



THE LEAGUE OF WOMEN VOTERS OF HAWAII

TESTIMONY ON HB 2401 PROPOSING AN AMENDMENT TO ARTICLE IV, SECTION 2, OF THE STATE CONSTITUTION TO ADD A RESIDENCY REQUIREMENT FOR MEMBERS APPOINTED TO THE REAPPORTIONMENT COMMISSION

Committee on Judiciary

Rep. Gilbert S.C. Keith-Agaran, Chair

Rep. Karl Rhoads, Vice Chair

Tuesday, January 31, 2012

2:00 p.m. Conf. Room 325

Testimony by Janet Mason, Vice President, LWV of Hawaii

Chair Keith-Agaran, Vice Chair Rhoads, and members of the Committee on Judiciary, the League of Women Voters of Hawaii supports adding a residency requirement for members appointed to the Reapportionment Commission.

This would be a process improvement over the current approach to appointing Commission members, and would help guarantee that residents throughout Hawaii are adequately represented on the Commission.

Ideally, the residence of the Commission's members would correspond closely to the geographic distribution of our resident population. But because there are currently four appointing authorities for eight members of the Commission, achieving and maintaining this proportionality is difficult. Presuming the legislature wants to maintain the current political method of appointing members, the League suggests that this bill be amended to require that each of the four appointing authorities appoint one person from Oahu and a second person from a different island. Having four of the eight appointed members from Oahu and four of the eight members from other islands would not be the ideal, but would be a fairer geographic balance than the current approach. The ninth member of the Commission, its Chair, could continue to be selected using the current provisions of Article IV, Section 2.

Thank you for the opportunity to testify on this important matter.

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**House JUD Committee
Chair Gilbert Keith-Agaran, Vice Chair Karl Rhoads**

**Tuesday 1/31/12 at 2:00PM in Room 325
HB 2401 – Reapportionment Commission / Residency Requirement**

TESTIMONY

Nikki Love, Executive Director, Common Cause Hawaii

Chair Keith-Agaran, Vice Chair Rhoads, and Committee Members:

Common Cause Hawaii supports the intent of HB 2401. This bill proposes a constitutional amendment that requires each of the Reapportionment Commission appointing authorities to select appointees from different counties. Each appointing authority (Senate President, House Speaker, and two Minority Leaders) would continue to appoint two Commission members each, however the two appointees would be required to be from different counties. (The ninth member would be unchanged – selected by the initial eight, or by the Supreme Court if the deadline passes.)

We believe this is an important issue for the legislature to discuss. This issue comes up again and again, and has implications for the public’s perception of representation and fairness on the Commission.

Both the 2001 and 2011 Reapportionment Commissions highlighted this issue in their final reports:

2001 Reapportionment Commission Final Report, Page 27:

1. Commission Composition.

The Commission affirms the value of having advisory councils for each basic island unit. The councils serve a desirable purpose in bringing to the attention of the reapportionment commission the pulse and concerns of the people of each county.

While affirming the value of the councils, we believe it important to convey to the appointing authorities the following concern that was expressed repeatedly at many of the Commission’s public hearings and meetings. The concern that was raised was why all of the nine Commission members were from Oahu and none were from the neighbor islands. This concern was also raised by each of the advisory councils. We believe that the public’s and advisory councils’ concerns about appropriate geographic representation should be given appropriate consideration by the legislative leaders in

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connection with their appointment of future commission members.

Recommendation. We recommend that the legislature consider the composition of future reapportionment commissions so as to reflect the populations of the four basic island units.

2011 Reapportionment Commission Final Report (Dec 2011), Page 33-34:

2. Consider geographical diversity in composition of the Commission.

The Commission was criticized as “Oahu-centric” based upon the fact that eight of the nine Commission members appointed were residents of Oahu and one member was from Maui. A second member relocated to the Big Island, his former home, during the Commission’s proceedings. The Chair noted at public meetings that Commission members were appointed by elected officials and the Supreme Court, as mandated by the State Constitution, Article IV, Section 2. Some members of the public and Neighbor Island advisory councils suggested that the Commission be constituted to approximate the distribution of State population among the basic island units to increase fairness and diversity.

The 2011 Reapportionment Commission was able to deliberate in an open and collegial manner regardless of where members resided. The Commission finds nothing in the record to support any suggestion that they made decisions based on where they reside. The Commission does not make a specific recommendation on composition of the body but, based on public input, brings it to the attention of the legislature for consideration and action if appropriate.

Recommendation. *The 2011 Reapportionment Commission recommends that the legislature review whether changes are needed to require appointment of commissioners from basic island units as suggested by witnesses, particularly those from the neighbor islands. The Commission makes no recommendation on this subject but conveys this concern expressed at public meetings and hearings, both to the legislature and to its leaders, the latter in their role as appointing authorities.*

The requirements proposed in this bill would lead to a result in which no county is represented by more than four Commission members (of the initial eight members). It is important to note that this does not necessarily ensure that the Commission makeup will be proportional to population, nor does it ensure that every county will be represented.

We would encourage continued discussion among legislators and the public on this topic to find the best solution to ensure representation and fairness on the Reapportionment Commission.

Mahalo for the opportunity to submit testimony.