

DAVID Y. IGE  
GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**  
919 Ala Moana Boulevard, 4th Floor  
Honolulu, Hawaii 96814

**NOLAN P. ESPINDA**  
DIRECTOR

**Cathy Ross**  
Deputy Director  
Administration

**Jodie F. Maesaka-Hirata**  
Deputy Director  
Corrections

**Shawn H. Tsuha**  
Deputy Director  
Law Enforcement

No. \_\_\_\_\_

**TESTIMONY ON HOUSE BILL 2773  
RELATING TO VOTING RIGHTS**

By

Nolan P. Espinda, Director

House Committee on Judiciary  
Representative Karl Rhoads, Chair  
Representative Joy A. San Buenaventura, Vice Chair

Friday, February 19, 2016; 3:00 p.m.  
State Capitol, Conference Room 325

Chair Rhoads, Vice Chair San Buenaventura, and Members of the Committee:

At this time, the Department of Public Safety (PSD) would like to provide comments to House Bill (HB) 2773. We note that those who are incarcerated but have yet to be convicted of their crimes (pretrial status) already have the right to vote via the absentee ballot process.

For those who are on Probation, their right to vote is immediately reinstated upon release from the Courts or a Correctional Center. Those released on Parole for a felony conviction have their right to vote reinstated when the individual has paid his/her "debt" to society.

Lastly, this Committee may wish to consider the impact on close district-by-district elections which could potentially be decided by the margin provided by incarcerated sentenced felons, either housed in or out of state, voting via absentee ballot, as proposed in this bill.

Thank you for the opportunity to testify on this measure.



**HB2773**  
**RELATING TO VOTING RIGHTS**  
House Committee on Judiciary

February 19, 2016

3:00 p.m.

Room 325

The Office of Hawaiian Affairs (OHA) **SUPPORTS** HB2773, which would restore the right to vote in Hawai'i elections to incarcerated pa'ahao. **Denying the right to vote to an entire class of citizens—especially where that class is disproportionately composed of Native Hawaiians—is deeply problematic to our islands' democratic ideals, and counterproductive to the rehabilitation and effective reentry of our incarcerated population.**

Voting is a fundamental right essential to a functioning democracy, as the primary vehicle for a citizen's voice in participatory government. Such a right should only be restricted for the most compelling of state interests. However, throughout the nation, state laws categorically deny the right to vote to citizens with criminal convictions, undermining democratic principles with no demonstrable public safety value.<sup>i</sup>

Nationally, felony disenfranchisement, or the denial of voting rights based on criminal convictions, is a policy with deeply racist roots. In the post-Civil War Reconstruction Era, and after the passage of the Fifteenth Amendment to the U.S. Constitution which extended blacks the right to vote, these laws were tailored and targeted alongside other Jim Crow policies to exclude the black vote.<sup>ii</sup> And these laws continue to exact a staggeringly disproportionate impact on communities of color.<sup>iii</sup> Dramatic growth of the U.S. prison population—450 percent between 1977 and 2008<sup>iv</sup>—has further compounded these impacts such that currently, an estimated 5.85 million citizens nationwide are excluded from the civic participation inherent in voting.<sup>v</sup> The vast majority of people so disenfranchised continue to be people of color.<sup>vi</sup>

In Hawai'i, our prisoner disenfranchisement law has stripped the right to vote from a rapidly increasing segment of our own population, including a disproportionate number of Native Hawaiians. Our prison population has grown even faster than the national rate, increasing by 900 percent between 1977 and 2008<sup>vii</sup> (and by 1,400 percent between 1977 and the present), resulting in the disenfranchisement of approximately 6,000 citizens today. With Native Hawaiians comprising nearly forty percent of our incarcerated population,<sup>viii</sup> the disproportionate reduction of Native Hawaiian voting power is undeniable.

While no study has demonstrated that prisoner disenfranchisement meaningfully furthers any legitimate public safety purpose, growing research reveals that restoring the vote to convicted prisoners could benefit both pa'ahao and society as a whole. Pa'ahao have consistently reported feelings of alienation from their 'āina, community, and 'ohana while incarcerated, inhibiting their ability and desire to re-enter and contribute positively to society. The revocation of voting rights only further compounds this isolation. Restoring the right to vote would encourage pa'ahao to remain informed, invested, and involved in their communities, allowing them to assume limited duties of responsible citizenship while incarcerated, and fostering more effective reintegration

upon their release. Civic participation among previously convicted offenders has also been linked with lower recidivism rates.<sup>ix</sup> Although the re-enfranchisement of approximately 6,000 pa‘ahao statewide is unlikely to tip the scales in many voting districts, it does present an easy, cost-effective opportunity to enable and encourage positive, prosocial civic engagement, community connection, and reentry support for convicted offenders.

Lastly, it is well known that Hawai‘i has historically suffered from low voter turnout,<sup>x</sup> with Native Hawaiians believed to be particularly underrepresented at the polls. Reducing all barriers to voting—especially those disproportionately faced by Native Hawaiians—can only strengthen our democracy, by increasing opportunity for voter participation.

Recognizing the need to address the growing impacts of felony disenfranchisement, since 1997, 23 states have made progressive changes to reduce barriers to voting for individuals with past convictions.<sup>xi</sup> **With a rapidly growing prisoner population, Hawai‘i should join Vermont and Maine and enfranchise our full citizenship in furtherance of our democratic ideals and the rehabilitation of our convicted offenders.**

Therefore, we respectfully urge the Committee to **PASS** HB2773. Mahalo for the opportunity to testify on this important measure.

---

<sup>i</sup> See Pamela S. Karlan, *Convictions and Doubts: Retribution, Representation, and the Debate over Felon Disenfranchisement* 21-26 (Stanford Pub. Law & Legal Theory Working Paper Series, 2004), available at <http://papers.ssrn.com/abstract=484543>.

<sup>ii</sup> E.g., Angela Behrens, Christopher Uggen, & Jeff Manza, *Ballot Manipulation and the ‘Menace of Negro Domination’: Racial Threat and Felon Disenfranchisement in the United States, 1850-2002*, 109 *Am. Journal of Sociology* 559 (2003).

<sup>iii</sup> The Office of Hawaiian Affairs, *The Disparate Treatment of Native Hawaiians in the Criminal Justice System* (2010), [http://www.oha.org/sites/default/files/ir\\_final\\_web\\_rev.pdf](http://www.oha.org/sites/default/files/ir_final_web_rev.pdf) (citing George Hill & Paige Harrison, *Sentenced Prisoners Under State or Federal Jurisdiction*, BUREAU OF JUSTICE STATISTICS (Dec. 16, 2005), <http://bjs.ojp.usdoj.gov/content/data/corpop01.csv>; Heather C. West & William J. Sabol, *Prisoners in 2009*, BUREAU OF JUSTICE STATISTICS (Dec. 2010), <http://www.bjs.gov/content/pub/pdf/p09.pdf> (revised Oct. 27, 2011)).

<sup>iv</sup> The Office of Hawaiian Affairs, *The Disparate Treatment of Native Hawaiians in the Criminal Justice System* (2010), [http://www.oha.org/sites/default/files/ir\\_final\\_web\\_rev.pdf](http://www.oha.org/sites/default/files/ir_final_web_rev.pdf) (citing George Hill & Paige Harrison, *Sentenced Prisoners Under State or Federal Jurisdiction*, BUREAU OF JUSTICE STATISTICS (Dec. 16, 2005), <http://bjs.ojp.usdoj.gov/content/data/corpop01.csv>; Heather C. West & William J. Sabol, *Prisoners in 2009*, BUREAU OF JUSTICE STATISTICS (Dec. 2010), <http://www.bjs.gov/content/pub/pdf/p09.pdf> (revised Oct. 27, 2011)).

<sup>v</sup> Christopher Uggen, Sarah Shannon, & Jeff Manza, *State-Level Estimates of Felon Disenfranchisement in the United States, 2010*, THE SENTENCING PROJECT (July 2012), [http://www.sentencingproject.org/doc/publications/fd\\_State\\_Level\\_Estimates\\_of\\_Felon\\_Disen\\_2010.pdf](http://www.sentencingproject.org/doc/publications/fd_State_Level_Estimates_of_Felon_Disen_2010.pdf).

<sup>vi</sup> As early as 1998, 1.4 million black adult males, or 13 percent of the black population nationally, was already disenfranchised due to a prior conviction. Jamie Fellner & Marc Mauer, *Losing the Vote*, THE SENTENCING PROJECT, at 2 (1998), [http://www.sentencingproject.org/doc/file/fvr/fd\\_losingthevote.pdf](http://www.sentencingproject.org/doc/file/fvr/fd_losingthevote.pdf). The Office of Hawaiian Affairs, *supra* note 3 at 17.

<sup>viii</sup> OHA’s 2010 study found that the disproportionate impact of the criminal justice system on Native Hawaiians accumulates at every stage noting that Native Hawaiians made up “24 percent of the general population, but 27 percent of all arrests, 33 percent of people in pretrial detention, 29 percent of people sentenced to probation, 36 percent admitted to prison in 2009, [and] 39 percent of the incarcerated population.” (at pg. 10) Moreover, controlling for many common factors including type of charge, the study revealed that Native Hawaiians were more likely to be found guilty, receive a prison sentence, and receive a

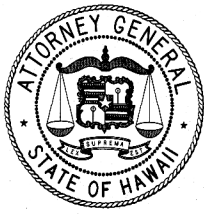
---

longer prison sentence or probation term than most other ethnic groups. The Office of Hawaiian Affairs, *supra* note 3 at 28-38.

<sup>ix</sup> In one study, among individuals who had been arrested previously, 27 percent of non-voters were rearrested, compared with 12 percent of voters. Voting appears to be part of a package of pro-social behavior that is linked to desistance from crime. Christopher Uggen & Jeff Manza, *Voting and Subsequent Crime and Arrest: Evidence from a Community Sample*, 36 Colum. Hum. Rts. L. Rev. 193, 205-206 (2004).

<sup>x</sup> Editorial Board, *The Worst Voter Turnout in 72 Years*, THE NEW YORK TIMES, Nov. 11, 2014, available at <http://www.nytimes.com/2014/11/12/opinion/the-worst-voter-turnout-in-72-years.html>.

<sup>xi</sup> Nicole D. Porter, *Expanding the Vote: State Felony Disenfranchisement Reform, 1997-2010*, THE SENTENCING PROJECT (2010), [http://www.sentencingproject.org/doc/publications/publications/vr\\_ExpandingtheVoteFinalAddendum.pdf](http://www.sentencingproject.org/doc/publications/publications/vr_ExpandingtheVoteFinalAddendum.pdf).



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
TWENTY-EIGHTH LEGISLATURE, 2016**

---

**ON THE FOLLOWING MEASURE:**  
H.B. NO. 2773, RELATING TO VOTING.

**LATE**

**BEFORE THE:**  
HOUSE COMMITTEE ON JUDICIARY

**DATE:** Friday, February 19, 2016 **TIME:** 3:00 p.m.

**LOCATION:** State Capitol, Room 325

**TESTIFIER(S):** Douglas S. Chin, Attorney General, or  
Valri Lei Kunimoto, Deputy Attorney General

---

Chair Rhoads and Members of the Committee:

The purpose of this bill is to provide incarcerated felons who were residents of the State of Hawai‘i with the right to vote by absentee ballot. Presently, a felon may not vote unless the felon is “finally discharged,” placed on probation, or paroled. The Department has the following concerns, and respectfully recommends that certain provisions in the bill be clarified and others that conflict with the Hawai‘i Constitution be removed.

Article II, section 2, of the Hawai‘i Constitution provides in part, “No person convicted of a felony shall be qualified to vote except upon the person’s final discharge or earlier as provided by law.” Section 831-2, Hawaii Revised Statutes (HRS), provides that a felon may not vote until final discharge except if placed on probation or paroled. Section 7 of this bill amends section 831-2, by deleting the provision on the loss of voting rights for felons. In its present form, this bill seeks to allow all incarcerated felons to vote by absentee ballot without limitation or condition. This is contrary to the plain language of the Constitution.

With respect to section 5 of the bill, we suggest that the provision be clarified to read, “Absentee mail ballot shall be the sole methods of voting for all qualified persons registered to vote as residents of the State who are confined in a prison, correctional center, or community correctional center.” This will ensure that voting will be by absentee mail and not at absentee walk-in locations, such as City Hall.

As to the remaining provisions of the bill, we have no other legal or constitutional concerns regarding sections 2, 3, 4, 6 and 8 of the bill.

Thank you for the opportunity to testify on this matter.

Council Chair  
Mike White

Vice-Chair  
Don S. Guzman

Presiding Officer Pro Tempore  
Michael P. Victorino

Councilmembers  
Gladys C. Baisa  
Robert Carroll  
Elle Cochran  
Don Couch  
Stacy Crivello  
Riki Hokama



Director of Council Services  
David M. Raatz, Jr., Esq.

**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.MauiCounty.us](http://www.MauiCounty.us)

February 18, 2016

TO: The Honorable Karl Rhoads, Chair  
House Committee on Judiciary

FROM: Gladys C. Baisa   
Councilmember

SUBJECT: **HEARING OF FEBRUARY 19, 2016; TESTIMONY IN STRONG SUPPORT OF HB 2773, RELATING TO VOTING**

Thank you for the opportunity to testify in strong support of this important measure. The purpose of this measure repeals statutory provisions that disenfranchise incarcerated persons. It provides for the determination of residency of and delivery of ballots to incarcerated persons.

I support this measure for the following reasons:

1. Voting rights engage imprisoned of our community in what is happening in the community.
2. Voting is a fundamental right of democracy and we should engage all citizens in civic affairs.
3. Voting rights help folks inside focus on the world outside so that they still feel connected, despite their isolation.
4. Voting rights help people reintegrate back to their communities knowing what is going on there.
5. Voting rights lead to good citizenship and an informed citizenry.

For the foregoing reasons, I support this measure.

GCB:amm



**LATE**

Committee: Committee on Judiciary  
Hearing Date/Time: Friday, February 19, 2016, 3:00 p.m.  
Place: Conference Room 325  
Re: Testimony of the ACLU of Hawai'i in Support of H.B. 2773, Relating to Voting

Dear Chair Rhoads and Members of the Committee on Judiciary:

The American Civil Liberties Union of Hawai'i ("ACLU of Hawai'i") writes in strong support of H.B. 2773, which seeks to allow incarcerated persons who were Hawai'i residents at the time of their arrest to vote via absentee ballot in Hawai'i's elections.

#### Disfranchisement has a disproportionate effect on Native Hawaiians

Currently, an estimated 6,000 people from Hawai'i are barred from voting because they are incarcerated. Disfranchisement has a particularly disproportionate effect on Native Hawaiians, who are significantly over-represented in the disfranchised population: Native Hawaiians comprise 39% of the total disfranchised population, though they comprise only 24% of the total population of Hawai'i. Indeed, felony disfranchisement was originally implemented on the continent in a deliberate attempt to disenfranchise African Americans; the result is a racially disproportionate policy that prevents approximately 5.85 million Americans nationwide from voting.

#### Allowing incarcerated individuals to vote will improve public safety, aid law enforcement and empower families and communities

Research finds a link between voting participation and re-offense; people who voted after release from supervision were half as likely to be re-arrested as those who did not vote.<sup>1</sup> Similar effects were found among people with a prior arrest: 27% of non-voters were re-arrested, compared to 12% of people who had voted. Voting is particularly important for the reintegration of approximately 1,400 individuals incarcerated on the mainland, far from their families and communities.

Far from making streets safer, disenfranchisement is detrimental to public safety. Voting demonstrates an individual's commitment to the institutions of American democracy. The irony of disenfranchisement is that the very behavior that society strives to encourage – the commitment to the larger social and political collective – is undermined by a policy that requires people who desire to engage in that behavior to relinquish the right to vote. As a public safety official in Maine (one of the states that allows incarcerated individuals to vote) testified, the

---

<sup>1</sup> Jeff Manza & Christopher Uggen. "Voting and Subsequent Crime and Arrest: Evidence from a Community Sample." COLUMBIA HUMAN RIGHTS LAW REVIEW 36, No. 1 (2004) 193-215.

Chair Rhoads and Members of the Committee

February 19, 2016

Page 2 of 2

state's mission "is to return a prisoner to the community a better person than when he or she entered." An integral part of this process is the ability for prisoners to become productive citizens in their community upon release. One of the basic entitlements and responsibilities regarding civic responsibility is to exercise one's ability to vote.

Restricting incarcerated individuals from voting does not prevent crime, nor does it provide compensation to victims. In fact, disenfranchising incarcerated individuals is antithetical to the reentry process and harmful to long-term prospects for sustainable reintegration of formerly incarcerated individuals into society. There is simply no legitimate purpose in denying incarcerated individuals the ability to vote.

Thank you for this opportunity to testify.

Sincerely,

A handwritten signature in black ink that reads "Mandy Finlay". The signature is written in a cursive, flowing style.

Mandy Finlay  
Advocacy Coordinator  
ACLU of Hawai'i

*The mission of the ACLU of Hawai'i is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawai'i fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawai'i is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawai'i has been serving Hawai'i for 50 years*





COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION  
Representative Karl Rhoads, Chair, Representative Joy San Buenaventura, Vice Chair

Tuesday, February 19, 2016 3:00 p.m. Room 325

STRONG SUPPORT for HB 2773 – VOTING RIGHTS FOR INCARCERATED PERSONS

Dear Honorable Committee Members,

Mahalo for your public service. I am the executive director of Hawai'i Friends of Restorative Justice a 30+ year old non-profit dedicated to improving our justice system.

We have been working with Hawai'i prisons developing and researching reentry and rehabilitation programs for over ten years. Most of our work is published and widely disseminated in the United States and abroad.

We strongly support this measure to give incarcerated Hawai'i residents the right to vote and end our state's disenfranchisement of convicted felons, which only hampers rehabilitation making our community less safe.

Giving people the right to vote tells them that they are citizens with voices that matter. This is important for helping felons rehabilitate and desist from crime. Most people are eventually released from prison and we should be doing all we can to ensure they will be law abiding.

Shadd Maruna, dean of Rutgers School of Criminal Justice, and author of *Making Good: How Ex-Convicts Reform and Rebuild Their Lives*, is an expert in felony rehabilitation. Dr. Maruna notes the importance of voting and how it influences self-perception, which is vital for rehabilitation and reintegration into the community after imprisonment.

People who see themselves as respected citizens, regardless of felony convictions, are more likely to behave like respected citizens and desist from crime. We know from psychology "labeling theory" too that how we label and treat people influences how they behave. If we want people in prison to behave like citizens we need to treat them like citizens. Giving people the right to vote encourages citizenship. Stigmatizing people and taking away the right to vote tells imprisoned people that they are lessor and unworthy people, which is dangerous for everyone.

The states of Maine and Vermont allow voting for imprisoned felons, as well as many other countries with far less resources that what we have, including Serbia in the Balkans.

Please contact me at (808) 218-3712 or [lorenn@hawaii.rr.com](mailto:lorenn@hawaii.rr.com) for further information about our opposition to this measure. Mahalo again for your service to the community.

Aloha,  
Loren Walker, JD, MPH

Board of Directors:

Rich Turbin, Esq., President • Roger Epstein, Esq., Vice President • Svitlana Pronina Campbell, Secretary,  
Madonna Castro Perez, Treasurer, Cheri Tarutani, MSW, Amphan "Amphay" Champathong, JD, MSW, Kellen Kashiwa, OD,  
Elizabeth Naholowa`a Murph

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 16, 2016 6:48 PM  
**To:** JUDtestimony  
**Cc:** rkailianu57@gmail.com  
**Subject:** \*Submitted testimony for HB2773 on Feb 19, 2016 15:00PM\*

**HB2773**

Submitted on: 2/16/2016

Testimony for JUD on Feb 19, 2016 15:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rachel L. Kailianu	Ho`omana Pono, LLC	Support	Yes

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 17, 2016 12:13 PM  
**To:** JUDtestimony  
**Cc:** wao-hsl@WeAreOne.cc  
**Subject:** Submitted testimony for HB2773 on Feb 19, 2016 15:00PM

**HB2773**

Submitted on: 2/17/2016

Testimony for JUD on Feb 19, 2016 15:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joseph Kohn MD	We Are One, Inc. - www.WeAreOne.cc - WAO	Support	No

Comments: [www.WeAreOne.cc](http://www.WeAreOne.cc)

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 17, 2016 3:30 PM  
**To:** JUDtestimony  
**Cc:** leilani.maxera@gmail.com  
**Subject:** \*Submitted testimony for HB2773 on Feb 19, 2016 15:00PM\*

**HB2773**

Submitted on: 2/17/2016

Testimony for JUD on Feb 19, 2016 15:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Leilani Maxera	The CHOW Project	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)



February 17, 2016

House's Committee on Judiciary  
Hawaii State Capitol  
415 South Beretania Street, Room 325  
Honolulu, HI 96813

Hearing: Friday, February 19, 2016 – 3:00 p.m.

RE: **SUPPORT for House Bill 2773** – RELATING TO VOTING

Aloha Chairperson Rhoads, Vice Chair San Buenaventura and fellow committee members,

I am writing in SUPPORT to House Bill 2773 on behalf of the LGBT Caucus of the Democratic Party of Hawai'i. HB 2773 will repeal statutory provisions that disenfranchise incarcerated persons. Provides for the determination of residency of and delivery of ballots to incarcerated persons.

The right to vote is a cornerstone of any democracy. The LGBT Caucus believes voting is a civil right and incarcerated people should be allowed to vote. There is no benefit to our society by denying incarcerated people the right to vote.

If one of the goals of prison is to rehabilitate and ensuring that the prisoner is able to re-enter society as a productive member of society then the one best ways is to make sure they know they are part of society.

According to The Sentencing Project denying incarcerated individuals disproportionately impacts minorities:

More than 60% of the people in prison are now racial and ethnic minorities. For Black males in their thirties, 1 in every 10 is in prison or jail on any given day. These trends have been intensified by the disproportionate impact of the "war on drugs," in which two-thirds of all persons in prison for drug offenses are people of color.

We ask that you support HB 2773 as it is the right thing to do.

Mahalo nui loa,

Michael Golojuch, Jr.  
Chair

**LATE**

Center for Hawaiian Sovereignty Studies  
46-255 Kahuhipa St. Suite 1205  
Kane'ohe, HI 96744  
Tel/Fax (808) 247-7942  
Kenneth R. Conklin, Ph.D. Executive Director  
e-mail [Ken\\_Conklin@yahoo.com](mailto:Ken_Conklin@yahoo.com)  
Unity, Equality, Aloha for all



To: HOUSE COMMITTEE ON JUDICIARY  
For hearing Friday, February 19, 2016

Re: HB2773 RELATING TO VOTING

Repeals statutory provisions that disenfranchise incarcerated persons.  
Provides for the determination of residency of and delivery of ballots  
to incarcerated persons.

TESTIMONY IN OPPOSITION

HB2773 section 1 says "In Hawaii, this loss of voting power is a burden borne most greatly by the Native Hawaiian community, who are and have historically been disproportionately incarcerated."

As a scholar I cringe whenever I see these claims that Native Hawaiians have the worst statistics, or are overrepresented, in such things as drug abuse, heart disease, diabetes, poverty, incarceration, etc.

There are two main reasons why it is statistics malpractice to lump all "Native Hawaiians" together as a single group.

(1) Native Hawaiians are the racial group that is most racially mixed, and most of them have most of their genealogy from races other than Hawaiian. Therefore "Native Hawaiian" is the most over-counted racial group. The overcounting of Native Hawaiians happens because people who are mostly Chinese, Caucasian, Filipino, or Japanese are counted as "Hawaiian" and only as Hawaiian. But they should be counted as whatever is the largest component of their ancestry, or they should be counted as belonging to ALL the racial groups in their heritages. If the counting were done correctly, it is likely that "Native Hawaiian" would no longer have the worst victimhood statistics. Legislators should be aware of this problem, and keep it in mind every time someone says "Native Hawaiians" have the worst statistics for some problem, or are overrepresented in prisons.

Nearly every so-called "Native Hawaiian" is of mixed race, and in most cases the other components of their heritage are at higher percentage than the Hawaiian component. If someone is 1/2 Chinese, 1/4 Filipino, 1/8 Hawaiian, and 1/8 Irish, he gets counted as Native Hawaiian when he should (also or primarily) be counted as Chinese, Filipino, Irish. That's the obvious reason why "Native Hawaiians" seem to have the worst statistics -- because we refuse to count them as belonging also to the other racial groups in their genealogy, even when the other group is the BIGGEST ONE in their percentages. Why does this happen? Because it's "politically incorrect" to ask a "Native Hawaiian" for his other ancestries and especially for his percentages of pedigree; and because researchers simply don't want to be bothered with the hard work of gathering the percentages and calculating the statistics in a mathematically accurate way. There's also no money or social status to be gotten for being mathematically correct -- government and philanthropic charities don't give grants to study the victimhood of Irish or Chinese -- only grants for studying "Native Hawaiian."

(2) There's a 16 year age gap between "Native Hawaiians" and everyone else in Hawaii. According to Census 2010, the median age

for "Native Hawaiian is 26, whereas the median age for the population of Hawaii is 39, which means that if you statistically remove "Native Hawaiian" from the overall population then the median age for everyone in Hawaii who is NOT "Native Hawaiian" is 42. That age gap is HUGE. Some bad things happen mostly to young people, such as abusing drugs, committing crimes (especially crimes of violence deserving longer jail sentences), and placed into foster care because they are being removed from parents who are abusive or druggies etc. It's not that "Native Hawaiians" are more bad than other groups, it's because they are extremely young compared with other groups. Statistical comparison of racial groups for things like drug abuse, incarceration, and foster care should be done only within age cohorts -- compare 19-24 year-old Hawaiians against 19-24 year-old Filipinos or Caucasians.

Are "Native Hawaiians" the most overrepresented group in prison, and therefore Native Hawaiians are the group whose voting rights are the most discriminated against when prisoners are not allowed to vote? I have the solution. Learn how to count! Treat the races equally in the way you count who belongs to which group -- classify a prisoner as a member of whichever racial group is the largest percentage of his ancestry -- or, more accurately -- for each prisoner allocate a fraction of a tally mark to each race that is the same as the fraction of that race in his ancestry, and compare only prisoners who are close together in age.





**LATE**

BEFORE THE HOUSE COMMITTEE ON JUDICIARY  
February 19, 2016

House Bill No. 2773  
Relating to Voting

Aloha Chair Rhoads and Vice Chair Buenaventura,

The Ka Lāhui Hawai‘i Political Action Committee (KPAC) affirms and defends Native Hawaiian peoples’ right to over 1.8 million acres of our national lands.

KPAC submits the following testimony in SUPPORT of HB 2773. This bill allows “incarcerated individuals who were Hawai‘i residents immediately prior to incarceration to vote in Hawai‘i elections only by absentee ballot.”

According to the Office of Hawaiian Affairs (OHA) facts sheet on “The Impact of the Criminal Justice System on Native Hawaiians” published in 2014, Native Hawaiians are over represented in Hawai‘i’s prison system and are more likely to serve longer sentences. Despite the fact that Native Hawaiians don’t use drugs more than any other race or ethnicity, they are more likely to be incarcerated for drug offenses. The disparities continue with Native Hawaiians more likely to serve longer probations and more likely to serve to time in prison than any other race or ethnicity in Hawai‘i. The loss of rights to sovereignty over Hawaiian Kingdom lands and racism in the Hawai‘i’s justice system had led to despair and the current plight of Native Hawaiians where Native Hawaiians are over represented in the lowest ranks of almost every social, economic, health, and education statistic in Hawai‘i.

Voting is a right that should be afforded to all peoples and is an important part of helping reintegrate inmates back into society as productive and responsible citizens. Voting promotes civic engagement and is an empowering process that would help greatly with the rehabilitation of Native Hawaiians who are over represented in Hawai‘i’s correctional system.

Sincerely,

Healani Sonoda-Pale  
KPAC Chair

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 16, 2016 2:36 PM  
**To:** JUDtestimony  
**Cc:** hokoanaj001@hawaii.rr.com  
**Subject:** Submitted testimony for HB2773 on Feb 19, 2016 15:00PM

**HB2773**

Submitted on: 2/16/2016

Testimony for JUD on Feb 19, 2016 15:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Karin Hokoana	Individual	Support	No

Comments: I strongly support this bill. Voting is a fundamental right, regardless of race, gender or imprisonment. To support civil rights and not this bill would be a perfect example of being a hypocrite. Considering these men and women will have to live in society someday, they should have the right to choose the people who will shape their futures. I STRONGLY SUPPORT THIS BILL.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 17, 2016 6:48 AM  
**To:** JUDtestimony  
**Cc:** katc31999@gmail.com  
**Subject:** \*Submitted testimony for HB2773 on Feb 19, 2016 15:00PM\*

**HB2773**

Submitted on: 2/17/2016

Testimony for JUD on Feb 19, 2016 15:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Katarina Culina	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 16, 2016 11:24 PM  
**To:** JUDtestimony  
**Cc:** OccupyHiloMedia@yahoo.com  
**Subject:** Submitted testimony for HB2773 on Feb 19, 2016 15:00PM

**HB2773**

Submitted on: 2/16/2016

Testimony for JUD on Feb 19, 2016 15:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kerri Marks	Individual	Support	No

Comments: Strong support. It's an important step in healing a person and returning them to society. thanks you for introducing this bill Mr. Ing

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 16, 2016 9:18 PM  
**To:** JUDtestimony  
**Cc:** annsfreed@gmail.com  
**Subject:** \*Submitted testimony for HB2773 on Feb 19, 2016 15:00PM\*

**HB2773**

Submitted on: 2/16/2016

Testimony for JUD on Feb 19, 2016 15:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ann S Freed	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 17, 2016 10:14 AM  
**To:** JUDtestimony  
**Cc:** ollo1188@hotmail.com  
**Subject:** \*Submitted testimony for HB2773 on Feb 19, 2016 15:00PM\*

**HB2773**

Submitted on: 2/17/2016

Testimony for JUD on Feb 19, 2016 15:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kim Murphy	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 17, 2016 11:30 AM  
**To:** JUDtestimony  
**Cc:** jimcooper@mindspring.com  
**Subject:** Submitted testimony for HB2773 on Feb 19, 2016 15:00PM

**HB2773**

Submitted on: 2/17/2016

Testimony for JUD on Feb 19, 2016 15:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jim Cooper	Individual	Support	No

Comments: I strongly support HB2773 to restore voting rights to the previously incarcerated. The current system further isolates and stigmatizes persons who should be rejoining society as contributing members. Rehabilitation and reintegration into society should be the focus of the justice system and this bill will assist in that goal.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 17, 2016 4:17 PM  
**To:** JUDtestimony  
**Cc:** danamalina@yahoo.com  
**Subject:** \*Submitted testimony for HB2773 on Feb 19, 2016 15:00PM\*

**HB2773**

Submitted on: 2/17/2016

Testimony for JUD on Feb 19, 2016 15:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dana Keawe	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)



COMMITTEE ON JUDICIARY

Rep. Karl Rhoads, Chair

Rep. Joy San Buenaventura, Vice Chair

Friday, February 19, 2016

3:00 p.m.

Room 325

*STRONG SUPPORT for HB 2773 – Voting Rights for Incarcerated People*

*Aloha Chair Rhoads, Vice Chair San Buenaventura, and Committee Members:*

*Thank you for hearing this all important bill which will give the opportunity for the incarcerated people to vote whether there here in the islands or in Arizona.*

*These people are residents of Hawai'i who like a voice as to who governs over their families while they're incarcerated. Although they are incarcerated, paying the price for their crimes, they still are part of our ohana and are interested in what's happening in our community.*

*There isn't much to do in prison so they will have time to study the candidates, collaborate on issues and be proud to have a voice in the democratic election process.*

*Thank you for giving me the opportunity to submit my testimony.*

*With much aloha,  
e. ileina funakoshi*

**TESTIMONY ON HOUSE BILL 2773  
RELATING TO VOTING**

By

Michele Navarro Ishiki

Friday February 19, 2016; 3:00 p.m.  
State Capitol, Conference Room 309

Chair Rhoads, Vice Chair Buenaventura, and Members of the Committee:

I would like to provide comments to House Bill 2773.

It is written in SECTION 1. The legislature finds that disenfranchisement of persons following criminal convictions undermines democratic ideals by depriving otherwise-qualified citizens of their right to vote. It goes on to say (line 8) In Hawaii, this loss of voting power is a burden borne most greatly by the Native Hawaiian community, who are and have historically been disproportionately incarcerated. Chair Rhoads, Vice Chair Buenaventura and Members of the Committee with all due respect, knowing that our jails and prisons are meant to house individuals who have broken the law; not allowing them an opportunity to vote could pose an issue when it is these very individuals who we want to reintegrate back into our community.

I speak firsthand as a Hawaiian woman who has experienced incarceration on more than one occasion. While incarcerated, I knew that I was incarcerated. I was reminded every time I needed to ask for a new roll of toilet paper, or when I wanted to take a shower. That is the consequences of my actions, and I accepted that. I do remember sitting in my cell wondering why I could not vote. If I was meant to be a part of community, then voting would have served my community well; no matter where I laid my head at night.

I am currently a Graduate Student about to receive my degree in Social Work. I am a Certified Substance Abuse Counselor, and I work with underserved, Native Hawaiian and incarcerated (have been incarcerated) individuals. I speak on behalf of my experience personally and professionally; if given the opportunity to vote, we are given a chance to reconnect with our community, it would greatly assist in the reintegration process, and gives us a desire to do better in and *for* our community. Empowerment helps us to lessen our chances of recidivating.

Your support of this measure is appreciated.

Mahalo for your time and careful consideration.

Michele Navarro Ishiki

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 18, 2016 9:48 AM  
**To:** JUDtestimony  
**Cc:** ronsan2224@aol.com  
**Subject:** Submitted testimony for HB2773 on Feb 19, 2016 15:00PM

**HB2773**

Submitted on: 2/18/2016

Testimony for JUD on Feb 19, 2016 15:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ronald S. Fujiyoshi	Individual	Support	No

Comments: The right to vote is a basic right in a democratic society. According to Dr. RaeDeen Keahiolalo-Karasuda in her PhD thesis claims that the Native Hawaiians comprise 60% of all incarcerated. If this is anywhere close to the truth, this bill should definitely be passed.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

**LATE**

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 18, 2016 2:35 PM  
**To:** JUDtestimony  
**Cc:** barbarapolk@hawaiiantel.net  
**Subject:** Submitted testimony for HB2773 on Feb 19, 2016 15:00PM

**HB2773**

Submitted on: 2/18/2016

Testimony for JUD on Feb 19, 2016 15:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Barbara Polk	Individual	Support	Yes

Comments: Recognizing that our criminal justice system is not unbiased as to whom it incarcerates and for how long, I support the right of incarcerated persons to vote. Loss of this right currently disproportionately impacts native Hawaiians and people who are poor, and thus undermines the democracy that promises to respond to the will of the people. I encourage you to pass HB2773.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)