission and would be allowed to present at the Commission meetings.

Commissioner Nishimura stated that Hermina Morita, Chair of the Kauai Advisory Council, submitted a report to the Reapportionment Commission.

Commissioner Chun announced that the Maui Advisory Council is in the process of scheduling its first meeting.

Commissioner Nonaka reported that the Hawaii Advisory Council had their first meeting to organize and selected a Chair. He also reported that they were scheduling another meeting and getting feedback on the proposed redistricting plan.

Pursuant to HRS § 92-2.5(e), Commissioners Kennedy, Nonaka, Nishimura, and Ono stated that they attended an Advisory Council meeting to observe the process but did not participate. Commissioner Kennedy stated she attended one of the Advisory Council meetings, but could not recall whether it was Hawaii or Kauai. Commissioner Nonaka stated that he attended the Kauai and Hawaii Advisory Council meetings. Commissioner Nishimura stated that he attended the Kauai Advisory Council meeting to help them set up and open the meeting. Commissioner Ono stated that she attended the Kauai Advisory Council meeting.

V. Approval of Minutes for the Meeting of September 9, 2021

Commissioner Ono made a motion to approve the minutes for the meeting of September 9, 2021, which was seconded by Commissioner Nonaka and approved unanimously by the Commission.

VI. Discussion and Action to Adopt a Proposed Congressional Redistricting Plan

Chair Mugiishi recalled that at the September 9, 2021 meeting, the Technical Committee Permitted Interaction Group presented two proposed Congressional redistricting plans. One plan maintains the existing congressional district lines; the other plan moves portions of Ko Olina from Congressional District I to Congressional District II.

Project Manager, David Rosenbrock, and GIS Project Support, Royce Jones, presented a recap of the proposed congressional redistricting plans including the target population, deviations, and geographical changes.

Chair Mugiishi summarized that the proposed alternate congressional redistricting plan decreases the deviation from the target population and the other plan has less disruption because it maintains the current congressional lines.

Commissioner Nishimura asked if there were any other redistricting plans submitted by the public for consideration. Project Manager, David Rosenbrock, responded that no plans were submitted.

Commissioner Chun asked for clarification on the dividing line on the proposed alternate congressional district plan. Commissioner Nonaka answered that it was the H1 highway.

Commissioner Nonaka stated his support for the proposed alternate congressional redistricting plan which reduces the deviation from the target population to address population growth in Congressional District I over the next 10 years.

Chair Mugiishi asked for a motion indicating which congressional district plan the Commission would like to consider. Commissioner Kennedy made a motion to adopt the congressional alternate plan, which was seconded by Commissioner Nekota and approved unanimously by the Commission.

VII. Presentation of Proposed Legislative Redistricting Plans by the Technical Committee Permitted Interaction Group

Chair Mugiishi introduced the Technical Committee Permitted Interaction Group to present their findings and recommendation regarding the Legislative Redistricting plans it developed. He reminded the Commission

that there would be no action taken today on this information pursuant to HRS § 92-2.5, which requires that any deliberation and decision making may only occur at a meeting after the one in which the findings and recommendations of the permitted interaction group were made. He recognized that the Commissioners who served on the Technical Committee Permitted Interaction Group are Commissioner Nekota, Commissioner Nonaka, Commissioner Ono, and Commissioner Rathbun. Commissioner Ono thanked the testifiers for submitting written and providing oral testimony and thanked the staff, Project Manager, David Rosenbrock, and GIS Project Support, Royce Jones, for their time and support. She explained that the process that was followed by the Technical Committee Permitted Interaction Group was set forth by the Hawaii State Constitution. The process is bipartisan and bicameral resulting in equal participation in the process.

Commissioner Ono further explained that the task of the Technical Committee Permitted Interaction Group was to redraw legislative district lines so that each district within each basic island unit represents an equal number of people. She recalled at the meeting of September 9, 2021, that there would be no canoe districts and expressed the uniqueness of Hawaii as an island state. She also noted that there were significant population shifts determined by the 2020 U.S. Census, specifically the drastic increases on the west side of Oahu compared to the rest of the island. Commissioner Ono stated that the population changes statewide resulted in large deviations within the current district lines. She explained that the lines must be drawn on a macro-level. She expressed that she appreciated the comments from the communities and found them helpful, however, the Technical Group could not look at one district at a time as there is a ripple effect to the changes across the basic island unit. She described the Hawaii Redistricting Online tool, which the Technical Committee and members of the public may use to propose redistricting plans, uses integrity checks to ensure that the plans meet the requirements. She stated that the factors that the plan must consider are geography, infrastructure, and preserving communities as practicable. She emphasized that the Hawaii Redistricting Online tool was designed for public input and encouraged testifiers and the public to submit proposed plans. She also acknowledged that the proposed plans are not perfect and that the process is complex and multifactorial.

Project Manager, David Rosenbrock, provided an overview of the plan and the factors involved including population and geography. GIS Project Support, Royce Jones, presented the target populations for redistricting and the details of the proposed legislative redistricting plan.

Following the presentation, members of the Technical Committee Permitted Interaction Group offered their perspectives on the process and the proposed redistricting plan. Commissioner Nekota thought the process went well and recognized all the work involved. She thanked Commissioner Nonaka for his familiarity with drawing lines. She stated that it was a give and take for both parties because of the population growth on the west side of Oahu. Commissioner Rathbun expressed that it was challenging to draw district lines within the established parameters. He explained that the Technical Committee Permitted Interaction Group used topographical maps to determine where to draw the lines and felt comfortable with the decisions and plan presented.

Commissioner Nonaka thanked the members of the Technical Committee Permitted Interaction Group for their collaboration and willingness to compromise. He described the geographic nuances and expressed that any redistricting plan would not please everyone. He echoed the explanation by Commissioner Ono that the redistricting plans are drawn at a macro-view. He explained that the lines cannot be drawn one community or district at a time because it would impact the deviations from the target population size. Chair Mugiishi added that as the public proposes redistricting plans for consideration, equal representation across districts is a requirement and cannot exceed 10% deviation. Commissioner Nonaka and Commissioner Ono also continued to encourage the public to propose plans using the Hawaii Redistricting Online tool.

Commissioner Kennedy asked how the Technical Committee Permitted Interaction Group accounted for the community concerns and the political impacts. Commissioner Nekota explained the impacts of the proposed redistricting plan on her representative district and expressed her realization that the redistricting plan is not just about her district but rather the whole island and ultimately the state. Commissioner Nonaka added that the population shifts move the district lines one way or another and the Technical Committee tried to impact the fewest number of districts. He further added that he was looking forward to receiving the public's input over the next couple of weeks and then in the public comment period.

Commissioner Kennedy asked for clarification on how the Commission would receive and address public testimony. Commissioner Ono acknowledged the testimony provided by the residents of Manoa, stating that the redistricting of the valley was a result of population shifts and the collapse of Representative District 19. To address Commissioner Kennedy, Project Manager, David Rosenbrock, explained that the Reapportionment Project Office would continue to receive public testimony

and proposed redistricting plans, which are provided to the Commission. The Commission adopts a draft plan which would be available for public comment.

Commissioner Chun clarified that by adopting the alternate congressional plan, it was not accepted as a draft in preparation for public comment which Project Manager, David Rosenbrock, confirmed.

Commissioner Nekota asked if there was a schedule proposed for public comment. He recalled the structure of public comment during the 2011 Reapportionment of conducting meetings in each basic island unit.

Commissioner Nishimura asked if the public could propose changes to the proposed redistricting plans presented today. Project Manager, David Rosenbrock, answered that a Hawaii Redistricting Online user could start from scratch or different templates including the current district lines or the plan presented by the Technical Committee Permitted Interaction Group. He further explained that hard copies of the redistricting plan would be available and announced at public buildings. GIS Project Support, Royce Jones, also confirmed that the templates are available using the Hawaii Redistricting Online tool.

Commissioner Rathbun called for the Advisory Councils to engage with the communities and collect input. Chair Mugiishi expressed that the Commissioners designated to work with the Advisory Councils could shepherd that effort.

Chair Mugiishi reiterated to attendees that the Commission would move to adopt a proposed plan at the next Commission meeting.

VIII. Adjournment

Commissioner Nishimura made a motion to adjourn the meeting, which was seconded by Commissioner Nekota, and approved unanimously by the Commission. The meeting was adjourned at 2:30 p.m.

Respectfully submitted,



SCOTT T. NAGO
Secretary to the Reapportionment Commission



MARK MUGIISHI, M.D.
CHAIR

**STATE OF HAWAII
REAPPORTIONMENT COMMISSION**

WRITTEN SUMMARY FOR VIDEO RECORD

REGULAR MEETING OF THE
REAPPORTIONMENT COMMISSION

OCTOBER 28, 2021 @ 12:00 PM

Note: The video of the meeting may be viewed on our website at <https://elections.hawaii.gov/about-us/boards-and-commissions/reapportionment/>

PROCEEDINGS

The time reference below indicates the point in the video of when the stated action begins.

I. Call to Order [12:00 PM]

The regular meeting of the Reapportionment Commission was called to order by Chair Mark Mugiishi.

II. Roll Call and Determination of a Quorum [12:00 PM]

All members of the Reapportionment Commission were present at the start of the meeting with the exception of Commissioner Chipchase, Commissioner Kennedy, and Commissioner Nekota.

III. Public Testimony [12:02 PM]

Public testimony was provided by Bill Hicks, Bart Dame, Vanessa Distajo, Amy Monk, Kainoa Kaumeheiwa-Rego, Charles Sexton, Lisa Bishop, Kimeona Kane, Roberta Mayor, Ellen Watson, Kapohuolahaina Pa Moniz, Gail Baron, Becky Gardner, John Simonds, Representative Matthew S. LoPresti, Michael J. Golojuch, Jr., Eleanor Rolark, Rhiannon "Pili" Callahan, Nikhilaranda, Matt Prellberg, Shannon Matson, Brett Kulbis, Ian Ross, Kapua Medeiros, Patrice Macdonald, and Robert E. Fox.

[12:03 PM]

Commissioner Kennedy was acknowledged as present.

[12:04 PM]

Commissioner Chipchase was acknowledged as present.

[12:10 PM]

Commissioner Nekota was acknowledged as present.

IV. Reports by the Apportionment Advisory Councils [2:08 PM]

[2:13 PM]

Chair Hermina Morita provided a report on behalf of the Kauai Advisory Council.

V. Approval of Minutes for the Meeting of October 14, 2021 [2:14 PM]

Commissioner Kennedy made a motion to approve the minutes for the meeting of October 14, 2021, which was seconded by Commissioner Nekota and approved unanimously by the Commission.

VI. Discussion Regarding the Conduct of Public Hearings and Future Meeting Dates [2:16 PM]

VII. Discussion and Action to Adopt the Proposed Legislative Redistricting Plan [2:36]

[2:36 PM]

Commissioner Nekota made a motion to adopt the Technical Committee Permitted Interaction Group's legislative redistricting plan, which was seconded by Commissioner Nonaka and approved unanimously by the Commission.

VIII. Adjournment [2:39 PM]

Commissioner Ono made a motion to adjourn the meeting, which was seconded by Commissioner Kennedy and approved unanimously by the Commission.



MARK MUGIISHI, M.D.
CHAIR

**STATE OF HAWAII
2021 REAPPORTIONMENT COMMISSION**

**MINUTES OF THE REGULAR MEETING OF THE
2021 REAPPORTIONMENT COMMISSION**

OCTOBER 28, 2021
12:00 PM

Pursuant to the Governor's Emergency Proclamation Related to the COVID-19 Delta Response, dated October 1, 2021, the Reapportionment Commission will be meeting remotely using interactive conference technology. This meeting was recorded and has been posted on the Office of Elections website at elections.hawaii.gov.

Commissioners in Attendance:

Mark Mugiishi, Chair
Calvert Chipchase IV
Grant Chun
Robin Kennedy
Charlotte Nekota
Randall Nishimura
Dylan Nonaka
Diane Ono
Kevin Rathbun

Staff in Attendance:

Scott Nago
David Rosenbrock
Lori Tanigawa

Testifiers in Attendance:

Bill Hicks
Bart Dame
Vanessa Distajo
Amy Monk
Kainoa Kaumeheiwa-Rego
Charles Sexton
Lisa Bishop
Kimeona Kane
Roberta Mayor
Ellen Watson
Kapohuolahaina Pa Moniz
Gail Baron

Becky Gardner
John Simonds
Representative Matthew S. LoPresti
Michael J. Golojuch, Jr.
Eleanor Rolark
Rhiannon "Pili" Callahan
Nikhilananda
Matt Prellberg
Shannon Matson
Brett Kulbis
Ian Ross
Kapua Medeiros
Patrice Macdonald
Robert E. Fox

PROCEEDINGS

I. Call to Order

Chair Mugiishi called the meeting to order at 12:00 PM.

II. Roll Call and Determination of Quorum

Reapportionment Commission Secretary, Scott Nago, conducted a roll call. All members of the Reapportionment Commission were present at the start of the meeting, with the exception of Commissioner Chipchase, Commissioner Kennedy, and Commissioner Nekota. The Commission had a quorum.

III. Public Testimony

Chair Mugiishi addressed housekeeping matters related to conducting the meeting by video and by telephone. He reminded testifiers that if technical issues arise, testifiers would be given a moment to resolve their issues. If the problems cannot be resolved, the Commission would move on to the next testifier. He asked that those wishing to testify raise their hand via the Zoom reactions feature or press *9 if joining by phone. He asked testifiers to state their first and last names and the items they were testifying on for the record.

Commissioner Kennedy was acknowledged as present at 12:03 PM.

Commissioner Chipchase was acknowledged as present at 12:04 PM.

Bill Hicks testified, providing comments related to the proposed redistricting plan for the area of Kailua, and submitted a proposed plan for consideration meeting the criteria adopted by the Commission.

Commissioner Nonaka thanked Bill Hicks for the time and effort to create and submit a plan. Commissioner Nonaka commented about the impacts to Waialua, Mililani, and parts of Kunia and Waipahu that Mr. Hicks' plan had in one district and that the Commission would expect to receive similar criticism for such a plan that groups these communities together. He thanked Bill Hicks again for his time and stated that the Technical Committee Permitted Interaction Group would review it.

Chair Mugiishi restated Commissioner Nonaka's comments and added that the Technical Committee Permitted Interaction Group and Commission would be taking and reviewing the feedback it receives.

Commissioner Nekota was acknowledged as present at 12:10 PM.

Bart Dame testified, providing comments asking the Commission to defer the vote on the proposed redistricting plan for the island of Oahu; recognizing that the Oahu Advisory Council has not met yet; and noting concerns regarding the data of non-permanent residents from the military.

Commissioner Nonaka commented about the Senate District maps, which have wrapped around the Makapuu Point for 20 years without objection. Bart Dame responded that the Senate District maps do not explain the maps for the Representative District. Commissioner Nonaka acknowledged the comments made by Bart Dame.

Chair Mugiishi noted that agenda item 6 relates to the process and emphasized that there would be no contemplation of approving a final plan at this meeting. He further stated that any action by the Commission at this meeting would trigger an extensive public input process.

Vanessa Distajo testified, providing comments regarding the proposed redistricting plan for Manoa and asking the Commission to consider the proposed redistricting plan submitted by Bill Hicks.

Amy Monk testified, providing comments regarding the redistricting around the Makapuu Point and the extraction of military non-permanent residents.

Kainoa Kaumeheiwa-Rego of Common Cause Hawaii testified, providing comments regarding the conduct of public hearings. Commissioner Kennedy asked if there is a solution that Common Cause proposes to support public participation. Kainoa Kaumeheiwa-Rego stated

that Common Cause recommends traditional media sources in addition to online resources. Commissioner Kennedy urged Common Cause to assist with public access.

Chair Mugiishi stated the Commission receives and reads the written testimony. He also explained that it is presently not the intent of the Commission to conduct in-person meetings due to the continuing health concerns and related logistics.

Charles Sexton testified opposing the proposed redistricting plan regarding House District 20 and House District 24 and supporting the redistricting plan submitted by Bill Hicks.

Lisa Bishop of Friends of Hanauma Bay testified in support of the redistricting plan submitted by Bill Hicks.

Kimeona Kane testified, providing comments regarding the proposed redistricting plan and the conduct of the hearings.

Roberta Mayor, Chair of the Hawaii Kai Neighborhood Board, testified in opposition to the proposed legislative redistricting plan, specifically the House Districts 17 and 51 and Senate Districts 9 and 25.

Ellen Watson testified, providing comments expressing concerns regarding the conduct of the meeting.

Commissioner Nonaka explained the Commission's next steps require a vote on a proposed plan prior to the public being notified and allowed to comment. He stated that the plan is not a final plan and that the Commission would continue to review and make changes to the plan. He also acknowledged that further delays of the redistricting plan could impact the conduct of the 2022 Elections.

Commissioner Ono restated the comments made by Commissioner Nonaka and added that she reads and considers all the testimony presented by the public.

Commissioner Nekota stated her support for the comments made by Commissioner Ono and noted that the population growth is in West Oahu. Commissioner Kennedy further explained that considering the proposed redistricting plan at this meeting is part of the process to move on to public hearings.

Chair Mugiishi thanked the Commissioners for sharing their perspective and noted that the Commission is bound by the Supreme Court to file a plan by February 2022.

Commissioner Nishimura recognized that other members of the public submitted plans for consideration by the Technical Committee Permitted Interaction Group. He encouraged testifiers to submit plans using the Hawaii Redistricting Online application for the Commission to consider.

Kapohuolahaina Pa Moniz testified in opposition to the proposed redistricting plan and asked if the Commission will be going to the respective Neighborhood Board meetings to talk to the community.

Chair Mugiishi responded that the public hearings would be announced and that the public, including Neighborhood Boards, would be able to participate.

Gail Baron testified, providing comments regarding the legal requirements of the Reapportionment Commission and submitting testimony to the Advisory Councils.

Chair Mugiishi thanked Gail Baron for providing testimony and confirmed that her comments had been received.

Commissioner Nonaka commented that the Advisory Councils are different from the Reapportionment Commission and that the public hearing notices for the Advisory Councils are also posted.

Becky Gardner testified, providing comments regarding the extraction of the non-permanent resident population, consultation with the Advisory Councils, and disruption to voters in East Honolulu.

John Simonds testified in support of the proposed redistricting plan submitted by Bill Hicks and opposed the redistricting plan under consideration by the Commission, specifically House District 51.

Representative Matthew S. LoPresti testified in opposition to the proposed redistricting plan.

Chair Mugiishi confirmed that he received his complaint and investigated but could not find any substantiating evidence.

Michael J. Golojuch, Jr. testified in support of the proposed redistricting plan specifically regarding the area of Makakilo.

Eleanor Rolark testified, providing comments asking the Commission to keep communities together in the redistricting plan.

Rhiannon "Pili" Callahan testified with concerns regarding the proposed redistricting plan for House District 51.

Nikhilananda testified, providing comments regarding House District 13 and voting on the proposed redistricting plan.

Chair Mugiishi confirmed that the Commission must meet the requirements of the Supreme Court.

Commissioner Ono further confirmed that the Commission is on an extension granted by the Supreme Court.

Matt Prellberg testified in opposition to the proposed redistricting plan for the island of Oahu, specifically the McCully-Moilili area.

Shannon Matson testified in opposition to the proposed redistricting plan regarding the island of Hawaii, specifically separating subdivisions and the extraction of the non-permanent resident population.

Commissioner Nonaka commented that the extraction was conducted in the same manner and using the same data sources as 2011 Reapportionment, following the decision by the Supreme Court.

Commissioner Kennedy stated that she is working with PACOM for review.

Chair Mugiishi explained that Commissioner Kennedy noted that she had some connections to PACOM and asked for an alternate run of information. He stated that the data she shared entirely left out dependents, and the Commission would need to review the disparate numbers.

Commissioner Kennedy stated that the military noted discrepancies that the Commission would review.

Brett Kulbis testified in support of the proposed redistricting plan and the proposed redistricting plan submitted by Bill Hicks regarding Ewa Beach.

Ian Ross testified in opposition to the proposed representative redistricting plan for the island of Oahu.

Kapua Medeiros testified in opposition to the proposed redistricting plan for Representative District 51.

Patrice Macdonald testified in opposition to the proposed redistricting plan for the island of Hawaii.

Commissioner Nonaka asked for clarification on the specific subdivision. Patrice Macdonald identified Hawaiian Acres. Commissioner Nonaka explained that the redistricting process for Hawaii island starts with the

geographic restrictions of the volcano, and districts are sized to equal target populations.

Robert E. Fox testified, providing comments regarding the criteria for redistricting.

IV. Reports by the Apportionment Advisory Councils

Chair Mugiishi explained that the Reapportionment Commission had invited each Advisory Council – Hawaii, Maui, Kauai, and Oahu, to provide feedback on the redistricting matters for each basic island unit. The Reapportionment Commission has planned to allow each Advisory Council to present at the Commission meetings.

Pursuant to HRS § 92-2.5(e), Commissioner Nonaka stated that he attended the Hawaii Advisory Council meeting on October 27, 2021, as did Commissioner Ono, Commissioner Rathbun, and Commissioner Nishimura, noting that they observed; they did not participate in the meeting. Commissioner Nekota stated that she did not attend.

Commissioner Rathbun stated that he attended the Kauai Advisory Council, Maui Advisory Council, and Hawaii Advisory Council meetings. He summarized that the Councils discussed the proposed redistricting plan. Commissioner Rathbun stated that the Kauai and Maui Advisory Councils voted to support the plan. He asked Commissioner Nonaka if the Hawaii Advisory Council supported the proposed redistricting plan. Commissioner Nonaka responded that the Hawaii Advisory Council did not endorse the proposed redistricting plan but did provide positive feedback and comments for consideration.

Commissioner Ono stated that she attended the Maui Advisory Council and Hawaii Advisory Council meetings. She clarified that the Maui Advisory Council made a motion to support the proposed redistricting plan but ultimately decided not to vote.

Commissioner Chun stated he was at the Maui Advisory Council meeting and restated the meeting summary by Commissioner Ono.

Commissioner Nishimura noted that he attended the Kauai Advisory Council meeting and summarized that the Council supported the Reapportionment Commission's proposed redistricting plan for Kauai and Niihau and decision to oppose canoe districts. He noted that the Advisory Council Chair, Hermina Morita submitted a report to the Commission.

Commissioner Kennedy asked for clarification on the protocols to report on Advisory Council meetings. Chair Mugiishi responded that the Advisory

Councils are invited to attend the Reapportionment Commission meetings and submit reports.

Kauai Advisory Council Chair, Hermina Morita reported that she had just submitted a written report to the Reapportionment Commission. She summarized that the Kauai Advisory Council took action to support the Technical Committee Permitted Interaction Groups proposed redistricting for Kauai County and the Commission's decision not to use canoe districts.

V. Approval of Minutes for the Meeting of October 14, 2021

Commissioner Kennedy made a motion to approve the minutes for the meeting of October 14, 2021, seconded by Commissioner Nekota and approved unanimously by the Commission.

VI. Discussion Regarding the Conduct of Public Hearings and Future Meeting Dates

Chair Mugiishi expressed that it is a priority to this Commission and himself as Chair that the public be provided with ample time and opportunity to comment on the redistricting plans.

Chair Mugiishi further summarized that at the October 14, 2021 meeting, the Commission was presented with a proposed legislative redistricting plan that the Technical Committee Permitted Interaction Group drafted according to the criteria set forth by law. He stated that the Commission intended to vote on the adoption of the proposed plan. He continued to summarize the process laid out by statute that the Commission follows once the plans are adopted.

Chair Mugiishi explained that the Commission would hold public hearings where public testimony can be submitted specifically to the proposed plan once the plans are initially adopted. In addition, to ensure that the public is provided with an opportunity to provide input, a public hearing will be conducted at least once in each basic island unit. He stated that a public notice would be published at least 20 days before the hearings. A quorum of the Commissioners will be present at each public hearing to receive testimony wherever practicable.

Chair Mugiishi announced the tentative dates for the public hearings:

11/23/2021 Kauai

11/24/2021 East Honolulu

11/26/2021 Big Island-West
11/29/2021 Big Island-East
11/30/2021 Oahu-Windward
12/1/2021 Maui-Lahaina
12/1/2021 Maui-Kahului
12/2/2021 Molokai
12/3/2021 Oahu-Central
12/4/2021 Oahu-Leeward
12/6/2021 Lanai

Chair Mugiishi stated that the Technical Committee Permitted Interaction Group would continue to meet to consider revisions to the plan in response to the feedback from the public. He further explained that after the public hearings are completed, the Technical Committee Permitted Interaction Group, per HRS §92-2.5, will present a proposed final plan to the Commission for discussion and consideration. Subsequently, another meeting of the Commission would be held to consider its adoption. He stated these two meetings were tentatively scheduled for December 22, 2021 (presentation of the plan by Technical Permitted Interaction Group) and January 3, 2022 (deliberation and action by the Commission on the plan).

Chair Mugiishi noted that there were questions regarding the staggered terms for State Senate and asked Project Manager David Rosenbrock to explain. David Rosenbrock summarized that the Commission assigns the two-year terms to senate seats so that the resident population of each senate district shall have no more than two regular senate elections for a particular senate seat within the six-year period beginning in the even-numbered year prior to the reapportionment year. David Rosenbrock noted that given the nature of the process, the final determination of the staggering of seats could only be made once the district lines are in place for the final redistricting plan.

Commissioner Rathbun commented on the schedule around Thanksgiving and suggested participation would be low that week.

Commissioner Ono asked what time the hearings are expected to start and how long they last. David Rosenbrock responded that he is targeting starting at 2:00 PM for most of the meetings and that there is no designated end time. Commissioner Nonaka expressed that the duration of the meeting would depend on community interest.

Chair Mugiishi also questioned the schedule for the week of the Thanksgiving holiday and suggested moving them. Commissioner Ono suggested moving the meeting on November 24th as it relates to East Honolulu.

Commissioner Rathbun suggested that the hearings be conducted in the evening and Saturday, so people do not need to take off work.

Commissioner Nishimura noted that the Kauai meeting date could be moved to accommodate the schedule.

Chair Mugiishi asked David Rosenbrock to revise the public hearing schedule to maximize public participation. David Rosenbrock acknowledged the request and proposed starting the meetings at 6:00 PM. Commissioner Ono suggested 5:00 PM.

Commissioner Nishimura confirmed that the Commission would have to act on the proposed plan before finalizing the hearing schedule. Chair Mugiishi confirmed that if the Commission decided to consider an alternate redistricting plan, it would require two more meetings for consideration and action.

Chair Mugiishi asked how the public would be notified of the hearings. David Rosenbrock responded that the notices would be published in the newspaper and through the media and that plans would be available at select libraries.

Commissioner Kennedy asked if the dates could be amended based on testimony received. Chair Mugiishi clarified that the public hearing dates are not flexible as they require 20 days' notice.

Commissioner Nekota suggested that hearings for West Oahu start at 6:30 PM to account for traffic. Chair Mugiishi asked David Rosenbrock to adapt the start times for each proposed hearing.

VII. Discussion and Action to Adopt the Proposed Legislative Redistricting Plan

Commissioner Nekota made a motion to adopt the Technical Committee Permitted Interaction Group's legislative redistricting plan, seconded by Commissioner Nonaka.

Commissioner Chipchase expressed that in consideration of the timeline it is appropriate to vote in favor of the proposed redistricting plan. He further noted that the decision to vote in favor of the plan does not signify an intent to ignore the concerns provided by the testifiers and clarified that the concerns would be reviewed as the process moves forward.

Commissioner Kennedy restated the sentiment made by Commissioner Chipchase.

Commissioner Nonaka further clarified that voting on the proposed redistricting plan is not an endorsement for a final plan, and that the decision to vote on a proposed redistricting plan has to occur in order to move on the next step of public hearings.

The motion was approved unanimously by the Commission.

VIII. Adjournment

Commissioner Ono made a motion to adjourn the meeting, which was seconded by Commissioner Kennedy and approved unanimously by the Commission. The meeting was adjourned at 2:40 PM.

Respectfully submitted,



SCOTT T. NAGO
Secretary to the Reapportionment Commission



MARK MUGIISHI, M.D.
CHAIR

**STATE OF HAWAII
REAPPORTIONMENT COMMISSION**

WRITTEN SUMMARY FOR VIDEO RECORD

REGULAR MEETING OF THE
REAPPORTIONMENT COMMISSION

DECEMBER 22, 2021 @ 1:00 PM

Note: The video of the meeting may be viewed on our website at <https://elections.hawaii.gov/about-us/boards-and-commissions/reapportionment/>

PROCEEDINGS

The time reference below indicates the point in the video of when the stated action begins.

I. Call to Order [1:00 PM]

The regular meeting of the Reapportionment Commission was called to order by Chair Mark Mugiishi.

II. Roll Call and Determination of a Quorum [1:00 PM]

All members of the Reapportionment Commission were present at the start of the meeting with the exception of Commissioner Chipchase.

III. Public Testimony [1:02 PM]

Public testimony was provided by Shannon Matson, Cory Harden, Danielle Bass, William Sims, Ralph Boyea, Patrice Macdonald, Kimeona Kane, Lisa Bishop, Sandy Ma, Gordon Aoyagi, Trish La Chica, Bill Hicks, Kapua Medeiros, Mary Smart, Roberta Mayor, Mariliz Reilly, Bart Dame, Liza Ryan Gill, Elise Carmody, Vanessa Distajo, Ian Ross, Nikhilananda, Brenda Wong, Andrew Salenger, Jacquelyn Benton Ching, Brett Kulbis, Becky Gardner, Kapohuolahaina Pa Moniz, Matt Prellberg, Moanikeala Nanod-Sitch, Jerry, Donald Sakamoto, and Edward Ralston.

IV. Reports by the Apportionment Advisory Councils [2:42 PM]

Chair Tony Takitani provided a report on behalf of the Maui Advisory Council.

Commissioner Kennedy reported on behalf of the Oahu Advisory Council.

Commissioner Nishimura stated that the Kauai Advisory Council submitted written testimony.

Commissioner Nonaka stated that there was no report from the Hawaii Advisory Council.

V. Approval of Minutes for the Meeting of October 28, 2021 [2:58 PM]

Commissioner Ono made a motion to approve the minutes for the meeting of October 28, 2021, which was seconded by Commissioner Kennedy and approved unanimously by the Commission, noting the excused absence of Commissioner Chipchase.

VI. Report on the Status of the Reapportionment Commission's September 2021 Request that the Military Confirm the Number of Active-Duty Sponsors with Duty Station of Hawaii but State of Legal Residence Not Hawaii by Mailing Zip and Mailing Zip Extension, and Action, If Necessary, Regarding the Permanent Resident Population Base to be Used for Legislative Reapportionment and Redistricting [3:00 PM]

VII. Presentation on the Conduct of the Public Hearings by the Reapportionment Project Office [3:25]

VIII. Presentation of Proposed Final Legislative and Congressional Reapportionment Plans by the Technical Committee Permitted Interaction Group [3:28 PM]

The members of the Technical Committee Permitted Interaction Group, Commissioner Nekota, Commissioner Nonaka, Commissioner Ono, and Commissioner Rathbun, reviewed the changes to the proposed final reapportionment plans.

IX. Adjournment [4:25 PM]

Commissioner Nishimura made a motion to adjourn the meeting, which was seconded by Commissioner Nekota and approved unanimously by the Commission, noting the excused absence of Commissioner Chipchase.



MARK MUGIISHI, M.D.
CHAIR

**STATE OF HAWAII
2021 REAPPORTIONMENT COMMISSION**

**MINUTES OF THE REGULAR MEETING OF THE
2021 REAPPORTIONMENT COMMISSION**

DECEMBER 22, 2021
1:00 PM

Pursuant to the Governor's Emergency Proclamation Related to the COVID-19 Response, dated November 29, 2021, the Reapportionment Commission will be meeting remotely using interactive conference technology. This meeting was recorded and has been posted on the Office of Elections website at elections.hawaii.gov.

Commissioners in Attendance:

Mark Mugiishi, Chair
Grant Chun
Robin Kennedy
Charlotte Nekota
Randall Nishimura
Dylan Nonaka
Diane Ono
Kevin Rathbun

Staff in Attendance:

Scott Nago
David Rosenbrock
Lori Tanigawa

Testifiers in Attendance:

Shannon Matson
Cory Harden
Danielle Bass
William Sims
Ralph Boyea
Patrice Macdonald
Kimeona Kane
Lisa Bishop
Sandy Ma
Gordon Aoyagi
Trish La Chica
Bill Hicks

Kapua Medeiros
Mary Smart
Roberta Mayor
Mariliz Reilly
Bart Dame
Liza Ryan Gill
Elise Carmody
Vanessa Distajo
Ian Ross
Nikhilananda
Brenda Wong
Andrew Salenger
Jacquelyn Benton Ching
Brett Kulbis
Becky Gardner
Kapohuolahaina Pa Moniz
Matt Prellberg
Moanikeala Nanod-Sitch
Jerry
Donald Sakamoto
Edward Ralston

PROCEEDINGS

I. Call to Order

Chair Mugiishi called the meeting to order at 1:00 PM.

II. Roll Call and Determination of Quorum

Reapportionment Commission Secretary, Scott Nago, conducted a roll call. All members of the Reapportionment Commission were present at the start of the meeting, with the exception of Commissioner Chipchase. The Commission had a quorum.

III. Public Testimony

Chair Mugiishi addressed housekeeping matters related to conducting the meeting by video and by telephone. He reminded testifiers that if technical issues arise, testifiers would be given a moment to resolve their issues. If the problems cannot be resolved, the Commission would move on to the next testifier. He asked that those wishing to testify raise their hand via the Zoom reactions feature or press *9 if joining by phone. He asked testifiers

to state their first and last names and the items they were testifying on for the record.

Shannon Matson testified, providing comments related to the proposed final reapportionment and redistricting plan for the island of Hawaii.

Cory Harden testified, providing comments about incarcerated persons, community maps and plans, and extraction of non-permanent residents.

Commissioner Kennedy asked Chair Mugiishi if Commissioners are allowed to ask questions of the testifiers. Chair Mugiishi answered that Commissioners could ask questions when the testifier has finished.

Danielle Bass testified in opposition to the proposed final reapportionment and redistricting plan for Representative District 37.

William Sims testified in opposition to the proposed final reapportionment and redistricting plan for the Hawaii Kai community on the island of Oahu.

Chair Mugiishi clarified that there would not be a vote on the proposed final reapportionment legislative and congressional plan at this meeting.

Ralph Boyea testified providing comments related to the proposed final reapportionment and redistricting plan for the island of Hawaii.

Patrice Macdonald testified providing comments related to the proposed final reapportionment and redistricting plan for the island of Hawaii.

Kimeona Kane testified providing comments related to the proposed final reapportionment and redistricting plan for the Waimanalo community on the island of Oahu.

Chair Mugiishi clarified that testimony is limited to three minutes per person.

Lisa Bishop testified in opposition to the proposed final reapportionment and redistricting plan for the island of Oahu. She noted that she believed the 11 neighborhood boards in opposition to the plan represented over 300,000 people.

Sandy Ma testified providing comments related to the proposed final reapportionment and redistricting plan.

Gordon Aoyagi testified providing comments related to the conduct of the Reapportionment Commission.

Trish La Chica testified in opposition to the proposed final reapportionment and redistricting plan for the Mililani community on the island of Oahu.

Bill Hicks testified providing comments related to the proposed final reapportionment and redistricting plan.

Commissioner Kennedy asked Chair Mugiishi if the public would be allowed to testify after each agenda item. Chair Mugiishi clarified that they would not be taking testimony after each agenda item and that this would be the appropriate time to ask questions regarding the testimony. He further clarified that the Commission would be meeting on January 3, 2022, and January 6, 2022, and the public would also be able to testify at that time.

Commissioner Kennedy asked testifier Bill Hicks if he considered the impacts of the moving district lines in his plan versus what the Commission had done as a whole. Bill Hicks answered yes and explained his proposed revisions to the Commission's proposed final reapportionment and redistricting plan maps.

Kapua Medeiros testified in opposition to the proposed final reapportionment and redistricting plan for the Waimanalo community on the island of Oahu.

Mary Smart testified in opposition to the proposed final reapportionment and redistricting plan for the Mililani community on the island of Oahu.

Roberta Mayor testified in opposition to the proposed final reapportionment and redistricting plan for the Hawaii Kai community on the island of Oahu.

Mariliz Reilly testified in opposition to the proposed final reapportionment and redistricting plan for the Hawaii Kai community on the island of Oahu.

Bart Dame testified providing comments on the extraction in non-permanent residents and the proposed final reapportionment and redistricting plan for the island of Oahu.

Chair Mugiishi stated that there would be an opportunity for the public to testify on any updated numbers from the military to extract non-permanent

residents. The testifier, Bart Dame, stated that he is skeptical as the Commission has suppressed open discussion. Chair Mugiishi restated that the Commission has repeatedly requested accurate numbers from the military source in Washington D.C. Bart Dame asked for his time to testify, and Chair Mugiishi allowed three minutes for testimony.

Liza Ryan Gill testified providing comments on the proposed final reapportionment and redistricting plan for Palehua Ridge on the island of Oahu.

Commissioner Ono asked the testifier, Liza Ryan Gill, to confirm the street name where the district line divides the community. Liza Ryan Gill clarified the street was Puumanaohua Road, formerly Camp Timberline. Commissioner Ono thanked the testifier, and Commissioner Nonaka stated that there is no population in the census block.

Elise Carmody testified providing comments on the proposed final reapportionment and redistricting plan for the Mililani community on the island of Oahu.

Vanessa Distajo testified providing comments on the proposed final reapportionment and redistricting plan.

Ian Ross testified providing comments on the proposed final reapportionment and redistricting plan for the Makiki community on the island of Oahu.

Nikhilananda testified providing comments on the proposed final reapportionment and redistricting plan for Representative District 13, including the islands of Maui, Kahoolawe, Lanai, and Molokai.

Brenda Wong testified in opposition to the proposed final reapportionment and redistricting plan for the Waimanalo community on the island of Oahu.

Andrew Salenger testified in opposition to the proposed final reapportionment and redistricting plan on the island of Oahu.

Jacquelyn Benton Ching testified providing comments related to the proposed final reapportionment and redistricting plan on the islands of Oahu and Hawaii.

Brett Kulbis testified providing comments related to the proposed final reapportionment and redistricting plan for the Ewa Beach community on the island of Oahu.

Becky Gardner testified providing comments on the extraction of the non-permanent residents, the proposed final reapportionment and redistricting plan, and the conduct of the Reapportionment Commission.

Kapohuolahaina Pa Moniz testified providing comments related to the proposed final reapportionment and redistricting plan for the Waimanalo community on the island of Oahu.

Chair Mugiishi clarified that public testimony would be accepted at the subsequent Reapportionment Commission meetings on January 3, 2022 and January 6, 2022.

Matt Prellberg testified providing comments related to the proposed final reapportionment and redistricting plan for the McCully/Moilili community on the island on Oahu and the conduct of the Reapportionment Commission.

Moanikeala Nanod-Sitch testified in opposition to the proposed final reapportionment and redistricting plan for the Waimanalo community on the island of Oahu.

Jerry testified providing comments related to the proposed final reapportionment and redistricting plan for the island of Oahu.

Donald Sakamoto testified commenting on the accessibility of the reapportionment maps.

Edward Ralston testified providing comments related to the conduct of the Reapportionment Commission meetings.

Chair Mugiishi thanked the testifiers and stated that the Commission takes public input seriously, but it may not be possible to accept all the changes.

IV. Reports by the Apportionment Advisory Councils

Chair Mugiishi explained that the Reapportionment Commission had invited each Advisory Council – Hawaii, Maui, Kauai, and Oahu, to provide feedback on the redistricting matters for each basic island unit. The Reapportionment Commission has planned to allow each Advisory Council to present at the Commission meetings.

Chair Tony Takitani provided a report on behalf of the Maui Advisory Council. Commissioner Nonaka stated that he thought the proposed final reapportionment and redistricting plan addressed the concerns for the island of Maui.

Commissioner Kennedy read a report submitted by the Oahu Advisory Council on their behalf. When asked if there were any questions, Commissioner Nonaka stated that the Hicks plans being referenced must be clarified. Commissioner Kennedy agreed and said that she thought the Oahu Advisory Council was referring to the second version of the Hicks plan.

Commissioner Nonaka stated that the confusion of the referenced public maps is a good example of the difficulties. He explained that during public testimony, he heard references to multiple iterations and that every time a concern was raised, a new public map was submitted, so it is unclear what version testifiers were referring to.

Commissioner Kennedy asked the testifier, Bill Hicks, to clarify since the majority of the testifiers are in direct contact with him. Bill Hicks explained his versions of the maps he submitted for consideration by the Commission.

Chair Mugiishi expressed that he appreciated Bill Hicks's engagement in the process. Commissioner Ono agreed with the statement by Chair Mugiishi and added that she also found it unclear which Hicks plan testifiers were referring to.

Commissioner Kennedy clarified that the Oahu Advisory Council was working with the Bill Hicks map from Friday, December 17, 2022.

Commissioner Nishimura stated that the Kauai Advisory Council submitted a written report.

Commissioner Nonaka stated that there was no report from the Hawaii Advisory Council.

Chair Mugiishi asked the Commissioners to state if two or more members attended the Apportionment Advisory Council meetings pursuant to HRS § 92-2.5(e).

Commissioner Chun stated he attended the Maui Advisory Council meetings in December.

Commissioner Kennedy stated that she attended all Apportionment Advisory Council meetings.

Commissioner Nekota stated that she did not attend any Apportionment Advisory Council meetings.

Commissioner Nishimura stated that he attended the Maui, Hawaii, and Kauai Advisory Council meetings.

Commissioner Nonaka stated that he is not sure which he attended between the public hearings and the Apportionment Advisory Council meetings.

Commissioner Ono similarly stated that she is unsure which meetings she attended but did not attend any meetings held on or after Friday, December 17, 2022.

Commissioner Rathbun stated he attended all the public meetings.

Chair Mugiishi stated that he did not attend any Apportionment Advisory Council meetings.

V. Approval of Minutes for the Meeting of October 28, 2021

Commissioner Ono made a motion to approve the minutes for the meeting of October 28, 2021, seconded by Commissioner Kennedy and approved unanimously by the Commission noting the excused absence of Commissioner Chipchase.

VI. Report on the Status of the Reapportionment Commission's September 2021 Request that the Military Confirm the Number of Active-Duty Sponsors with Duty Station of Hawaii but State of Legal Residence Not Hawaii by Mailing Zip and Mailing Zip Extension, and Action, If Necessary, Regarding the Permanent Resident Population Base to be Used for Legislative Reapportionment and Redistricting

Chair Mugiishi recalled the discussion at previous Reapportionment Commission meetings stating that the Commission received data for extracting non-permanent residents from the military from DMDC. He further noted that Commissioner Kennedy reached out to a contact at INDOPACOM for confirmation on the numbers and was given new numbers different from the initial set. He explained that the Reapportionment Project Office then reconciled the two sets of numbers, both of which came from the same database in Washington D.C. The Office continues to inquire and work with the military to resolve the issue.

Project Manager David Rosenbrock summarized that the Reapportionment Project Office is still waiting to hear from Dr. Campbell and Ann Biggers, the contacts with INDOPACOM.

Commissioner Kennedy expressed that she read the information provided by the Reapportionment Project Office, including the timeline of requests for data, and that the Commission has been proactive in trying to get the answers and supports the actions by the Reapportionment Project Office.

GIS Project Support, Royce Jones, presented the process and requests submitted related to extracting non-permanent residents from the military.

Chair Mugiishi stated that the Commission would not finalize the plan without confirmation from the military but also that the Commission would not stop. He further stated that the Commission was bound by the Supreme Court deadline.

VII. Presentation on the Conduct of the Public Hearings by the Reapportionment Project Office

Chair Mugiishi introduced Project Manager Rosenbrock and GIS Project Support Royce Jones to present on the conduct of the public hearings. David Rosenbrock summarized that 11 hearings were held for the public to comment on the proposed reapportionment and redistricting plans and that the hearings were well attended.

VIII. Presentation of Proposed Final Legislative and Congressional Reapportionment Plans by the Technical Committee Permitted Interaction Group

Chair Mugiishi introduced the Technical Committee Permitted Interaction Group.

Commissioner Nekota commented on the changes made to the Senate District reapportionment and redistricting plans which were specific to the island of Hawaii.

Commissioner Nonaka addressed the changes made to the Neighbor Island Representative District reapportionment and redistricting plans. For the island of Hawaii, he stated that one of the difficulties is the size and different and diverse communities. He explained that the Technical Committee Permitted Interaction Group's solution was to minimize drive time to traverse the district. He further explained that the population is not

evenly divided, which causes communities to be divided into multiple Representative Districts.

Related to the island of Maui, Commissioner Nonaka explained the changes that were made to address the concerns raised by the communities on Maui and the Maui Advisory Council.

Related to the island of Kauai, Commissioner Nonaka stated that there were minimal changes and that the maps are similar to those 10 years ago.

Commissioner Ono explained that she would be going over the changes to the Representative Districts on Oahu's Windward and East side. She stated that there were population changes in these areas, but the population growth on the West side of Oahu was equivalent to one Representative District. She further stated that the Technical Committee Permitted Interaction Group listened carefully to the public comments and written testimony and made their best attempts to incorporate the suggestions. She proceeded to detail the district boundaries for Representative Districts 17 to 33, and 48 to 51. During the presentation by Commissioner Ono, Commissioner Kennedy expressed a need for clarification regarding the manner in which the information was being presented. GIS Project Support Royce Jones asked Commissioner Ono if he could interject and explained to Commissioner Kennedy that he was using two sets of interactive maps to aid Commissioner Ono with her presentation. He stated that both are publicly available. One set highlighted the changes made from the proposed map to the final map. The second showed all Representative Districts in varying colors to identify the whole district.

Commissioner Kennedy asked if this would be an appropriate time for questions, and Chair Mugiishi asked that all questions be held until after Commissioner Rathbun addressed the remaining districts.

Commissioner Rathbun proceeded to detail the changes to the final reapportionment and redistricting plan for Representative Districts 34 to 47, highlighting the changes made in Ewa, Ewa Beach, Kapolei, Kalaeloa, and west of the Waianae mountain range.

Following the presentation, Chair Mugiishi reminded the Commissioners to keep in mind that there may be additional changes to consider if the extraction of non-permanent military residents is amended. He also reminded the public that the Commission would be meeting again on January 3, 2022, for an update on the extraction of non-permanent military

residents and that the meeting and vote to adopt a final plan may also change.

Commissioner Kennedy asked what the Technical Committee Permitted Interaction Group's thought process was for the areas brought up by the public testimony. She stated that the biggest voices are in Hawaii Kai, Waimanalo, and Kailua. She further explained that she had spoken with Commissioner Rathbun about the changes, and it was explained to her that changes to one district impact all others. Additionally, she noted that over 300,000 people are rallying against the present plan, in apparent reference to the previous testimony indicating that the neighborhood boards in opposition to the plan represent that amount of people, and sought a further explanation of the thought process that resulted in the present plan as opposed to the ones proposed by testifier Bill Hicks.

Commissioner Ono clarified that the Commission had heard from many areas and that the Permitted Interaction Group tried to consider all of the issues. She acknowledged that nothing is perfect and cannot make everyone happy about it. She further addressed that Commissioner Rathbun's explanation is correct and that the map was the best the Technical Committee Permitted Interaction Group came up with.

Commissioner Nekota added that the population growth was on the West side and Central Oahu, which determined how the Technical Committee Permitted Interaction Group drew the district boundaries. She acknowledged that she was not happy with the districts in the Mililani community on the island of Oahu, where she resides, but it is the best option. She further stated that she thought it would be specifically beneficial for West Oahu to increase representation to address the issues.

Commissioner Nonaka acknowledged the passionate community input and framed that 300,000 people represented approximately 30% of the population and that the Technical Committee Permitted Interaction Group also had to consider the 70% or 700,000. He expressed that changes to the plan would continue to impact other communities, as demonstrated by the multiple versions of the plans submitted by Bill Hicks.

Commissioner Kennedy further stated that the Technical Committee Permitted Interaction Group did not address concerns or changes in East Honolulu. Commissioner Nekota stated that changes were made. Commissioner Kennedy argued that Hawaii Kai and Waimanalo are separate communities with different needs. Commissioner Nonaka explained that it was Oahu-centric to think that the Neighbor Islands do not face the same issues and have accepted that there is no way to put

every community into its own district. Commissioner Kennedy further explained that this is a large voice that does not feel heard. Commissioner Nonaka stated that the same argument could be made for 25 different communities across the State.

Chair Mugiishi commented to Commissioner Kennedy, regarding Representative District 51, that this map creates synergy between the Representative and Senate District, which could be beneficial for representation within the Legislative. Commissioner Kennedy stated that no one likes the Senate District being split between Waimanalo and Hawaii Kai either. Chair Mugiishi stated that this is not the first iteration of the Senate boundary as it was put in place 20 years ago. Commissioner Kennedy stated that it was a horrible mistake and that she was just sharing. Chair Mugiishi stated that changes to the Senate District maps would also disrupt other areas.

Commissioner Nishimura expressed that the East side of Oahu has been established for a long time with stagnant population growth and that areas in West and Central Oahu need more representation. He stated that the Commission should not take care of the population on Oahu's East and Windward side at the expense of the population on the West side of Oahu. He further stated that there are snowballing impacts to take into consideration.

Commissioner Kennedy said that the Bill Hicks plan does not affect any districts on the West side. Commissioner Nonaka explained that there are multiple ways to frame the arguments, and there is no one perfect solution. Using the example of the proposed Representative District 51, he explained that Waimanalo had never been the population center; however, the proposed final reapportionment and redistricting plan makes Waimanalo the largest population within the district which could indicate that community would be better served. Commissioner Kennedy stated that his explanation has been what she was asking for in explaining the thought process of the Technical Committee Permitted Interaction Group.

Commissioner Ono further added that Waimanalo makes up 40% of proposed Representative District 51, but to redistrict Waimanalo strictly with Kailua, they would not be a majority.

Chair Mugiishi thanked the Commissioners for the discussion and acknowledged the previous statements that these district lines do not mean the communities are no longer together but instead create representation that meets the standards of the Hawaii State Constitution. He further acknowledged the testimony of the testifier from Ewa Beach,

which noted the benefits of having multiple representatives for the communities. He again reminded attendees that the Commission may receive new information from the military regarding the extraction of non-permanent residents.

Commissioner Rathbun added that all legislative seats would be up for election in 2022, and the proposed reapportionment and redistricting plan is focused on the population. He also acknowledges that the Commission listened to the public input to see how they could address all of the concerns. He identified himself as from the community of Ewa Beach and that multiple representatives worked out from them.

Commissioner Ono asked if Commissioner Chun would like to add anything. Commissioner Chun thanked the Technical Committee Permitted Interaction Group for their work and appreciation of their efforts. He acknowledged the difficulties that the Technical Committee Permitted Interaction Group faced and thanked them for the changes to the island of Maui in the proposed final reapportionment and redistricting plan.

Chair Mugiishi again reminded attendees that the Commission would be meeting on January 3, 2022, to hear testimony, but no vote would be taken on the maps. He similarly reminded attendees that they would provide an update on the status of data from the military regarding the extraction of non-permanent residents.

IX. Adjournment

Commissioner Nishimura made a motion to adjourn the meeting, which was seconded by Commissioner Nekota and approved unanimously by the Commission, noting the excused absence of Commissioner Chipchase. The meeting was adjourned at 4:26 PM.

Respectfully submitted,



SCOTT T. NAGO
Secretary to the Reapportionment Commission



MARK MUGIISHI, M.D.
CHAIR

**STATE OF HAWAII
REAPPORTIONMENT COMMISSION**

WRITTEN SUMMARY FOR VIDEO RECORD

REGULAR MEETING OF THE
REAPPORTIONMENT COMMISSION

JANUARY 3, 2022 @ 1:00 PM

Note: The video of the meeting may be viewed on our website at <https://elections.hawaii.gov/about-us/boards-and-commissions/reapportionment/>

PROCEEDINGS

The time reference below indicates the point in the video of when the stated action begins.

I. Call to Order [1:00 PM]

The regular meeting of the Reapportionment Commission was called to order by Chair Mark Mugiishi.

II. Roll Call and Determination of a Quorum [1:01 PM]

All members of the Reapportionment Commission were present at the start of the meeting with the exception of Commissioner Chun and Commissioner Rathbun.

[1:02 PM]

Commissioner Rathbun joined the meeting.

III. Public Testimony [1:04 PM]

Public testimony was provided by Mialisa Otis, Valerie Wang, Kimeona Kane, Sandy Ma, Bill Hicks, Mary Smart, Lisa Bishop, Robert Fox, Kapua Medeiros, Bart Dame, Patricia Molina, Jody Green, Kapohuolahaina Pa Moniz, Ingrid Peterson, Malia Otto, Shannon Matson, Irish Barber, Becky Gardner, Roberta Mayor, Bronson Azama, Mel Wildman,

Nikhilananda, Kukana Kama-Toth, Jenny Steele, Larry Veray, and Louisa Keawe.

IV. Reports by the Apportionment Advisory Councils [2:15 PM]

No reports were provided by the Apportionment Advisory Councils.

V. Approval of Minutes for the Meeting of December 22, 2021 [2:16 PM]

Commissioner Kennedy made a motion to approve the minutes for the meeting of December 22, 2021, which was seconded by Commissioner Ono and approved unanimously by the Commission, noting the excused absence of Commissioner Chun.

VI. Report on the Status of the Reapportionment Commission's September 2021 Request that the Military Confirm the Number of Active-Duty Sponsors with Duty Station of Hawaii but State of Legal Residence Not Hawaii by Mailing Zip and Mailing Zip Extension, and Action, If Necessary, Regarding the Permanent Resident Population Base to be Used for Legislative Reapportionment and Redistricting [2:17 PM]

[2:44 PM]

Commissioner Nekota made a motion to enter into executive session to consult with the Commission's attorney pursuant to HRS 92-2.5(a)(4), which was seconded by Commissioner Nonaka and approved unanimously by the Commission noting the excused absence of Commissioner Chun.

[4:04 PM]

Commissioner Chun joined the meeting.

[4:22 PM]

Public testimony was provided by Kapua Medeiros, Mary Smart, Mialisa Otis, Bart Dame, Brett Kulbis, Shannon Matson, Kimeona Kane, Sandy Ma, and Bill Hicks.

VII. Discussion on the Proposed Final Legislative and Congressional Reapportionment Plans [4:45 PM]

VIII. Discussion on the Senate Staggered Terms Based on the Proposed Final Legislative Reapportionment Plan [4:45 PM]

IX. Adjournment [4:45 PM]

Commissioner Nekota made a motion to adjourn the meeting, which was seconded by Commissioner Ono and approved unanimously by the Commission.



MARK MUGIISHI, M.D.
CHAIR

**STATE OF HAWAII
2021 REAPPORTIONMENT COMMISSION**

**MINUTES OF THE REGULAR MEETING OF THE
2021 REAPPORTIONMENT COMMISSION**

**JANUARY 3, 2022
1:00 PM**

Pursuant to Act 220, Session Laws of Hawaii 2021, and the Governor's Emergency Proclamation Related to the COVID-19 response, the Reapportionment Commission will be meeting remotely using interactive conference technology. This meeting was recorded and has been posted on the Office of Elections website at elections.hawaii.gov.

Commissioners in Attendance:

Mark Mugiishi, Chair
Calvert Chipchase IV
Grant Chun
Robin Kennedy
Charlotte Nekota
Randall Nishimura
Dylan Nonaka
Diane Ono
Kevin Rathbun

Staff in Attendance:

Royce Jones
Scott Nago
David Rosenbrock
Lori Tanigawa

Testifiers in Attendance:

Mialisa Otis
Valerie Wang
Kimeona Kane
Sandy Ma
Bill Hicks
Mary Smart
Lisa Bishop
Robert Fox
Kapua Medeiros
Bart Dame

Patricia Molina
Jody Green
Kapohuolahaina Pa Moniz
Ingrid Peterson
Malia Otto
Shannon Matson
Irish Barber
Becky Gardner
Roberta Mayor
Bronson Azama
Mel Wildman
Nikhilananda
Kukana Kama-Toth
Jenny Steele
Larry Veray
Louisa Keawe
Brett Kulbis

PROCEEDINGS

I. Call to Order

Chair Mugiishi called the meeting to order at 1:00 PM.

II. Roll Call and Determination of Quorum

Reapportionment Commission Secretary, Scott Nago, conducted a roll call. All members of the Reapportionment Commission were present at the start of the meeting, with the exception of Commissioner Chun and Commissioner Rathbun. The Commission had a quorum.

III. Public Testimony

Chair Mugiishi addressed housekeeping matters related to conducting the meeting by video and telephone. He reminded testifiers that if technical issues arise, testifiers would be given a moment to resolve their issues. If the problems cannot be resolved, the Commission would move on to the next testifier. He asked that those wishing to testify raise their hand via the Zoom reactions feature or press *9 if joining by phone. He asked testifiers to state their first and last names and the items they were testifying on for the record.

Chair Mugiishi also announced that public comment would be allowed after the presentation on agenda item VI, Report on the Status of the Reapportionment Commission's September 2021 Request that the Military

Confirm the Number of Active-Duty Sponsors with Duty Station of Hawaii but State of Legal Residence Not Hawaii by Mailing Zip and Mailing Zip Extension, and Action, If Necessary, Regarding the Permanent Resident Population Base to be Used for Legislative Reapportionment and Redistricting.

Mialisa Otis testified in opposition to the proposed final reapportionment and redistricting plan for Representative District 51.

Valerie Wang testified providing comments related to the proposed final reapportionment and redistricting plan for Representative District 22 and Representative District 25.

Commissioner Rathbun was acknowledged as present at 1:09 p.m.

Kimeona Kane testified in opposition to the proposed final reapportionment and redistricting plan for Representative District 51 and Senate District 25.

Sandy Ma testified in opposition to the proposed final reapportionment and redistricting plan.

Bill Hicks testified providing comments related to the proposed final reapportionment and redistricting plan and population deviations. Commissioner Kennedy asked the testifier, Bill Hicks, about the Representative Districts aligning with the Senate Districts. Bill Hicks identified where the Representative Districts do not align with the Senate Districts.

Mary Smart testified providing comments related to reapportionment and redistricting for the community of Mililani on the island of Oahu.

Lisa Bishop testified in opposition to the reapportionment and redistricting plan for the island of Oahu.

Robert Fox testified providing comments related to the requirements of redistricting and reapportionment plan and the conduct of the Reapportionment Commission.

Kapua Medeiros testified in opposition to the proposed final reapportionment and redistricting plan for the community of Waimanalo on the island of Oahu.

Bart Dame testified providing comments related to the extraction of military non-permanent residents and the proposed final redistricting and reapportionment plan.

Patricia Molina testified in opposition to the proposed final reapportionment and redistricting plan for the community of Waimanalo on the island of Oahu.

Jody Green testified in opposition to the proposed final reapportionment and redistricting plan for the community of Waimanalo on the island of Oahu.

Kapohuolahaina Pa Moniz testified providing comments related to the reapportionment and redistricting plan.

Ingrid Peterson testified in opposition to the proposed final reapportionment and redistricting plan for Representative District 51 and the conduct of the Reapportionment Commission.

Malia Otto testified in opposition to the proposed final reapportionment and redistricting plan for the community of Waimanalo on the island of Oahu.

Shannon Matson testified providing comments related to the extraction of non-permanent residents.

Irish Barber testified in opposition to the proposed final reapportionment and redistricting plan.

Becky Gardner testified providing comments related to the extraction of non-permanent residents and the conduct of the Reapportionment Commission.

Roberta Mayor testified in opposition to the proposed final reapportionment and redistricting plan.

Bronson Azama testified in opposition to the proposed final reapportionment and redistricting plan for Representative District 51.

Mel Wildman testified in opposition to the proposed final reapportionment and redistricting plan for the community of Waimanalo on the island of Oahu.

Nikhilananda testified in opposition to the proposed final reapportionment and redistricting plan for the islands of Maui, Kahoolawe, Lanai, and Molokai.

Kukana Kama-Toth testified in opposition to the proposed final reapportionment and redistricting plan for the community of Waimanalo on the island of Oahu.

Jenny Steele testified in opposition to the proposed final reapportionment and redistricting plan for the community of Waimanalo on the island of Oahu.

Larry Veray testified in opposition to the proposed final reapportionment and redistricting plan for the community of Pearl City on the island of Oahu.

Louisa Keawe testified in opposition to the proposed final reapportionment and redistricting plan for Representative District 51.

Chair Mugiishi thanked the testifiers and reiterated that the Commission would take public testimony after agenda item VI, related to the extraction of non-permanent residents based on data provided by the military (DMDC).

IV. Reports by the Apportionment Advisory Councils

Chair Mugiishi explained that the Reapportionment Commission had invited each Advisory Council – Hawaii, Maui, Kauai, and Oahu, to provide feedback on the redistricting matters for each basic island unit. The Reapportionment Commission has planned to allow each Advisory Council to present at the Commission meetings. No Apportionment Advisory Council provided a report.

Chair Mugiishi asked the Commissioners to state if two or more members attended the Apportionment Advisory Council meetings pursuant to HRS § 92-2.5(e) since December 22, 2021. No Commissioners had attended any meetings by an Apportionment Advisory Council.

V. Approval of Minutes for the Meeting of December 22, 2021

Commissioner Kennedy made a motion to approve the minutes for the meeting of December 22, 2021, which was seconded by Commissioner Ono and approved unanimously by the Commission, noting the excused absence of Commissioner Chun.

VI. Report on the Status of the Reapportionment Commission's September 2021 Request that the Military Confirm the Number of Active-Duty Sponsors with Duty Station of Hawaii but State of Legal Residence Not Hawaii by Mailing Zip and Mailing Zip Extension, and Action, If Necessary, Regarding the Permanent Resident Population Base to be Used for Legislative Reapportionment and Redistricting

Chair Mugiishi summarized that the Commission asked the military to confirm the number of active-duty sponsors with duty station of Hawaii but state of legal residents not Hawaii by mailing zip and mailing zip extension to be used for legislative reapportionment and redistricting. He explained that the Commission received and adopted an extraction of non-permanent residents, then Commissioner Kennedy requested a second set of data from the same source. He further stated that the Commission sought clarification on the difference between the two data sets it received. He also thanked Senator Hirono and Senator Schatz for their assistance with getting clarification on the data sets from the military (DMDC).

Project Manager David Rosenbrock, and GIS Project Support, Royce Jones, presented data received on December 31, 2021 from the military (DMDC) and the staff's proposed extraction of non-permanent residents for purposes of reapportionment and redistricting.

Commissioner Nonaka asked for clarification that the military (DMDC) cannot confirm that the people identified for extraction were present in Hawaii on Census Day, April 1, 2020. GIS Project Support, Royce Jones, confirmed that they do not know or have enough information to determine that as the two data sets, Census and DMDC, are not connected.

Chair Mugiishi suggested that the Commission convene in Executive Session to consult with its attorney for agenda item VI pursuant to HRS §92-2.5(a)(4). Commissioner Nekota made a motion to enter into executive session, which was seconded by Commissioner Nonaka and approved unanimously by the Commission, noting the excused absence of Commissioner Chun.

The Commission went into Executive Session at 2:45 p.m. and returned to regular session at 4:19 p.m.

Commissioner Chun was acknowledged as present at 4:20 p.m.

Chair Mugiishi summarized that the Commission discussed the accuracy of the two data sets and extraction of more people than identified by the

Census block, but that it was pending staff's further review and legal analysis. He announced that the Commission would meet on January 6, 2022, to take up further consideration of these issues.

Chair Mugiishi stated that the Commission would allow the public to comment after the presentation by GIS Project Support, Royce Jones regarding agenda item VI.

Kapua Medeiros testified providing comments related to non-permanent residents in the community of Waimanalo on the island of Oahu.

Mary Smart testified in objection to the process of extracting non-permanent residents.

Mialisa Otis testified providing comments related to the extraction of military non-permanent residents who live off-base.

Bart Dame testified providing comments related to the extraction of military non-permanent residents and the timeline to revise the plan.

Brett Kulbis testified in opposition to the extraction of military non-permanent residents.

Shannon Matson testified in support of the extraction of military non-permanent residents.

Kimeona Kane testified providing comments related to the work of the Reapportionment Project Office to receive the data on non-permanent residents.

Sandy Ma testified providing comments on the process followed by the Reapportionment Commission to enter executive session.

Bill Hicks testified providing comments related to the work of the Reapportionment Project Office to receive the data on non-permanent residents.

Chair Mugiishi asked Secretary Scott Nago to speak as the Chief Election Officer on the impacts of delays with the reapportionment and redistricting plan on the conduct of the 2022 Elections. Chief Election Officer Scott Nago explained that the final reapportionment and redistricting plan are used to draw precinct lines, assign and notify voters resulting in list maintenance, and candidate filing. Scott Nago additionally laid out a timeline asking the Commission to file its final reapportionment and redistricting plan by the end of January 2022, as it has historically taken

about one month to draw the precinct lines in advance of the statutory requirement to open candidate filing on March 1 and the mailing of notification cards to voters which has previously started at the end of February.

VII. Discussion on the Proposed Final Legislative and Congressional Reapportionment Plans

Chair Mugiishi stated that since the Commission did not take action on agenda item VI regarding the extraction of military non-permanent residents, they would not discuss the proposed final legislative and congressional reapportionment plans.

VIII. Discussion on the Senate Staggered Terms Based on the Proposed Final Legislative Reapportionment Plan

Chair Mugiishi stated that since the Commission did not take action on agenda item VI regarding the extraction of military non-permanent residents, they would not discuss the senate staggered terms based on the proposed final legislative and congressional reapportionment plans.

IX. Adjournment

Commissioner Nekota made a motion to adjourn the meeting, which was seconded by Commissioner Ono and approved unanimously by the Commission. The meeting was adjourned at 4:46 p.m.

Respectfully submitted,



SCOTT T. NAGO
Secretary to the Reapportionment Commission



MARK MUGIISHI, M.D.
CHAIR

**STATE OF HAWAII
REAPPORTIONMENT COMMISSION**

WRITTEN SUMMARY FOR VIDEO RECORD

REGULAR MEETING OF THE
REAPPORTIONMENT COMMISSION

JANUARY 6, 2022 @ 10:00 AM

Note: The video of the meeting may be viewed on our website at <https://elections.hawaii.gov/about-us/boards-and-commissions/reapportionment/>

PROCEEDINGS

The time reference below indicates the point in the video of when the stated action begins.

I. Call to Order [10:00 AM]

The regular meeting of the Reapportionment Commission was called to order by Chair Mark Mugiishi.

II. Roll Call and Determination of a Quorum [10:01 AM]

All members of the Reapportionment Commission were present at the start of the meeting with the exception of Commissioner Chipchase.

III. Public Testimony [10:03 AM]

Public testimony was provided by Kimeona Kane, Mialisa Otis, Bill Hicks, Kainoa Kaumeheiwa-Rego, Ralph Boyea, Lisa Bishop, Mary Smart, Bart Dame, Laura Safranski, Ted Ralston, Brett Kulbis, Sumner La Croix, Becky Gardner, Kapua Medeiros, Ingrid Peterson, Kapohuolahaina Pa Moniz, Louisa Keawe, and Mel Wildman.

[10:39 AM]

Commissioner Chipchase was acknowledged as present.

IV. Reports by the Apportionment Advisory Councils [10:51 AM]

No reports were provided by the Apportionment Advisory Councils.

V. Approval of Minutes for the Meeting of January 3, 2021 [10:52 AM]

Chair Mugiishi clarified that the Commission is seeking to approve the minutes for the meeting of January 3, 2022.

Commissioner Rathbun made a motion to approve the minutes for the meeting of January 3, 2022, which was seconded by Commissioner Nishimura and approved unanimously by the Commission.

VI. Report on the Status of the Reapportionment Commission's September 2021 Request that the Military Confirm the Number of Active-Duty Sponsors with Duty Station of Hawaii but State of Legal Residence Not Hawaii by Mailing Zip and Mailing Zip Extension, and Action, If Necessary, Regarding the Permanent Resident Population Base to be Used for Legislative Reapportionment and Redistricting [10:53 AM]

[10:54 AM]

Chair Mugiishi asked Project Manager David Rosenbrock and GIS Project Support Royce Jones to provide an update on the Hawaii Permanent Resident Population Base.

[11:34 AM]

Commissioner Nekota made a motion to enter into executive session to consult with the Commission's attorney pursuant to HRS 92-2.5(a)(4), which was seconded by Commissioner Ono and approved unanimously by the Commission.

[12:21 PM]

Commissioner Chipchase was acknowledged as having left the meeting.

[1:50 PM]

Public testimony was provided by Ralph Boyea, Meizhu Lui, Sumner La Croix, Kimeona Kane, Becky Gardner, Mary Smart, Amy Monk, Bill Hicks, Ingrid Peterson, Shannon Matson, Bart Dame, and Barbara Dalton.

[2:31 PM]

Commissioner Chun made a motion to adopt the Hawaii Statewide Population Base as presented by the staff for legislative apportionment and redistricting, which was seconded by Commissioner Nishimura, and approved unanimously by the Commission, noting the excused absence of Commissioner Chipchase.

VII. Discussion on the Proposed Final Legislative and Congressional Reapportionment Plans [2:33 PM]

Commissioner Kennedy made a motion to direct the Technical Committee Permitted Interaction Group to modify the proposed final legislative plans based on the revised permanent resident population base, which was seconded by Commissioner Nekota, and approved unanimously by the Commission, noting the excused absence of Commissioner Chipchase.

VIII. Adjournment [2:46 PM]

Commissioner Ono made a motion to adjourn the meeting, which was seconded by Commissioner Nekota and approved unanimously by the Commission, noting the excused absence of Commissioner Chipchase.



MARK MUGIISHI, M.D.
CHAIR

**STATE OF HAWAII
2021 REAPPORTIONMENT COMMISSION**

**MINUTES OF THE REGULAR MEETING OF THE
2021 REAPPORTIONMENT COMMISSION**

**JANUARY 6, 2022
10:00 AM**

Pursuant to Act 220, Session Laws of Hawaii 2021, and the Governor's Emergency Proclamation Related to the COVID-19 response, the Reapportionment Commission will be meeting remotely using interactive conference technology. This meeting was recorded and has been posted on the Office of Elections website at elections.hawaii.gov.

Commissioners in Attendance:

Mark Mugiishi, Chair
Calvert Chipchase IV
Grant Chun
Robin Kennedy
Charlotte Nekota
Randall Nishimura
Dylan Nonaka
Diane Ono
Kevin Rathbun

Staff in Attendance:

Royce Jones
David Rosenbrock
Lori Tanigawa
Aulii Tenn

Testifiers in Attendance:

Kimeona Kane
Mialisa Otis
Bill Hicks
Kainoa Kaumeheiwa-Rego
Ralph Boyea
Lisa Bishop
Mary Smart
Bart Dame
Laura Safranski
Ted Ralston

Brett Kulbis
Sumner La Croix
Becky Gardner
Kapua Medeiros
Ingrid Peterson
Kapohuolahaina Pa Moniz
Louisa Keawe
Mel Wildman
Meizhu Lui
Amy Monk
Shannon Matson
Barbara Dalton

PROCEEDINGS

I. Call to Order

Chair Mugiishi called the meeting to order at 10:00 a.m.

II. Roll Call and Determination of Quorum

OE Staff Member Aulii Tenn filled in for Reapportionment Commission Secretary, Scott Nago, and conducted a roll call. All members of the Reapportionment Commission were present at the start of the meeting, with the exception of Commissioner Chipchase. The Commission had a quorum.

III. Public Testimony

Chair Mugiishi addressed housekeeping matters related to conducting the meeting by video and telephone. He reminded testifiers that if technical issues arise, testifiers would be given a moment to resolve their issues. If the problems cannot be resolved, the Commission would move on to the next testifier. He asked that those wishing to testify raise their hand via the Zoom reactions feature or press *9 if joining by phone. He asked testifiers to state their first and last names and the items they were testifying on for the record.

Kimeona Kane testified in opposition to the proposed final reapportionment and redistricting plan for Representative District 51 and Senate District 25.

Mialisa Otis testified in opposition to the proposed final reapportionment and redistricting plan for Representative District 51.

Bill Hicks testified providing comments related to the proposed final reapportionment and redistricting plan and population deviations.

Kainoa Kaumeheiwa-Rego testified regarding incarcerated individuals being counted at their home addresses and transparency.

Ralph Boyea testified regarding the new extraction numbers and in opposition to the proposed final reapportionment and redistricting plan.

Lisa Bishop testified in opposition to the reapportionment and redistricting plan for the island of Oahu.

Mary Smart testified in opposition to the reapportionment and redistricting plan for the community of Mililani on the island of Oahu.

Bart Dame testified providing comments related to the extraction of military non-permanent residents and the proposed final redistricting and reapportionment plan.

Laura Safranski testified in opposition to the proposed final reapportionment and redistricting plan for the community of Waimanalo on the island of Oahu.

Ted Ralston testified in opposition to the proposed final reapportionment and redistricting plan for the community of Waimanalo on the island of Oahu.

Brett Kulbis testified in opposition to the extraction of military non-permanent residents.

Sumner La Croix testified regarding the extraction of military non-permanent residents and college students.

Becky Gardner testified providing comments regarding the work of the Neighborhood Boards.

Commissioner Chipchase was acknowledged as present at 10:39 a.m.

Kapua Medeiros testified in opposition to the proposed final reapportionment and redistricting plan for the community of Waimanalo on the island of Oahu.

Ingrid Peterson testified in opposition to the proposed final reapportionment and redistricting plan for Representative District 51.

Kapohuolahaina Pa Moniz testified providing comments related to the reapportionment and redistricting plan and the extraction of military non-permanent residents.

Louisa Keawe testified in opposition to the proposed final reapportionment and redistricting plan for the community of Waimanalo on the island of Oahu.

Mel Wildman testified in opposition to the laws regarding reapportionment and redistricting.

IV. Reports by the Apportionment Advisory Councils

Chair Mugiishi explained that the Reapportionment Commission had invited each Advisory Council – Hawaii, Maui, Kauai, and Oahu, to provide feedback on the redistricting matters for each basic island unit. The Reapportionment Commission has planned to allow each Advisory Council to present at the Commission meetings. No Apportionment Advisory Council provided a report.

Chair Mugiishi stated that no Apportionment Advisory Council had met since the last meeting of the Reapportionment Commission on January 3, 2022.

V. Approval of Minutes for the Meeting of January 3, 2021

Chair Mugiishi clarified that the Commission is seeking to approve the minutes for the meeting of January 3, 2022.

Commissioner Rathbun made a motion to approve the minutes for the meeting of January 3, 2022, which was seconded by Commissioner Nishimura and approved unanimously by the Commission.

VI. Report on the Status of the Reapportionment Commission's September 2021 Request that the Military Confirm the Number of Active-Duty Sponsors with Duty Station of Hawaii but State of Legal Residence Not Hawaii by Mailing Zip and Mailing Zip Extension, and Action, If Necessary, Regarding the Permanent Resident Population Base to be Used for Legislative Reapportionment and Redistricting

Chair Mugiishi asked Project Manager David Rosenbrock and GIS Project Support Royce Jones to provide an update on the Hawaii Permanent Resident Population Base.

Following the presentation, Chair Mugiishi suggested that the Commission convene in Executive Session to consult with its attorney for agenda item VI pursuant to HRS §92-2.5(a)(4). Commissioner Nekota made a motion to enter into executive session to consult with the Commission's attorney pursuant to HRS 92-2.5(a)(4), which was seconded by Commissioner Ono and approved unanimously by the Commission.

The Commission went into Executive Session at 11:34 a.m. and returned to regular session at 1:48 p.m.

Commissioner Chipchase was acknowledged as having left the meeting at 12:21 p.m.

Ralph Boyea testified in support of the eight House seats for Hawaii Island.

Meizhu Lui testified in support of the eight House seats for Hawaii Island.

Sumner La Croix testified providing comments related to the methodology used to determine extraction numbers.

Kimeona Kane testified in support of adjusting extraction numbers and expressed the need to modify maps.

Becky Gardner testified providing comments regarding GIS Project Support Royce Jones' presentation, the reapportionment and redistricting process, and the extraction of military non-permanent residents.

Mary Smart testified providing comments regarding the extraction of military non-permanent residents.

Amy Monk testified regarding the Congressional District lines.

Bill Hicks testified providing comments regarding GIS Project Support Royce Jones' presentation, the proposed final reapportionment and redistricting plan, and the Congressional District lines.

Ingrid Peterson testified in support of the eight House seats for Hawaii Island and provided comments regarding the extraction process.

Shannon Matson testified providing comments regarding the proposed final reapportionment and redistricting plan.

disenfranchising somebody or remove a permanent reside, but another way to complete this mandate is unclear.

Commissioner Nonaka stated that he would be voting yes on the motion against his personal philosophy and principles. He explained that the data received from the military does not indicate the permanent or non-permanent status of a resident or if they were counted by the Census, showing that it is an extremely imperfect process. He noted that this motion is the most practical approach for the Commission to move forward. He further explained that the definition of non-permanent resident is unclear and the criteria is arbitrary.

Commissioner Rathbun thanked the Reapportionment Project Office for their work and noted he would be voting yes with reservations. He explained that he personally felt that if a person is in the State, they should be counted as is done in other States.

Commissioner Ono also noted that she would be voting yes with reservations as she does not feel assured that there was not an over extraction of non-permanent residents. She added that she did not think that the Commission would receive better data to evaluate and would be voting yes with very strong reservations to move the process forward.

The motion was approved unanimously by the Commission, noting the excused absence of Commissioner Chipchase.

VII. Discussion on the Proposed Final Legislative and Congressional Reapportionment Plans

Chair Mugiishi recommended that the Commission asked the Technical Committee Permitted Interaction Group to modify the proposed final legislative reapportionment plans for Hawaii and Oahu based on the revised permanent resident population base.

Commissioner Kennedy made a motion to direct the technical committee to modify the proposed final legislative plans based for Hawaii and Oahu on the revised permanent resident population base. Before seconding the motion, Commissioner Nishimura sought to clarification as to whether the scope of the motion should be expanded to all islands. GIS Project Support Royce Jones answered that the population deviations were within the acceptable range, so it would be unlikely that the Commission would need to redraw the boundaries for the County of Maui or the County of Kauai.

During the discussion on the motion, Commissioner Nishimura reiterated his concern regarding issues that may arise with the population deviation or public comment. Commissioner Ono agreed that the Technical Committee Permitted Interaction Group would focus on Hawaii and Oahu, but it would be beneficial to also be able to tweak the County of Maui or the County of Kauai if necessary. Commissioner Kennedy agreed with Commissioner Ono.

Commissioner Rathbun emphasized the need for the Commission to include public comment including from the Apportionment Advisory Councils. Chair Mugiishi expressed that he thought it would be important for the Technical Committee Permitted Interaction Group to make their proposed maps available for the public to use to make adjustments and comment on.

Following the discussion, Commissioner Nishimura withdrew his second.

Commissioner Kennedy made a motion to direct the technical committee to modify the proposed final legislative plans based statewide based on the revised permanent resident population base, which was seconded by Commissioner Nekota, and approved unanimously by the Commission, noting the excused absence of Commissioner Chipchase.

Chair Mugiishi announced that the Reapportionment Project Office would update the Hawaii Redistricting Online application with the revised resident population base. The Technical Committee Permitted Interaction Group and the public would be able to use the application to modify the maps. He explained that the Commission would meet for the Technical Committee Permitted Interaction Group to present and have meetings for public input.

VIII. Adjournment

Commissioner Ono made a motion to adjourn the meeting, which was seconded by Commissioner Nekota and approved unanimously by the Commission, noting the excused absence of Commissioner Chipchase. The meeting was adjourned at 2:46 p.m.

Respectfully submitted,



SCOTT T. NAGO
Secretary to the Reapportionment Commission



MARK MUGIISHI, M.D.
CHAIR

**STATE OF HAWAII
REAPPORTIONMENT COMMISSION**

WRITTEN SUMMARY FOR VIDEO RECORD

REGULAR MEETING OF THE
REAPPORTIONMENT COMMISSION

JANUARY 13, 2022 @ 1:00 PM

Note: The video of the meeting may be viewed on our website at <https://elections.hawaii.gov/about-us/boards-and-commissions/reapportionment/>

PROCEEDINGS

The time reference below indicates the point in the video of when the stated action begins.

I. Call to Order [1:00 PM]

The regular meeting of the Reapportionment Commission was called to order by Chair Mark Mugiishi.

II. Roll Call and Determination of a Quorum [1:01 PM]

All members of the Reapportionment Commission were present at the start of the meeting with the exception of Commissioner Chipchase.

[1:03 PM]

Commissioner Chipchase was acknowledged as present.

III. Reports by the Apportionment Advisory Councils [1:03 PM]

No reports were provided by the Apportionment Advisory Councils.

IV. Approval of Minutes for the Meeting of January 6, 2022 [1:04 PM]

Commissioner Nekota made a motion to approve the minutes for the

meeting of January 6, 2022, which was seconded by Commissioner Ono and approved unanimously by the Commission.

V. Presentation of Modified Proposed Final Legislative and Congressional Reapportionment Plans by the Technical Committee Permitted Interaction Group [1:05 PM]

[1:33 PM]

Public testimony was provided by Bill Hicks, Mialisa Otis, Jeanné Kapela, Kimeona Kane, Ralph Boyea, Kapua Medeiros, Jeannine Johnson, Kainoa Kaumeheiwa-Rego, Mary Smart, Cory Harden, Trish La Chica, Larry Veray, Bart Dame, Lisa Bishop, Brenda Wong, Shannon Matson, May Mizuno, Ian Ross, Phil Barnes, Ariel Murphy, Roberta Mayor, Mary Marvin Porter, John Olsen, Kapohuolahaina Pa Moniz, Winston Welch, Becky Gardner, Louisa Keawe, and Claire Tamamoto.

VI. Adjournment [2:56 PM]

Commissioner Nekota made a motion to adjourn the meeting, which was seconded by Commissioner Kennedy and approved unanimously by the Commission.



MARK MUGIISHI, M.D.
CHAIR

**STATE OF HAWAII
2021 REAPPORTIONMENT COMMISSION**

**MINUTES OF THE REGULAR MEETING OF THE
2021 REAPPORTIONMENT COMMISSION**

**JANUARY 13, 2022
1:00 PM**

Pursuant to Act 220, Session Laws of Hawaii 2021, and the Governor's Emergency Proclamation Related to the COVID-19 response, the Reapportionment Commission will be meeting remotely using interactive conference technology. This meeting was recorded and has been posted on the Office of Elections website at elections.hawaii.gov.

Commissioners in Attendance:

Mark Mugiishi, Chair
Calvert Chipchase IV
Grant Chun
Robin Kennedy
Charlotte Nekota
Randall Nishimura
Dylan Nonaka
Diane Ono
Kevin Rathbun

Staff in Attendance:

Royce Jones
Scott Nago
David Rosenbrock
Lori Tanigawa

Testifiers in Attendance:

Bill Hicks
Mialisa Otis
Jeanné Kapela
Kimeona Kane
Ralph Boyea
Kapua Medeiros
Jeannine Johnson
Kainoa Kaumeheiwa-Rego
Mary Smart
Cory Harden

Trish La Chica
Larry Veray
Bart Dame
Lisa Bishop
Brenda Wong
Shannon Matson
May Mizuno
Ian Ross
Phil Barnes
Ariel Murphy
Roberta Mayor
Mary Marvin Porter
Jon Olson
Kapohuolahaina Pa Moniz
Winston Welch
Becky Gardner
Louisa Keawe
Claire Tamamoto

PROCEEDINGS

I. Call to Order

Chair Mugiishi called the meeting to order at 1:00 p.m.

II. Roll Call and Determination of Quorum

Reapportionment Commission Secretary, Scott Nago, conducted a roll call. All members of the Reapportionment Commission were present at the start of the meeting, with the exception of Commissioner Chipchase. The Commission had a quorum.

Commissioner Chipchase was acknowledged as present at 1:03 p.m.

III. Reports by the Apportionment Advisory Councils

Chair Mugiishi explained that the Reapportionment Commission had invited each Advisory Council – Hawaii, Maui, Kauai, and Oahu, to provide feedback on the redistricting matters for each basic island unit. The Reapportionment Commission has planned to allow each Advisory Council to present at the Commission meetings. No Apportionment Advisory Council provided a report.

Chair Mugiishi stated that no Apportionment Advisory Council had met since the last meeting of the Reapportionment Commission on January 6, 2022.

IV. Approval of Minutes for the Meeting of January 6, 2022

Commissioner Nekota made a motion to approve the minutes for the meeting of January 6, 2022, which was seconded by Commissioner Ono and approved unanimously by the Commission.

V. Presentation of Modified Proposed Final Legislative and Congressional Reapportionment Plans by the Technical Committee Permitted Interaction Group

Chair Mugiishi announced that the Technical Committee Permitted Interaction Group would be presenting its findings and recommendations regarding the Legislative Redistricting Plans it developed. He stated a reminder that no action could be taken today as HRS §92-2.5 requires that any deliberation and decision making may only occur at a meeting subsequent to the one in which the findings and recommendations of the permitted interaction group were made.

He thanked the Commissioners on the Technical Committee Permitted Interaction Group, namely, Commissioner Nekota, Commissioner Nonaka, Commissioner Ono, and Commissioner Rathbun, as well as the Reapportionment Project Office staff for their work to redraw the Representative and Senate District boundaries.

Project Manager David Rosenbrock stated the modified proposed plan has been redrawn using the resident population base adopted by the Commission on January 6, 2022. GIS Project Support presented the impacts to apportionment based on the resident population base that the Commission adopted and the new deviations in population for each basic island unit for the modified plan.

The Technical Committee Permitted Interaction Group presented the changes to the Representative and Senate District electoral boundaries. GIS Project Support assisted by displaying the interactive maps.

Commissioner Nekota thanked the Commissioners on the Technical Committee Permitted Interaction Group and the Reapportionment Project Office for their work. She also acknowledged the population growth on Oahu was on the west and central parts of the island.

Commissioner Nonaka started by explained the modified proposed maps for Hawaii Island. He stated that there were no changes to the Senate Districts and proceeded to explain the changes related to adding an eighth Representative District for Hawaii Island based on the revised apportionment. For Hawaii Island, Commissioner Nonaka noted the geographical challenges and noted that the districts should be connected by roads. He similarly noted, that when dividing districts, the Technical Committee Permitted Interaction Group used main roads instead of smaller surface streets to avoid directly dividing neighborhoods.

For the basic island units of Maui and Kauai, Commissioner Nonaka explained that there were no changes, and the revised resident population base did not impact those Counties.

Commissioner Nonaka continued to the island of Oahu to explain the changes to the Senate District boundaries. He described that based on the population in Central Oahu and the extraction of non-permanent residents from the military impacted the Senate Districts from the North Shore around to East Honolulu. He further explained while it is possible to reduce the population deviations for districts to zero, there are instances when dividing a neighborhood for this purpose is not practicable or ideal.

Commissioner Kennedy asked Chair Mugiishi if the testifiers would be allowed to modify their comments based on the presentation by the Technical Committee Permitted Interaction Group, he said yes.

Commissioner Nonaka began to explain the changes to the Oahu Representative District boundaries for the East and Central parts of the island. He noted that there were negative deviations on the East side of the island to minimize the district changes for residents of those areas.

Commissioner Rathbun proceeded to explain the changes to the West Oahu Representative District boundaries.

Commissioner Ono acknowledged that population on Oahu had shifted to the West side of the island and the impacts of the revised population base. She also acknowledged all of the public testimony received and thanked everyone for participating. For the area of Honolulu on Oahu, she highlighted that the community of Manoa was kept together as well as the community of McCully-Moiliili. She also emphasized the comments made by Commissioner Nonaka that there are sacrifices to reducing the population deviations to zero which are not always better for the community.

Commissioner Nonaka commented regarding the drawing the Senate and Representative Districts wholly into a Congressional District and likewise Representative Districts wholly into Senate Districts is not always practical. He specified that the Congressional District boundaries use the total Census population base, and non-permanent residents are not extracted. He explained while the Technical Committee Permitted Interaction Group is aware of this provision, it is not always practicable.

Chair Mugiishi again thanked the Technical Committee Permitted Interaction Group and announced they would now move on to public testimony. He addressed housekeeping matters related to conducting the meeting by video and telephone. He reminded testifiers that if technical issues arise, testifiers would be given a moment to resolve their issues. If the problems cannot be resolved, the Commission would move on to the next testifier. He asked that those wishing to testify raise their hand via the Zoom reactions feature or press *9 if joining by phone. He asked testifiers to state their first and last names and the items they were testifying on for the record.

Chair Mugiishi announced that there would be three Commission meetings next week to hear public testimony.

Bill Hicks testified providing comments related to the reapportionment and redistricting plan that he submitted for consideration.

Mialisa Otis testified in opposition to the modified proposed reapportionment and redistricting plan for Senate District 25.

Jeanné Kapela testified in opposition to the modified proposed reapportionment and redistricting plan for Representative District 5.

Kimeona Kane testified acknowledging the changes made for Representative District 51 and asked the Commission to consider using Makapuu Point as the start of Senate District 25.

Ralph Boyea testified providing comments related to the reapportionment and redistricting plan that he submitted for consideration.

Kapua Medeiros testified acknowledging the changes made for Representative District 51 and asked the Commission to consider using Makapuu Point as the start of Senate District 25.

Jeannine Johnson testified providing comments related to the modified proposed reapportionment and redistricting plan for the community of Niu Valley on the island of Oahu.

Kainoa Kaumeheiwa-Rego testified providing comments related to the modified proposed reapportionment and redistricting plans and incarcerated persons.

Mary Smart testified providing comments related to the modified proposed reapportionment and redistricting plans for the community of Mililani on the island of Oahu.

Cory Harden testified in support of the reapportionment and redistricting plan submitted by Ralph Boyea and incarcerated persons.

Trish La Chica testified providing comments related to the modified proposed reapportionment and redistricting plans for the community of Mililani on the island of Oahu.

Larry Veray testified in opposition to the modified proposed reapportionment and redistricting plans for the Senate District of the community of Pearl City on the island of Oahu.

Bart Dame testified providing comments related to the modified proposed reapportionment and redistricting plans.

Lisa Bishop testified in opposition to the Senate modified proposed reapportionment and redistricting plans.

Brenda Wong testified providing comments related to the modified proposed reapportionment and redistricting plans for the community of Waimanalo on the island of Oahu.

Shannon Matson testified in opposition to the modified proposed reapportionment and redistricting plans for the island of Hawaii and conduct of public meetings.

May Mizuno testified in support of the modified proposed reapportionment and redistricting plans for the community of Kalihi on the island of Oahu.

Ian Ross testified in opposition to the modified proposed reapportionment and redistricting plans for the communities of Papakolea and Makiki on the island of Oahu.

Phil Barnes testified in support of the reapportionment and redistricting plan submitted by Ralph Boyea.

Ariel Murphy testified in support of the reapportionment and redistricting plan submitted by Ralph Boyea.

Roberta Mayor testified providing comments related to the modified proposed reapportionment and redistricting plans for Representative District 51 and Senate District 25.

Mary Marvin Porter testified in support of the reapportionment and redistricting plan submitted by Ralph Boyea.

Jon Olson testified in support of the reapportionment and redistricting plan submitted by Ralph Boyea.

Kapohuolahaina Pa Moniz testified providing comments related to the modified proposed reapportionment and redistricting plans for the community of Waimanalo on the island of Oahu.

Winston Welch testified in support of the reapportionment and redistricting plan submitted by Bill Hicks.

Becky Gardner testified providing comments related to the laws governing reapportionment, extraction of non-permanent residents, and the modified proposed reapportionment and redistricting plans.

Louisa Keawe testified providing comments related to the modified proposed reapportionment and redistricting plans for the community of Waimanalo on the island of Oahu.

Claire Tamamoto testified in support of the modified proposed reapportionment and redistricting plans for the community of Aiea on the island of Oahu.

Chair Mugiishi acknowledged the testimony and that the Commission would consider it for its decision-making. He also recognized a question by Commissioner Kennedy to the Technical Committee Permitted Interaction Group. Commissioner Kennedy asked for clarification regarding the Representative Districts fitting wholly into Senate Districts. Commissioner Nekota stated that her experience with her Senator and the comments made by testifier Claire Tamamoto that we are one community, and the Senators and Representatives work collaboratively regardless of the district boundaries.

Commissioner Nonaka commented that the parameters of constitution were applied as practicable to the modified proposed reapportionment and redistricting plan. He further emphasized that no plan, either submitted by individuals or the Technical Committee Permitted Interaction Group, would be perfect. He also noted that to fit Representative Districts wholly into Senate Districts would greatly impact residents and the historic district boundaries that have been in place for decades. He stated that communities in that sense to be taken into account and that such changes to fit Representative Districts into Senate Districts would be arbitrary.

Chair Mugiishi explained that the Commission does consider and apply the constitutional guidelines, and again noted his gratitude towards the Technical Committee Permitted Interaction Group.

Commissioner Chun commented on the shifts in population on the island of Maui. He noted that the comments and adaptation related to drawing the Representative Districts into the Senate Districts for Maui would not be feasible or practicable based on the public testimony and comments that were provided. He noted that the Technical Committee Permitted Interaction Group had previously adapted its plans in consideration of the testimony received during the public hearings.

Commissioner Nishimura commended the Technical Committee Permitted Interaction Group for considering the comments made by the public throughout this process.

Chair Mugiishi announced that there would be several meetings during the week of January 18 for the public to provide testimony on the modified proposed reapportionment and redistricting plans.

VI. Adjournment

Commissioner Nekota made a motion to adjourn the meeting, which was seconded by Commissioner Kennedy and approved unanimously by the Commission. The meeting was adjourned at 2:57 p.m.

Respectfully submitted,



SCOTT T. NAGO
Secretary to the Reapportionment Commission



MARK MUGIISHI, M.D.
CHAIR

**STATE OF HAWAII
REAPPORTIONMENT COMMISSION**

WRITTEN SUMMARY FOR VIDEO RECORD

REGULAR MEETING OF THE
REAPPORTIONMENT COMMISSION

JANUARY 20, 2022 @ 2:00 PM

Note: The video of the meeting may be viewed on our website at <https://elections.hawaii.gov/about-us/boards-and-commissions/reapportionment/>

PROCEEDINGS

The time reference below indicates the point in the video of when the stated action begins.

I. Call to Order [2:00 PM]

The regular meeting of the Reapportionment Commission was called to order by Chair Mark Mugiishi.

II. Roll Call and Determination of a Quorum [2:00 PM]

All members of the Reapportionment Commission were present at the start of the meeting with the exception of Commissioner Chipchase and Commissioner Kennedy.

III. Public Testimony [2:02 PM]

Public testimony was provided by Eileen O'Hara, Mary Smart, Kimeona Kane, Ralph Boyea, Sandy Ma, Bill Hicks, Amy Perruso, Kapua Medeiros, Lisa Bishop, Ingrid Peterson, Maki Morinoue, Roberta Mayor, Shannon Matson, Kapohuolahaina Pa Moniz, and Ariel Murphy.

[2:22 PM]

Commissioner Chipchase was acknowledged as present.

IV. Consideration of Public Testimony Regarding Modified Final Legislative and Congressional Reapportionment Plans Recommended by the Technical Committee Permitted Interaction Group [2:45 PM]

V. Reports by the Apportionment Advisory Councils [2:51 PM]

Steven Pavao, Chair of the Hawaii Advisory Council, provided a report.

Chair Mugiishi noted that the Oahu Advisory Council provided a report in the meeting packet.

VI. Discussion and Potential Action on the January 11, 2022 Letter from the Hawaii State Senate Standing Committee on Government Operations Regarding Informational Briefing on Reapportionment [2:56 PM]

The Reapportionment Project Manager David Rosenbrock presented the request by the Senate Committee on Government Operations.

[3:15 PM]

Commissioner Nishimura made a motion to authorize Chair Mugiishi to respond to the Senate Committee by declining to use the criteria and procedure used by the State of Kansas to adjust census population data to count permanent military and student residents seconded by Commissioner Ono and approved unanimously by the Commission noting the excused absence of Commissioner Kennedy.

[3:17 PM]

Commissioner Ono made a motion to enter into executive session to consult with the Commission's attorney pursuant to HRS 92-2.5(a)(4), which was seconded by Commissioner Nekota and approved unanimously by the Commission noting the excused absence of Commissioner Kennedy.

[4:01 PM]

The Commission returned to open session.

[4:03 PM]

Commissioner Ono made a motion to authorize Chair Mugiishi to respond to the Senate Committee by declining to reduce the extraction number in the manner proposed in paragraph 1 of the Senate Committee's January 11, 2022 letter which was seconded by Commissioner Nishimura and approved

unanimously by the Commission noting the excused absence of Commissioner Kennedy.

VII. Adjournment [4:07 PM]

Commissioner Ono made a motion to adjourn the meeting, which was seconded by Commissioner Nekota and approved unanimously by the Commission noting the excused absence of Commissioner Kennedy.



MARK MUGIISHI, M.D.
CHAIR

**STATE OF HAWAII
2021 REAPPORTIONMENT COMMISSION**

**MINUTES OF THE REGULAR MEETING OF THE
2021 REAPPORTIONMENT COMMISSION**

**JANUARY 20, 2022
2:00 PM**

Pursuant to Act 220, Session Laws of Hawaii 2021, and the Governor's Emergency Proclamation Related to the COVID-19 response, the Reapportionment Commission will be meeting remotely using interactive conference technology. This meeting was recorded and has been posted on the Office of Elections website at elections.hawaii.gov.

Commissioners in Attendance:

Mark Mugiishi, Chair
Calvert Chipchase IV
Grant Chun
Charlotte Nekota
Randall Nishimura
Dylan Nonaka
Diane Ono
Kevin Rathbun

Staff in Attendance:

Royce Jones
Scott Nago
David Rosenbrock
Lori Tanigawa

Testifiers in Attendance:

Eileen O'Hara
Mary Smart
Kimeona Kane
Ralph Boyea
Sandy Ma
Bill Hicks
Amy Perusso
Angela Medeiros
Lisa Bishop
Ingrid Peterson
Maki Morinoue

Roberta Mayor
Shannon Matson
Kapohuolahaina Pa Moniz
Ariel Murphy

PROCEEDINGS

I. Call to Order

Chair Mugiishi called the meeting to order at 2:00 p.m.

II. Roll Call and Determination of Quorum

Reapportionment Commission Secretary, Scott Nago, conducted a roll call. All members of the Reapportionment Commission were present at the start of the meeting, with the exception of Commissioner Chipchase and Commissioner Kennedy. The Commission had a quorum.

III. Public Testimony

Chair Mugiishi addressed housekeeping matters related to conducting the meeting by video and telephone. He reminded testifiers that if technical issues arise, testifiers would be given a moment to resolve their issues. If the problems cannot be resolved, the Commission would move on to the next testifier. He asked that those wishing to testify raise their hand via the Zoom reactions feature or press *9 if joining by phone. He asked testifiers to state their first and last names and the items they were testifying on for the record.

Eileen O'Hara testified providing comments on the conduct of the Reapportionment Commission; in opposition to the Modified Final Legislative and Congressional Reapportionment and Redistricting Plans; and in support of proposed maps submitted by Ralph Boyea.

Mary Smart testified in opposition to the Modified Final Legislative and Congressional Reapportionment and Redistricting Plans.

Kimeona Kane testified providing comments on the Modified Final Legislative and Congressional Reapportionment and Redistricting Plans for Representative District 51 and Senate District 25.

Ralph Boyea testified in support of the proposed maps he submitted for consideration and in opposition to the Modified Final Legislative and Congressional Reapportionment and Redistricting Plans.

Sandy Ma testified providing comments on the Modified Final Legislative and Congressional Reapportionment and Redistricting Plans and regarding the conduct of the Reapportionment Commission.

Bill Hicks testified in support of the proposed maps he submitted for consideration and in opposition to the Modified Final Legislative and Congressional Reapportionment and Redistricting Plans.

Commissioner Chipchase was acknowledged as present at 2:22 p.m.

Amy Perruso testified providing comments related to the extraction of non-permanent residents and in support of the Modified Final Legislative and Congressional Reapportionment Plans for Representative District 46.

Kapua Medeiros testified in opposition to the Modified Final Legislative and Congressional Reapportionment and Redistricting Plans for Senate District 25.

Lisa Bishop testified in opposition to the Modified Final Legislative and Congressional Reapportionment and Redistricting Plans.

Ingrid Peterson testified providing comments on the Modified Final Legislative and Congressional Reapportionment and Redistricting Plans for Representative District 51 and Senate District 25.

Maki Morinoue testified in support of the maps submitted by Ralph Boyea.

Roberta Mayor testified providing comments on the Modified Final Legislative and Congressional Reapportionment and Redistricting Plans.

Shannon Matson testified providing comments related to the Hawaii Advisory Council, commenting on the Modified Final Legislative and Congressional Reapportionment and Redistricting Plans Senate Plans, and in support of the maps submitted by the community for Hawaii island.

Kapohuolahaina Pa Moniz testified providing comments on the Modified Final Legislative and Congressional Reapportionment and Redistricting Plans for Representative District 51 and Senate District 25.

Ariel Murphy testified in support of the proposed maps submitted by Ralph Boyea and in opposition to the Modified Final Legislative and Congressional Reapportionment and Redistricting Plans.

IV. Consideration of Public Testimony Regarding Modified Final Legislative and Congressional Reapportionment Plans Recommended by the Technical Committee Permitted Interaction Group

Chair Mugiishi reminded the Commission and public that the meeting this week were to hear and consider public testimony on the modified proposed final legislative and congressional reapportionment plans recommended by the Technical Committee Permitted Interaction Group and that a vote would be considered at subsequent meetings.

Chair Mugiishi summarized the presentation by the TCPIG at the January 13, 2022 meeting, specifically the constitutional considerations for drawing electoral boundaries. He reiterated that the TCPIG considered all aspects of the constitutional criteria. He also restated that the constitutional criteria apply where practicable allowing the Commission to consider other factors.

Chair Mugiishi announced that the TCPIG would be meeting to determine if there would be any further changes to the maps and may present at the January 26, 2022 meeting.

Commissioner Ono confirmed the summary by Chair Mugiishi and that the TCPIG would be considering the testimony provided before meeting again to discuss any proposed changes to the maps.

Commissioner Nonaka agreed with Commissioner Ono and emphasized that opinions may differ among participants in this process, but all were respected and considered.

Chair Mugiishi acknowledged that the TCPIG did amend the maps based on community input throughout the process showing that the Commission is listening and considering the recommendations it receives.

Commissioner Nekota also echoed the sentiments of Commissioner Nonaka and Commissioner Ono that the TCPIG considers the testimony and acknowledged the possibility for changes before the final vote.

V. Reports by the Apportionment Advisory Councils

Chair Mugiishi explained that the Reapportionment Commission had invited each Advisory Council – Hawaii, Maui, Kauai, and Oahu, to provide feedback on the redistricting matters for each basic island unit. The Reapportionment Commission has planned to allow each Advisory Council to present at the Commission meetings.

Steven Pavao, Chair of the Hawaii Advisory Council, noted that majority of testimony was in support of the maps submitted by Ralph Boyea and the Council did not vote to endorse a plan.

Chair Mugiishi noted that the Oahu Advisory Council submitted a report in the meeting packet.

VI. Discussion and Potential Action on the January 11, 2022 Letter from the Hawaii State Senate Standing Committee on Government Operations Regarding Informational Briefing on Reapportionment

Chair Mugiishi explained that he and staff attended an informational briefing by the Senate Committee on Government Operations regarding reapportionment on January 10, 2022. He also announced on January 11, 2022, the Commission received a letter from the Senate Committee on Government Operations requesting that the Commission take into consideration the matters discussed at the briefing and provide a response by January 20, 2022.

He further stated that the Commission anticipated entering executive session, pursuant to HRS 92-5(a)(4), to consult with its attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities regarding this agenda item following a presentation by the Reapportionment Project Office.

Project Manager David Rosenbrock presented the request of the Commission by the Senate Committee on Government Operations.

Chair Mugiishi stated that he believed the issue of using the Kansas methodology does not require legal advice and opened discussion on the topic. He explained that at the informational briefing with the Senate Committee on Government Operations, Colonel Angenene Robertson stated the response rate for surveys, as the State of Kansas had done when it was a requirement for their reapportionment, was about 10%. He also specified it would not be feasible for this Commission to survey now in 2022 for presence in Hawaii on Census Day 2020.

Commissioner Nonaka suggested that the Commission, as part of its report to the Legislature, recommend a constitutional amendment to remove references to “permanent residents.” He noted the testimony by Representative Amy Perruso, who stated she has nine elementary schools in her district because non-permanent residents in that area were extracted and the community is grossly under-represented.

Commissioner Ono stated that surveying the military would likely be unproductive considering the noted 10% response rate.

Commissioner Chun stated his belief that the State of Kansas example highlights the fundamental disconnect between the constitutional mandate and the data provided by the military. He explained the purposes of the Census and military data do not align and are not comparable.

Commissioner Rathbun echoed the sentiment of Commissioner Nonaka regarding the extraction of non-permanent residents. He expressed that the most important part of the Census is a point in time population count and the reported number should not be manipulated.

Commissioner Nishimura made a motion to authorize Chair Mugiishi to respond to the Senate Committee by declining to use the criteria and procedure used by the State of Kansas to adjust census population data to count permanent military and student residents seconded by Commissioner Ono.

Commissioner Nonaka recalled his experience in the army reserve and added it would be difficult to get usable data from a survey.

Commissioner Chipchase noted concerns that the data from the Census and data from the military and sources for extraction do not align and are unlikely to be sufficient for the Commission.

The motion was approved unanimously by the Commission noting the excused absence of Commissioner Kennedy.

Commissioner Ono made a motion to enter into executive session to consult with the Commission’s attorney pursuant to HRS 92-2.5(a)(4), which was seconded by Commissioner Nekota and approved unanimously by the Commission noting the excused absence of Commissioner Kennedy.

The Commission returned to open session at 4:01 p.m.

Commissioner Ono made a motion to authorize Chair Mugiishi to respond to the Senate Committee by declining to reduce the extraction number in the manner proposed in paragraph one of the Senate Committee's January 11, 2022 letter, which was seconded by Commissioner Nishimura.

Chair Mugiishi explained that he questions the legality of adding students studying abroad or military who live in Hawaii but are stationed abroad to the population base.

Commissioner Chipchase stated his view that even with the legal authority to add to the population base, the data to do so does not seem reasonably reliable. He also noted that the time required to incorporate such new data and redraw maps would impact the conduct of the 2022 Elections.

Commissioner Ono expressed that she felt the language of Act 14, Session Laws of Hawaii 2021, was clear to extract non-permanent residents from the total population as counted by the Census so the Commission could not add to the population base.

Commissioner Nishimura stated his support for the motion as he has little confidence that the Commission would receive reliable data in a timely manner.

The motion was approved unanimously by the Commission noting the excused absence of Commissioner Kennedy.

VII. Adjournment

Commissioner Ono made a motion to adjourn the meeting, which was seconded by Commissioner Nekota and approved unanimously by the Commission noting the excused absence of Commissioner Kennedy. The meeting was adjourned at 4:08 p.m.

Respectfully submitted,



SCOTT T. NAGO
Secretary to the Reapportionment Commission



MARK MUGIISHI, M.D.
CHAIR

**STATE OF HAWAII
REAPPORTIONMENT COMMISSION**

WRITTEN SUMMARY FOR VIDEO RECORD

REGULAR MEETING OF THE
REAPPORTIONMENT COMMISSION

JANUARY 21, 2022 @ 10:00 AM

Note: The video of the meeting may be viewed on our website at <https://elections.hawaii.gov/about-us/boards-and-commissions/reapportionment/>

PROCEEDINGS

The time reference below indicates the point in the video of when the stated action begins.

I. Call to Order [10:01 AM]

The regular meeting of the Reapportionment Commission was called to order by Chair Mark Mugiishi.

II. Roll Call and Determination of a Quorum [10:01 AM]

All members of the Reapportionment Commission were present at the start of the meeting with the exception of Commissioner Kennedy, Commissioner Nonaka, and Commissioner Rathbun.

III. Public Testimony [10:11 AM]

Public testimony was provided by Ralph Boyea, Mialisa Otis, Kapua Medeiros, Bart Dame, Kimeona Kane, Maki Morinoue, Larry Veray, Ariel Murphy, and Gordon Aoyagi.

IV. Consideration of Public Testimony Regarding Modified Final Legislative and Congressional Reapportionment Plans Recommended by the Technical Committee Permitted Interaction Group [10:35 AM]

V. Reports by the Apportionment Advisory Councils [10:37 AM]

No reports were provided by the Apportionment Advisory Councils.

VI. Discussion and Potential Action on the January 11, 2022 Letter from the Hawaii State Senate Standing Committee on Government Operations Regarding Informational Briefing on Reapportionment [10:03 AM]

Pursuant to HRS § 92-5(a)(4), the Commission anticipates that it may need to hold an executive meeting to consult with its attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities regarding this agenda item.

VII. Adjournment [10:38 AM]

Commissioner Ono made a motion to adjourn the meeting, which was seconded by Commissioner Chun and approved unanimously by the Commission noting the excused absence of Commissioner Kennedy, Commissioner Nonaka, and Commissioner Rathbun.



MARK MUGIISHI, M.D.
CHAIR

**STATE OF HAWAII
2021 REAPPORTIONMENT COMMISSION**

**MINUTES OF THE REGULAR MEETING OF THE
2021 REAPPORTIONMENT COMMISSION**

**JANUARY 21, 2022
10:00 AM**

Pursuant to Act 220, Session Laws of Hawaii 2021, and the Governor's Emergency Proclamation Related to the COVID-19 response, the Reapportionment Commission will be meeting remotely using interactive conference technology. This meeting was recorded and has been posted on the Office of Elections website at elections.hawaii.gov.

Commissioners in Attendance:

Mark Mugiishi, Chair
Calvert Chipchase IV
Grant Chun
Charlotte Nekota
Randall Nishimura
Diane Ono

Staff in Attendance:

Royce Jones
David Rosenbrock
Lori Tanigawa
Aulii Tenn

Testifiers in Attendance:

Ralph Boyea
Mialisa Otis
Kapua Medeiros
Bart Dame
Kimeona Kane
Maki Morinoue
Larry Veray
Ariel Murphy
Gordon Aoyagi

PROCEEDINGS

I. Call to Order

Chair Mugiishi called the meeting to order at 10:01 a.m.

II. Roll Call and Determination of Quorum

OE Staff Member Aulii Tenn filled in for Reapportionment Commission Secretary, Scott Nago, and conducted a roll call. All members of the Reapportionment Commission were present at the start of the meeting, with the exception of Commissioner Kennedy, Commissioner Nonaka, and Commissioner Rathbun. The Commission had a quorum.

VI. Discussion and Potential Action on the January 11, 2022 Letter from the Hawaii State Senate Standing Committee on Government Operations Regarding Informational Briefing on Reapportionment

Chair Mugiishi asked to take agenda item VI out of order while the Commission had quorum. Chair Mugiishi summarized his response to the Senate Committee on Government Operations. He noted that the Commission voted unanimously to decline to reduce the non-permanent extraction number of either the military or students in the manner proposed by the request. He noted that the Commissioners articulated multiple reasons for declining this option, including data uncertainty and the fact that it did not appear to be reasonably reliable in assigning individuals to basic island units or census tracts to attribute them to. He also noted extending the timeline for completion of a final plan endangering both the 2022 election and the Supreme Court deadline. Chair Mugiishi also stated he believed that there is a legal risk to adding people to the total population of the state as counted by the United States Census.

Chair Mugiishi asked if he accurately summarized the Commission's position, to which Commissioner Chipchase stated it was an accurate summarization.

Commissioner Ono also added that Act 14 states for purposes of legislative reapportionment a permanent resident means a person having the person's domiciliary in the state, so college students, she stated, even if they may have the intent to be a Hawaii resident or have their residence as Hawaii, they are away most of the time and are therefore not counted in the Hawaii Census. She also noted since colleges were operating

remotely, the Commission would have no idea how many of them, in fact, were counted in the census here in Hawaii and may in fact be part of the population base.

Chair Mugiishi then went on to address the second part of the Government Operations Committee request and noted Kansas used a survey of military housing to determine permanent versus non-permanent status for his military population. The reapportionment staff expressed difficulty with this approach, due to poor response rates and being at the mercy of the base commanders. He also noted that INDOPACOM Commander Colonel Angie Robertson communicated the survey return rates in Hawaii are approximately 10%. He noted that there would be a logistical challenge in attempting to survey soldiers who were here in 2020 now that it is 2022. After hearing the report from the Reapportionment Staff, the Commission voted unanimously to decline to use the Kansas methodology.

Chair Mugiishi asked if he accurately summarized the Commission's position, to which Commissioner Chipchase agreed.

Finally, Chair Mugiishi added, because it was mentioned by a few of the Commissioners, that the only real way to make data extraction a cleaner process would be to pass a constitutional amendment like Kansas did.

III. Public Testimony

Chair Mugiishi addressed housekeeping matters related to conducting the meeting by video and telephone. He reminded testifiers that if technical issues arise, testifiers would be given a moment to resolve their issues. If the problems cannot be resolved, the Commission would move on to the next testifier. He asked that those wishing to testify raise their hand via the Zoom reactions feature or press *9 if joining by phone. He asked testifiers to state their first and last names and the items they were testifying on for the record.

Ralph Boyea testified in support of the proposed maps he submitted for consideration and in opposition to the Modified Final Legislative and Congressional Reapportionment and Redistricting Plans.

Mialisa Otis testified in opposition to the modified proposed reapportionment and redistricting plan for Senate District 25.

Kapua Medeiros testified providing comments on the Modified Final Legislative and Congressional Reapportionment and Redistricting Plans for Representative District 51 and Senate District 25.

Bart Dame testified providing comments on the Modified Final Legislative Redistricting Plans as it relates to the Constitutional requirement that House Districts be contained in Senate Districts.

Kimeona Kane testified providing comments on the Modified Final Legislative and Congressional Reapportionment and Redistricting Plans for Representative District 51 and Senate District 25.

Maki Morinoue testified providing comments in support of maps proposed by Ralph Boyea regarding Hawaii County.

Larry Veray testified providing comments to support revising the Modified Final Legislative Plans impacting the Pearl City community.

Ariel Murphy testified in support of the proposed maps submitted by Ralph Boyea and in opposition to the Modified Final Legislative and Congressional Reapportionment and Redistricting Plans.

Gordon Aoyagi testified providing support for Modified Final Legislative and Congressional Reapportionment and Redistricting Plans to be revised to include two house districts be within one senate district.

IV. Consideration of Public Testimony Regarding Modified Final Legislative and Congressional Reapportionment Plans Recommended by the Technical Committee Permitted Interaction Group

Chair Mugiishi reminded the Commission and public that the meetings this week were to hear and consider public testimony on the modified proposed final legislative and congressional reapportionment plans recommended by the Technical Committee Permitted Interaction Group and that a vote would be considered at subsequent meetings.

V. Reports by the Apportionment Advisory Councils

No Apportionment Advisory Council provided a report.

VII. Adjournment

Commissioner Ono made a motion to adjourn the meeting, which was

seconded by Commissioner Chun and approved unanimously by the Commission noting the excused absences of Commissioner Kennedy,

Commissioner Nonaka, and Commissioner Rathbun. The meeting was adjourned at 10:38 a.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. Nago', written over a horizontal line.

SCOTT T. NAGO
Secretary to the Reapportionment Commission



MARK MUGIISHI, M.D.
CHAIR

**STATE OF HAWAII
REAPPORTIONMENT COMMISSION**

WRITTEN SUMMARY FOR VIDEO RECORD

REGULAR MEETING OF THE
REAPPORTIONMENT COMMISSION

JANUARY 22, 2022 @ 2:00 PM

Note: The video of the meeting may be viewed on our website at <https://elections.hawaii.gov/about-us/boards-and-commissions/reapportionment/>

PROCEEDINGS

The time reference below indicates the point in the video of when the stated action begins.

I. Call to Order [2:00 PM]

The regular meeting of the Reapportionment Commission was called to order by Chair Mark Mugiishi.

II. Roll Call and Determination of a Quorum [2:00 PM]

All members of the Reapportionment Commission were present at the start of the meeting with the exception of Commissioner Chipchase, Commissioner Kennedy, and Commissioner Rathbun.

III. Public Testimony [2:02 PM]

Public testimony was provided by Kimeona Kane, Bart Dame, Bill Hicks, Sarah Haussermann, Richard Bidleman, Ariel Murphy, Ralph Boyea, Mary Smart, Patrice Macdonald, Roberta Mayor, Maki Morinoue, Kapua Medeiros, Kapohuolahaina Pa Moniz, Becky Gardner, Shannon Matson, Ryan Tam, and Louisa Keawe.

IV. Consideration of Public Testimony Regarding Modified Final Legislative and Congressional Reapportionment Plans Recommended by the Technical Committee Permitted Interaction Group [2:46 PM]

V. Reports by the Apportionment Advisory Councils [2:48 PM]

No reports were provided by the Apportionment Advisory Councils.

VI. Adjournment [2:48 PM]

Commissioner Nekota made a motion to adjourn the meeting, which was seconded by Commissioner Nishimura and approved unanimously by the Commission noting the excused absence of Commissioner Chipchase, Commissioner Kennedy, and Commissioner Rathbun.



MARK MUGIISHI, M.D.
CHAIR

**STATE OF HAWAII
2021 REAPPORTIONMENT COMMISSION**

**MINUTES OF THE REGULAR MEETING OF THE
2021 REAPPORTIONMENT COMMISSION**

**JANUARY 22, 2022
2:00 PM**

Pursuant to Act 220, Session Laws of Hawaii 2021, and the Governor's Emergency Proclamation Related to the COVID-19 response, the Reapportionment Commission will be meeting remotely using interactive conference technology. This meeting was recorded and has been posted on the Office of Elections website at elections.hawaii.gov.

Commissioners in Attendance:

Mark Mugiishi, Chair
Grant Chun
Charlotte Nekota
Randall Nishimura
Dylan Nonaka
Diane Ono

Staff in Attendance:

Royce Jones
Scott Nago
Reese Nakamura
David Rosenbrock

Testifiers in Attendance:

Kimeona Kane
Bart Dame
Bill Hicks
Sarah Haussermann
Richard Bidleman
Ariel Murphy
Ralph Boyea
Mary Smart
Patrice Macdonald
Roberta Mayor
Maki Morinoue
Kapua Medeiros
Kapohuolahaina Pa Moniz
Becky Gardner

Shannon Matson
Ryan Tam
Louisa Keawe

PROCEEDINGS

I. Call to Order

Chair Mugiishi called the meeting to order at 2:00 p.m.

II. Roll Call and Determination of Quorum

Reapportionment Commission Secretary, Scott Nago, conducted a roll call. All members of the Reapportionment Commission were present at the start of the meeting, with the exception of Commissioner Chipchase, Commissioner Kennedy, and Commissioner Rathbun. The Commission had a quorum.

III. Public Testimony

Chair Mugiishi addressed housekeeping matters related to conducting the meeting by video and telephone. He reminded testifiers that if technical issues arise, testifiers would be given a moment to resolve their issues. If the problems cannot be resolved, the Commission would move on to the next testifier. He asked that those wishing to testify raise their hand via the Zoom reactions feature or press *9 if joining by phone. He asked testifiers to state their first and last names and the items they were testifying on for the record.

Kimeona Kane testified providing comments on the Modified Final Legislative Reapportionment and Redistricting Plans.

Bart Dame testified providing comments on the Modified Final Legislative Redistricting Plans and the constitutional criteria governing reapportionment.

Bill Hicks testified in support of the reapportionment and redistricting plans that he submitted for consideration and in opposition to the Modified Final Legislative Reapportionment and Redistricting Plans.

Sarah Haussermann testified in opposition to the Modified Final Legislative Redistricting Plan for the community of Kailua-Kona on the island of Hawaii.

Richard Bidleman testified in support of the reapportionment and redistricting plans submitted by Ralph Boyea.

Ariel Murphy testified in opposition to the Modified Final Legislative Redistricting Plan for the community of Puna on the island of Hawaii and in support of the reapportionment and redistricting plans submitted by Ralph Boyea.

Ralph Boyea testified providing comments on the constitutional criteria governing reapportionment and in support of the reapportionment and redistricting plans he submitted.

Mary Smart testified in opposition to the Modified Final Legislative Redistricting Plans for the community of Mililani on the island of Oahu.

Patrice Macdonald testified in opposition to the Modified Final Legislative Redistricting Plan for the community of Puna on the island of Hawaii and in support of the reapportionment and redistricting plans submitted by Ralph Boyea.

Roberta Mayor testified providing comments on the Modified Final Legislative Reapportionment and Redistricting Plans for the community of Hawaii Kai on the island of Oahu and in support of the reapportionment and redistricting plans submitted by Bill Hicks.

Maki Morinoue testified in support of the reapportionment and redistricting plans submitted by Ralph Boyea.

Kapua Medeiros testified providing comments on the Modified Final Legislative and Congressional Reapportionment and Redistricting Plans and acknowledging the opportunities for the public to provide testimony.

Kapohuolahaina Pa Moniz testified in opposition to the Modified Final Legislative Reapportionment and Redistricting Plan for Senate District 25 and provided comments regarding the conduct of the Reapportionment Commission.

Becky Gardner testified acknowledging the opportunities for the public to provide testimony, community participation, and the constitutional criteria governing reapportionment.

Shannon Matson testified providing comments related to the response to the Senate Committee on Government Operations and the timeline for presenting the final legislative and congressional reapportionment and redistricting plans.

Ryan Tam testified providing comments on the Modified Final Legislative Reapportionment and Redistricting Plan for the community of Kakaako on the island of Oahu.

Louisa Keawe testified in opposition to the Modified Final Legislative Reapportionment and Redistricting Plans for the community of Waimanalo on the island of Oahu.

IV. Consideration of Public Testimony Regarding Modified Final Legislative and Congressional Reapportionment Plans Recommended by the Technical Committee Permitted Interaction Group

Chair Mugiishi reminded the Commission and public that the meetings this week were to hear and consider public testimony on the modified proposed final legislative and congressional reapportionment plans recommended by the Technical Committee Permitted Interaction Group and that a vote would be considered at subsequent meetings. He announced that the Technical Committee Permitted Interaction Group would be meeting and potentially present changes to the Modified Final Legislative Reapportionment and Redistricting Plan at the January 26, 2022 meeting.

V. Reports by the Apportionment Advisory Councils

No Apportionment Advisory Council provided a report.

VI. Adjournment

Commissioner Nekota made a motion to adjourn the meeting, which was seconded by Commissioner Nishimura and approved unanimously by the Commission noting the excused absences of Commissioner Chipchase, Commissioner Kennedy, and Commissioner Rathbun. The meeting was adjourned at 2:49 p.m.

Respectfully submitted,



SCOTT T. NAGO
Secretary to the Reapportionment Commission



MARK MUGIISHI, M.D.
CHAIR

**STATE OF HAWAII
REAPPORTIONMENT COMMISSION**

WRITTEN SUMMARY FOR VIDEO RECORD

REGULAR MEETING OF THE
REAPPORTIONMENT COMMISSION

JANUARY 26, 2022 @ 1:00 PM

Note: The video of the meeting may be viewed on our website at <https://elections.hawaii.gov/about-us/boards-and-commissions/reapportionment/>

PROCEEDINGS

The time reference below indicates the point in the video of when the stated action begins.

I. Call to Order [1:00 PM]

The regular meeting of the Reapportionment Commission was called to order by Chair Mark Mugiishi.

II. Roll Call and Determination of a Quorum [1:01 PM]

All members of the Reapportionment Commission were present at the start of the meeting with the exception of Commissioner Nishimura, Commissioner Nonaka, and Commissioner Rathbun.

[1:02 PM]

Commissioner Nishimura was acknowledged as present.

III. Public Testimony [1:04 PM]

Public testimony was provided by Kimeona Kane, Ralph Boyea, Mary Smart, Kapua Medeiros, Bart Dame, Lisa Bishop, Ingrid Peterson, Shannon Matson, Homelani Schaedel, Ariel Murphy, Selene Wayne, Becky Gardner, and Bill Hicks.

[1:10 PM]

Commissioner Nonaka was acknowledged as present.

IV. Reports by the Apportionment Advisory Councils [1:45 PM]

Steven Pavao, Chair of the Hawaii Advisory Council provided clarification of his previous report.

V. Approval of Minutes for the Meeting of January 13, 2022 [1:48 PM]

Commissioner Nekota made a motion to approve the minutes for the meeting of January 13, 2022, which was seconded by Commissioner Nishimura and approved unanimously by the Commission noting the excused absence of Commissioner Rathbun.

VI. Approval of Minutes for the Meeting of January 20, 2022 [1:49 PM]

Commissioner Chun made a motion to approve the minutes for the meeting of January 20, 2022, which was seconded by Commissioner Ono and approved unanimously by the Commission noting the excused absence of Commissioner Rathbun.

VII. Approval of Minutes for the Meeting of January 21, 2022 [1:50 PM]

Commissioner Nekota made a motion to approve the minutes for the meeting of January 21, 2022, which was seconded by Commissioner Kennedy and approved unanimously by the Commission noting the excused absence of Commissioner Rathbun.

VIII. Approval of Minutes for the Meeting of January 22, 2022 [1:51 PM]

Commissioner Nekota made a motion to approve the minutes for the meeting of January 22, 2022, which was seconded by Commissioner Ono and approved unanimously by the Commission noting the excused absence of Commissioner Rathbun.

IX. Potential Presentation of Further Modified Proposed Final Legislative Reapportionment Plans by the Technical Committee Permitted Interaction Group [1:52 PM]

- X. Discussion and Action on the Modified Proposed Final Legislative and Congressional Reapportionment and Redistricting Plans Recommended by the Technical Committee Permitted Interaction Group on January 13, 2022 [2:03 PM]

[2:14 PM]

Commissioner Nekota made a motion to enter into executive session to consult with the Commission's attorney pursuant to HRS 92-2.5(a)(4), which was seconded by Commissioner Ono and approved unanimously by the Commission noting the excused absence of Commissioner Rathbun.

- XI. Discussion and Action on the Senate Staggered Terms Based on the Final Legislative and Congressional Reapportionment and Redistricting Plans [2:56 PM]

- XII. Adjournment [3:01 PM]

Commissioner Nekota made a motion to adjourn the meeting, which was seconded by Commissioner Ono and approved unanimously by the Commission noting the excused absence of Commissioner Rathbun.



MARK MUGIISHI, M.D.
CHAIR

**STATE OF HAWAII
2021 REAPPORTIONMENT COMMISSION**

**MINUTES OF THE REGULAR MEETING OF THE
2021 REAPPORTIONMENT COMMISSION**

**JANUARY 26, 2022
1:00 PM**

Pursuant to Act 220, Session Laws of Hawaii 2021, and the Governor's Emergency Proclamation Related to the COVID-19 response, the Reapportionment Commission will be meeting remotely using interactive conference technology. This meeting was recorded and has been posted on the Office of Elections website at elections.hawaii.gov.

Commissioners in Attendance:

Mark Mugiishi, Chair
Calvert Chipchase IV
Grant Chun
Robin Kennedy
Charlotte Nekota
Randall Nishimura
Dylan Nonaka
Diane Ono

Staff in Attendance:

Royce Jones
Scott Nago
David Rosenbrock
Lori Tanigawa

Testifiers in Attendance:

Kimeona Kane
Ralph Boyea
Mary Smart
Kapua Medeiros
Bart Dame
Lisa Bishop
Ingrid Peterson
Shannon Matson
Homelani Schaedel
Ariel Murphy
Selene Wayne

Becky Gardner
Bill Hicks

PROCEEDINGS

I. Call to Order

Chair Mugiishi called the meeting to order at 1:00 p.m.

II. Roll Call and Determination of Quorum

Reapportionment Commission Secretary, Scott Nago, conducted a roll call. All members of the Reapportionment Commission were present at the start of the meeting, with the exception of Commissioner Nishimura, Commissioner Nonaka, and Commissioner Rathbun. The Commission had a quorum.

III. Public Testimony

Chair Mugiishi addressed housekeeping matters related to conducting the meeting by video and telephone. He reminded testifiers that if technical issues arise, testifiers would be given a moment to resolve their issues. If the problems cannot be resolved, the Commission would move on to the next testifier. He asked that those wishing to testify raise their hand via the Zoom reactions feature or press *9 if joining by phone. He asked testifiers to state their first and last names and their testifying items for the record.

Kimeona Kane testified in opposition to the Further Modified Final Legislative Reapportionment and Redistricting Plans for Senate District 25 for presentation on Agenda Item IX and regarding the dissemination of the updated maps.

Ralph Boyea testified in opposition to the reapportionment and redistricting plans proposed by the Technical Committee Permitted Interaction Group, in support of the reapportionment and redistricting plans he submitted, and in opposition to the meeting minutes from January 20, January 21, and January 22.

Commissioner Nonaka was acknowledged as present at 1:10 p.m.

Mary Smart testified in opposition to the Further Modified Final Legislative Reapportionment and Redistricting Plans for the community of Mililani on

the island of Oahu for presentation on Agenda Item IX and regarding the dissemination of the updated maps.

Kapua Medeiros testified in opposition to the Further Modified Final Legislative Reapportionment and Redistricting Plans for Senate District 25 for presentation on Agenda Item IX and regarding the dissemination of the updated maps.

Bart Dame testified providing comments on the constitutional criteria governing reapportionment.

Lisa Bishop testified in opposition to the Further Modified Final Legislative Reapportionment and Redistricting Plans regarding disseminating the updated maps.

Ingrid Peterson testified in opposition to the Further Modified Final Legislative Reapportionment and Redistricting Plans.

Shannon Matson testified in opposition to the Further Modified Final Legislative Reapportionment and Redistricting Plans and in support of the reapportionment and redistricting plans submitted by Ralph Boyea and Bill Hicks.

Homelani Schaedel testified in opposition to the Further Modified Final Legislative Reapportionment and Redistricting Plans for the community of Maluohai Hawaiian Home Land in Kapolei on the island of Oahu.

Ariel Murphy testified in opposition to the Further Modified Final Legislative Reapportionment and Redistricting Plans and in support of the reapportionment and redistricting plans submitted by Ralph Boyea.

Selene Wayne testified in support of the reapportionment and redistricting plans submitted by Ralph Boyea.

Becky Gardner testified in opposition to disseminating the updated maps and the Further Modified Final Legislative Reapportionment and Redistricting Plans.

Bill Hicks testified in opposition to the Further Modified Final Legislative Reapportionment and Redistricting Plans and provided comments on the constitutional criteria governing reapportionment.

IV. Reports by the Apportionment Advisory Councils

Chair Mugiishi explained that the Reapportionment Commission had invited each Advisory Council – Hawaii, Maui, Kauai, and Oahu, to provide feedback on the redistricting matters for each basic island unit. The Reapportionment Commission has planned to allow each Advisory Council to present at the Commission meetings.

Steven Pavao, Chair of the Hawaii Advisory Council, stated that he was misrepresented in the meeting minutes of January 20, 2022. He restated while the Hawaii Advisory Council did not endorse a specific plan, the Council did acknowledge that the reapportionment and redistricting plans submitted by Ralph Boyea are good and did a good job of keeping communities intact. He further stated the plans submitted by Ralph Boyea did an excellent job of showing that it was practicable to keep two House Districts per Senate District and practicable to keep similar communities together.

V. Approval of Minutes for the Meeting of January 13, 2022

Commissioner Nekota made a motion to approve the minutes for the meeting of January 13, 2022, which was seconded by Commissioner Nishimura and approved unanimously by the Commission noting the excused absence of Commissioner Rathbun.

VI. Approval of Minutes for the Meeting of January 20, 2022

Commissioner Chun made a motion to approve the minutes for the meeting of January 20, 2022, which was seconded by Commissioner Ono and approved unanimously by the Commission noting the excused absence of Commissioner Rathbun.

VII. Approval of Minutes for the Meeting of January 21, 2022

Commissioner Nekota made a motion to approve the minutes for the meeting of January 21, 2022, which was seconded by Commissioner Kennedy and approved unanimously by the Commission noting the excused absence of Commissioner Rathbun.

VIII. Approval of Minutes for the Meeting of January 22, 2022

Commissioner Nekota made a motion to approve the minutes for the meeting of January 22, 2022, which was seconded by Commissioner Ono

and approved unanimously by the Commission noting the excused absence of Commissioner Rathbun.

IX. Potential Presentation of Further Modified Proposed Final Legislative Reapportionment Plans by the Technical Committee Permitted Interaction Group

Chair Mugiishi introduced Project Manager David Rosenbrock and GIS Project Support Royce Jones, who presented a summary of the Congressional and Legislative Reapportionment Plans proposed by the Technical Committee Permitted Interaction Group.

Commissioner Nonaka explained the modification made to Representative Districts 48 and 49, describing it as a near equal trade in population to serve the community of Kaneohe. He added that the Technical Committee Permitted Interaction Group would look at the area in Kapolei presented by testifier Homelani Schaedel for Maluohai Hawaiian Home Land. He expressed that he is an active community member, so he receives feedback about the reapportionment and redistricting plans in many ways. He further noted that in his experience, without discounting the testimony the Commission received, testimony is generally provided by those in opposition and that there would likely always be opposition to any proposed plan. He stated his belief that the Commission should approve the plan and thanked the Commission for their time and effort; specifically, the Technical Committee Permitted Interaction Group. He acknowledged that the timing of the maps was due to scheduling with the Technical Committee Permitted Interaction Group and that the new maps were released as quickly as possible.

Mugiishi added gratitude to the Technical Committee Permitted Interaction Group for meeting and getting out the maps as quickly as possible. He also restated that the end goal of the reapportionment and redistricting plan was not perfect maps but for the Office of Elections to conduct the 2022 Elections.

X. Discussion and Action on the Modified Proposed Final Legislative and Congressional Reapportionment and Redistricting Plans Recommended by the Technical Committee Permitted Interaction Group on January 13, 2022

Commissioner Kennedy asked Commissioner Nonaka to re-explain the thought process of the Technical Committee Permitted Interaction Group and how further changes can be made. Commissioner Nonaka responded that what Commissioner Kennedy is asking for is a redrawing of the maps,

which would create an additional separate set of issues to contend with in a short amount of time. Commissioner Kennedy asked if the Technical Committee Permitted Interaction Group could use the community plans as a starting point to reconsider the maps. Commissioner Nonaka answered that the maps have not been subject to public testimony. He restated that it would be starting the process over to redraw the maps and allow public testimony. Chair Mugiishi added that the Commission discussed how the Technical Committee Permitted Interaction Group had followed the constitutional criteria at the previous meetings.

Commissioner Ono asked how last-minute changes could be incorporated into the adopted final plans. Project Manager David Rosenbrock explained that the Reapportionment Project Office would ask the Commission to allow the staff to make minor adjustments to the maps. Chair Mugiishi suggested that the Commission convene in Executive Session to consult with its attorney for agenda item X pursuant to HRS §92-2.5(a)(4).

Commissioner Ono asked for clarification on the area for review, noting it as a possible change, presented by testifier Homelani Schaedel. Homelani Schaedel provided the cross streets for Maluohai Hawaiian Home Lands.

Commissioner Nekota made a motion to enter into executive session to consult with the Commission's attorney pursuant to HRS 92-2.5(a)(4) for agenda item X, which was seconded by Commissioner Ono and approved unanimously by the Commission noting the excused absence of Commissioner Rathbun.

The Commission went into Executive Session at 2:14 p.m. and returned to regular session at 2:52 p.m.

During the meeting, Commissioner Nonaka used the Hawaii Redistricting Online application to review the division of Maluohai Hawaiian Home Lands raised by testifier Homelani Schaedel. He explained that this change would require trading approximately 900 residents between Representative District 42 and 43. He stated that due to the density of Kapolei and the shape of the Census block, it would be difficult as there would be significant adjustments to the maps. He expressed given the time constraints, he would support moving forward with the proposed maps without further changes.

Commissioner Ono expressed her appreciation to the public for providing testimony and attending the Commission meetings. She recognized that the testifiers care deeply about the communities. She noted that the

Technical Committee Permitted Interaction Group and the Commission heard their testimony and deliberated the maps and constitutional criteria. She expressed that they did their best to balance the constitutional criteria to meet the needs of the districts.

XI. Discussion and Action on the Senate Staggered Terms Based on the Final Legislative and Congressional Reapportionment and Redistricting Plans

Chair Mugiishi clarified that the Commission would not vote to adopt the Senate Staggered Terms at this meeting and would wait until the final reapportionment and redistricting plans are adopted.

GIS Project Support Royce Jones presented the calculations for the Senate Staggered Terms.

Commissioner Nonaka noted that the calculation is objective and fair. GIS Project Support Royce Jones clarified that it is based on the number of permanent residents.

Chair Mugiishi restated that the Commission would take action on Senate Staggered Terms after adopting the final reapportionment and redistricting plan.

XII. Adjournment

Commissioner Nekota made a motion to adjourn the meeting, which was seconded by Commissioner Ono and approved unanimously by the Commission noting the excused absence of Commissioner Rathbun. The meeting was adjourned at 3:02 p.m.

Respectfully submitted,



SCOTT T. NAGO
Secretary to the Reapportionment Commission



MARK MUGIISHI, M.D.
CHAIR

**STATE OF HAWAII
REAPPORTIONMENT COMMISSION**

WRITTEN SUMMARY FOR VIDEO RECORD

REGULAR MEETING OF THE
REAPPORTIONMENT COMMISSION

JANUARY 28, 2022 @ 1:00 PM

Note: The video of the meeting may be viewed on our website at <https://elections.hawaii.gov/about-us/boards-and-commissions/reapportionment/>

PROCEEDINGS

The time reference below indicates the point in the video of when the stated action begins.

I. Call to Order [1:00 PM]

The regular meeting of the Reapportionment Commission was called to order by Chair Mark Mugiishi.

II. Roll Call and Determination of a Quorum [1:00 PM]

All members of the Reapportionment Commission were present at the start of the meeting with the exception of Commissioner Chipchase and Commissioner Nishimura.

III. Public Testimony [1:03 PM]

Public testimony was provided by Kimeona Kane, Michael Konowicz, Ralph Boyea, Lisa Bishop, Sandy Ma, Kapua Medeiros, Richard Bidleman, Ruth Smith, Bart Dame, Bill Hicks, Gordon Aoyagi, Homelani Schaedel, Deborah Ward, Roberta Mayor, Ariel Murphy, JD Domizio, Brett Kulbis, Shannon Matson, and Becky Gardner.

[1:09 PM]

Commissioner Chipchase was acknowledged as present.

[1:16 PM]

Commissioner Nishimura was acknowledged as present.

IV. Reports by the Apportionment Advisory Councils [1:54 PM]

No reports were provided by the Apportionment Advisory Councils.

V. Approval of Minutes for the Meeting of January 26, 2022 [1:54 PM]

Commissioner Nekota made a motion to approve the minutes for the meeting of January 26, 2022, which was seconded by Commissioner Nishimura and approved unanimously by the Commission.

VI. Discussion and Action on the Modified Proposed Final Legislative and Congressional Reapportionment and Redistricting Plans Recommended by the Technical Committee Permitted Interaction Group [1:56 PM]

[2:01 PM]

Commissioner Nekota made a motion to adopt the proposed Final Legislative and Congressional Reapportionment and Redistricting Plans recommended by the Technical Committee Permitted Interaction Group on January 26, 2022, which was seconded by Commissioner Ono and approved unanimously by the Commission.

AYES: CHIPCHASE, CHUN, MUGIISHI, NEKOTA, NISHIMURA, NONAKA,
ONO, RATHBUN – 8

NO: KENNEDY – 1

[2:22 PM]

Commissioner Ono made a motion to allow the Reapportionment Project Office to make technical, non-substantive changes to the adopted Legislative and Congressional Reapportionment and Redistricting Plan providing that a change affect fewer than 200 people and the basic island unit deviations do not exceed plus or minus 4.9% which was seconded by Commissioner Rathbun and approved unanimously by the Commission.

VII. Discussion and Action on the Senate Staggered Terms Based on the Final Legislative and Congressional Reapportionment and Redistricting Plans [2:23 PM]

[2:29 PM]

Commissioner Kennedy made a motion to adopt the Staggered Senate Terms as presented by the Reapportionment Project Office at the January 26, 2022, meeting which was seconded by Commissioner Rathbun and approved unanimously by the Commission.

VIII. Adjournment [2:31 PM]

Commissioner Nekota made a motion to adjourn the meeting, which was seconded by Commissioner Nishimura and approved unanimously by the Commission.



MARK MUGIISHI, M.D.
CHAIR

**STATE OF HAWAII
2021 REAPPORTIONMENT COMMISSION**

**MINUTES OF THE REGULAR MEETING OF THE
2021 REAPPORTIONMENT COMMISSION**

**JANUARY 28, 2022
1:00 PM**

Pursuant to Act 220, Session Laws of Hawaii 2021, and the Governor's Emergency Proclamation Related to the COVID-19 response, the Reapportionment Commission met remotely using interactive conference technology. The meeting was recorded and has been posted on the Office of Elections website at elections.hawaii.gov.

Commissioners in Attendance:

Mark Mugiishi, Chair
Calvert Chipchase IV
Grant Chun
Robin Kennedy
Charlotte Nekota
Randall Nishimura
Dylan Nonaka
Diane Ono
Kevin Rathbun

Staff in Attendance:

Royce Jones
Scott Nago
David Rosenbrock
Lori Tanigawa
Reese Nakamura

Testifiers in Attendance:

Kimeona Kane
Michael Konowicz
Ralph Boyea
Lisa Bishop
Sandy Ma
Kapua Medeiros
Richard Bidleman
Ruth Smith
Bart Dame

Bill Hicks
Gordon Aoyagi
Homelani Schaedel
Deborah Ward
Roberta Mayor
Ariel Murphy
JD Domizio
Brett Kulbis
Shannon Matson
Becky Gardner

PROCEEDINGS

I. Call to Order

Chair Mugiishi called the meeting to order at 1:00 p.m.

II. Roll Call and Determination of Quorum

Reapportionment Commission Secretary, Scott Nago, conducted a roll call. All members of the Reapportionment Commission were present at the start of the meeting, with the exception of Commissioner Chipchase and Commissioner Nishimura. The Commission had a quorum.

III. Public Testimony

Chair Mugiishi addressed housekeeping matters related to conducting the meeting by video and telephone. He reminded testifiers that if technical issues arise, testifiers would be given a moment to resolve their issues. If the problems cannot be resolved, the Commission would move on to the next testifier. He asked that those wishing to testify raise their hand via the Zoom reactions feature or press *9 if joining by phone. He asked testifiers to state their first and last names and testifying items for the record.

Kimeona Kane testified in opposition to the Final Legislative Reapportionment and Redistricting Plans presented on January 26, 2022, for Senate District 25 and acknowledged the boundary for Representative District 51 is Makapuu Point.

Michael Konowicz testified in opposition to the Final Legislative Reapportionment and Redistricting Plans presented on January 26, 2022, for the community of Waikoloa Village on the island of Hawaii and in

support of the reapportionment and redistricting plans submitted by Ralph Boyea.

Commissioner Chipchase was acknowledged as present at 1:09 p.m.

Ralph Boyea testified in opposition to the reapportionment and redistricting plans proposed by the Technical Committee Permitted Interaction Group, and in support of the reapportionment and redistricting plans he submitted.

Lisa Bishop testified in opposition to the Final Legislative Reapportionment and Redistricting Plans presented on January 26, 2022, and the conduct of the Reapportionment Commission.

Sandy Ma testified in opposition to the Final Legislative Reapportionment and Redistricting Plans presented on January 26, 2022.

Commissioner Nishimura was acknowledged as present at 1:16 p.m.

Kapua Medeiros testified in opposition to the Final Legislative Reapportionment and Redistricting Plans presented on January 26, 2022.

Richard Bidleman testified in support of the reapportionment and redistricting plans submitted by Ralph Boyea.

Ruth Smith testified in opposition to the Final Legislative Reapportionment and Redistricting Plans presented on January 26, 2022, for the community of Waikoloa Village on the island of Hawaii

Bart Dame testified in opposition to the Final Legislative Reapportionment and Redistricting Plan presented on January 26, 2022.

Bill Hicks testified in opposition to the Final Legislative Reapportionment and Redistricting Plan presented on January 26, 2022, for the Senate Districts and in support of the reapportionment and redistricting plans he submitted.

Gordon Aoyagi testified in opposition to the Final Legislative Reapportionment and Redistricting Plan presented on January 26, 2022.

Homelani Schaedel testified in opposition to the Final Legislative Reapportionment and Redistricting Plan presented on January 26, 2022, for the community of Maluohai Hawaiian Home Lands on the island of Oahu.

Deborah Ward testified in opposition to the Final Legislative Reapportionment and Redistricting Plan presented on January 26, 2022, and in support of the reapportionment and redistricting plans submitted by Ralph Boyea.

Roberta Mayor testified in opposition to the Final Legislative Reapportionment and Redistricting Plans presented on January 26, 2022, for Senate District 25.

Ariel Murphy testified in opposition to the Final Legislative Reapportionment and Redistricting Plan presented on January 26, 2022, and in support of the reapportionment and redistricting plans submitted by Ralph Boyea and Bill Hicks.

JD Domizio testified in opposition to the Final Legislative Reapportionment and Redistricting Plan presented on January 26, 2022, for the island of Hawaii and in support of the reapportionment and redistricting plans submitted by Ralph Boyea.

Brett Kulbis testified acknowledging the work of the Reapportionment Commission for the island of Oahu.

Shannon Matson testified in opposition to the Final Legislative Reapportionment and Redistricting Plan presented on January 26, 2022, and in support of reapportionment and redistricting plans submitted by individuals.

Becky Gardner testified in opposition to the Final Legislative Reapportionment and Redistricting Plan presented on January 26, 2022.

IV. Reports by the Apportionment Advisory Councils

Chair Mugiishi explained that the Reapportionment Commission had invited each Advisory Council – Hawaii, Maui, Kauai, and Oahu, to provide feedback on the redistricting matters for each basic island unit. The Reapportionment Commission has planned to allow each Advisory Council to present at the Commission meetings. No reports were provided by the Apportionment Advisory Councils.

V. Approval of Minutes for the Meeting of January 26, 2022

Commissioner Nekota made a motion to approve the minutes for the meeting of January 26, 2022, which was seconded by Commissioner Nishimura and approved unanimously by the Commission.

VI. Discussion and Action on the Modified Proposed Final Legislative and Congressional Reapportionment and Redistricting Plans Recommended by the Technical Committee Permitted Interaction Group

Chair Mugiishi introduced Project Manager David Rosenbrock, who presented an overview of the process. GIS Project Support Royce Jones gave an overview of the plan presented by the Technical Committee Permitted Interaction Group on January 26, 2022.

Commissioner Nekota made a motion to adopt the proposed Final Legislative and Congressional Reapportionment and Redistricting Plans recommended by the Technical Committee Permitted Interaction Group on January 26, 2022, which was seconded by Commissioner Ono.

Commissioner Kennedy asked if the Commission could vote on the plans by island. Chair Mugiishi clarified that the motion is to adopt the entire final plan.

Commissioner Chipchase stated his support for the motion as the Final Legislative and Congressional Reapportionment and Redistricting Plan represent the best available data the Commission has received. He explained that as better data has become available, the Commission has proposed changes and been responsive to the community. He noted that the maps had changed quite a bit from the initial presentation made by the Technical Committee Permitted Interaction Group. He expressed that he is satisfied with the work of the Technical Committee Permitted Interaction Group and that the Commission had considered the constitutional criteria as practicable without favoring or ignoring any condition.

Commissioner Chun expressed his appreciation and admiration of his fellow Commissioners, specifically those part of the Technical Committee Permitted Interaction Group. He explained that the Hawaii State Constitution provided criteria for the extraction of non-permanent residents is not in sync between the Census data used for reapportionment and the data maintained by the military. He also explained that the Hawaii State Constitution provides guidelines for the Commission to follow rather than inflexible standards to ensure reasonableness and fairness. He further expressed that he observed complete objectivity and clear commitment to ensure good decisions were made related to the constitutional criteria and that he would be supporting the motion.

Commissioner Kennedy stated that she appreciated the work of the Commission and proposed amending the motion to vote on the final

reapportionment plan by island or to vote to adopt the maps submitted by Ralph Boyea and Bill Hicks. Chair Mugiishi explained that it would be inappropriate to vote on the plan separately because the elections are conducted statewide. He also noted that election officials needed the maps to conduct the 2022 Elections. He specifically cited that by law, candidate filing opens March 1, 2022, ballots must be mailed to overseas voters by June 29, and the 2022 Primary Election is August 13, followed by the General Election in November. He expressed that delays by the Reapportionment Commission could jeopardize the conduct of the 2022 Elections.

Commissioner Nishimura echoed the comments by Commissioner Chun and Commissioner Chipchase. He noted that Kauai is fortunate to meet the constitutional criteria and that the Technical Committee Permitted Interaction Group considered the data and community input when drawing maps.

Chair Mugiishi added his thanks to the Commission stating that it was his pleasure to serve as Chair. He noted the attention to reapportionment nationwide and expressed that the Commission worked cooperatively across parties for communities statewide for Hawaii.

The motion was approved by the Commission.

AYES: CHIPCHASE, CHUN, MUGIISHI, NEKOTA, NISHIMURA,
NONAKA, ONO, RATHBUN – 8

NO: KENNEDY - 1

Chair Mugiishi reminded the Commission that it would be submitting the plan and a report to the Legislature. He asked the Commission if it would like to consider a meeting to discuss the report it would be submitting. He clarified with Commissioner Nishimura that the staff would provide technical non-substantive changes to the report, but the Commission may want to propose recommendations collectively.

Commissioner Nishimura added that he understood that timing may be an issue regarding the plan and report but would support having a separate meeting to discuss recommendations for future reapportionment commissions. Commissioner Kennedy noted that she would favor a meeting to discuss recommendations, including permitted interaction groups and military extraction. Commissioner Chipchase, Commissioner Nekota, Commissioner Ono, and Commissioner Rathbun agreed to meet if appropriate.

Commissioner Nonaka clarified that the Reapportionment Project Office may need a motion to make technical, non-substantive changes to the district maps. Project Manager David Rosenbrock explained that they may realign the lines to match the representative district, senate district, and council district. David Rosenbrock also added that it would be less than 200 people and not move the deviation more or less than 4.9%. Chair Mugiishi further clarified that the motion would be for the maps, not the report.

Commissioner Ono made a motion to allow the Reapportionment Project Office to make technical, non-substantive changes to the adopted Legislative and Congressional Reapportionment and Redistricting Plan providing that a change affect fewer than 200 people and the basic island unit deviations do not exceed plus or minus 4.9%, which was seconded by Commissioner Rathbun and approved unanimously by the Commission.

VII. Discussion and Action on the Senate Staggered Terms Based on the Final Legislative and Congressional Reapportionment and Redistricting Plans

GIS Project Support Royce Jones presented the Senate Staggered Terms based on the adoption of the Final Legislative and Congressional Reapportionment and Redistricting Plans included in the meeting materials.

Commissioner Nekota asked if the data was based on the elections. GIS Project Support Royce Jones confirmed is it from the data the Office of Elections maintains.

Commissioner Kennedy asked if the adopted plan is invalidated, would the Senate Staggered Terms also change. Chair Mugiishi answered that it would also be invalid. GIS Project Support Royce Jones confirmed that the Senate Staggered Terms would also be recalculated if the maps had to be redrawn.

Commissioner Kennedy made a motion to adopt the Staggered Senate Terms as presented by the Reapportionment Project Office at the January 26, 2022, meeting, which was seconded by Commissioner Rathbun and approved unanimously by the Commission.

Chair Mugiishi asked Chief Election Officer Scott Nago if the Commission needed to take further action to file the plan with the Office of Elections. Chief Election Officer Scott Nago stated that he considered the plan filed and the notice would be published within 14 days.

VIII. Adjournment

Commissioner Nekota made a motion to adjourn the meeting, which was seconded by Commissioner Nishimura and approved unanimously by the Commission. The meeting was adjourned at 2:32 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. Nago', with a long horizontal line extending to the right.

SCOTT T. NAGO
Secretary to the Reapportionment Commission



MARK MUGIISHI, M.D.
CHAIR

**STATE OF HAWAII
REAPPORTIONMENT COMMISSION**

WRITTEN SUMMARY FOR VIDEO RECORD

REGULAR MEETING OF THE
REAPPORTIONMENT COMMISSION

FEBRUARY 23, 2022 @ 1:00 PM

Note: The video of the meeting may be viewed on our website at <https://elections.hawaii.gov/about-us/boards-and-commissions/reapportionment/>

PROCEEDINGS

The time reference below indicates the point in the video of when the stated action begins.

I. Call to Order [1:00 PM]

The regular meeting of the Reapportionment Commission was called to order by Chair Mark Mugiishi.

II. Roll Call and Determination of a Quorum [1:01 PM]

All members of the Reapportionment Commission were present at the start of the meeting with the exception of Commissioner Chipchase, Commissioner Chun, and Commissioner Nonaka.

III. Public Testimony [1:03 PM]

Public testimony was provided by Kainoa Kaumeheiwa-Rego, Jennifer Lienhart-Tsuji, Kimeona Kane, Maki Morinoue, Kapua Medeiros, Bill Hicks, Michaela Ikeuchi, Deborah Ward, Marian Grey, Kapohuolahaina Pa Moniz, Brett Kulbis, Shannon Matson, Kapua Keliikoa-Kamai, Phil Barnes, and Michael Konowicz.

[1:04 PM]

Commissioner Chipchase was acknowledged as present.

[1:12 PM]

Commissioner Nonaka was acknowledged as present.

IV. Reports by the Apportionment Advisory Councils [1:43 PM]

No reports were provided by the Apportionment Advisory Councils.

V. Approval of Minutes for the Meeting of January 28, 2022 [1:44 PM]

Commissioner Ono made a motion to approve the minutes for the meeting of January 28, 2022, which was seconded by Commissioner Nekota and approved unanimously by the Commission noting the excused absence of Commissioner Chun.

VI. Discussion and Action on the 2021 Reapportionment Commission's Report to the Legislature [1:45 PM]

[1:55 PM]

Commissioner Rathbun made a motion to include a recommendation in the Commission's report to the Legislature that work hours of the public be considered when the Commission schedules meetings and hearings which was seconded by Commissioner Chipchase and approved unanimously by the Commission noting the excused absence of Commissioner Chun.

[2:08 PM]

Commissioner Rathbun made a motion to include a recommendation in the Commission's report to the Legislature to consider a constitutional amendment, statutory method of extraction, or working group to address the extraction of non-permanent residents which was seconded by Commissioner Nekota and unanimously approved by the Commission noting the excused absence of Commissioner Chun.

[2:09 PM]

Commissioner Nonaka made a motion to include a recommendation in the Commission's report to the Legislature distribute the maps digitally for presentation and inspection by the public which was seconded by Commissioner Nishimura and approved unanimously by the Commission noting the excused absence of Commissioner Chun.

[2:34 PM]

Commissioner Nishimura made a motion to include a recommendation for future Commissions to enhance participation and transparency in the processes of the Reapportionment Commission which was seconded by Commissioner Kennedy and unanimously approved by the Commission noting the excused absence of Commissioner Chun.

[2:36 PM]

Commissioner Ono made a motion to adopt the proposed report to the Legislature, noting the inclusion of recommendations, which was seconded by Commissioner Nekota and approved unanimously by the Commission noting the excused absence of Commissioner Chun.

VII. Adjournment [2:38 PM]

Commissioner Kennedy made a motion to adjourn the meeting, which was seconded by Commissioner Nishimura and approved unanimously by the Commission noting the excused absence of Commissioner Chun.



MARK MUGIISHI, M.D.
CHAIR

**STATE OF HAWAII
2021 REAPPORTIONMENT COMMISSION**

**MINUTES OF THE REGULAR MEETING OF THE
2021 REAPPORTIONMENT COMMISSION**

**FEBRUARY 23, 2022
1:00 PM**

*Pursuant to Act 220, Session Laws of Hawaii 2021, and the Governor's Emergency Proclamation Related to COVID-19 (Omicron Variant), dated January 26, 2022, the Reapportionment Commission will be meeting remotely using interactive conference technology. This meeting was recorded and has been posted on the Office of Elections website at elections.hawaii.gov.

Commissioners in Attendance:

Mark Mugiishi, Chair
Calvert Chipchase IV
Robin Kennedy
Charlotte Nekota
Randall Nishimura
Dylan Nonaka
Diane Ono
Kevin Rathbun

Staff in Attendance:

Royce Jones
Scott Nago
Reese Nakamura
David Rosenbrock
Lori Tanigawa

Testifiers in Attendance:

Kainoa Kaumeheiwa-Rego
Jennifer Lienhart-Tsuji
Kimeona Kane
Maki Morinoue
Kapua Medeiros
Bill Hicks
Michaela Ikeuchi
Deborah Ward
Marian Grey
Kapohuolahaina Pa Moniz

Brett Kulbis
Shannon Matson
Kapua Keliikoa-Kamai
Phil Barnes
Michael Konowicz

PROCEEDINGS

I. Call to Order

Chair Mugiishi called the meeting to order at 1:00 p.m.

II. Roll Call and Determination of Quorum

Reapportionment Commission Secretary, Scott Nago, conducted a roll call. All members of the Reapportionment Commission were present at the start of the meeting, with the exception of Commissioner Chipchase, Commissioner Chun, and Commissioner Nonaka. The Commission had a quorum.

III. Public Testimony

Chair Mugiishi addressed housekeeping matters related to conducting the meeting by video and telephone. He reminded testifiers that if technical issues arise, testifiers would be given a moment to resolve their issues. If the problems cannot be resolved, the Commission would move on to the next testifier. He asked that those wishing to testify raise their hand via the Zoom reactions feature or press *9 if joining by phone. He asked testifiers to state their first and last names and testifying items for the record.

Kainoa Kaumeheiwa-Rego testified referencing the recommendations they provided in the written testimony submitted by Common Cause Hawaii.

Commissioner Chipchase was acknowledged as present at 1:04 p.m.

Jennifer Lienhart-Tsuji testified providing comments related to the Reapportionment and Redistricting Plan for the community of Waikoloa on the island of Hawaii and the conduct of the Reapportionment Commission.

Kimeona Kane testified providing comments related to the Reapportionment and Redistricting Plan for the community of Waimanalo

on the island of Oahu and the conduct of the Reapportionment Commission.

Commissioner Nonaka was acknowledged as present at 1:12 p.m.

Maki Morinoue testified providing comments on the conduct of the Reapportionment Commission and in support of the Reapportionment and Redistricting Plan submitted by Ralph Boyea.

Kapua Medeiros testified providing comments on the conduct of the Reapportionment Commission.

Bill Hicks testified providing comments on the conduct of the Reapportionment Commission.

Michaela Ikeuchi testified in opposition to the Reapportionment and Redistricting Plan and provided comments regarding the conduct of the Reapportionment Commission.

Deborah Ward testified in opposition to the Reapportionment and Redistricting Plan for Representative District 5.

Marian Grey testified providing comments on the Reapportionment and Redistricting Plan and in support of the plans submitted by Bill Hicks.

Kapohuolahaina Pa Moniz testified in opposition to the Reapportionment and Redistricting Plan for Senate District 25 and provided comments on the conduct of the Reapportionment Commission.

Brett Kulbis testified providing comments on the extraction of non-permanent residents.

Shannon Matson testified providing comments on the conduct of the Reapportionment Commission.

Kapua Keliikoa-Kamai testified providing comments on the Reapportionment and Redistricting Plan.

Phil Barnes testified providing comments on the conduct of the Reapportionment Commission and in support of the plans submitted by Ralph Boyea.

Michael Konowicz testified in opposition to the Reapportionment and Redistricting Plan and on the conduct of the Reapportionment Commission.

Chair Mugiishi thanked the testifiers for attending the Reapportionment Commission meetings and being part of the process. He noted that listening and hearing are not the same as agreeing, and reemphasized his appreciation for the dedication of the testifiers.

IV. Reports by the Apportionment Advisory Councils

Chair Mugiishi explained that the Reapportionment Commission had invited each Advisory Council – Hawaii, Maui, Kauai, and Oahu, to provide feedback on the redistricting matters for each basic island unit. The Reapportionment Commission has planned to allow each Advisory Council to present at the Commission meetings. No reports were provided by the Apportionment Advisory Councils.

V. Approval of Minutes for the Meeting of January 28, 2022

Commissioner Ono made a motion to approve the minutes for the meeting of January 28, 2022, which was seconded by Commissioner Nekota and approved unanimously by the Commission noting the excused absence of Commissioner Chun.

VI. Discussion and Action on the 2021 Reapportionment Commission's Report to the Legislature

Chair Mugiishi noted a bill proposing a constitutional amendment regarding permanent residents for reapportionment and that Project Manager David Rosenbrock submitted testimony providing comments on the process.

Commissioner Rathbun recommended that future Reapportionment Commissions consider holding meetings around regular business hours to make it easier for the public to attend. He also noted his support for amending the process regarding the extraction of non-permanent residents for legislative reapportionment and redistricting.

Commissioner Ono agreed with the recommendation to hold meetings after hours and on weekends to accommodate public access. She also recommended that the distribution of paper copies of the maps be discontinued for presentations and public inspection.

Commissioner Chipchase noted that public Boards and Commissions meet during business hours and acknowledged that this Commission did vary the dates and hours of meetings and hearings for public access. He also stated his agreement with Commissioner Rathbun regarding amending the processing to extract non-permanent residents.

Commissioner Kennedy also agreed with the recommendations made by Commissioner Rathbun. She added a recommendation that future Commissions do not use permitted interaction groups (PIGs) to conduct the Commission's work to make the process more transparent. She further reiterated her belief that the military should be included for reapportionment and redistricting as they use Hawaii's services and infrastructure.

Chair Mugiishi noted the four recommendations for consideration by the Commission: (1) considering work hours of the public when scheduling future Commission schedules meetings and hearing; (2) amending the process for extracting non-permanent residents; (3) distributing maps by digital means only; and (4) limiting the use of PIGs.

Commissioner Rathbun made a motion to include a recommendation in the Commission's report to the Legislature that work hours of the public be considered when the Commission schedules meetings and hearings, which was seconded by Commissioner Chipchase and approved unanimously by the Commission noting the excused absence of Commissioner Chun.

Chair Mugiishi proceeded further to discuss the recommendation regarding the extraction of non-permanent residents. Commissioner Chipchase stated the issues related to the extraction of non-permanent residents and how those have impacted the 2011 and 2021 Reapportionment Commissions he has served on. He explained that there would be no perfect solution and that each Commission has had to address it as best they could by balancing both the Hawaii State Constitution and practical data sources.

Commissioner Nishimura indicated his support for a recommendation to amend the process of extracting non-permanent residents and suggested that if a constitutional amendment does not pass, this Commission recommends the Legislature codify the method of extraction.

Commissioner Ono disagreed with the recommendation to not remove all military, indicating that there may be unintended consequences. She described an example of the military quickly moving in and out of Hawaii

during the Vietnam War. She agreed with the suggestion by Commissioner Nishimura that a statutory methodology could clarify how the extraction of non-permanent residents is done.

Commissioner Kennedy asked if a question could be presented to Hawaii through the U.S. Census. Chair Mugiishi noted that Hawaii is the only state that conducts legislative reapportionment and redistricting in this manner. Commissioner Kennedy clarified that the U.S. Census could amend questions for Hawaii only. Chair Mugiishi stated that while he did not want to speak for the U.S. Census Bureau, he guessed they would not be receptive to such an accommodation.

Chair Mugiishi summarized the discussion noting that the Commission was unanimous in its frustration on how it uses the data to extract non-permanent residents; however, it was divided on the best solution to address the issue. Commissioner Ono and Commissioner Nonaka agreed with the sentiment of the Chair. Commissioner Chipchase expressed that the Commission should strive to be unanimous in its recommendations.

Commissioner Nonaka stated his support for having clear criteria to use to extract non-permanent residents. He proposed a minimum term of residency and proposed a new extraction method to define the data sources that could identify non-permanent residents so that it does not change with every reapportionment. He commented that currently, in an abundance of caution, the Commission must do the maximum extraction, which he believed the Commission could unanimously agree is too many.

Commissioner Nekota agreed with Commissioner Nonaka and Commissioner Ono, citing that the current article of the Hawaii State Constitution could have been put in place related to the events of the Vietnam War.

Chair Mugiishi stated that the Commission should recommend to the Legislature to determine and consider clarifying the method of extraction. Commissioner Rathbun suggested that the Legislature could also consider a working group to make recommendations to clarify the method of extraction before passing a bill. Commissioner Nekota also noted that this matter could also be considered in the event of a Constitutional Convention.

Chair Mugiishi further reiterated his understanding of the Commission's recommendation considering that the data used for extraction and that the Legislature should address it as the Commission does not unanimously agree on a solution.

Commissioner Nonaka agreed with Commissioner Rathbun that the recommendation should propose a Legislative working group. He explained that a law change would only make sense if based on criteria a data source can provide. Chair Mugiishi amended the recommendation to address three possible options: (1) constitutional amendment, (2) statutory method of extraction, and (3) working group to identify data sources and propose legislation for the Legislature to consider, and noted that the Commissioners were divided on the best solution but hoped for action.

Commissioner Rathbun made a motion to include a recommendation in the Commission's report to the Legislature to consider a constitutional amendment, statutory method of extraction, or working group to address the extraction of non-permanent residents, which was seconded by Commissioner Nekota and unanimously approved by the Commission noting the excused absence of Commissioner Chun.

For the third recommendation, Commissioner Nonaka made a motion to include a recommendation in the Commission's report to the Legislature to distribute the maps digitally for presentation and inspection by the public, which was seconded by Commissioner Nishimura and approved unanimously by the Commission noting the excused absence of Commissioner Chun.

Regarding the recommendation to limit the use of PIGs, Chair Mugiishi indicated it is easier for a smaller group to manage; however it excludes members of the Commission. Commissioner Nonaka stated that he had served on the PIG responsible for proposing maps in 2011 and 2021, and received similar criticisms each time. He said that he did not have a solution, as presenting new district lines in a large forum would be inefficient but recognized the concerns regarding transparency.

Commissioner Kennedy suggested that the meetings of the PIGs could be recorded to facilitate discussion among the Commission, community input, and transparency. Commissioner Nonaka explained that reapportionment and redistricting is a political process, and the conduct of the Reapportionment Commission could be used for an argument for the benefit of the individual or group. He emphasized that the Commission would never be able to eliminate all criticism.

Commissioner Kennedy stated her belief that the Commission would not try to minimize criticism but instead open the process to the other Commission members who were not part of a PIG. Commissioner Nonaka explained that this was one of the more open and transparent processes nationally, stating that in most states, the political party in power draws

new maps without public comment. Commissioner Nekota added that the Commission, specifically the Technical Committee Permitted Interaction Group, listened to the public testimony and applied the recommendations they agreed with based on the numbers they were working with on their maps. Commissioner Nonaka further commented on the structure and the limitations of sunshine laws.

Commissioner Ono reiterated the comments by Commissioner Nekota that the Technical Committee Permitted Interaction Group considered and made changes to the proposed Reapportionment and Redistricting Plans it presented based on public comment. She referenced using Makapuu Point as a boundary between House District 18 and 51. She also reiterated the comment of the Chair that the Commission has listened and considered the public testimony even if there was no agreement. She further clarified with Commissioner Nonaka that the work of the Technical Committee Permitted Interaction Group was not open to the public in 2011. Commissioner Nonaka stated that the process in 2011 was very similar to the conduct of the 2021 Commission. Commissioner Nonaka additionally commented that opening the PIG meetings could further discourage discussion among Commissioners.

Commissioner Rathbun stated that he would not be opposed to having the PIG meetings recorded as there were no secrets among the Technical Committee Permitted Interaction Group. He also commented that the neighbor island Apportionment Advisory Councils provided important feedback. He added that the Oahu Advisory Council formed and met later. He recommended that the Apportionment Advisory Councils get involved earlier.

Chair Mugiishi called on the Commissioners to form a motion to include as a recommendation. Commissioner Nishimura proposed a motion that meetings of PIGs be recorded and available to the public, which Commissioner Kennedy seconded. Commissioner Nishimura explained that this would allow the public to observe. Chair Mugiishi noted that video recordings could be limiting depending on future Reapportionment Commission meetings and proposed minutes.

Commissioner Nonaka commented that it would be expensive to videotape PIG meetings to microphone all Commissioners and record any screens and tools used. He also noted that the future Commissions would implement their own rules regarding their conduct. He further explained that he found in-person meetings more interactive than virtual as the Commissioners could talk more freely with community members. Commissioner Kennedy withdrew her second of the motion explaining that

the conduct of this Reapportionment Commission could be a result of COVID-19. Commissioner Nishimura withdrew his motion.

Commissioner Kennedy recommended that future Commissions consider advertising. Commissioner Nonaka expressed his belief that COVID-19 also impacted the ability of community groups like the League of Women Voters and Rotary Club to hold gatherings which the previous Commission could present at. He noted that the Hawaii Island League of Women Voters had a virtual forum, but there were more events in 2011.

Commissioner Kennedy made a motion to include a marketing program for public education and awareness. Commissioner Nonaka commented on the government's lack of participation, stating that the media had reported reapportionment over the last six months. He said he disagreed with putting money towards a marketing program.

Commissioner Nishimura made a motion to include a recommendation for future Commissions to enhance participation and transparency in the processes of the Reapportionment Commission, which was seconded by Commissioner Kennedy and unanimously approved by the Commission noting the excused absence of Commissioner Chun.

In summary, the 2021 Reapportionment Commission voted to include the following recommendations for future Reapportionment Commissions in its report to the Legislature.

1. The Commission recommends the work hours of the public be considered when future Commissions schedule meetings and hearings.
2. The Commission recommends that the Legislature consider a constitutional amendment, statutory method of extraction, or working group to address the extraction of non-permanent residents.
3. The Commission recommends the distribution of maps digitally for presentation and inspection by the public.
4. The Commission recommendation for future Commissions to enhance participation and transparency in the processes of the Reapportionment Commission.

Commissioner Ono made a motion to adopt the proposed report to the Legislature, noting the inclusion of recommendations, which was

seconded by Commissioner Nekota and approved unanimously by the Commission noting the excused absence of Commissioner Chun.

VII. Adjournment

Commissioner Kennedy made a motion to adjourn the meeting, which was seconded by Commissioner Nishimura and approved unanimously by the Commission noting the excused absence of Commissioner Chun. The meeting was adjourned at 2:38 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. NAGO', written over a horizontal line.

SCOTT T. NAGO
Secretary to the Reapportionment Commission

