

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 14, 2017 12:45 PM
To: HWNTestimony
Cc: dkapua@gmail.com
Subject: Submitted testimony for SB1303 on Feb 14, 2017 13:30PM

SB1303

Submitted on: 2/14/2017

Testimony for HWN on Feb 14, 2017 13:30PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Kapua Keliikoa-Kamai	Individual	Support	Yes

Comments: I stand in FULL SUPPORT OF SB 1303 RELATING TO OFFICE OF HAWAIIAN AFFAIRS ELECTIONS. Changes the method by which candidates for three office of Hawaiian affairs board of trustees at-large seats without residency requirements are elected. This Bill allows candidates to choose which of the available seats they'll run for. This then allows the constituents to choose the best TWO candidates, for that specified seat, to move forward to the General Election. I appreciate the intent and action of SB 1303 and request PASSAGE out of committee. In addition, the best fix for the OHA Elections would be to INCLUDE THE RESIDENTIAL VOTER REQUIREMENT BY ISLAND, like the candidates. This will properly reflect the relationship between the island residents and their island Trustee. Mahalo. Kapua Keliikoa-Kamai, Waianae Community Resident

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.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 14, 2017 12:02 PM
To: HWNTestimony
Cc: rebecca.ji.soon@gmail.com
Subject: Submitted testimony for SB1303 on Feb 14, 2017 13:30PM

SB1303

Submitted on: 2/14/2017

Testimony for HWN on Feb 14, 2017 13:30PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Rebecca Soon	Individual	Support	No

Comments: Aloha nui e Chair Shimabukuro, Vice Chair Galuteria, and Members of the Senate Committee on Hawaiian Affairs, I write to you in strong support of the intent of this measure with amendments. The current election of trustees has a number of issues, which limit the degree to which beneficiaries are truly empowered to elect the representatives they want to manage their trust responsibilities. The 2000 election provides a key example. The general election ballot listed fifty-one candidates for three trustee at-large seats. The successful candidates won with only 6.8, 5.4, and 4.1 per cent of the total votes cast, respectively, while the rest of the votes were dispersed among the other candidates. Similarly, in 2006, there were fourteen candidates listed for three open trustee seats with the winners receiving 10.7, 9.8, and 8.5 per cent of the total votes cast, respectively. This pattern continued even after a primary election was implemented in 2014, with the winners receiving 12.5, 11.2, and 10.2 per cent of the total votes cast respectively. The purpose of this Act is to reform the office of Hawaiian Affairs trustee at-large elections so that each at-large seat will run in a head-to-head race, ensuring a more democratic election process for the Office of Hawaiian Affairs. I support the intent of the bill as well as the amendments to add professional and cultural experience qualifications to the seats. Especially considering the growing responsibilities of the organization as a land manager, commercial property manager, financial assets manager, community advocate, natural and cultural resource advocate, research and data collection repository, and facilitator of numerous initiatives that impact the daily lives of Native Hawaiians. This measure would not limit democracy, it would enhance it. It does not prevent individuals who do NOT hold the qualifications listed from running. The remaining 5 seats are also at-large with a residency requirement. The individuals who do not hold the required background could still run for their island seat. The intent upon establishment of OHA was to create a body to achieve self-determination for Native Hawaiians while simultaneously managing resources for Native Hawaiians. This bill can help to address some of the issues inherent in the voting process and give greater voice to the communities represented by their elected OHA leadership. Mahalo for your consideration.

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Senate Committee on Hawaiian Affairs

SB 1303

Tuesday, Feb. 14, 2017

1:30 PM Conf Room 016

Chair: Sen. Maile Shimabukuro

Vice-Chair: Sen. Brickwood Galuteria

Members:

Sen. Kalani English

Sen. Donna Mercado Kim

Sen. Josh Green

Aloha mai, my name is Davis Price and I stand in **strong support** of this measure with **amendments**. The board of trustees of the office of Hawaiian affairs is elected through a series of special elections held in conjunction with the biennial general election process. There are nine total trustee seats, five are residency based for the islands of Hawai'i, Maui, Moloka'i/Lana'i, O'ahu, and Kaua'i/Ni'ihau, and four are non-residency based (at-large.)

The four at-large seats are split with one at-large seat race taking place in the election cycle simultaneous with the presidential election and the remaining three taking place in the opposite election cycle. These remaining three at-large seats are included in one ballot item. The three candidates that receive the most votes win the election.

This arbitrary process was used to first launch the OHA elections in 1980, in which all 9 seats were elected in one year. Act 196 in 1979, stated that the "four board members elected with the highest number of votes shall serve four years; the remaining members elected shall serve two years." Thus, after that election, the at-large elections were split with one trustee at-large race taking place in one cycle, and the other three taking place in the opposite cycle. However, the remaining three at-large seats are placed on one ballot item rather than being split into individual races. This has resulted in a highly inconsistent election model that is in dire need of update and reform. Six of the trustee seats are elected in head-to-head races. However, arbitrarily, three at-large seats are elected in a three-way run-off.

In 2000, the general election ballot listed fifty-one candidates for three trustee at-large seats. The successful candidates won with only 6.8, 5.4, and 4.1 per cent of the total votes cast, respectively, while the rest of the votes were dispersed among the other candidates. Similarly, in 2006, there were fourteen candidates listed for three open trustee seats with the winners receiving 10.7, 9.8, and 8.5 per cent of the total votes cast, respectively. This pattern continued even after a primary election was implemented in 2014, with the winners receiving 12.5, 11.2, and 10.2 per cent of the total votes cast respectively.

Furthermore, because the trustee at-large race is not broken into individual races and because these candidates serve with no term-limits, this process severely undermines a true democratic

process that is meant to allow for free and fair elections. A number of studies have shown that incumbent candidates for any political office hold a distinct advantage over challengers. Under the current special election process for the trustees at-large of the office of Hawaiian affairs, incumbent candidates may hold an even greater advantage due to the listing of multiple seats under one ballot item.

The purpose of this Act is to reform the office of Hawaiian Affairs trustee at-large elections so that each at-large seat will run in a head-to-head race, ensuring a more democratic election process for the Office of Hawaiian Affairs.

I propose that the bill be amended to reflect the following:

Provide qualifications for each of the At-Large seats:

At-Large (1): Background in Finance or Business fields (at least 5 years experience)

At-large (2): Background in Finance or Business fields (at least 5 years experience)

At-Large (3): Native Hawaiian Cultural practitioner, or expertise in the areas of Native Hawaiian Traditional and Customary rights or Native Hawaiian education (at least 5 years experience)

At-Large (4): Holds a bachelors degree in Hawaiian Language or Hawaiian Studies

Please provide amendments that accomplish the following as well:

- **Provide a special election process for the first year of implementation.**
- **Make the current, lone at-large seat a finance seat, so that the two finance seats are broken into separate election cycles.**

Finally, provide for term-limits for all trustee seats of 3 terms.

I feel that if amended, the bill can accomplish much needed reform for the following reasons:

There is precedent for such seats on other state boards (see: Water Commission; Kamehameha Celebration Commission; Legacy Lands Commission; Hawai'i Tourism Authority; and the Burial Councils)

This would not be in violation of the 14th or 15th amendment of the US Constitution because the qualifications do not apply to a "protected" class (Race, color, religion, sex, citizenship, etc...) These are skill and/or knowledge qualifications.

The intent upon establishment of OHA was to create a body to achieve self-determination for Native Hawaiians while simultaneously managing resources for Native Hawaiians. Therefore elections empowered Native Hawaiians to carry out this duty by having them vote for and elect Native Hawaiians to lead this organization. There was a Native Hawaiian qualification, that was

eventually struck down by *Rice v. Cayetano*, but only because the court found that the election qualifications were based on race (a protected class). That is NOT what this bill is proposing. Currently, there are residential qualifications for 5 of the seats, so providing for qualifications is not unprecedented.

Therefore, there is adequate precedent to apply skill and knowledge qualifications to remaining, unqualified at-large seats. Especially considering the growing responsibilities of the organization as a land manager, commercial property manager, financial assets manager, community advocate, natural and cultural resource advocate, research and data collection repository, and facilitator of numerous initiatives that impact the daily lives of Native Hawaiians.

This measure would not limit democracy, it would enhance it. It does not prevent individuals who do NOT hold the qualifications listed from running. The remaining 5 seats are also at-large with a residency requirement. The individuals who do not hold the required background could still run for their island seat.

This measure also provides more consistency with regard to OHA elections. Currently, 6 seats are determined in head-to-head races. However 3 seats are determined in a multi candidate run-off. Why should 6 seats run head-to-head and three run in a 3-way run-off? There is no logical explanation for this, other than that is how the seats split in the very first OHA election in 1980, and there has never been an attempt to rectify this situation.

This is not an attack on any sitting trustee, any of the sitting trustees could qualify under one of the categories.

The candidates will have to campaign on why they are running for a given seat, therefore the election process provides the means for the voting public to vet the candidates' experience and background as it applies to the seat.

This is simply a means to create a cleaner, more engaged, and more democratic elections process for OHA as Native Hawaiians continue to achieve self-determination on numerous fronts.

Senate Committee on Hawaiian Affairs

SB 1303

Tuesday, Feb. 14, 2017
1:30 PM Conf Room 016

Chair: Sen. Maile Shimabukuro
Vice-Chair: Sen. Brickwood Galuteria

Members:

Sen. Kalani English
Sen. Donna Mercado Kim
Sen. Josh Green

Aloha mai, my name is Dr. Jamee Miller and I stand in **strong support** of this measure with **amendments**. The board of trustees of the office of Hawaiian affairs is elected through a series of special elections held in conjunction with the biennial general election process. There are nine total trustee seats, five are residency based for the islands of Hawai'i, Maui, Moloka'i/Lana'i, O'ahu, and Kaua'i/Ni'ihau, and four are non-residency based (at-large.)

The four at-large seats are split with one at-large seat race taking place in the election cycle simultaneous with the presidential election and the remaining three taking place in the opposite election cycle. These remaining three at-large seats are included in one ballot item. The three candidates that receive the most votes win the election.

This arbitrary process was used to first launch the OHA elections in 1980, in which all 9 seats were elected in one year. Act 196 in 1979, stated that the "four board members elected with the highest number of votes shall serve four years; the remaining members elected shall serve two years." Thus, after that election, the at-large elections were split with one trustee at-large race taking place in one cycle, and the other three taking place in the opposite cycle. However, the remaining three at-large seats are placed on one ballot item rather than being split into individual races. This has resulted in a highly inconsistent election model that is in dire need of update and reform. Six of the trustee seats are elected in head-to-head races. However, arbitrarily, three at-large seats are elected in a three-way run-off.

In 2000, the general election ballot listed fifty-one candidates for three trustee at-large seats. The successful candidates won with only 6.8, 5.4, and 4.1 per cent of the total votes cast, respectively, while the rest of the votes were dispersed among the other candidates. Similarly, in 2006, there were fourteen candidates listed for three open trustee seats with the winners receiving 10.7, 9.8, and 8.5 per cent of the total votes cast, respectively. This pattern continued even after a primary election was implemented in 2014, with the winners receiving 12.5, 11.2, and 10.2 per cent of the total votes cast respectively.

Furthermore, because the trustee at-large race is not broken into individual races and because these candidates serve with no term-limits, this process severely undermines a true democratic process that is meant to allow for free and fair elections. A number of studies have shown that incumbent candidates for any political office hold a distinct advantage over challengers. Under the current special election process for the trustees at-large of the office of Hawaiian affairs, incumbent candidates may hold an even greater advantage due to the listing of multiple seats under one ballot item.

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This is simply a means to create a cleaner, more engaged, and more democratic elections process for OHA as Native Hawaiians continue to achieve self-determination on numerous fronts.

Mahalo for your commitment and dedication to all people of Hawaii.

Dr. Jamee Miller
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From: mailinglist@capitol.hawaii.gov
To: [HWNTestimony](#)
Cc: thecarbas@msn.com
Subject: *Submitted testimony for SB1303 on Feb 14, 2017 13:30PM*
Date: Tuesday, February 14, 2017 9:52:05 AM

SB1303

Submitted on: 2/14/2017

Testimony for HWN on Feb 14, 2017 13:30PM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Sharade Carba	Individual	Support	No

Comments:

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