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EXHIBIT “5”

State of Hawai‘i
2021 Reapportionment Commission
January 6, 2022 Meeting Materials

Available at: <https://elections.hawaii.gov/wp-content/uploads/Meeting-Materials-20220105E.pdf>



MARK MUGIISHI, M.D.
CHAIR

STATE OF HAWAII REAPPORTIONMENT COMMISSION

NOTICE OF REAPPORTIONMENT COMMISSION MEETING

Date: January 6, 2022
Time: 10:00 A.M.
Place: via Video Conference or Telephone*

*Pursuant to Act 220, Session Laws of Hawaii 2021, the Reapportionment Commission will be meeting remotely using interactive conference technology. The public may view the video and audio of the meeting through the following video conferencing link:

Video: <https://zoom.us/j/95739458392>

Telephone: +1 253 215 8782
+1 346 248 7799
+1 669 900 6833
+1 301 715 8592
+1 312 626 6799
+1 929 205 6099

Meeting ID: 957 3945 8392

The public may also attend the meeting at the Office of Elections, 802 Lehua Avenue, Pearl City, Hawaii 96782, where an audiovisual connection will be provided for the public to view and participate in the meeting.

A G E N D A

- I. Call to Order
- II. Roll Call and Determination of a Quorum
- III. Public Testimony

Individuals may submit testimony in advance of the meeting via email to reapportionment@hawaii.gov or by mail addressed to the 2021 Reapportionment Commission, c/o Scott Nago, Secretary, 802 Lehua Avenue, Pearl City, Hawaii 96782. Individuals interested in signing up to provide oral testimony at the meeting may submit their name, email, and phone number to

reapportionment@hawaii.gov. Individuals may provide oral testimony at the meeting via the above-listed video conferencing link or by calling in to the above-listed telephone number.

Testimony presented during the meeting will be limited to three minutes each.

- IV. Reports by the Apportionment Advisory Councils
- V. Approval of Minutes for the Meeting of January 3, 2021
- 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
- VII. Discussion on the Proposed Final Legislative and Congressional Reapportionment Plans
- VIII. Adjournment

If audiovisual communication cannot be maintained with all Commissioners participating in the meeting, the meeting shall be automatically recessed for up to thirty (30) minutes to allow staff to attempt to restore communication.

If audiovisual communication with all participating Commissioners can be restored, the meeting will be reconvened. If, however, audiovisual communication cannot be restored, then the meeting may be reconvened with the audio-only communication using the above-listed telephone number. Any nonconfidential visual aids brought to the meeting by Commissioners or as part of a scheduled presentation will be made publicly available on the Office of Elections website within fifteen (15) minutes after audio-only communication is established.

If it is not possible to reconvene the meeting within thirty (30) minutes after an interruption of communication and the Commission has not provided reasonable notice to the public as to how the meeting will be continued at an alternative date and time, then the meeting shall be automatically terminated.

No Commission action shall be invalid if the Commission's good faith efforts to implement remote technology for public observations and comments do not work.

IF YOU REQUIRE SPECIAL ASSISTANCE OR AUXILIARY AIDS AND/OR SERVICES TO PARTICIPATE IN THE PUBLIC HEARING PROCESS OF THE REAPPORTIONMENT COMMISSION, PLEASE CONTACT THE OFFICE OF ELECTIONS AT LEAST 48 HOURS PRIOR TO THE HEARING SO ARRANGEMENTS CAN BE MADE. FOR FURTHER INFORMATION, PLEASE CALL THE OFFICE OF ELECTIONS AT 453-8683 OR 1-800-442-8683 FROM THE NEIGHBOR ISLANDS.

III. PUBLIC TESTIMONY



November 16, 2021

We, the Waimānalo Neighborhood Board, opposed the 2021 proposed Reapportionment Plan of House District 51 and House District 17 and urge the Reapportionment Commission to redo the district boundaries to keep current communities intact.

WHEREAS due to possible negative impacts to a rural and federally recognized Native Hawaiian community and other unique aspects of our community, and

WHEREAS moving the boundary of our community will have negative social and economic impacts on the nature of one of the two Native Hawaiian majority communities on O‘ahu, and

WHEREAS the proposed reapportionment plan for House Districts 51 and 17 fragments an intact Hawai‘i Kai community by separating the neighborhoods of Kalama Valley, Portlock and the Ka‘iwi Coastline from the current Hawai‘i Kai community, and

WHEREAS the proposed reapportionment plan for House Districts 51 and 17 fragments an intact Kailua community by separating the Enchanted Lakes community from the current Kailua community, and

WHEREAS the proposed reapportionment plan for House Districts 51 and 17 exacerbates the error committed in the 2010 reapportionment which included parts of Kalama Valley and Portlock in the current Senate District 25, and

WHEREAS the proposed House District 51 and Senate District 25 are not compact and are contiguous only by means of a narrow beach corridor, and both districts would straddle Congressional Districts 1 and 2 and will not be wholly contained in a Congressional District as per Commission precept, and

WHEREAS Districts 51 and 17 are currently well-drawn with Makapu‘u Point Lighthouse as a logical natural boundary, which has traditionally been the geographic and political dividing line between the windward and leeward sides of the Ko‘olaus, and

WHEREAS the proposed reconfiguration splits Enchanted Lakes between Districts 50 and 51, diluting the voice of the Enchanted Lakes community, and

WHEREAS the proposed reconfiguration splits Hawai‘i Kai between Districts 51 and 17, diluting the voice of the Hawai‘i Kai community, and

WHEREAS the proposed reconfiguration could conceivably dilute the Native Hawaiian voice of Waimānalo by squeezing it between two disparate communities, and

WHEREAS the Neighborhood Board Chairs of Waimānalo, Kailua and Hawai‘i Kai share in support of eachothers efforts to oppose the proposed reconfiguration of House Districts 51 and 17,



NOW THEREFORE BE IT RESOLVED that the Reapportionment Commission Technical Group is urged to redo the proposed boundary configuration for House Districts 51 and 17, maintaining Makapu'u point as the natural geographical boundary between the two districts, leaving House District 51 largely intact as the population deviation is minimal, and extending the Ewa boundary for Hawai'i Kai beyond Kawaihae Street towards downtown to address the population deviation, and

BE IT FURTHER RESOLVED that copies of this resolution be delivered to the Reapportionment Commission, Office of State Representative Lisa Marten, Office of State Senator Chris Lee and the Office of City Council Member Esther Kia'āina.

A draft resolution was approved by the Hawaiian Affairs and Natural Resources Committee on Tuesday October 26, 2021 by vote of 5-0-0 and submitted to the Waimānalo Neighborhood Board for consideration at its Monday November 08, 2021 Regular Meeting.

This resolution was approved by the Waimānalo Neighborhood Board for consideration at its Monday November 08, 2021 Regular meeting unanimously, by a vote of 10-0-0.

A handwritten signature in black ink, reading "Kimeona Kane", is positioned above a horizontal line.

Kimeona Kane, Chair Waimānalo Neighborhood Board

Kimeonakane@gmail.com

808 398 8989

From: [William \(Bill\) Sims](#)
To: [OE.Elections.Reapportionment](#)
Subject: [EXTERNAL] Written Testimony for January 6 meeting
Date: Tuesday, January 4, 2022 1:05:34 PM

I urge the commission to quickly move forward with the higher Department of Defense extraction figure of 99,967 that the military provided on Friday, Dec 31. The commission cannot afford a long debate on the best method for extracting non-resident individuals from census blocks. The commission has the zip codes plus 4/5 data and needs to proceed to extract the individuals based on the zip codes.

Do not delay longer, produce the new maps based on the state constitution criteria; Hawaii's Constitution mandates that Districts shall be contiguous, compact and where possible, follow...easily recognizable geographical features. Time is of the essence, as the deadline from the state Supreme Court gave the commission until Feb. 27 to file its final redistricting plans with the state Office of Elections. Let's avoid what happened in 2011 when the commission was sued for its reapportionment plans that apparently undercounted non-residents in the state. The high court ruled in 2012 that the commission needed to redo its redistricting proposals as a result of this lawsuit. The Hawaii Supreme Court ruled in 2012 that college students and military who are not permanent residents MUST be removed from population estimates used to redraw the boundaries.

Aloha

--

Bill Sims
Kalama Valley

From: [Meizhu Lui](#)
To: [OE.Elections.Reapportionment](#)
Subject: [EXTERNAL] Inclusion of updated data on non-permanent military residents
Date: Tuesday, January 4, 2022 2:10:55 PM

Dear Commissioners,

First, as a 2021 Hawaii County Redistricting Commission member, I know how hard your job is - both in meeting the legal requirements, and in making the people of Hawaii confident that your final map reflects fairness and equity.

In terms of the requirements, the NPR numbers provided by the Department of Defense must be extracted. It is not the fault of the Commission, but of the Department of Defense that the numbers were sloppily put together. However, the new map must legally abide by the Solomon V. Abercrombie; a delay of a few months now is a small price to pay to fulfill the legal requirements that will determine the new district boundaries for ten years.

In terms of public sentiment, without using corrected numbers, the people of Hawaii - particularly those on neighbor islands - will not trust that the new Districts are going to guarantee our voting rights.

I hope you will accept the revised numbers and adjust the mapping accordingly.

With appreciation for your work,

Meizhu Lui
Papaaloa, Hawaii County

From: [Joshua Jacobs](#)
To: [OE.Elections.Reapportionment](#)
Subject: [EXTERNAL] Testimony regarding Hawai'i Island reapportionment
Date: Tuesday, January 4, 2022 8:26:31 PM

As a resident of Hawai'i Island, and specifically Kurtistown, I am writing in strong favor of Hawai'i Island receiving 8 house seats. The numbers are clear and I appreciate your support.

Joshua

From: [Mary Marvin Porter](#)
To: [OE.Elections.Reapportionment](#)
Subject: [EXTERNAL] Recently release Military Extraction numbers show Island of Hawaii entitled to 8 House seats.
Date: Wednesday, January 5, 2022 9:04:31 AM

Aloha Reapportionment Commission Members.

The Military Personnel extraction numbers show that the Island of Hawaii is entitled to eight House seats. Please allocate eight [8] House seats to the island of Hawaii as soon as possible. Mahalo for your hard work on this very daunting job,

Mary Marvin Porter
Island Eyes Video
Kea'au, Hawai'i

January 5, 2022

2021 Reapportionment Commission
c/o Scott Nago, Secretary
802 Lehua Avenue
Pearl City, Hawai'i 96782

(Via Email Only)

RE: Testimony for the Hawai'i State Reapportionment Commission's January 6, 2022 Meeting

Dear Hawai'i State Reapportionment Commission:

Common Cause Hawai'i is a nonpartisan, nonprofit, grassroots organization dedicated to upholding the core values of American democracy and ensuring a fair and transparent reapportionment and redistricting process.

Common Cause Hawai'i reiterates its strong support for the Reapportionment Commission to count incarcerated people at their home addresses as of the official Census Date for the purposes of drawing legislative district lines. Including incarcerated persons in the population count for the district in which their facility is located alters representational proportions and, as a result, the voting power of residents. As we have previously noted, counting Hawai'i's incarcerated population according to their home addresses will eliminate this issue and ensure an accurate and true reapportionment of Hawai'i's political districts. Given that the Commission's staff can promptly process new extraction data, the processing of incarcerated people at their home addresses, which the Department of Public Safety already has, should not be an issue.

Further, Common Cause Hawai'i reminds the Commission of the importance of following the Sunshine Law to ensure a transparent and accountable reapportionment and redistricting process that is valid, legitimate, and trusted by the people. In a supplemental January 3, 2022 letter, we raised concerns with the process by which the Commission at the January 3, 2022 meeting entered executive session; the Commission did not comport with Sunshine Law and Hawaii Supreme Court decisions. The concerns stated in our supplemental January 3, 2022 letter are incorporated herein by reference.

Therefore, Common Cause Hawaii respectfully asks this Commission to count incarcerated people at their declared home addresses and not their facilities and adhere to the Sunshine Law. We have attached information on how to count incarcerated people at their home addresses as a starting point.

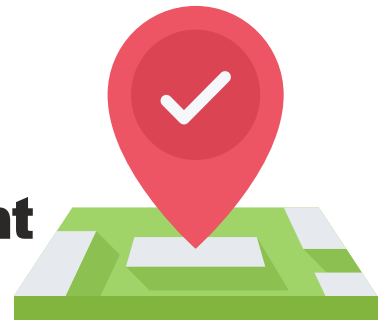
If you have any questions or concerns, I am available to discuss further at 808-497-4629 or kainoa@kaiwiula.com.

Very respectfully yours,

Kainoa Kaumeheiwa-Rego

Kainoa Kaumeheiwa-Rego
Common Cause Hawai'i

Attachment: How to Count Incarcerated People at Home



Step by Step Guide: How to count incarcerated people at home

An overview of the steps involved in adjusting state redistricting data to create equitable solutions to prison gerrymandering

STEP

1

Get state prison data from the state's correctional agency

- Work with the state's correctional agency to get data for people incarcerated on Census Day, including: address where person is incarcerated, last known address prior to incarceration, age, race, and Hispanic origin, if available.
 - To anonymize the data, a unique identifier should be assigned to each record.
 - In most cases, the data on race is incomplete or the categories used by the correctional agency do not line up with census categories, and states will have to take a best-fit approach to matching the corrections data to the census data.
 - If the state maintains alternative addresses (address provided at arrest or expected address on release, etc.) those should be included as well.
- Ensure address data is as specific and accurate as possible, including street, city, zip code, and state.

States can start Steps 1 & 2 immediately after Census Day or as soon as address data for people incarcerated on April 1 is obtained from corrections agencies.

STEP

2

Geocode individual address data

- Remove all addresses that list another state.
- Geocode all remaining addresses - geocoding can be done using geocoding software (i.e. ESRI, MapMarker) or the Census Bureau's batch geocoder, available to states specifically for this purpose.
 - Some states contract with a vendor to do the geocoding.
 - The geocoding process will likely identify additional addresses in need of correction (problems such as "street" instead of "avenue" that look like a complete and accurate address on first glance but fail to match to a mappable address).
- For any addresses that fail to geocode, establish a protocol for correcting addresses and recording any edits made.
 - In 2011, New York established a set of alphabetical codes to note the source of supplemental information used to clean up addresses.
 - Some corrections will be easy, like misspellings or incorrect abbreviations for cities or street names.
 - Other addresses may take more research such as looking at additional address data provided by the state's corrections agency (i.e. booking address) or looking at maps of municipal boundaries, zip codes, or online mapping sites like Google Maps.

- After corrections are made, run all the corrected addresses through the geocoder again, and repeat this process for as many iterations as practicable.
- States handle unusable addresses differently – some require those individuals be counted where they are incarcerated; others, like California, assign the individual to a randomly determined census block within the smallest geographical area that can be determined from the information provided.
- NOTE: Do not let the perfect be the enemy of good! Every person counted at home is one that is not counted in the wrong place. States should make their best effort to correct and geocode as many of the addresses provided, but no state will get 100% accuracy. As a rough guide, a 70% success rate would be considered a good outcome in most states going through the process for the first time.

STEP 3

Subtract the relevant prison populations from census blocks where prisons are located

- Subtract the correctional population reported by the census in the group quarters tables of the redistricting data.
- Some states may require or have discretion to subtract federal prison populations.
- Some states, like Maryland, require that individuals without an address be counted at the facility address. In that case, take any unmatched addresses from Step Two, above, and add those populations back into the census block containing the facility.

STEP 4

Use adjusted data for redistricting

- The state will have the data set that best counts incarcerated people at home and minimizes padding of districts with prisons once it completes Steps 1 thru 3: people with geocodable addresses have been counted in their home census blocks; correctional group quarters counts have been subtracted from the census blocks where prisons are located; and people without a last known, unusable or out-of-state address have either been subtracted or placed back in the census block where they are incarcerated, depending on what is permitted or required under state law.



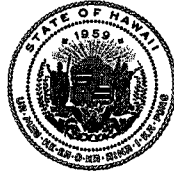
Additional resources:

- Quick reference chart for state-specific legislation:
<https://www.prisonersofthecensus.org/models/chart.html>
- Quick reference on state options for addressing prison gerrymandering:
https://www.prisonersofthecensus.org/factsheets/national/state_solutions.pdf
- A detailed overview of the reallocation process used by New York and Maryland in 2010:
<https://www.demos.org/policy-briefs/implementing-reform-how-maryland-new-york-ended-prison-gerrymandering>

For questions and more information on prison gerrymandering, visit
<https://www.prisonersofthecensus.org>

For questions and more information about redistricting, visit
<https://www.commoncause.org/our-work/gerrymandering-and-representation/gerrymandering-redistricting/>

**V. APPROVAL OF MINUTES
FOR THE MEETING OF
JANUARY 3, 2021**



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

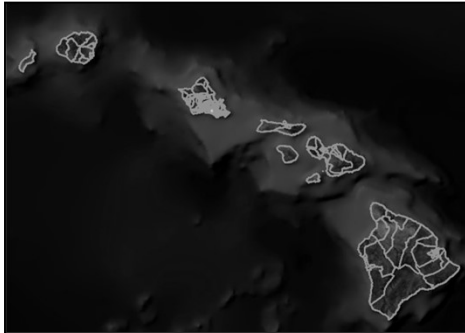
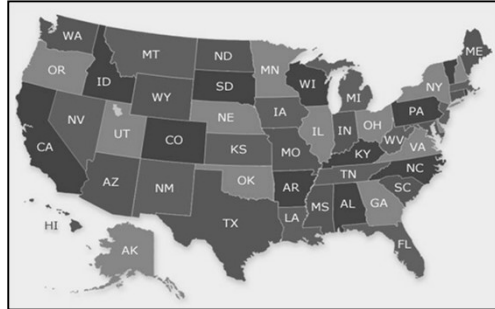
Commissioner Nekota made a motion to adjourn the meeting, which was seconded by Commissioner Ono and approved unanimously by the Commission. The meeting was adjourned at 4:46 p.m.

Respectfully submitted,



SCOTT T. NAGO
Secretary to the Reapportionment Commission

**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**



Reapportionment and Redistricting in Hawaii

**Hawaii Permanent Resident
Population Base**

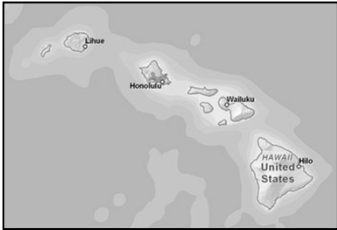
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December 31, 2021

**Hawaii Reapportionment Commission
January 6, 2022**



Timeline to Determine Hawaii Population Base - 2022



Non-Permanent Residents - Military

Criteria 1: Non-Permanent Residents

Criteria 2: Counted as residents in the P.L. 94-171 census data

Q1: How many military sponsors who declare a state of legal residence outside Hawaii were living in Hawaii on Census Day?

Q2: How many of those military sponsor's dependents were living in Hawaii on Census Day?

Received ~~December 29, 2021 at 3:43 pm HST~~ December 31, 2021 at 12:44 pm HST

Active Duty Population Living in Hawaii, But State of Legal Residence is Not Hawaii (as of March 31, 2020)											
By Mailing Zip Code, Person Type and Ages of Children											
Sources: DEERS Extract Database, Active Duty Master Personnel File											

Processing Steps: Initial quality control and cross checks
 Teams meeting with DMDC to understand why the differences
 (as needed, to Assign to Basic Island Units (BIU) for Reapportionment (Step 1)
 be completed Reapportion Senate and House for each BIU
 by Jan 3, 2022 Assign to census blocks for extraction
 if possible) Extract from Federal Population Base to create Hawaii Population Base
 Provide to Esri to add to Hawaii Redistricting Online (HRO)
 Create template plans for Redistricting (Step 2)
 Commission and public can begin creating new plans

Hawaii Population Base – using 12/31/2021 DMDC data

DMDCRS#147060

Logic for first Data pull:

6/2/20 **64,415**

11/8/21 **64,129**

non-HI zip **93,995**

12/31/21 **99,967**

- Included the following Person Categories: Active Duty Military, Reserve, and National Guard
- Included both Sponsor and Dependent
- Record must be current as of March 31st, 2020 and alive
- Sponsor must have a Residence Mailing location in Hawaii
- Dependents must have a Residence Mailing location in Hawaii regardless the location of the sponsor
- **NO** logic to remove members with legal residence in Hawaii
- Duplicate records were dropped based on Person ID (keeping the first record)

Data correction logic:

- The first data pull was based on a program designed for another location report. The original programmer added logic to correct location reporting:
 - verify the residence mailing zip against a zip lookup table
 - If zip is not found then keep the state and country code reported by Services
 - If zip is found then use the state and country code from the zip lookup table

Hawaii Population Base – using 12/31/2021 DMDC data

DRS #147060 – Methodology (Dec. 30, 2021)

6/2/20 64,415

- 1) Pulled any DoD Affiliated record (Sponsor or Dependent) to an Active Duty Sponsor (Personnel Category Code = 'A') whose Mailing Address State Code was Hawaii (HI) from the Defense Enrollment and Eligibility Reporting System (DEERS) Point-in-Time Extract (PITE) as of March 31, 2020. The corresponding Sponsor had to be current as of end of March 30, 2020, and the relationship to the sponsor had to be current as of end of March 30, 2020. All records pulled had a Death Flag Code of "N".

11/8/21 64,129
non-HI zip 93,995

Records read in: 43,361,072 — Records returned: 102,468

12/31/21 99,967

- 2) Matched the Sponsor SSN of step1 to the March 2020 Active Duty Master Personnel File by SSN and determined the state of legal residence for the Sponsor.

Input file: 102,468 — Active Duty Master File: 1,371,791 — Records returned: 102,468

SSNs matched: 102,205 (99.74%)

Count with State of Legal Residence of Hawaii: 2,428

- 3) Removed 2,428 from 102,468. Of the remaining 100,040, there were 2,501 zip codes that did not have the first 3 digits of 967-968. That left 99,967 records.

Sponsors: 44,277

Spouses: 24,028

Children: 31,143

Other Dependents: 319*

Total: 99,967

- 4) Final table showed full 9-digit Mailing Address Zip Code in Column A, Number of Sponsors in Column B, Number of Spouses in Column C, Children (Person Association Reason Code of Child, Stepchild or Ward) by individual ages 0-18 and 19+ in Columns D-X, Number of Children in Column Y (sum of D-X), Number of Other Dependents in Column Z, Number of Total Dependents in Column AA (Y+Z), and Total Individuals in Column AB (C+D+AA).

*-Other Dependents include Parent (243), Parent-in-Law (75), or Stepparent (1).

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6/2/20 **64,415**

11/8/21 **64,129**
non-HI zip **93,995**

12/31/21 **99,967**

- 1) Pull Active Duty Sponsors with Duty Station Hawaii and State of Legal Residence outside Hawaii
- 2) Pull Dependents of those Sponsors

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- 1) Pull Active Duty Sponsors with Duty Station Hawaii and State of Legal Residence outside Hawaii
- 2) Pull Dependents of those Sponsors
- 1) Pull all Active Duty Sponsors and all Dependents with mailing address in Hawaii (HI)
- 2) Match Dependents to Sponsors
- 3) Remove Sponsors and Dependents if Sponsor's State of Legal Residence is Hawaii

Hawaii Population Base – using 12/31/2021 DMDC data

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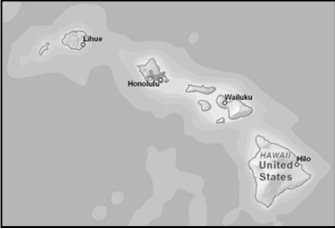
Bottom line: believe the prior reports should not be used, and Scott's latest pull best meets the needs of determining those who were physically present in HI at time of Census.

- By matching "apples to apples" of physical location (as best described by first pulling HI mailing addresses) of AD sponsors with Legal Residence not Hawaii, and any Dependents associated with AD sponsors on the date of the Census, Scott's logic best meets the State's needs.

- 1) Pull all Active Duty Sponsors and all Dependents with mailing address in Hawaii (HI)
- 2) Match Sponsors to Dependents
- 3) Remove Sponsors and Dependents with State of Legal Residence in Hawaii

*-Other Dependents include Parent (243), Parent-in-Law (75), or Stepparent (1).

Hawaii Population Base – Criteria



Hawaii Permanent Resident Population Base

C1: Were they Non-Permanent Residents?

C2: Were they counted as residents in the PL 94-171 counts?

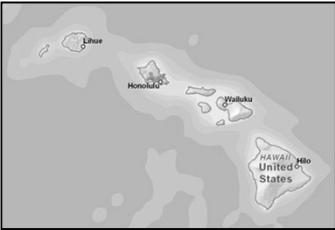
1. Military sponsors and their dependents, if the following conditions hold:

- They declared a state other than Hawaii as their state of legal residence (Home State) (Nonpermanent).
- They were otherwise covered by the *Final 2020 Census Residence Criteria and Residence Situations* publication in the Federal Register (February 8, 2018) for inclusion in the U.S. Census Bureau count for Hawaii. 83 FR 5525.

2. Students, provided the following conditions are met:

- They pay out-of-state tuition or have a permanent address outside Hawaii (Nonpermanent).
- They were otherwise covered by the *Final 2020 Census Residence Criteria and Residence Situations* publication in the Federal Register (February 8, 2018) for inclusion in the U.S. Census Bureau count for Hawaii. 83 FR 5525.

Hawaii Population Base – Criteria



Hawaii Permanent Resident Population Base

C1: Were they Non-Permanent Residents?

C2: Were they counted as residents in the PL 94-171 counts?

Federal Register / Vol. 83, No. 27 / Thursday, February 8, 2018 / Rules and Regulations

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DEPARTMENT OF COMMERCE

Bureau of the Census

15 CFR Chapter I

[Docket Number 160526465–8033–03]

RIN 0607–XC026

Final 2020 Census Residence Criteria and Residence Situations

AGENCY: Bureau of the Census,
Department of Commerce.

ACTION: Final criteria.

Step 1 – Reapportionment using 12/31 population base



Section 4. The commission shall allocate the total number of members of each house of the state legislature being reapportioned among the four basic island units, namely: (1) the island of Hawaii, (2) the islands of Maui, Lanai, Molokai and Kahoolawe, (3) the island of Oahu and all other islands not specifically enumerated, and (4) the islands of Kauai and Niihau, using the total number of permanent residents in each of the basic island units and computed by the method known as the method of equal proportions; except that no basic island unit shall receive less than one member in each house.

- **Federal**
U.S. Census

Hawaii Reapportionment Commission and Advisory Councils

- **State**

State Senate

- apportion 25 seats among 4 Basic Island Units

- draw districts with balanced population within BIU

- assign staggered 4 year and 2 year terms for 2022

State House

- apportion 51 seats among 4 Basic Island Units

- draw districts with balanced population within BIU

Hawaii

Maui

- Maui
- Molokai
- Lanai
- Kahoolawe

Kauai

- Kauai
- Niihau

Oahu

Step 2 – Redistricting using 12/31 population base



Section 6. Upon the determination of the total number of members of each house of the state legislature to which each basic island unit is entitled, the commission shall apportion the members among the districts therein and shall redraw district lines where necessary 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.

- **Federal**
U.S. Census —

- draw districts with balanced population within state

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Legislative
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Solomon v. Abercrombie, 126 Hawai'i 283 (2012)

In preparing a new plan, the Commission must first—pursuant to article IV, section 4—determine the total number of permanent residents in the state and in each county and use those numbers to allocate the 25 members of the senate and 51 members of the house of representatives among the four counties. Upon such allocation, the Commission must then—pursuant to article IV, section 6—apportion the senate and house members among nearly equal numbers of permanent residents within each of the four counties. 8

Step 1 – Reapportionment using 12/31 population base

Hawaii Population Base using December 31, 2021 military dataset - all rows

Federal Population Base 1,455,271 U.S. Census residents

 Statewide extraction of 99,967 military non-permanent residents

Statewide extraction of 7,250 university non-permanent residents

Hawaii Population Base	1,348,054 Hawaii permanent residents
------------------------	--------------------------------------

53,922 Statewide Senate ideal population

26,432 Statewide House ideal population

17,737 Statewide Senate+House ideal population

Need to extract from Federal Population Base (Basic Island Unit level)
 to create Hawaii Population Base for Reapportionment

Step 1 – Reapportionment using 12/31 population base

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Hawaii Population Base	1,348,054 Hawaii permanent residents
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Federal Population Base by Basic Island Unit

Oahu	1,016,508
Hawaii	200,629
Maui	164,836
Kauai	73,298

Using 5-digit Zip Code (Zip5) to identify the Basic Island Unit

Hawaii Population Base by Basic Island Unit

Oahu	910,521	using military extraction of	99,398
		and university extraction of	6,589
Hawaii	199,990	using military extraction of	140
		and university extraction of	499
Maui	164,539	using military extraction of	188
		and university extraction of	109
Kauai	73,004	using military extraction of	241
		and university extraction of	53

Step 1 – Reapportionment using 12/31 population base

State Senate Seats and Ideal Population by Basic Island Unit

Oahu	17	target = 53,560
Hawaii	4	target = 49,998
Maui	3	target = 54,846
Kauai	1	target = 73,004

Using the Method of Equal Proportions

State House Seats and Ideal Population by Basic Island Unit

Oahu	34	target = 26,780
Hawaii	8	target = 24,999
Maui	6	target = 27,423
Kauai	3	target = 24,335

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Step 2 – Redistricting using 12/31 population base



Section 6. Upon the determination of the total number of members of each house of the state legislature to which each basic island unit is entitled, the commission shall apportion the members among the districts therein and shall redraw district lines where necessary 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.

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U.S. Census —

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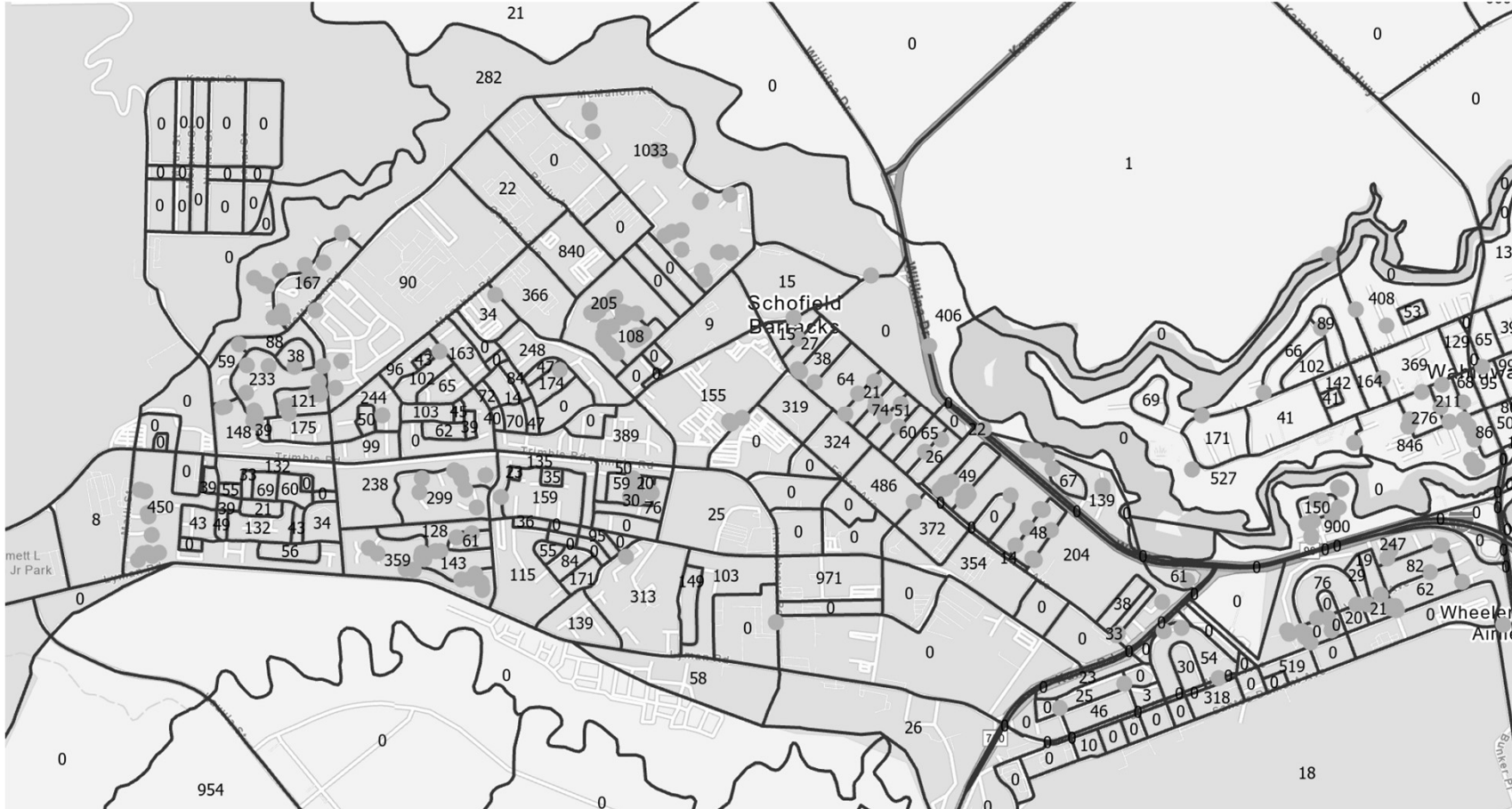
Kauai

- Kauai
- Niihau

Oahu

Step 2 – Redistricting using 12/31 population base

Extract from Federal Population Base (U.S. Census blocks)
to create block-level Hawaii Population Base for Redistricting



Schofield area – 18,756 military non-permanent residents to extract

Step 2 – Redistricting using 12/31 population base

Extract from Federal Population Base (U.S. Census blocks)
to create block-level Hawaii Population Base for Redistricting

107,217 to extract

1 within block

2 adjoining blocks

3 neighboring blocks

4 zip code area

5 islandwide



Step 2 – Redistricting using 12/31 population base

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**1 within block
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Step 2 – Redistricting using 12/31 population base

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Review of Step 1 and Step 2 for 12/31 Hawaii Population Base

Step 1 – Reapportionment

Section 4. The commission shall allocate the total number of members of each house of the state legislature being reapportioned among the four basic island units, namely: (1) the island of Hawaii, (2) the islands of Maui, Lanai, Molokai and Kahoolawe, (3) the island of Oahu and all other islands not specifically enumerated, and (4) the islands of Kauai and Niihau, using the total number of permanent residents in each of the basic island units and computed by the method known as the method of equal proportions; except that no basic island unit shall receive less than one member in each house.

NPR extraction from BIU

	military	total
6/2/20	64,415	71,665
11/8/21	64,129	71,379
non-HI zip	93,995	101,245
12/31/21	99,967	107,217

Step 2 – Redistricting

Section 6. Upon the determination of the total number of members of each house of the state legislature to which each basic island unit is entitled, the commission shall apportion the members among the districts therein and shall redraw district lines where necessary 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.

NPR extraction from census blocks


1 within block	71,500
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Review of Step 1 and Step 2 for 12/31 Hawaii Population Base

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1 within block	71,500	✓
2 adjoining blocks	21,020	✓
3 neighboring blocks	14,697	✓
4 zip code area	0	
5 islandwide	0	

Hawaii Redistricting Online using 12/31 population base

Plan Name		Description
Hawaii State House v1231 - proposed 2021		Hawaii Basic Island Unit - new HPB - 8 seats (Districts 1 thru 8) in the Hawaii State House - initial block assignments as proposed Dec 22 2021
Hawaii State Senate v1231 - proposed 2021		Hawaii Basic Island Unit - new HPB - 4 seats (Districts 1 thru 4) in the Hawaii State Senate - initial block assignments as proposed Dec 22 2021
Kauai State House v1231 - proposed 2021		Kauai Basic Island Unit - new HPB - 3 seats (Districts 15 thru 17) in the Hawaii State House - initial block assignments as proposed Dec 22 2021
Maui State House v1231 - proposed 2021		Maui Basic Island Unit - new HPB - 6 seats (Districts 9 thru 14) in the Hawaii State House - initial block assignments as proposed Dec 22 2021
Maui State Senate v1231 - proposed 2021		Maui Basic Island Unit - new HPB - 3 seats (Districts 5 thru 7) in the Hawaii State Senate - initial block assignments as proposed Dec 22 2021
Oahu State House v1231 - proposed 2021		Oahu Basic Island Unit - new HPB - 34 seats (Districts 18 thru 51) in the Hawaii State House - initial block assignments as proposed Dec 22 2021
Oahu State Senate v1231 - proposed 2021		Oahu Basic Island Unit - new HPB - 17 seats (Districts 9 thru 25) in the Hawaii State Senate - initial block assignments as proposed Dec 22 2021

Hawaii Redistricting Online using 12/31 population base

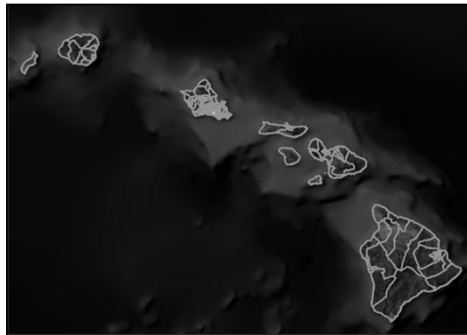
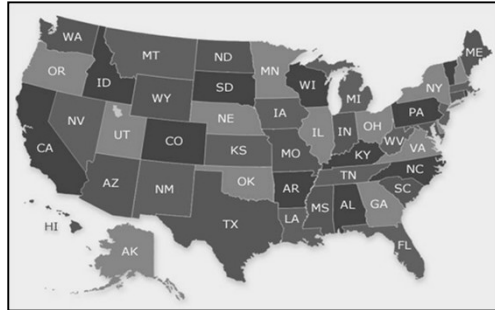
Plan Name		Description
Hawaii State House v1231 - proposed 2021	n/a	Hawaii Basic Island Unit - new HPB - 8 seats (Districts 1 thru 8) in the Hawaii State House - initial block assignments as proposed Dec 22 2021
Hawaii State Senate v1231 - proposed 2021	0.97%	Hawaii Basic Island Unit - new HPB - 4 seats (Districts 1 thru 4) in the Hawaii State Senate - initial block assignments as proposed Dec 22 2021
Kauai State House v1231 - proposed 2021	0.57%	Kauai Basic Island Unit - new HPB - 3 seats (Districts 15 thru 17) in the Hawaii State House - initial block assignments as proposed Dec 22 2021
Maui State House v1231 - proposed 2021	4.44%	Maui Basic Island Unit - new HPB - 6 seats (Districts 9 thru 14) in the Hawaii State House - initial block assignments as proposed Dec 22 2021
Maui State Senate v1231 - proposed 2021	0.89%	Maui Basic Island Unit - new HPB - 3 seats (Districts 5 thru 7) in the Hawaii State Senate - initial block assignments as proposed Dec 22 2021
Oahu State House v1231 - proposed 2021	n/a	Oahu Basic Island Unit - new HPB - 34 seats (Districts 18 thru 51) in the Hawaii State House - initial block assignments as proposed Dec 22 2021
Oahu State Senate v1231 - proposed 2021	20.88%	Oahu Basic Island Unit - new HPB - 17 seats (Districts 9 thru 25) in the Hawaii State Senate - initial block assignments as proposed Dec 22 2021

Hawaii Redistricting Online using 12/31 population base

Plan Name		Description
Hawaii State House v1231 - current		Hawaii Basic Island Unit - new HPB - 8 seats (Districts 1 thru 8) in the Hawaii State House - initial block assignments are current (2012-2020) State House districts
Hawaii State Senate v1231 - current		Hawaii Basic Island Unit - new HPB - 4 seats (Districts 1 thru 4) in the Hawaii State Senate - initial block assignments are current (2012-2020) State Senate districts
Kauai State House v1231 - current		Kauai Basic Island Unit - new HPB - 3 seats (Districts 15 thru 17) in the Hawaii State House - initial block assignments are current (2012-2020) State House districts
Maui State House v1231 - current		Maui Basic Island Unit - new HPB - 6 seats (Districts 9 thru 14) in the Hawaii State House - initial block assignments are current (2012-2020) State House districts
Maui State Senate v1231 - current		Maui Basic Island Unit - new HPB - 3 seats (Districts 5 thru 7) in the Hawaii State Senate - initial block assignments are current (2012-2020) State Senate districts
Oahu State House v1231 - current		Oahu Basic Island Unit - new HPB - 34 seats (Districts 18 thru 51) in the Hawaii State House - initial block assignments are current (2012-2020) State House districts
Oahu State Senate v1231 - current		Oahu Basic Island Unit - new HPB - 17 seats (Districts 9 thru 25) in the Hawaii State Senate - initial block assignments are current (2012-2020) State Senate districts

Hawaii Redistricting Online using 12/31 population base

Plan Name		Description
Hawaii State House v1231 - blank		Hawaii Basic Island Unit - new HPB - 8 seats (Districts 1 thru 8) in the Hawaii State House - no initial block assignments
Hawaii State Senate v1231 - blank		Hawaii Basic Island Unit - new HPB - 4 seats (Districts 1 thru 4) in the Hawaii State Senate - no initial block assignments
Kauai State House v1231 - blank		Kauai Basic Island Unit - new HPB - 3 seats (Districts 15 thru 17) in the Hawaii State House - no initial block assignments
Maui State House v1231 - blank		Maui Basic Island Unit - new HPB - 6 seats (Districts 9 thru 14) in the Hawaii State House - no initial block assignments
Maui State Senate v1231 - blank		Maui Basic Island Unit - new HPB - 3 seats (Districts 5 thru 7) in the Hawaii State Senate - no initial block assignments
Oahu State House v1231 - blank		Oahu Basic Island Unit - new HPB - 34 seats (Districts 18 thru 51) in the Hawaii State House - no initial block assignments
Oahu State Senate v1231 - blank		Oahu Basic Island Unit - new HPB - 17 seats (Districts 9 thru 25) in the Hawaii State Senate - no initial block assignments



Reapportionment and Redistricting in Hawaii

Hawaii Permanent Resident Population Base

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December 31, 2021

Hawaii Reapportionment Commission January 6, 2022

