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Honolulu, Hawaii

FEB 11 2019

RE: S.B. No. 1295  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2019  
State of Hawaii

Sir:

Your Committee on Hawaiian Affairs, to which was referred  
S.B. No. 1295 entitled:

"A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS  
ELECTIONS,"

begs leave to report as follows:

The purpose and intent of this measure is to amend the  
election process for the Office of Hawaiian Affairs Board of  
Trustees so that:

- (1) Of the four at-large seat candidates without an island  
residency requirement, two must reside in an urban  
district and two must reside in the rural district; and
- (2) One urban district candidate and one rural district  
candidate shall be elected in any election cycle.

Your Committee received testimony in support of this measure  
from Ho'omana Pono, LLC; Democratic Party of Hawaii - Hawaiian  
Affairs Caucus Executive Committee; and two individuals. Your  
Committee received testimony in opposition to this measure from  
the Center for Hawaiian Sovereignty Studies. Your Committee  
received comments on this measure from the Office of Elections.

Your Committee finds the population disparity between urban  
and rural residents generally results in the election of Office of



Hawaiian Affairs Board of Trustees candidates who prioritize urban concerns over the concerns of rural residents. Your Committee further finds that because all Board of Trustees candidates participate in statewide elections, urban voters distort elections even for island-specific seats. Therefore, your Committee finds that removing the statewide element of Board of Trustees elections will ensure more accurate representation of and accountability to Office of Hawaiian Affairs constituents.

Your Committee has amended this measure by:

- (1) Limiting voting for Board of Trustees seats with an island or district residency requirement to voters who are residents of the same island or district, respectively;
- (2) Making the new election procedures applicable beginning on January 1, 2024, with the term reduction provision to apply to one trustee elected at the General Election of 2022;
- (3) Changing the effective date to January 1, 2024; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee finds that the amendments to this measure may raise constitutional concerns that merit further consideration and requests that your Committee on Judiciary further examine those issues and concerns should your Committee on Judiciary choose to hear this measure.

As affirmed by the record of votes of the members of your Committee on Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1295, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1295, S.D. 1, and be referred to your Committee on Judiciary.



Respectfully submitted on  
behalf of the members of the  
Committee on Hawaiian Affairs,



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MAILE S.L. SHIMABUKURO, Chair



