

SB2378

SD1



SB 2378 SD 1
RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS
Senate Committee on Judiciary and Government Operations

February 24, 2010

11:00 a.m.

Room: 016

The Office of Hawaiian Affairs (OHA) offers the following comments on SB 2378, SD 1. This bill would provide for the election of the members of the OHA Board of Trustees through a system of primary and general elections. Currently, the trustees are elected at a special election held in conjunction with the general election.

We respectfully request that in weighing the pros and cons of this bill, you take into account the financial costs to the state and to the candidates for trustee. For the state, the costs include the administrative expenses of shifting to a different system for electing the trustees. For the candidates, the costs include the added expense of competing in two elections instead of one. The distinction of running state-wide for OHA trustee (similar to the Governor, Lieutenant Governor, and two U.S. Senators) makes the costs even more prohibitive.

Mahalo for the opportunity to testify.

TESTIMONY OF

Dr. Solomon D.K. Nalua'I, M.D., Ph.D. (Ret.)

2010 Hawaii State Legislative Senate Judiciary and Government Operations Hearing

Chair:	Brian T. Taniguchi	219	(Makiki/Manoa - District 10)
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	Sam Slom	222	(Kahala/Hawaii Kai - District 8)

SB2378SD-1: Relating to the Office of Hawaiian Affairs

Aloha, I'm Dr. Sol Nalua'I of Kaneohe, and I speak in Favor of SB2378SD-1

However, I wish to introduce an OHA Election Amendment Proposal:

1. Currently, Neighbor Island OHA Trustees are elected by "All Voters Statewide". As it presently stands, all OHA Trustees are elected as if At-Large. Technically, then, there are no Neighbor Island OHA Trustees, meaning our neighbor island voters have no real say and no real voice in selecting their own islands trustees.
2. With 80% of the states registered voter population on Oahu, Honolulu alone can virtually elect all OHA Trustees as if they are all At-Large. This is wrong, and must be corrected (amended) to apply to each Neighbor Island Voters Only!
3. Neighbor Island OHA Candidates need only to campaign in Honolulu, and completely ignore any accountability to their island constituents, and still be elected their islands OHA Trustee, leaving island voters no real choice. This has happened in the past with Maui and Molokai OHA Trustees, where their islands voted for the "Challenger", yet Honolulu elected the "Incumbent". This must change, for why should OHA get any special exemption privileges. This is "Unconstitutional" and in violation of the equal protection of the 14th Amendment, U.S. Constitution, and can be challenged!
4. Since OHA candidates must be residents of their islands to be eligible to run, then voters must also be residents of their islands to be eligible to vote for their Trustees. This is the same as for any of your Hawaii State Legislative Senate and House seats.
5. This OHA Election Amendment Proposal:
 - a. Will bring OHA in-line with all National, State and County elections.
 - b. Will make OHA "Pono" for all beneficiaries and voters.
 - c. Will bring OHA elections into fair, just and "Constitutional Conformity".

I ask your sincere effort to correct this election error by amending Section 1 (c) and (e) of SB2378SD-1, that in turn amends Section 13D-3 and 13D-4, HRS, during this 2010 Legislative Session, to take effect immediately upon approval, and signing into law, and before this next coming 2010 election year. Mahalo.

Dr. Sol Nalua'I, 2/12/2010

cc: All Senate Leadership