



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTY-SECOND LEGISLATURE, 2023**

LATE

ON THE FOLLOWING MEASURE:

S.B. NO. 927, PROPOSING AMENDMENTS TO ARTICLE IV, SECTIONS 4 AND 6, OF THE HAWAII STATE CONSTITUTION REGARDING REAPPORTIONMENT.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY

DATE: Thursday, February 2, 2023 **TIME:** 10:00 a.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Reese Nakamura, Deputy Attorney General

Chair Rhoads and Members of the Committee:

The Department of the Attorney General (Department) provides the following comments.

The purpose of the bill is to propose amendments to article IV, sections 4 and 6, of the Hawai'i State Constitution to specify that reapportionment shall be based on the resident population, as counted in the most recent decennial United States Census.

We recommend that the bill be amended to base legislative reapportionment on the federal decennial census "for the respective reapportionment year" rather than the "most recent." We are concerned that if the Reapportionment Commission is required to use the "most recent" decennial census and there is a delay in the delivery of the census data, then the "most recent" census could be interpreted to be the previous census from ten years earlier. In order to eliminate any uncertainty as to which federal decennial census is to be used, we recommend that page 4, lines 3 to 14, of the bill be amended as follows:

Section 4. The commission shall allocate the total number of members of each house of the state legislature being reapportioned among the four basic island units, namely: (1) the island of Hawaii, (2) the islands of Maui, Lanai, Molokai and Kahoolawe, (3) the island of Oahu and all other islands not specifically enumerated, and (4) the islands of Kauai and Niihau, using the total number of residents, as reported by the ~~[most recent]~~ decennial census of the United States[;] for the respective reapportionment year, in each of

the basic island units and computed by the method known as the method of equal proportions; except that no basic island unit shall receive less than one member in each house.

We further recommend that page 4, line 17, through page 5, line 4, of the bill be amended as follows:

Section 6. Upon the determination of the total number of members of each house of the state legislature to which each basic island unit is entitled, the commission shall apportion the members among the districts therein and shall redraw district lines where necessary in such manner that for each house the average number of residents, as reported by the ~~[most recent]~~ decennial census of the United States~~[-]~~ for the respective reapportionment year, per member in each district is as nearly equal to the average for the basic island unit as practicable.

We further recommend that the ballot question in section 4 of the bill on page 6, lines 6 to 9, be amended to incorporate the above change:

Shall the reapportionment, or dividing up, of state election districts be based on the total number of residents, ~~[- to be consistent with every other state in the nation?]~~ as reported by the decennial census of the United States for the respective reapportionment year?

Thank you for the opportunity to provide these comments.

SB-927

Submitted on: 1/31/2023 1:55:05 AM

Testimony for JDC on 2/2/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jun Shin	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

Please defer SB927 and at the very least, keep the state constitution as is. This has the potential to strip Maui and Hawaii counties of their legislative seats in a future reapportionment process, reducing sister/neighbor island representation in public policy even further.

Mahalo,

Jun Shin

808-255-6663

SB-927

Submitted on: 1/30/2023 4:23:54 PM

Testimony for JDC on 2/2/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Gerard Silva	Individual	Oppose	Written Testimony Only

Comments:

Every one knows the Cences Was Crooked!!!!!!

SB-927

Submitted on: 1/30/2023 8:31:52 PM

Testimony for JDC on 2/2/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Shannon Rudolph	Individual	Oppose	Written Testimony Only

Comments:

Oppose.

Sounds like cheating neighbor islanders out of fair representation. Vote No.

LATE

SB-927

Submitted on: 2/1/2023 10:00:31 AM

Testimony for JDC on 2/2/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Shannon Matson	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and members of the Committee,

For any of those of you who know me, you know I devoted almost a year of my life to closely following and testifying on the census and reapportionment process. Through this intense study I found out a number of things. One that has specific relevance to this discussion; my community of Puna is SIGNIFICANTLY undercounted. This is a systemic problem that didn't just happen in the 2020 Census, but has occurred in EVERY census. Primarily due to the fact that the census paperwork is not mailed to P.O. boxes. Even if it were, many of my friends and neighbors wouldn't receive it, as many of us do not have mail delivery to our homes and even to get a P.O. Box is impossible as many of us are on year long waiting lists to obtain one. Yes, Census workers do canvas our neighborhoods (which consist of hundreds of miles of unpaved roads, fenced off properties, loose dogs, and no trespassing signs). By conducting an informal poll on Facebook I found hundreds of people who believe they were NOT counted or that their household was significantly undercounted. Please keep all this in mind while I explain the following.

Hawai'i Island, and Puna in particular, is the fastest growing district in our archipelago. We are being systemically deprived of our representation at the State level and yet we pay just as much, if not more, than any other district due to our regressive taxation system. This Constitutional Amendment is one more attempt to strip us of our rights.

Yes, the current reapportionment system is a convoluted process. But this bill doesn't solve it or take any real measures towards making it more equitable. This bill is a **BLATANT ATTEMPT TO STRIP NEIGHBOR ISLANDS OF REPRESENTATION**. Military residents are not permanent residents. Where do they vote? Where do they pay taxes? Until or unless you conduct a thorough survey showing where those two things occur, you cannot classify them as permanent residents at the cost of stripping our permanent residents on Hawai'i Island from their hard earned and well-deserved House Seat.

The first line in the bill is extremely important- the drafters admit that our process is "unique" and then proceed to tell us why this uniqueness needs to be altered to conform to the U.S.A. standard of re-apportionment. It's unique here for a reason. Which other State is made up by 4 separate and diverse Counties that are separated by water and primarily encompass (with the exception of Maui and Kauai Counties) one island. Which other State has 8% of its population consist of military personnel and their dependents? None. Not one has that high of a ratio of

military to residents. Our system of reapportionment is unique because our situation is unique. It's certainly not a perfect system, in fact there are serious reforms needed. I can think of almost nothing to be done to balance out the serious and detrimental lack of representation our sister islands have had at the hands of decades of O'ahu centric governance, beyond putting all O'ahu Representatives and Senators in a 10 year time out and allowing sister island elected officials a chance to try to catch up. Of course I'm not expecting that idea to go over well, so in the meantime, while you figure out a better solution please, do not mess with our system of reapportionment. **STRONGLY OPPOSE THIS BILL.** Maintain the semblance of fairness you have been attempting to show the public you support.

Mahalo,

Shannon Matson

Hawai'i Island Resident

SB-927

Submitted on: 1/31/2023 8:05:21 PM

Testimony for JDC on 2/2/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Will Caron	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill. It would inappropriately over-extend the influence of O'ahu lawmakers within the balance of the legislature. O'ahu has by far the most military personnel between the courties, and the outsized military population here would inflate O'ahu's population and weight the reapportionment process to potentially give O'ahu additional seats in the legislature.

In three federal court rulings dealing specifically with Hawai'i's redistricting, the Judiciary has ruled again and again that our policy of extracting non-resident military and their families from the redistricting process is constitutional.

Non-permanent military voters can choose which state in which they want to claim legal residency, and the overwhelming majority declare residency elsewhere. This bill would prioritize the representation of these non-resident military personnel—who almost all have representation in other states—above the representation of Hawai'i residents living in Maui County, for example, where there are almost no military personnel.

Residents that live outside O'ahu County already, rightly, believe that the business of the state is conducted in a way that is heavily "O'ahu-centric." This bill would make that imbalance even worse, to the detriment of Hawai'i residents living on O'ahu's sister islands. Please defer SB927.

SB-927

Submitted on: 1/31/2023 10:19:36 PM

Testimony for JDC on 2/2/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
brandi corpuz	Individual	Oppose	Written Testimony Only

Comments:

Aloha, my name is Brandi Corpuz and this is my second attempt to submit testimony on this matter of SB927. I reside in Kihei Maui and I am the Executive Director of Rooted Kekahi Me Ka Aina. We have community Aina programs on Maui, Molokai and Oahu.

I strongly oppose bill SB 927 and I am asking you today to say no to this redirection/redistricting bill. We (outer island) deserve our own representation without being overly controlled by Oahu power plays. We do not want or need redistricting that would allow certain people to have more control over our resources and people. All islands are different and we deserve our own equal representation.

Please vote no on SB 927.

Sincerely, Brandi Corpuz

SB-927

Submitted on: 2/1/2023 9:59:28 AM

Testimony for JDC on 2/2/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ingrid Peterson	Individual	Oppose	Written Testimony Only

Comments:

Aloha Committee Members!

As a resident whose family moved here in 1963 and who cares deeply about Hawaii and its people and is active in promoting our long term wellbeing, I strongly oppose SB 927 because it puts the interests of temporary military residents above the interests of long te residents committed to our future.

We long term residents pay Hawaii state taxes. 98% of military members and their families do not, because they choose not to declare residency here.

Counting these temporary militsry residents, most of them on O'ahu, would diluted the representation of the other islands, especially Maui and Hawaii Island.

This bill claims that excluding non-residents would violate the Equal Protection Clause of the Constitution, but this is false and has been settled in federal court.

Please kokua and defeat this bill! Mahalo nui,

Ingrid Peterson

LATE

SB-927

Submitted on: 2/1/2023 10:15:09 PM

Testimony for JDC on 2/2/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Mary Smart	Individual	Support	Written Testimony Only

Comments:

I most strongly support this Constitutional amendment so that all Americans have equal representation in the state within which they reside. The term "permanent resident" is not clearly defined and needs to be deleted. Using the most recent census data as every other state does is the best approach to reapportionment.

I participated as a concerned citizen in several recent apportionment committee meetings. I am a retired Naval Officer. It was concerning that Hawaii was not only extracting active duty personnel who may vote in another state, but also their dependents (spouse and children) who may very well be permanent residents of Hawaii (Hawaii voters, tax payers, serve on juries, attend local schools, etc.). Also disturbing was when the extraction was done, if there were not sufficient persons living on military bases, extractions were done from the nearby communities, thereby denying that community equal representation in the legislature.

All the other states use the most recent census. When our military personnel and students are extracted, they are not added to other state census numbers while Hawaii military families and students are included in the counts in the other states. It is time to treat all individuals living in Hawaii fairly.

When military are assigned to a Hawaii installation, they are assigned on "Permanent Change of Station (PCS)" orders. Hawaii is their only permanent residence during their assignment.

Please pass SB927.

LATE

SB-927

Submitted on: 2/1/2023 9:48:39 PM

Testimony for JDC on 2/2/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Scott Smart	Individual	Support	Written Testimony Only

Comments:

Strongly Support this proposed amendment, designating the census population as the basis for redistricting.

I have been involved in public hearings for the last three reapportionments. In each case, determining who exactly is a "permanent resident" is problematic and is more of a rough estimate rather than a verifiable method. In particular it has been difficult to assign the so-called "non-permanent residents" to specific census tracts. In the 2001 re-apportionment I was declared a "non-permanent resident" because my wife was active duty military. This despite the fact that I was registered to vote in Hawaii, paid state resident income tax, and used a Hawaii driver's license. Passing this proposed amendment would allow the people of Hawaii to end this prejudicial practice.