



# **HAWAI‘I CIVIL RIGHTS COMMISSION** **KOMIKINA PONO KIWILA O HAWAI‘I**

830 PUNCHBOWL STREET, ROOM 411, HONOLULU, HI 96813 · PHONE: (808) 586-8636 · FAX: (808) 586-8655 · TDD: (808) 586-8692

Thursday, April 4, 2024

10:15am

Conference Room 211 & Videoconference  
State Capitol, 415 South Beretania Street

To: The Honorable Donovan M. Dela Cruz, Chair  
The Honorable Sharon Y. Moriwaki, Vice Chair  
Members of the Senate Committee on Ways and Means

From: Liann Ebesugawa, Chair  
and Commissioners of the Hawai‘i Civil Rights Commission

## **Re: H.B. No. 2802 HD1**

**The Hawai‘i Civil Rights Commission (HCRC) supports H.B. 2802 HD1.** This bill proposes a constitutional amendment to remove the legislature’s authority to limit marriage to opposite-sex couples by repealing Article I, section 23, of the Constitution of the State of Hawai‘i.

Hawai‘i has a long and unique history of enshrining equality for all people in the State of Hawai‘i in its constitution. The HCRC has enforcement jurisdiction over Hawai‘i laws prohibiting discrimination in Chapters 368, 378, 489, and 515, Hawai‘i Revised Statutes, and carries out the Hawai‘i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights. Art. I, Sec. 5 of Hawai‘i’s constitution reads:

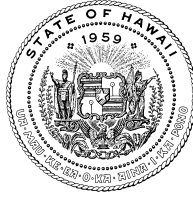
No person shall be deprived of life, liberty or property without due process of law, nor be denied the equal protection of the laws, nor be denied the enjoyment of the person's civil rights or be discriminated against in the exercise thereof because of race, religion, sex or ancestry.

Hawai‘i has historically sought to expand, not restrict, these rights and equal protection of its laws for all people in the state, as seen during the Constitutional Convention in 1978, which resulted in

expanded protections on the basis of sex, and where delegates were worried that the term “civil rights” could be too limiting. However, a step backwards in the expansion of rights occurred in the 1990s through a series of unfortunate legal events, and, in 1998, the Hawai’i Constitution was amended to grant the legislature the power to “reserve” or limit marriage to opposite sex couples, thus, denying same-sex couples the right to marry by statute.

After many failed attempts in the legislature, Hawaii passed its Hawai’i Marriage Equality Act in 2013 and codified the right to marry for LGBTQ+ individuals. However, Article I, Section 23 of the Hawai’i constitution remains in the background as a reminder that the legislature can limit the rights for LGBTQ+ couples and create different marriage rights from opposite-sex couples through legislative action. This ability to discriminate is unjust and is not in line with the values of Hawai’i to expand protection of rights for all individuals.

H.B. 2802 HD1 repeals Article 1, Section 23 entirely and removes the legislature’s ability to restrict and deny the right to marry for LGBTQ+ couples. The HCRC supports this bill.



EXECUTIVE CHAMBERS  
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA

**Senate Committee on Ways and Means**

Thursday, April 4, 2024

10:15 a.m.

State Capitol, Conference Room 211, and Videoconference

**In Support**

**H.B. No. 2802, H.D. 1, Proposing an Amendment to Article I, Section 23, of the  
Hawaii Constitution Relating to Marriage**

Chair Dela Cruz, Vice Chair Moriwaki, and members of the Senate Committee on Ways and Means:

Thank you for the opportunity to testify in support of H.B. No. 2802, H.D. 1, Proposing an Amendment to Article I, Section 23, of the Hawaii Constitution Relating to Marriage. This bill proposes a constitutional amendment to repeal the Legislature's authority to reserve marriage to opposite-sex couples.

It has been over 30 years since same-sex marriage has been legal in Hawaii. It has also been over 30 years since the Hawaii Supreme Court recognized the discrimination inherent in restricting marriage to opposite-sex couples.

In 2013, the Hawaii Marriage Equality Act of 2013 recognized marriages between individuals of the same sex in our State. Throughout this time, our State has stood as a champion of fairness, justice, and human equality by valuing and respecting the dignity and diversity of individuals and their rights.

This bill would propose a constitutional amendment to repeal Article I, Section 23, of the Hawaii State Constitution to repeal the Legislature's authority to reserve marriage to opposite-sex couples. The following constitutional question would be printed on the ballot for Hawaii voters to consider:

*Shall the state constitution be amended to repeal the legislature's authority to reserve marriage to opposite-sex couples?*

Testimony of the Office of the Governor  
H.B. No. 2802, H.D. 1  
April 4, 2024  
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H.B. No. 2802, H.D. 1 is an essential step in enabling Hawaii voters to determine an inflexible provision of marriage in our State Constitution that is delegated to the Legislature. Three decades have passed since same-sex marriage has been legal in Hawaii. It is time to initiate change at the ballot through the proposed constitutional amendment in this measure and ensure that marriage equality is protected in our State.

Thank you for the opportunity to provide testimony on this measure.



To: Senate Committee on Ways and Means  
Hearing Date/Time: Thursday April 4, 2024 10:15AM  
Place: Hawaii State Capitol, Room 211  
Re: Testimony in STRONG SUPPORT of HB2802 HD1

Dear Chair Dela Cruz, Vice Chair Moriwaki, and the Members of Committee,

Members of AAUW of Hawaii thank you for this opportunity to testify in strong support of HB2802 HD1 which proposes a constitutional amendment to repeal the legislature's authority to limit marriage to opposite-sex couples.

Hawai'i 's Constitution, in Article I Section 23, still reads "The legislature shall have the power to reserve marriage to opposite-sex couples." This has no place in our state constitution. Same sex marriage has been legal in Hawai'i since the Hawaii Marriage Equality Act of 2013 bringing dignity to the same sex couples.

Please pass this measure.

Sincerely,  
Younghee Overly  
Public Policy Committee, AAUW of Hawaii  
publicpolicy-hi@aauw.net

*The American Association of University Women (AAUW) of Hawaii is an all volunteer, statewide chapter of a national organization and is made up of six branches: Hilo, Honolulu, Kua'i, Kona, Maui, and Windward Oahu. AAUW's mission is to advance gender equity for equal opportunities in education, at workplace and for economic security, and in leadership. Our vision is equity for all.*

## TESTIMONY IN SUPPORT OF HB 2802, HD 1

**TO:** Chair Dela Cruz, Vice Chair Moriwaki, & WAM Committee Members

**FROM:** Nikos Leverenz  
Grants & Advancement Manager

**DATE:** April 4, 2024 (10:15 AM)

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Hawai'i Health & Harm Reduction Center (HHHRC) **strongly supports** HB 2802, HD 1. This bill authorizes a constitutional amendment to be placed on the November ballot to eliminate Article I, Section 23, which currently empowers the legislature to limit marriage to opposite-sex couples.

Elimination of this provision removes a vestige of discrimination that has the potential to further harm should federal court precedent and law pivot toward diminishment and even exclusion of individual rights for sexual and gender minorities.

HHHRC serves many members of our state's trans and LGBTQ communities, including the provision of medical case management services for people living with HIV, safer sex supplies, HIV testing and linkage to care, transgender services, services for unaccompanied youth experiencing homelessness, and smoking cessation services through "Hawaii's Last Drag."

We support measures that increase opportunities for our state's sexual and gender minorities to be free from discrimination and fully participate in civic and economic life. In this session, the legislature also has opportunities to expand access to gender-affirming care and preventative care services, including access to pre exposure prophylaxis to prevent the transmission of HIV, and funding for the state's LGBTQ+ Commission.

HHHRC's mission is to reduce harm, promote health, create wellness, and fight stigma in Hawai'i and the Pacific. We work with many individuals who are impacted by poverty, housing instability, and other social determinants of health.

Mahalo for the opportunity to testify on this measure.



Papa Ola Lokahi  
Nana I Ka Pono Na Ma

894 Queen Street  
Honolulu, Hawaii 96813  
Phone: 808.597.6550  
[www.papaolalokahi.org](http://www.papaolalokahi.org)

**Senate Committee on Ways and Means**  
Senator Donovan M. Dela Cruz, Chair  
Senator Sharon Y. Moriwaki, Vice Chair

**Thursday, April 4, 2024, 10:15 AM, Conference Room 211 & Videoconference**

**RE: HB 2802 HD 1 – PROPOSING AN AMENDMENT TO ARTICLE 1, SECTION 23,  
OF THE HAWAII CONSTITUTION RELATING TO MARRIAGE.**

**Position: SUPPORT**

Dear Chair Dela Cruz, Vice Chair Moriwaki, and Members of the Committee,

Papa Ola Lokahi testifies **in support** of HB 2802 HD 1, which proposes to remove the legislature's authority to limit marriage to opposite-sex couples as a ballot question. Papa Ola Lokahi is currently serving on the Change 23 Coalition, an effort to remove this limit to civil rights from the State Constitution.

It's time for Hawai'i to repeal the constitutional amendment restricting marriage rights for same-sex couples. This bill supports many Hawaii families who could see their marriages delegitimized. Same-sex couples in Hawaii deserve full dignity and respect in our state and the certainty that no matter what happens in the future, whether at the U.S. Supreme Court or in our legislature, marriages and families are equally protected. In today's legal system, marriage provides a slew of rights, benefits, and protections from tax benefits to Medicare eligibility and health insurance. Sexual orientation cannot threaten an individual's ability to care for their spouse.

Prior listening sessions around the State of Hawai'i held by Papa Ola Lokahi found that respondents shared many social determinants as integral to the health and well-being of Native Hawaiians. These sessions also demonstrated views on gender, sex, partnership, and family that welcome relationships beyond the cisgender, heteronormative Western concepts typically protected in the current legal system.

Our ability to uplift Native Hawaiian health and self-determination includes our support of this State Constitutional amendment proposal not only from the perspective of cultural acceptance, but also as a part of civil rights for same-sex spouses. Under the current State Constitution, marriage limitation is based on sexual orientation, as Section 1, Article 23 makes no mention of opposite-sex marriages. Even if the Legislature does not choose to exercise its ability to limit marriage, as explained in [Attorney General Opinion 13-1](#), the letter of the law means that same-sex couples currently live with a lesser right than opposite-sex couples.

Many efforts in the State of Hawai'i today choose to center and claim Native Hawaiian values, promote Native Hawaiian practices, and draw upon Native Hawaiian wisdom. Though not all individuals or families of Native Hawaiian descent may agree today, tolerance and acceptance of

same-sex relationships are concordant with our people and history. This was recorded from early records of Western settlers and can also be seen in the hua 'ōlelo Hawai'i that reflect our pre-contact cultural heritage, norms, and practices.

Thank you for the opportunity to testify in **SUPPORT** of this critical legislation.





April 2, 2024

Senate's Committee on Ways and Means  
Hawai'i State Capitol  
415 South Beretania Street  
Honolulu, HI 96813  
Hearing: Thursday, April 4, 2024 at 10:15 AM

**RE: SUPPORT for House Bill 2802 HD 1**

Aloha Chair Dela Cruz, Vice-Chair Moriwaki, and fellow committee members,

I am writing in support of House Bill 2802 HD 1 on behalf of the Stonewall Caucus of the Democratic Party of Hawai'i, Hawai'i's oldest and largest policy and political LGBTQIA+/ MVPFAFF+ focused organization. HB 2802 HD 1 proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples.

This past December we celebrated the 10-year anniversary of Marriage Equality coming home to the Aloha State. We say home because it was in the Aloha State that we saw the first court victories in the United States and the world in the battle for Marriage Equality. While we led the way in this struggle we also paid the price for being pioneers and one of the many prices we paid was the constitutional amendment in 1998 that wrote discrimination and bigotry into our state's constitution for the first and hopefully last time, since the historic constitutional convention of 1978.

HB 2802 HD 1 looks to give Hawai'i's LGBTQIA+/ MVPFAFF+ community and our ever-growing number of allies the opportunity to undo some of the damage that was done in 1998 by removing the homophobic Section 23 from Article 1 of Hawai'i's State Constitution.

Why is this amendment so important and why now?

Well besides the fact that the current Section 23 flies in the face of [HRS §5-7.5 the "Aloha Spirit"](#) law and it is not a good look for our state; until 2023 the it had been five (5) years that not ONE anti-LGBTQIA+ bill had been introduced. Since then we have seen their introduction grow. While none of them have received hearings if the overturning of Roe v. Wade taught us anything is that we all need to do everything in our power to protect the advances we have made.

This is one of the many reasons why the Stonewall Caucus has been present at every hearing for every bill that directly impacts the LGBTQIA+/ MVPFAFF+ community since our founding in 2001.

The Stonewall Caucus does actually prefer the language in Senate Bill 2884, the constitutional amendment bill sponsored by the Equality Caucus, because it not only removes the bigoted language it replaces with an affirmation that states:

The right to marriage shall not be denied or abridged by the State on account of race or sex.

This language is inclusive and forward thinking. This is needed especially since certain members of the US Supreme Court have said that the court is open to overturning other precedent setting cases. Which means cases like Obergefell v. Hodges - 2015 (equal marriage rights for same-sex couples) and Loving v. Virginia - 1967 (legalizing interracial marriage) are not safe at the Federal level.

We are glad we are not alone in the belief that the time has come to rectify the homophobia of our past. The Stonewall Caucus passed the attached resolution by unanimous consent at our monthly November

2023 meeting and at the same time Pride at Work – Hawai'i had introduced a similar resolution for the 2023 Hawai'i State AFL-CIO to consider at their biennial convention at the end of November. When the Hawai'i State AFL-CIO passed their version of the resolution it became the largest union endorsement in our state's history in support of Marriage Equality.

Then in January of this year the State Central Committee (SCC), the governing body of the Democratic Party of Hawai'i, passed a similar resolution by unanimous consent. While the resolution passed by the SCC is not policy for the Party, unlike those resolutions passed at the Party's State Convention, it does dovetail nicely with the resolutions that the Party has passed over the years in support of Marriage Equality, like – [NAT 2012-02 Support for Marriage Equality](#) and [NAT 2016-01 Declaring June 26 as Equality Day](#).

The Stonewall Caucus does hope that the committee is inclined to amend HB 2802 to match the language found in SB 2884 as it will reflect the calls to action found in the three separate resolutions passed by three different bodies.

Either way we humbly ask for all members of this committee to support HB 2802 from this committee to hopeful final vote in the 2024 General Election.

Mahalo nui loa for your time and consideration,

Michael Golojuch, Jr. (he/him)  
Chair and SCC Representative  
Stonewall Caucus for the DPH

## **Protecting Marriage Equality in the Aloha State**

Whereas, People benefit by sharing their lives with and receiving support from their family, friends, and other people who are important to them; and

Whereas, A person's sexual orientation defines the universe of persons with whom they are likely to find the satisfying and fulfilling romantic and intimate relationships that, for many individuals, comprise an essential component of personal identity; and

Whereas, Homosexuality is a normal expression of human sexual orientation that poses no inherent obstacle to leading a happy, healthy, and productive life, including the capacity to form healthy and mutually satisfying intimate relationships with another person of the same sex and to raise healthy and well-adjusted children, as documented by the American Psychiatric Association in 1974; the American Psychological Association in 2004; and the National Association of Social Workers in 2003; and

Whereas, The consideration of policies to provide or deny same-sex couples full access to civil marriage and other legal forms of family formation in all branches of both the federal and state governments in the United States had frequently subjected the human rights of lesbian, gay, bisexual, and transgender people to public debate and resulted in wide variation among jurisdictions in access to these rights; and

Whereas, The denial to civil marriage, including the creation of legal statuses such as civil unions and domestic partnerships, stigmatized same-sex relationships, perpetuating the stigma historically attached to homosexuality, and reinforced prejudice against lesbian, gay, and bisexual people; and

Whereas, Married individuals generally receive social, economic, health, and psychological benefits from their marital status, including numerous rights and benefits provided by private employers and by state and federal governments; and

Whereas, Individuals with a homosexual or bisexual orientation are often subjected to minority stress, that is, additional stress beyond what is normally experienced by the heterosexual population, as a consequence of stigma, discrimination, and violence; and

Whereas, In 1993 the Hawai'i State Supreme Court ruled in *Baehr v. Miike* (originally *Baehr v. Lewin*) that the State of Hawai'i's refusal to grant same-sex couples marriage licenses was discriminatory, the first such ruling in the United States and the world, and in the plurality opinion, the court ruled that while the right to privacy in the Hawai'i Constitution does not include a fundamental right to same-sex marriage, denying marriage to same-sex couples constituted discrimination based on sex in violation of the right to equal protection guaranteed by the State Constitution and the court remanded the case to the trial court, instructing that "in accordance with the 'strict scrutiny' standard, the burden will rest on Lewin to overcome the presumption that HRS § 572-1 is unconstitutional by demonstrating that it furthers compelling state interests and is narrowly drawn to avoid unnecessary abridgments of constitutional rights."; and

Whereas, In 1996, Judge Kevin S.C. Chang ruled that the state did not meet its evidentiary burden and it did not prove that the state had a compelling interest in denying marriage licenses to same-sex couples and even assuming that it had it had not proven that HRS § 572-1 was narrowly tailored to avoid unnecessary abridgement of constitutional rights, and he enjoined the state from refusing to issue marriage licenses to otherwise-qualified same-sex couples and the following day, Judge Chang stayed his ruling, acknowledging the "legally untenable" position couples would be in should the Hawai'i Supreme Court reverse him on appeal; and

Whereas, The State of Hawai'i's constitution was amended in 1998 by adding Section 23 to Article I which allows the state Legislature to reserve marriage for opposite sex couples, which ended the *Baehr v. Miike* case; and

Whereas, Marriage Equality became the law of the land in the state of Hawai'i on December 2, 2013 after a historic special session that lasted from October 28 to November 12, 2013 when Senate Bill 1 passed the legislature and was signed into law on November 13, 2013 by Governor Neil Abercrombie; and

Whereas, According to the Vital Statistics Branch of the State of Hawaii's Department of Health as of September 2023 there have been 11,804 same-sex couples married in the state of Hawai'i since December 2, 2013, the day Marriage Equality became the law of the land in the Aloha State; and

Whereas, President Joe Biden signed the Respect for Marriage Act into law on December 13, 2022 which requires states to approve and acknowledge out-of-state marriage licenses, which was passed to protect same-sex and interracial couples should the Supreme Court overturn, Obergefell v. Hodges and/or Loving v. Virginia respectfully as they were both decided under the due process clause of the Fourteenth Amendment which was used to overturn Roe v. Wade in June 2022; now therefor be it

*Resolved*, That the Stonewall Caucus of the Democratic Party of Hawai'i supports full marriage equality for same-sex couples; and be it further

*Resolved*, That the Stonewall Caucus of the Democratic Party of Hawai'i supports all efforts to amend the Hawai'i State Constitution to remove Section 23 of Article I, the anti-marriage equality section that was added in 1998; and be it further

*Resolved*, That the Stonewall Caucus of the Democratic Party of Hawai'i supports amending the Hawai'i State Constitution to ensure all eligible opposite and same-sex couples' right to marry is protected; and be it further

*Resolved*, That the Stonewall Caucus of the Democratic Party of Hawai'i call upon the Democratic Party of Hawai'i's State Central Committee to pass a similar resolution; and be it

Ordered, That copies of this resolution be transmitted to all the members of the Hawai'i Congressional Delegation, to the Governor and Lt. Governor of the State of Hawai'i, all Democratic members of the Hawai'i State Legislature, and the members of the Democratic Party of Hawai'i's State Central Committee.

PASSED by the Stonewall Caucus on Saturday, November 19, 2023



**Where LGBTQIA+ Rights Meet the Labor Movement  
A constituency group of the Hawai'i State AFL-CIO**

April 2, 2024

Senate's Committee on Ways and Means  
Hawai'i State Capitol  
415 South Beretania Street  
Honolulu, HI 96813

Hearing: Thursday, April 4, 2024 at 10:15 AM

**RE: STRONG SUPPORT for House Bill 2802 HD 1**

Aloha Chair Dela Cruz, Vice-Chair Moriwaki and fellow committee members,

Pride at Work – Hawai'i is an official chapter of *Pride at Work* which is a national nonprofit organization that represents LGBTQIA+ union members and their allies. We are an officially recognized constituency group of the AFL-CIO that organizes mutual support between the organized Labor Movement and the LGBTQIA+ Community to further social and economic justice.

The time has come to erase the homophobia that was written into our state's Constitution in 1998. That is what House Bill 2802 gives the LGBTQIA+ community and our allies the opportunity to attempt to do by putting a Constitutional Amendment on the ballot.

Pride at Work – Hawai'i is honored to have introduced the attached resolution that was passed by a unanimous vote at the 2023 Biennial Convention of the Hawai'i State AFL-CIO on November 30, 2023. With that vote it was the largest labor endorsement in support of Marriage Equality in the state of Hawai'i's history.

We do want to go on record as saying that we are fonder of the language for the Constitutional Amendment that is found in SB 2080. This is due to the fact that the language in HB 2080 makes Marriage Equality a Constitutional Right for same-sex, as well as inter-racial couples. This will also match what the attached resolution is seeking.

Whether you keep HB 2802 or amend it to mirror HB 2080 - we ask that you give us the opportunity that is found in these bills. Pride at Work – Hawai'i humbly asks that you pass HB 2802 out of committee and support it all the way to finish line.

In solidarity,

Pride at Work – Hawai'i

### **Protecting Marriage Equality in the Aloha State**

Whereas, People benefit by sharing their lives with and receiving support from their family, friends, and other people who are important to them; and

Whereas, A person's sexual orientation defines the universe of persons with whom they are likely to find the satisfying and fulfilling romantic and intimate relationships that, for many individuals, comprise an essential component of personal identity; and

Whereas, Homosexuality is a normal expression of human sexual orientation that poses no inherent obstacle to leading a happy, healthy, and productive life, including the capacity to form healthy and mutually satisfying intimate relationships with another person of the same sex and to raise healthy and well-adjusted children, as documented by the American Psychiatric Association in 1974; the American Psychological Association in 2004; and the National Association of Social Workers in 2003; and

Whereas, The consideration of policies to provide or deny same-sex couples full access to civil marriage and other legal forms of family formation in all branches of both the federal and state governments in the United States had frequently subjected the human rights of lesbian, gay, bisexual, and transgender people to public debate and resulted in wide variation among jurisdictions in access to these rights; and

Whereas, The denial to civil marriage, including the creation of legal statuses such as civil unions and domestic partnerships, stigmatized same-sex relationships, perpetuating the stigma historically attached to homosexuality, and reinforced prejudice against lesbian, gay, and bisexual people; and

Whereas, Married individuals generally receive social, economic, health, and psychological benefits from their marital status, including numerous rights and benefits provided by private employers and by state and federal governments; and

Whereas, Individuals with a homosexual or bisexual orientation are often subjected to minority stress, that is, additional stress beyond what is normally experienced by the heterosexual population, as a consequence of stigma, discrimination, and violence; and

Whereas, In 1993 the Hawai'i State Supreme Court ruled in *Baehr v. Miike* (originally *Baehr v. Lewin*) that the State of Hawai'i's refusal to grant same-sex couples marriage licenses was discriminatory, the first such ruling in the United States and the world, and in the plurality opinion, the court ruled that while the right to privacy in the Hawai'i Constitution does not include a fundamental right to same-sex marriage, denying marriage to same-sex couples constituted discrimination based on sex in violation of the right to equal protection guaranteed by the State Constitution and the court remanded the case to the trial court, instructing that "in accordance with the 'strict scrutiny' standard, the burden will rest on Lewin to overcome the presumption that HRS § 572-1 is unconstitutional by demonstrating that it furthers compelling state interests and is narrowly drawn to avoid unnecessary abridgments of constitutional rights."; and

Whereas, In 1996, Judge Kevin S.C. Chang ruled that the state did not meet its evidentiary burden and it did not prove that the state had a compelling interest in denying marriage licenses to same-sex couples and even assuming that it had it had not proven that HRS § 572-1 was narrowly tailored to avoid unnecessary abridgement of constitutional rights, and he enjoined the state from refusing to issue marriage licenses to otherwise-qualified same-sex couples and the following day, Judge Chang stayed his ruling, acknowledging the "legally untenable" position couples would be in should the Hawai'i Supreme Court reverse him on appeal; and

Whereas, The State of Hawai'i's constitution was amended in 1998 by adding Section 23 to Article I which allows the state Legislature to reserve marriage for opposite sex couples, which ended the *Baehr v. Miike* case; and

## Pride at Work – Hawai'i's Testimony is Support of House Bill 2802 HD 1

Whereas, Marriage Equality became the law of the land in the state of Hawai'i on December 2, 2013 after a historic special session that lasted from October 28 to November 12, 2013 when Senate Bill 1 passed the legislature and was signed into law on November 13, 2013 by Governor Neil Abercrombie; and

Whereas, According to the Vital Statistics Branch of the State of Hawaii's Department of Health as of September 2023 there have been 11,804 same-sex couples married in the state of Hawai'i since December 2, 2013, the day Marriage Equality became the law of the land in the Aloha State; and

Whereas, President Joe Biden signed the Respect for Marriage Act into law on December 13, 2022 which requires states to approve and acknowledge out-of-state marriage licenses, which was passed to protect same-sex and interracial couples should the Supreme Court overturn, Obergefell v. Hodges and/or Loving v. Virginia respectfully as they were both decided under the due process clause of the Fourteenth Amendment which was used to overturn Roe v. Wade in June 2022; now therefor be it

*Resolved*, That the Hawai'i State American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) supports full marriage equality for same-sex couples; and be it further

*Resolved*, That the Hawai'i State AFL-CIO supports all efforts to amend the Hawai'i State Constitution to remove Section 23 of Article I, the anti-marriage equality section that was added in 1998; and be it further

*Resolved*, That the Hawai'i State AFL-CIO supports amending the Hawai'i State Constitution to ensure all eligible opposite and same-sex couples' right to marry is protected; and be it

Ordered, That copies of this resolution be transmitted to all the members of the Hawai'i Congressional Delegation, to the Governor and Lt. Governor of the State of Hawai'i, and all members of the Hawai'i State Legislature.

PASSED by the 2023 Biennial Convention of the Hawai'i State AFL-CIO on November 30, 2023



**TESTIMONY FROM THE DEMOCRATIC PARTY OF HAWAII**  
**SENATE COMMITTEE ON WAYS AND MEANS**

**April 4, 2024**

HB2802 HD1 Proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples.

**POSITION: STRONG SUPPORT**

Aloha Chair Dela Cruz, Vice Chair Moriwaki and esteemed Members of the Committee,

The Democratic Party of Hawai'i **strongly supports** HB 2802 HD1, with a request to pass the bill unamended, as is.

**The Party has identified this Bill as a top Legislative Priority** for the current session, based on the SCC's approval of the Legislative Committee's top ten legislative priorities, unanimously approved in the January 13, 2024 regular SCC meeting.

Additionally, the SCC, in the same meeting, unanimously approved the attached resolution "**Protecting Marriage Equality in the Aloha State**".

We believe that the fundamental human right to marriage equality is under attack by far right MAGA politicians and their judiciary appointees across the continent. It is therefore our responsibility to defend human and civil rights in our island home from falling victim to politics of hate and division.



We humbly ask you for your support, and to stand with us and our LGBTQIA+ community. Together we can ensure that Hawai'i remains a beacon of hope and equality, leading the way by example.

Mahalo nui loa for your time and consideration.

**Kris Coffield (he/him)**  
*Co-Chair, Legislative Committee*  
(808) 679-7454  
[kriscoffield@gmail.com](mailto:kriscoffield@gmail.com)

**Abby Simmons (she/her)**  
*Co-Chair, Legislative Committee*  
(808) 352-6818  
[abbyalana808@gmail.com](mailto:abbyalana808@gmail.com)

## **Protecting Marriage Equality in the Aloha State**

Whereas, People benefit by sharing their lives with and receiving support from their family, friends, and other people who are important to them; and

Whereas, A person's sexual orientation defines the universe of persons with whom they are likely to find the satisfying and fulfilling romantic and intimate relationships that, for many individuals, comprise an essential component of personal identity; and

Whereas, Homosexuality is a normal expression of human sexual orientation that poses no inherent obstacle to leading a happy, healthy, and productive life, including the capacity to form healthy and mutually satisfying intimate relationships with another person of the same sex and to raise healthy and well-adjusted children, as documented by the American Psychiatric Association in 1974; the American Psychological Association in 2004; and the National Association of Social Workers in 2003; and

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Whereas, The denial to civil marriage, including the creation of legal statuses such as civil unions and domestic partnerships, stigmatized same-sex relationships, perpetuating the stigma historically attached to homosexuality, and reinforced prejudice against lesbian, gay, and bisexual people; and

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## **Protecting Marriage Equality in the Aloha State**

States and the world, and in the plurality opinion, the court ruled that while the right to privacy in the Hawai'i Constitution does not include a fundamental right to same-sex marriage, denying marriage to same-sex couples constituted discrimination based on sex in violation of the right to equal protection guaranteed by the State Constitution and the court remanded the case to the trial court, instructing that "in accordance with the 'strict scrutiny' standard, the burden will rest on Lewin to overcome the presumption that HRS § 572-1 is unconstitutional by demonstrating that it furthers compelling state interests and is narrowly drawn to avoid unnecessary abridgments of constitutional rights."; and

Whereas, In 1996, Judge Kevin S.C. Chang ruled that the state did not meet its evidentiary burden and it did not prove that the state had a compelling interest in denying marriage licenses to same-sex couples and even assuming that it had it had not proven that HRS § 572-1 was narrowly tailored to avoid unnecessary abridgement of constitutional rights, and he enjoined the state from refusing to issue marriage licenses to otherwise-qualified same-sex couples and the following day, Judge Chang stayed his ruling, acknowledging the "legally untenable" position couples would be in should the Hawai'i Supreme Court reverse him on appeal; and

Whereas, The State of Hawai'i's constitution was amended in 1998 by adding Section 23 to Article I which allows the state Legislature to reserve marriage for opposite sex couples, which ended the Baehr v. Miike case; and

Whereas, Marriage Equality became the law of the land in the state of Hawai'i on December 2, 2013 after a historic special session that lasted from October 28 to November 12, 2013 when Senate Bill 1 passed the legislature and was signed into law on November 13, 2013 by Governor Neil Abercrombie; and

Whereas, According to the Vital Statistics Branch of the State of Hawaii's Department of Health as of September 2023 there have been 11,804 same-sex couples married in the state of Hawai'i since December 2, 2013, the day Marriage Equality became the law of the land in the Aloha State; and

Whereas, President Joe Biden signed the Respect for Marriage Act into law on December 13, 2022 which requires states to approve and acknowledge out-of-state marriage licenses, which was passed to protect same-sex and interracial couples should the Supreme Court overturn, Obergefell v. Hodges and/or Loving v. Virginia respectfully as they were both decided under the due process clause of the Fourteenth Amendment which was used to overturn Roe v. Wade in

## **Protecting Marriage Equality in the Aloha State**

June 2022; now therefor be it

*Resolved*, That the State Central Committee of the Democratic Party of Hawai'i supports full marriage equality for same-sex couples; and be it further

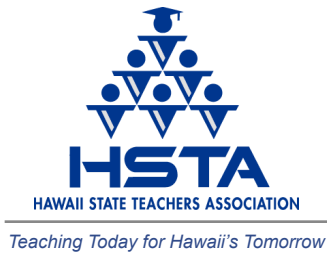
*Resolved*, That the State Central Committee of the Democratic Party of Hawai'i supports all efforts to amend the Hawai'i State Constitution to remove Section 23 of Article I, the anti-marriage equality section that was added in 1998; and be it further

*Resolved*, That the State Central Committee of the Democratic Party of Hawai'i supports amending the Hawai'i State Constitution to ensure all eligible opposite and same-sex couples' right to marry is protected; and be it

Ordered, That copies of this resolution be transmitted to all the members of the Hawai'i Congressional Delegation, to the Governor and Lt. Governor of the State of Hawai'i, and all Democratic members of the Hawai'i State Legislature.

-----

Adopted by the State Central Committee on Saturday, January 13, 2024



1200 Ala Kapuna Street • Honolulu, Hawaii 96819  
Tel: (808) 833-2711 • Fax: (808) 839-7106 • Web: www.hsta.org

**Osa Tui, Jr.**  
President

**Logan Okita**  
Vice President

**Lisa Thompson**  
Secretary-Treasurer

**Ann Mahi**  
Executive Director

## TESTIMONY TO THE HAWAII SENATE COMMITTEE ON WAYS AND MEANS

Item: **HB2802 HD1 - Proposing an amendment to Article 1, Section 23, of the Hawai'i Constitution relating to marriage**

Position: **Support**

Hearing: **April 4, 2024, 10:15 a.m., Conference Room 211**

Submitter: **Osa Tui, Jr. – President, Hawai'i State Teachers Association**

Chair Dela Cruz, Vice Chair Moriwaki, and members of the committee,

The Hawai'i State Teachers Association **supports** HB2802 HD1 which proposes a constitutional amendment to repeal the Legislature's authority to limit marriage to opposite-sex couples.

As articulated in its mission statement, HSTA endeavors to “promote human and civil rights to support and nurture diversity in our multifaceted community.” Article I, Section 23 was placed in the Hawai'i State Constitution in 1998 through a voter-approved constitutional amendment that empowers the Legislature to limit marriage to opposite-sex couples. HSTA opposed the ballot measure in 1998 and was ultimately proven to be on the right side of history in that stance.

In 2015, the United States Supreme Court ruled in *Obergefell v. Hodges* that the fundamental right to marry is guaranteed to same-sex couples under the Due Process Clause and Equal Protection Clause of the Fourteenth Amendment. From that point, the cloud of uncertainty was lifted for an untold number of same-sex couples and families, including many of our members. Children of same-sex couples wishing to marry could finally see their parents rightfully married like opposite-sex couples could be. Likewise, students then who did not and students now who do not see themselves seeking an opposite-sex marriage later in life have the option to seek a legally recognized marriage when the time comes.

With rights in this country that we take for granted now under new threat, the Hawai'i State Teachers Association asks your committee to **support** putting this constitutional amendment on the ballot.



*Fujiwara & Rosenbaum, L.L.L.C.*

*Alahea Corporate Tower  
1100 Alahea St., Fl. 20, Suite B  
Honolulu, Hawaii 96813*

April 2, 2024

Senator Donovan M. Dela Cruz, Chair  
Senator Sharon Y. Moriwaki, Vice-Chair  
Senate Committee on WAYS AND MEANS

**Re: H.B. 2802 H.D. 1 RELATING to , STRONG SUPPORT**

**Hearing: Thursday, April 4, 2024, 10:15 a.m. Conf. Rm. 211**

Dear Chair Dela Cruz, Vice-Chair Moriwaki, and Members of the Committee on : WAYS AND MEANS

I have specialized in civil rights and employment law as a plaintiff's attorney since 1986 with a specialized interest in women's and minorities' rights, including gay rights. Our law firm is in strong support of **H.B. 2802 H.D. 1**, which requires the Department of Human Services to establish and implement a childcare provider subsidy and bonus program to provide subsidies to retain the existing childcare workforce in licensed infant and toddler childcare centers, group childcare centers, and group child care homes and bonuses to registered family child care homes.

Childcare and early education programs can provide children with opportunities for cognitive, language, emotional, and social development and provide parents with the ability to work and generate income for their families. Providing a solid learning foundation for children, while also fostering productivity for working parents, contributes to the economic stability and prosperity of the State.

Working families in Hawaii need affordable solutions for childcare provided by quality childcare professionals. Creating incentives through the proposed subsidy program endeavors to retain current providers so that they may continue to offer their valuable services, but it is also likely to help in recruiting and attracting dedicated providers to the early learning workforce.

Fujiwara & Rosenbaum supports H.B. 1964 H.D. 2 because we recognize the importance of high-quality childcare and early education, and this bill strives to make it more available for working parents.

Thank you for the opportunity to submit testimony on this measure.

Sincerely,  
Elizabeth Jubin Fujiwara, Senior Partner





Randy Perreira  
President

# HAWAII STATE AFL-CIO

888 Mililani Street, Suite 501 • Honolulu, Hawaii 96813

Telephone: (808) 597-1441  
Fax: (808) 593-2149

The Thirty-Second Legislature  
The Senate  
Committee on Ways and Means

Testimony by  
Hawaii State AFL-CIO

April 4, 2024

TESTIMONY ON HB2802 HD1 – PROPOSING AN AMENDMENT TO ARTICLE 1, SECTION 23, OF THE  
HAWAII CONSTITUTION RELATING TO MARRIAGE

Chair Dela Cruz, Vice Chair Moriwaki, and members of the committee:

The Hawaii State AFL-CIO is a federation of 74 affiliate labor organizations that represent over 68,000 union members in the State of Hawaii. The AFL-CIO serves its affiliates by advocating for workers and their families before the state legislature and other branches of state and county government.

The Hawaii State AFL-CIO **supports** HB2802 HD1, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples. Marriage is a fundamental institution that should be accessible to all loving couples. By removing the legislature's authority to limit marriage to opposite-sex couples, this bill takes a significant step toward ensuring equal treatment under the law for all Hawaii residents.

It's imperative to recognize that denying marriage equality not only perpetuates discrimination but also undermines the principles of justice and fairness that our society should uphold. Everyone deserves the right to marry the person they love, free from discrimination or prejudice.

As a labor organization, we understand the importance of fighting for the rights of marginalized communities. This bill represents progress toward a more just and inclusive society where everyone is treated with dignity and respect.

Respectfully submitted,

Randy Perreira  
President



**HB-2802-HD-1**

Submitted on: 4/3/2024 7:52:07 AM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lisa Gibson	Testifying for Indivisible Hawaii	Support	Written Testimony Only

Comments:

**STRONG SUPPORT**



*Fujiwara & Rosenbaum, L.L.L.C*

*Alakea Corporate Tower  
1100 Alakea St., Fl. 20, Suite B  
Honolulu, Hawaii 96813*

April 2, 2024

Senator Donovan M. Dela Cruz, Chair  
Senator Sharon Y. Moriwaki, Vice-Chair  
Senate Committee on Ways and Means

**Re: H.B. 2802 H.D. 1 Proposing an Amendment to Article 1, Section 23, of the Hawai'i Constitution Relating to Marriage, STRONG SUPPORT**

**Hearing: Thursday, April 4, 2024, 10:15 a.m. Conf. Rm. 211**

Dear Chair Dela Cruz, Vice-Chair Moriwaki, and Members of the Committee on Ways and Means:

I have fought for civil rights and specialized in employment law as a plaintiff's attorney since 1986. Our law firm is in strong support of **H.B. 2802 H.D. 1**, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples by repealing Article I, section 23, of the Constitution of the State of Hawai'i.<sup>1</sup>

With **Dobbs v. Jackson Women's Health Organization**, 597 U.S. 215 (2022) the U.S. Supreme Court reversed precedent that had stood for nearly half a century and eliminated a woman's constitutional right to reproductive freedoms. The loss of **Roe v. Wade**'s protections has thrown fundamental rights to privacy and bodily autonomy into question, and the case law that was built on that decision— including **Obergefell v. Hodges**, 576 U.S. 644 (2015)<sup>2</sup>— is at stake.

Basically, this ultraconservative Supreme Court has stripped away our right to make decisions about our own bodies, rolled back the clock on voting rights, affirmative action, and the ability of states to limit gun violence.

As someone who has fought for civil rights in Hawai'i from the late sixties in different capacities to this day, like so many others, I refuse to stand by and watch the U.S. Supreme Court take another hatchet to rights won that had previously been denied. If the U.S. Supreme Court follows through on its threat to revisit **Obergefell**, we could easily see nationwide rights to same-sex marriage restricted again.

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1 For a history of gay rights please see, e.g., [the following link: American Bar Association: CREO Videos-- June 20, 2022 — Elizabeth Jubin Fujiwara answers "Why do we have to fight for rights when we should all just be equal?"](https://www.americanbar.org/groups/crsj/projects-and-initiatives/civil-rights-civics-institute/history-of-inequality/)  
<https://www.americanbar.org/groups/crsj/projects-and-initiatives/civil-rights-civics-institute/history-of-inequality/>

2 In 2015, the United States Supreme Court ruled in **Obergefell v. Hodges** that the fundamental right to marry is guaranteed to same-sex couples under the Due Process Clause and Equal Protection Clause of the Fourteenth Amendment.

After many failed attempts in the legislature, Hawai'i passed its Hawai'i Marriage Equality Act in 2013 and codified the right to marry for LGBTQIA+ individuals. However, Article I, Section 23 of the Hawai'i constitution remains in the background as a reminder that the legislature can limit the rights for LGBTQIA+ couples and create different marriage rights from opposite-sex couples through legislative action. **This discriminatory language cannot be allowed to stand.** Because if Obergefell falls and a future legislature acts to limit marriage equality in Hawai'i, the rights of same-sex couples in our state could once again face limitations. This ability to discriminate is unjust and is not in line with the values of Hawai'i to expand protection of rights for all individuals.

We cannot stand by and hope the U.S. Supreme Court does nothing. The right to be who you are and love who you choose are at risk. Same-sex couples in Hawai'i deserve full dignity and respect and the certainty that no matter what happens in the future, whether at the U.S. Supreme Court or in our legislature, their marriages and families are protected. Marriage is not the key to total equality for all LGBTQIA+ people, but it is a fundamental recognition of personhood. Legal recognition of families means that LGBTQIA+ people can build homes, raise children, and participate in our communities more fully and with fewer barriers. They can create lives with the partners that they love and imagine futures as their authentic selves.

We must take action to preserve the rights that so many LGBTQIA+ people in Hawai'i have fought for and rightfully deserve, now and in the future. **Art. I, Sec. 5 of Hawai'i 's Constitution mandates that no person shall be discriminated against in the exercise of their civil rights.** In this situation **H.B. 2802 H.D. 1** would fulfill **Art. I, Sec. 5's mandate by *repealing* Article 1, Section 23 entirely and thus *removing* the legislature's ability to restrict and deny the right to marry LGBTQIA+ couples.**

Respectfully submitted,  
Elizabeth Jubin Fujiwara, Senior Partner



Hawai'i

Committee: Ways & Means  
Hearing Date/Time: Thursday, April 4, at 10:15am  
Place: Conference Room 211 & Via Videoconference  
Re: **Testimony of the ACLU of Hawai'i in SUPPORT of HB2802 HD1 Proposing an Amendment to Article I, Section 23, of the Hawai'i Constitution Relating to Marriage**

Dear Chair Dela Cruz, Vice Chair Moriwaki, and Members of the Committee:

The ACLU of Hawai'i **SUPPORTS H.B. 2802 H.D. 1**, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples.

In 1993, the Hawai'i State Supreme Court held in *Baehr v. Lewin* that it was sex discrimination under the Hawai'i Constitution to deny same-sex couples marriage licenses unless the state could demonstrate a compelling state interest in doing so. The court did not however immediately order the state to begin issuing marriage licenses to same-sex couples; rather, it remanded the case to the trial court and ordered the state to justify its position.

After the trial court judge rejected the state's justifications for limiting marriage to opposite-sex couples in 1996, the Hawai'i State Legislature passed a proposed constitutional amendment during the 1997 session that would overrule the court's ruling and allow the Legislature the authority to ban same-sex marriage. This constitutional amendment appeared on the 1998 general election ballot as Constitutional Amendment 2.

On November 3, 1998, Hawai'i voters approved the amendment by a vote of 69.2–28.6%, and the state legislature exercised its power to ban same-sex marriage.

The ACLU of Hawai'i opposed that Constitutional Amendment which would become Article I, Section 23 of the Hawai'i State Constitution. Then as now, we believe the language is discriminatory and places limits on the commitment between two loving adults.

While the Hawai'i Marriage Equality Act of 2013 made possible marriage for same-sex couples 15 years later, the vestigial and discriminatory language remains in Hawai'i's foundational governing document.

Given the U.S. Supreme Court's roll-back of abortion protections and broader civil rights and liberties, and dicta suggesting the potential over-turning of *Obergefell v. Hodges*, we believe Hawai'i must take proactive steps to defend the right to marry for same-sex couples.

Chair Dela Cruz and Members of the Ways & Means Committee

April 4, 2024

Page 2 of 2

Same-sex couples in Hawai'i deserve full dignity and respect and the certainty that no matter what happens in the future, whether at the U.S. Supreme Court or in our legislature, their marriages and families are protected.

It's always the right time to fight against bigotry. The repeal of Article I, Section 23 is a prime opportunity for the people of Hawai'i to do what it right.

Please pass H.B. 2802 H.D. 1 **without amendments, so we ensure the bill meets the 4/19 Constitutional Amendment Final Form deadline** and undo a wrong done 26 years ago and ensure that marriage equality is protected in Hawai'i.

Mahalo for the opportunity to testify.

Sincerely,

***Josh Frost***

Josh Frost

Policy Assistant

ACLU of Hawai'i

[jfrost@acluhawaii.org](mailto:jfrost@acluhawaii.org)

*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 over 50 years.*

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[www.acluhawaii.org](http://www.acluhawaii.org)

**HB-2802-HD-1**

Submitted on: 4/2/2024 9:57:51 AM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Mark Gordon	Individual	Support	Written Testimony Only

Comments:

To be consistent with the federal law which now does allow marriage between same-sex couples, this part of the Hawaii law which now restricts marriage only between opposite sex couples needs to be deleted

**HB-2802-HD-1**

Submitted on: 4/2/2024 10:26:35 AM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Mike Golojuch, Sr.	Individual	Support	Written Testimony Only

Comments:

I support HB2802. Please pass this bill.

Mike Golojuch, Sr

**HB-2802-HD-1**

Submitted on: 4/2/2024 11:24:34 AM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Suzanne Young	Individual	Support	Written Testimony Only

Comments:

Our family is strongly in support of this measure.

Suzanne, Tambry and Shylar Young



**HB-2802-HD-1**

Submitted on: 4/2/2024 11:34:35 AM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Ethan Wung	Individual	Support	Written Testimony Only

Comments:

It is important to remember the continued struggles for equality and acceptance. There are always those individuals and groups that would like nothing more than to undo the march to a better future for everyone. In order to make sure we are not forced backwards, I support HB2802 so that we may protect the gains we have made toward that better future.

**HB-2802-HD-1**

Submitted on: 4/2/2024 12:06:02 PM

Testimony for WAM on 4/4/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Aaron Ruddick	Individual	Support	Written Testimony Only

Comments:

*Aloha Chair Dela Cruz, Vice Chair Moriwaki & WAM Committee Members:*

*I am writing in strong support of HB 2802, HD 1, which would place a constitutional amendment on the November ballot to expressly repeal Article I, Section 23, of the state constitution.*

*Section 23 provides the legislature with the authority to limit marriage to opposite-sex couples, potentially leaving the door open to discrimination should there be a change in federal court precedent and legislation.*

*I also ask that you pass this bill unamended to facilitate its progress toward a floor vote by the Senate in the near future.*

*Thank you for the opportunity to provide testimony.*

*Mahalo,*

*Aaron Ruddick*

**HB-2802-HD-1**

Submitted on: 4/2/2024 12:06:23 PM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Nathaniel	Individual	Support	Written Testimony Only

Comments:

I hearby stand with the side to repeal Section 23 for it goes against of the changes and progress we have made for the future of same sex marriage rights. Since section 23 still is in act, the government has the legal right to prevent same sex marriage if they wanted to.

**HB-2802-HD-1**

Submitted on: 4/2/2024 1:00:51 PM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Rick Ramirez	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Dela Cruz and committee members

I am writing in support of this measure as a concerned citizen and as a healthcare provider. The denial of rights that may come with the downfall of this measure as it relates to healthcare is substantial. In the setting of power of attorney, next of kin, and the decision for POLST all rely that marriage to your partner is taken as law. This means that if people were denied the right to marry or to have those rights taken away, the ability to not have their spouse as next of kin would cause detrimental longterm health effects, including the increase in suicide rates and domestic violence. The defeat of this measure will cause long term consequences to the persons of Hawaii that is easily avoided. Please take this measure to vote on the ballot!

Mahalo for your kokua

Rick Ramirez, DNP, APRN, AGACNP-BC, FNP-BC, ENP-C, CEN, CPEN

April 2, 2024

Dear Mr. Chairman and members of the Senate Ways and Means Committee,

I submit this testimony in support of HB 2802, HD1, PROPOSING AN AMENDMENT TO ARTICLE I, SECTION 23, OF THE HAWAII CONSTITUTION RELATING TO MARRIAGE.

Section 23, Article I of the Hawaii State Constitution is the only provision in our Bill of Rights adopted to take away rights rather than recognize or grant rights. It's the only provision in our state constitution designed and adopted to target and discriminate against a minority of our population, in this case, members of our LGBTQ community. And, it is directly contrary to the ruling of the United Supreme Court in *Obergefell v. Hodges*, 576 U.S. 644 (2015) that overturned state constitutional provisions and statutes that prohibited same-sex marriage as a violation of the equal protection clause of the Fourteenth Amendment to the United States Constitution, exactly what Section 23 was proposed and adopted to do, and did.

As you know, I was the attorney for the same-sex couples in *Baehr v. Lewin*, 74 Hawaii 530 (1993) where the Hawaii Supreme Court ruled it was sex discrimination under our state constitution bill of rights to deny same-sex couples marriage licenses unless the state could demonstrate a compelling state interest to justify its discrimination against the couples. I must admit that I was naïve not to have anticipated the backlash that followed the decision. It was severe, sustained and painful. Even after state circuit court Judge Kevin Chang's December 3, 1996, decision (following a two week trial with testimony from national and local experts in psychiatry, psychology, sociology and pediatrics) ruling the state failed to prove a compelling state interest to justify its sex discrimination in denying marriage licenses to same-sex couples, the backlash continued, resulting in Section 23, Article I.

Section 23 was proposed by the Legislature in its 1997 session despite the comprehensive findings of Judge Chang that the overwhelming evidence at trial in the case demonstrated that same-sex marriage would benefit the families of same-sex marriage and have no adverse impact on the families of opposite-sex marriages. Why did the Legislature do this in 1997 when it had it had previously declined to do so? Some of its members had been targeted and defeated in the 1996 primary and general elections for refusing to support a constitutional amendment banning same-sex marriage. Those that survived in 1996 were told they would be next in 1998 if they did not support the proposed amendment that polls showed was supported by a 2 to 1 margin of the voters. The cry of those opposing same-sex marriage was "Let the people vote!"

History has vindicated our Supreme Court and Judge Chang. Same-sex marriage exists in all fifty states and in over 30 countries with no adverse impact on opposite-sex marriages and families, and only positive impact on same-sex marriages and families. The United States Supreme Court has recognized this in *Obergefell* and the United States Congress and President have done so as well in enacting the Respect for Marriage Act in 2022 that requires federal, state and local governments to recognize and respect same-sex marriage.

The Hawaii legislature in 2013 finally enacted a law allowing same-sex couples to marry in Hawaii. Hawaii became the fifteenth state to do so. By this time, public opinion had changed from opposition to support of same-sex marriage, the United States Supreme Court had ruled in *United States v. Windsor*, 570 U.S. 744 (2013) that the federal 1996 Defense of Marriage Act rejecting same-sex marriage was unconstitutional (enacted in response to *Baehr v. Lewin*, passed and signed into law during Hawaii's September 1996 same-sex marriage trial before Judge Chang), and President Obama and Vice-President Biden had come out in support of same-sex marriage.

It is time for the legislature to finish the job. Remove this discriminatory and unconstitutional provision from our Bill of Rights. Pass HB 2802, HD1. Let the people vote once again. This time for civil rights, as I believe they will.

Respectfully submitted,

A handwritten signature in black ink that reads "Daniel R. Foley". The signature is written in a cursive, flowing style with a large, sweeping "F" at the end.

Judge Daniel R. Foley (ret.)

**HB-2802-HD-1**

Submitted on: 4/2/2024 1:45:09 PM

Testimony for WAM on 4/4/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
RUSSELL ABORDO	Individual	Support	Written Testimony Only

Comments:

*Aloha Chair Dela Cruz, Vice Chair Moriwaki & WAM Committee Members:*

*I am writing in strong support of HB 2802, HD 1, which would place a constitutional amendment on the November ballot to expressly repeal Article I, Section 23, of the state constitution.*

*I was still underage when this happened and I remember thinking "Statements are being grossly misrepresented here." I felt back then as I do now that the people of Hawaii were duped into this with fear and mis-information. We are the Aloha State, we can never dictate what Aloha is.*

*I also ask that you pass this bill unamended to facilitate its progress toward a floor vote by the Senate in the near future.*

*I support marriage equality because everyone deserves the same rights and protections "marriage" can provide, not just a select few. EVERYONE!!!*

*Thank you for the opportunity to provide testimony.*

*Mahalo,*

*R. Keli'i Abordo*

**HB-2802-HD-1**

Submitted on: 4/2/2024 1:46:17 PM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Wayne Akana	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Dela Cruz, Vice Chair Morikawa and Senate Ways & Means Committee members. My name is Keola Akana. Mahalo for hearing such an important bill as HB2802. I am in full support of this legislation. Hawai'i's Constitution should not contain discriminatory language, but should provide equal treatment for all of its citizens under the law. HB2802 seeks to remedy the unequal treatment language in the Constitution by removing the discriminatory language in Hawai'i's Constitution and provide equal access to marriage for all of Hawai'i's citizens. Please pass HB2802 as is without any changes. Mahalo.

Aloha, Keola Akana



**HB-2802-HD-1**

Submitted on: 4/2/2024 1:51:29 PM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Alan R. Spector	Individual	Support	Written Testimony Only

Comments:

I support this bill and ask that you pass it unamended. It is time that we remove discriminatory language against gays and lesbians from Hawaii's Constitution.

Committee: Senate Committee on Ways and Means  
Bill Number: HB 2802 HD1  
Hearing Date/Time: April 4, 2024, 10:15 a.m  
Subject: Testimony in **STRONG SUPPORT of HB 2802 HD1**, PROPOSING AN  
AMENDMENT TO ARTICLE 1, SECTION 23, OF THE HAWAII  
CONSTITUTION RELATING TO MARRIAGE

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Aloha Chair Dela Cruz, Vice Chair Moriwaki, and Committee Members:

Thank you all for allowing the opportunity to provide testimony on HB 2802 HD1. My name is Sarah Simmons of Volcano and I am writing today in strong support of HB 2802 HD1 to remove the constitution language to prohibit marriage between same sex couples.

At least one member of the Supreme Court of the United States has indicated they would be open to revisit the protections on marriage by race and sex at the Federal level. Please pass this bill and allow for our State constitution to uphold our commitments to equality in Hawai'i and protect and show support for our local families.

Mahalo for you time and consideration,

Sarah Simmons  
Volcano, HI

**HB-2802-HD-1**

Submitted on: 4/2/2024 2:59:53 PM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Cynthia J. Goto	Individual	Support	Written Testimony Only

Comments:

Strong Support

**HB-2802-HD-1**

Submitted on: 4/2/2024 3:22:14 PM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lisa Lee	Individual	Support	Written Testimony Only

Comments:

Aloha Comittee,

I am writing in support of repealing the language that would limit marriage to opposite sex couples because I am in a same sex marriage to my wife and assert that our love and our marriage is not lesser or worse than opposite sex/heterosexual couples.

I am a psychologist and the DSM (Diagnostic and Statistical Manual of Mental Disorders) removed homosexuality as a disease in the 1970s. Research has shown that children of same sex couples are just as well adjusted as opposite sex couples. Nothing is wrong with LGBTQ+ love and families. Please separate church and state.

Mahalo,

Lisa Lee

**HB-2802-HD-1**

Submitted on: 4/2/2024 3:32:11 PM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lora Burbage	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I oppose this change to our State Consitution, Same sex marriage is already a statute.

Mahalo!

Lora Burbage

**HB-2802-HD-1**

Submitted on: 4/2/2024 6:12:56 PM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
B.A. McClintock	Individual	Support	Written Testimony Only

Comments:

Please support this bill. Mahalo.

**HB-2802-HD-1**

Submitted on: 4/2/2024 6:45:03 PM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dustin Ebesu	Individual	Support	Written Testimony Only

Comments:

I strongly support HB2802 to prohibit discriminatory language against any LGBTQIA+ group. All persons deserve equal protection under the law. Love is love.

**HB-2802-HD-1**

Submitted on: 4/2/2024 7:01:27 PM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
R.C.	Individual	Support	Written Testimony Only

Comments:

Hello,

I'm writing in support of HB2802 as current Supreme Court members (Roberts, Alito and Thomas) have already threatened to rescind the 2015 Obergerell v. Hodges ruling. Please find it in your heart to support this very essential measure to ensure that LGBT+ Hawai'i residents can feel safe knowing that the right to marry the person they love is not in jeopardy.

Thanks,

R.C.



**HB-2802-HD-1**

Submitted on: 4/2/2024 7:07:37 PM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Erin Furuichi	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Dela Cruz, Vice Chair Moriwaki & WAM Committee Members:

I am writing in strong support of HB 2802, HD 1, which would place a constitutional amendment on the November ballot to expressly repeal Article I, Section 23, of the state constitution.

Section 23 provides the legislature with the authority to limit marriage to opposite-sex couples, potentially leaving the door open to discrimination should there be a change in federal court precedent and legislation.

I also ask that you pass this bill unamended to facilitate its progress toward a floor vote by the Senate in the near future.

I support marriage equality because every person regardless of sex and gender has the right to marry. It's time to make things right and do the right thing by letting the public vote to amend our state constitution and repeal Section 23.

Thank you for your time, consideration, and the opportunity to provide testimony.

Mahalo,

Erin Furuichi

**Chair Donovan Dela Cruz**  
**Vice Chair Sharon Moriwaki**

**Senate Committee on Ways & Means**

**Thursday, April 4, 2024**  
**10:15 AM**

**TESTIMONY IN STRONG SUPPORT OF HOUSE BILL 2802 HD1 PROPOSING AN  
AMENDMENT TO ARTICLE 1, SECTION 23, OF THE HAWAII CONSTITUTION  
RELATING TO MARRIAGE**

Aloha Chair Dela Cruz, Vice Chair Moriwaki, Members of the Senate Committee on Ways & Means,

My name is Jun Shin. I am a union service worker as well as a labor and social justice activist, testifying as an individual in **STRONG SUPPORT** of **HB2802 HD1**, Proposing an Amendment to Article 1, Section 23, of the Hawaii Constitution Relating to Marriage **AS IS**.

After years of advocacy and organizing, same-sex marriage was legalized in Hawai'i under the 2013 Marriage Equality Act, beating *Obergefell v. Hodges* by 2 years. This improved the lives of same-sex couples as the rights, benefits, and protections that already existed for straight couples now applied to them as well. Marriage equality also helped in building greater acceptance in society because as expected, the world didn't crumble when LGBTQIA+ individuals were finally allowed to officially get married. Unfortunately, till this day, the Hawai'i State Constitution still gives the legislature the authority to limit marriage to opposite-sex couples under Article I, Section 23.

We must always remain vigilant because there will always be attempts to derail the progress that we make as a society, especially when we don't finish the job. Hawai'i for all our progressive victories cannot rest on our laurels. We saw this clearly when *Roe v. Wade* was overturned after decades of being attacked, with Congress not having codified abortion rights into law. There have also been rumblings that *Obergefell v. Hodges* is on the chopping block, which is being matched with rising attacks on the LGBTQIA+ community. While Congress must be pressured to codify same-sex marriage protections for the whole country, I believe Hawai'i must take proactive steps to defend the right to marry for LGBTQIA+ couples by asking voters to remove Article 1, Section 23 from our constitution.

Please **PASS** House Bill 2802 HD1 out of your committee **UNAMENDED**.

Mahalo for the opportunity to testify,

Jun Shin,  
State House District 23 | State Senate District 12  
Cell: 808-255-6663  
Email: [junshinbusiness729@gmail.com](mailto:junshinbusiness729@gmail.com)

Katherine T. Kupukaa  
Mililani, HI 96789

COMMITTEE ON WAYS AND MEANS  
SENATOR DONOVAN M. DELA CRUZ, CHAIR  
SENATOR SHARON Y. MORIWAKI, VICE CHAIR

DATE: Thursday, 4/4/2024  
TIME: 10:15 AM  
PLACE: CONFERENCE ROOM 211

Bill HB 2802, HD1 Proposing an Amendment to Article 1, section 23 of the Hawaii Constitution relating to Marriage.

I oppose this bill because it is flawed. Marriage is and it has always been between one man and one woman.

Thank you for allowing me to voice my opinion.

Katherine T. Kupukaa  
Mililani, HI 96789

COMMITTEE ON WAYS AND MEANS  
SENATOR DONOVAN M. DELA CRUZ, CHAIR  
SENATOR SHARON Y. MORIWAKI, VICE CHAIR

DATE: Thursday, 4/4/2024  
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Katherine T. Kupukaa  
Mililani, HI 96789

COMMITTEE ON WAYS AND MEANS  
SENATOR DONOVAN M. DELA CRUZ, CHAIR  
SENATOR SHARON Y. MORIWAKI, VICE CHAIR

DATE: Thursday, 4/4/2024  
TIME: 10:15 AM  
PLACE: CONFERENCE ROOM 211

Bill HB 2802, HD1 Proposing an Amendment to Article 1, section 23 of the Hawaii Constitution relating to Marriage.

I oppose this bill because it is flawed. Marriage is and it has always been between one man and one woman.

Thank you for allowing me to voice my opinion.

**HB-2802-HD-1**

Submitted on: 4/2/2024 11:15:55 PM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Diana Van De Car	Individual	Support	Written Testimony Only

Comments:

I strongly support this bill. There was no good reason back in 1998 for this language in Section 23 to have been added to our constitution. It conflicts with Article 1, Section 5 which guarantees that "no person shall be . . . denied the enjoyment of the person's civil rights or be discriminated against in the exercise thereof because of . . . sex." The language authorizing the legislature to prohibit same sex marriage was added because a Hawaii judge had concluded that denying marriage to same sex partners was indeed discrimination and unlawful, conflicting with the clear rights expressed in Article 1, Section 5.

By December of 2013, things had changed and the Hawaii Marriage Equality Act was signed into law. Since then, more than 11,000 same sex couples have married in Hawaii. Thousands of same sex married couples now reside in Hawaii contributing fully to our community life. They are our friends, our neighbors, our co-workers, and our family members.

There is no room for discrimination in Hawaii. Please work to get this bill passed.

**HB-2802-HD-1**

Submitted on: 4/3/2024 6:43:29 AM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Richard Knocton	Individual	Support	Written Testimony Only

Comments:

*Aloha Members of the Committee:*

*I am writing in strong support of HB 2802, HD 1, which would place a constitutional amendment on the November ballot to expressly repeal Article I, Section 23, of the Hawai‘i Constitution.*

*LGBTQ families in Hawai‘i deserve dignity and respect – and the certainty that no matter what happens in the future, whether in the U.S. Supreme Court or in our legislature, their marriages and families are protected.*

*Please pass this bill unamended to assist its progress toward a floor vote by the Senate in the near future.*

*Mahalo for the opportunity to provide testimony.*



**HB-2802-HD-1**

Submitted on: 4/3/2024 7:25:40 AM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Richard S Velasquez	Individual	Support	Written Testimony Only

Comments:

Mahalo for supporting this Bill, you are showing Aloha to your Ohana

this is right and just so in Hawaiian it is Pono

it insures we are all treated fairly

**HB-2802-HD-1**

Submitted on: 4/3/2024 7:30:31 AM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
cheryl burghardt	Individual	Support	Written Testimony Only

Comments:

I AM STRONG SUPPORT of HB 2802 HD1 which would place a constitutional amendment on the November ballot to expressly repeal Article I, Section 23, of the Hawai‘i Constitution.

LGBTQ families in Hawai‘i deserve dignity and respect – and the certainty that no matter what happens in the future, whether in the U.S. Supreme Court or in our legislature, marriages and families are protected.

Mahalo

**HB-2802-HD-1**

Submitted on: 4/3/2024 7:30:35 AM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Roger Branon Rodriguez	Individual	Support	Written Testimony Only

Comments:

Aloha Members of the Committee:

I am writing in strong support of HB 2802, HD 1, which would place a constitutional amendment on the November ballot to expressly repeal Article I, Section 23, of the Hawai‘i Constitution.

LGBTQ families in Hawai‘i deserve dignity and respect – and the certainty that no matter what happens in the future, whether in the U.S. Supreme Court or our legislature, their marriages and families are protected.

Please pass this bill unamended to assist its progress toward a floor vote by the Senate soon.

Mahalo for the opportunity to provide testimony,

Roger Branon Rodriguez

**HB-2802-HD-1**

Submitted on: 4/3/2024 7:30:45 AM

Testimony for WAM on 4/4/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Annie Kamiya	Individual	Support	Written Testimony Only

Comments:

*Aloha Members of the Committee:*

*I am writing in strong support of HB 2802, HD 1, which would place a constitutional amendment on the November ballot to expressly repeal Article I, Section 23, of the Hawai‘i Constitution.*

*I am a wedding planner on O‘ahu, and I am honored, privileged and grateful that for years I have been able to plan lawful marriages for my LGBTQ couples, including some of my own friends/found family. LGBTQ families in Hawai‘i deserve dignity and respect – and the certainty that no matter what happens in the future, whether in the U.S. Supreme Court or in our legislature, their marriages and families are protected.*

*Please pass this bill unamended to assist its progress toward a floor vote by the Senate in the near future.*

*Mahalo for the opportunity to provide testimony.*

*Sincerely,*

*Annie Kamiya*

*Owner, Mango Season Weddings & Events*

**HB-2802-HD-1**

Submitted on: 4/3/2024 7:32:14 AM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lois Langham	Individual	Support	Written Testimony Only

Comments:

Aloha for all.

**HB-2802-HD-1**

Submitted on: 4/3/2024 7:48:35 AM

Testimony for WAM on 4/4/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Lee Yarbrough	Individual	Support	Written Testimony Only

Comments:

*Aloha Kakahiaka, Members of the Committee!*

*I am writing in STRONG support of HB 2802, HD 1, which would place a constitutional amendment on the November ballot to expressly repeal Article I, Section 23, of the Hawai'i Constitution.*

*LGBTQ families in Hawai'i deserve dignity and respect – and the certainty, that no matter what happens in the future whether in the U.S. Supreme Court or in our legislature, their marriages and families are protected.*

*Please pass this bill UNAMENDED, to assist its progress toward a floor vote by the Senate in the near future.*

*Mahalo for the opportunity to provide testimony.*

*Lee M. Yarbrough*

**HB-2802-HD-1**

Submitted on: 4/3/2024 7:52:07 AM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lisa Gibson	Testifying for Indivisible Hawaii	Support	Written Testimony Only

Comments:

STRONG SUPPORT



## **HAWAII STATE - COMMISSION ON FATHERHOOD (HS-COF)**

*The Hawaii State Commission on Fatherhood (HS-COF) serves  
In an advisory capacity to state agencies and makes  
recommendations on programs, services, contracts,  
policies and laws relating to children and families.  
fatherhoodcommission.hi@gmail.com*



Date: April 4, 2024 – Hearing at 10:15 AM  
To: Chair Dela Cruz & Ways and Means Committee Members:  
From: Hawaii State Commission on Fatherhood (HS-COF)  
Subject: **HB2802 HD1, a bill for an Act Proposing an Amendment to Article 1, Section 23, of the Hawaii Constitution Relating to Marriage**

**Commission's Position: HS-COF supports HB2802 HD1**

The Hawaii State Commission on Fatherhood supports HB2802 HD1.

HS-COF believes that children of all married couples in Hawai'i should have the confidence that their parents' marriage will not be threatened by the legislature's right to define marriage to opposite-sex couples only, should Federal law change and the legislature should have this opportunity.

As the Commission on Fatherhood, our focus is on the implications for children. This bill would remove discriminatory language to ensure fairness for children of all married couples. It would also instill confidence for the children of those married couples whose families could potentially be legally broken up by such discrimination that their families do not have a lower legal status.



**Hawai'i State Legislature**  
**Senate Committee on Ways and Means**  
April 4, 2024

Aloha Committee Members,

I write in Strong Support of HB2802 HD1 to amend Section 23 of the Hawai'i State Bill of Rights to repeal the legislature's authority to limit marriage to opposite-sex couples.

As a Hawai'i resident and gay man who came of age in the early 1980s, when expression of same-sex love was considered a criminal act and the LGBT community faced severe prejudice and persecution amidst the hysteria of the emerging HIV/AIDS crisis, I understand all too well how easily policies and laws can be used to target, exclude, and discriminate against members of vulnerable minority communities. In fact, as recently as 2004, before marriage equality was legalized in the U.S., I had to leave my own country in order to marry the man I love.

It is long past time that Hawai'i, the birthplace of the modern marriage equality movement, ensure that such a fundamental civil and human right is not undone and that it serve as a beacon of dignity, respect, and inclusion for all, particularly for residents of other states facing a rising tide of anti-LGBTQ forces.

Thank you for your consideration,



**HB-2802-HD-1**

Submitted on: 4/3/2024 8:27:19 AM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Richmond H. D. Brack	Individual	Support	Written Testimony Only

Comments:

Subject: State of Hawaii Protection of Same-Sex Marriage Rights

Dear Esteemed Members of the Hawaiian State Senate,

I am writing to urge your support for a vital legislative measure aimed at safeguarding the fundamental rights of all citizens: the protection of same-sex marriage. As we strive to uphold the principles of equality and justice in our great state, it is imperative that we take decisive action to ensure that all individuals, regardless of sexual orientation, have the right to marry the person they love.

Same-sex couples have long faced discrimination and prejudice in their pursuit of the basic human right to marry. Despite significant strides towards equality in recent years, there remains a pressing need for legislative reinforcement to shield these rights from potential challenges and threats.

By passing a law explicitly protecting same-sex marriage, we can reaffirm our commitment to equality under the law and send a powerful message of inclusivity and acceptance to our LGBTQ+ community. Such a law would not only provide legal certainty and security for same-sex couples but also uphold the values of fairness and justice that are the bedrock of our society.

Moreover, enacting this legislation would align with the progressive stance that Hawaii has historically taken on LGBTQ+ rights, solidifying our reputation as a beacon of equality and tolerance in the Pacific region.

I urge you, esteemed members of the State Senate, to stand on the right side of history and support this crucial measure. Let us ensure that all individuals have the freedom to marry the person they love, regardless of gender or sexual orientation.

Thank you for your attention to this pressing matter.

Sincerely,

Richmond H.D. Brack



**HB-2802-HD-1**

Submitted on: 4/3/2024 8:35:38 AM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jeannine Johnson	Individual	Support	Written Testimony Only

Comments:

It's time. Mahalo for your support.

Thursday, April 4, 2024  
Conference Room 211 & Videoconference

To: The Honorable Donovan M. Dela Cruz, Chair  
The Honorable Sharon Y. Moriwaki, Vice Chair  
Members of the Senate Committee on Ways and Means

From: Bill Hoshijo

**Re: H.B. No. 2802, H.D.1**

For 26 years, until my retirement in March 2023, I had the honor of serving as the Executive Director of the Hawai'i Civil Rights Commission (HCRC). \*This information is provided for identification purposes only. **As an individual, I join with other civil rights advocates to support H.B. No. 2802, H.D.1.**

The purpose of H.B. 2802, H.D.1, is to repeal article 1, section 23, of the Constitution of the State of Hawai'i, which authorizes the legislature to restrict marriage to opposite-sex couples. Article 1, section 23, is a reminder of the time in our recent past when our state legislature enacted and voters ratified a constitutional amendment to diminish and extinguish the equal protection rights of a distinct minority, as recognized by the Hawai'i Supreme Court in *Baehr v. Lewin*. A generation later, those rights to equal protection and same-sex marriage are the law of the land, and it is time to repeal this vestigial stain on our constitution, so we can heal and reaffirm our commitment to civil and constitutional rights.

Support for this bill is rooted in the context of a frontal assault on constitutional and civil rights at the federal level and in many states. A U.S. Supreme Court conservative super-majority appears poised to eviscerate hard-won constitutional rights jurisprudence. The Court has turned the clock back on abortion and reproductive rights. Constitutional protections that are in jeopardy

include unenumerated privacy protections (including right to contraception and in vitro fertilization, protection against state law criminalization of same-sex relationships, and even the Court-affirmed right to marriage equality). In this context, it is prudent for Hawai‘i to renew its state commitment to hard-won rights as a “backstop” against the onslaught on fundamental rights.

Historically, the State of Hawai‘i has had a strong commitment to the protection of civil rights, found in Art. I § 5 of the State Constitution which states that “[n]o person . . . shall be denied the enjoyment of the person’s civil rights or be discriminated against in the exercise thereof because of race, religion, sex, or ancestry.” This provision grants our citizens the fundamental right to be free from race, religion, sex or ancestry discrimination, and was first adopted by the Constitutional Convention of 1950 (ratified as Article I, §4), prior to Hawai‘i becoming a state. Const. Conv. of 1950, v. 1. There is no counterpart civil rights clause in the United States Constitution.

Hawai‘i has a proud civil rights history. We were the first state to ratify the Equal Rights Amendment, and we have an ERA in our State Constitution Bill of Rights. Article I, §3. And, we have an express right to privacy in our State Constitution as well. Article I, §6. We were the first state to recognize women’s right to choose and, to our credit, the first to address the issue of same-sex marriage seriously. Each generation has a responsibility to protect and defend these state constitutional and civil rights. This bill and constitutional amendment provide us a redemptive opportunity to reaffirm our commitment to civil and constitutional rights and make things right and pono.

**Please support H.B. No. 2802, H.D.1.**

**HB-2802-HD-1**

Submitted on: 4/3/2024 8:39:19 AM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Shannon Matson	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and Committee Members,

As someone who has been married for 13 years, I am 100% in support of making sure that ALL CONSENTING ADULTS be afforded the same opportunities to experience the pitfalls and occasional joys of marriage. Please support this bill to help make certain that we protect this right for everyone who wants it, regardless of their gender or the gender of their partner.

Mahalo,

Shannon M.

Hawai'i Island Resident

**HB-2802-HD-1**

Submitted on: 4/3/2024 8:39:53 AM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Betsy Scolnik	Individual	Support	Written Testimony Only

Comments:

PLEASE DO THIS!!!! COST NOTHING AND MEANS EVERYTHING



**HB-2802-HD-1**

Submitted on: 4/3/2024 8:54:50 AM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Scott Sutherland	Individual	Support	Written Testimony Only

Comments:

*Aloha Members of the Committee:*

*I am writing in strong support of HB 2802, HD 1, which would place a constitutional amendment on the November ballot to expressly repeal Article I, Section 23, of the Hawai‘i Constitution.*

*LGBTQ families in Hawai‘i deserve dignity and respect – and the certainty that no matter what happens in the future, whether in the U.S. Supreme Court or in our legislature, their marriages and families are protected.*

*Please pass this bill unamended to assist its progress toward a floor vote by the Senate in the near future.*

*Mahalo for the opportunity to provide testimony.*

**HB-2802-HD-1**

Submitted on: 4/3/2024 8:55:19 AM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Renee Rabb	Individual	Support	Written Testimony Only

Comments:

I appreciate the opportunity to testify in strong support of HB2802 by Speaker Saiki, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples.

My wife and I have been in a same sex relationship for 46 years. We got married in California in 2008. We love each other and have built a life together just as any other married couple. It is disheartening to live in fear that elected officials might dissolve our legal relationship. We lived through years of being unable to cover each other on our insurance. We had to get at least fifteen different legal documents to cover our rights to make health care decisions for each other, to have powers of attorney, and even to get access to each other's body for burial should one of us die. Please pass this constitutional amendment so that we are protected from having to yet again fight for the rights that we have so recently gained.

Mahalo,

Renee Rabb

Hawaiian Paradise Park

Keauu, HI 96749:

**HB-2802-HD-1**

Submitted on: 4/3/2024 9:09:38 AM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Thomas Sheeran	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Dela Cruz and Committee Members,

I wish to strongly support HB 2802 HD1. The discriminatory measure from the 90's is long overdue for change. Marriage equality is now well established and the hateful fearmongering has proven to have no substance. Happily married couples of whatever gender are better for society.

Please pass this measure unamended.

Mahalo,

Tom Sheeran

Mo'ili'ili

**To: Committee on Ways and Means**

**Hearing Date/Time: Thursday April 4, 2024 10:15 am**

**Re: Testimony in Support of HB 2802**

**From: Heather Lusk, Hawaii Health and Harm Reduction Center**

Dear Chair Dela Cruz, Vice Chair Moriwaki and members of the committee:

I am writing in strong support of HB 2802 which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite gender couples. Hawaii has long been on the forefront of rights for the Lesbian, Gay, Bisexual and Transgender Community and this would allow the voices of those in Hawaii to make their opinion heard. Passage of this bill will still allow the final decision to be made by the voters themselves, which overwhelmingly supported the repeal of the language in Chapter 23 of the constitution.

For the Aloha State, we must take this language out of our constitution in order to ensure Aloha for all, regardless of who may be in the legislature. While it may be unlikely that the legislature would exercise this amendment, even the possibility has caused undue stress and worry amongst those who only want to marry the one they love. Thank you for ensuring that ALL of us are able to marry the person we love by taking out this language.

Thank you for the opportunity to testify.

Heather Lusk

**To: Committee on Ways and Means**

**Hearing Date/Time: Thursday April 4, 2024 10:15 am**

**Re: Testimony in Support of HB 2802**

**From: Heather Lusk, Hawaii Health and Harm Reduction Center**

Dear Chair Dela Cruz, Vice Chair Moriwaki and members of the committee:

I am writing in strong support of HB 2802 which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite gender couples. Hawaii has long been on the forefront of rights for the Lesbian, Gay, Bisexual and Transgender Community and this would allow the voices of those in Hawaii to make their opinion heard. Passage of this bill will still allow the final decision to be made by the voters themselves, which overwhelmingly supported the repeal of the language in Chapter 23 of the constitution.

For the Aloha State, we must take this language out of our constitution in order to ensure Aloha for all, regardless of who may be in the legislature. While it may be unlikely that the legislature would exercise this amendment, even the possibility has caused undue stress and worry amongst those who only want to marry the one they love. Thank you for ensuring that ALL of us are able to marry the person we love by taking out this language.

Thank you for the opportunity to testify.

Heather Lusk

**HB-2802-HD-1**

Submitted on: 4/3/2024 9:25:13 AM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Beth Anderson	Individual	Support	Written Testimony Only

Comments:

I support correcting the shortcoming in protecting equality for all that now exists in our State Constitution. I urge you to support HB 2802 in order to give voters an opportunity to extend protections for opposite sex marriage within the State of Hawaii. The legislature should not hold this power over people's lives that threatens the legality of opposite sex marriage.

This harkens to the days states prohibited marriages between whites and blacks. It is barbaric and inhumane to treat LGBTQ+ people as not worthy and somehow inferior to others and to judge loving couples as not equal. In this case, same sex couples. It is not the legislature's right to judge what constitutes a legal loving relationship and deem some as unworthy. I don't consider myself different or superior to LGBTQ+ people and neither should anyone else. There are many same sex marriages that are abusive, disastrous, failing in every way to their children, the community, etc. but they are given a legal right to enter this sacrament. Yet, very moral, productive citizens who are part of loving, healthy opposite sex relationships, as some of my family members are, are presently labeled unworthy of the legal protections same sex couples enjoy in our State Constitution. This is wrong.

As we have recently witnessed, the current United States Supreme Court threatens and removes protections and laws that were passed to protect individual rights. This Court poses a threat to the rights of the LGBTQ+ community and steps need to be taken in Hawaii to ensure protections for these individuals including the right to opposite sex marriage.

Thank you for considering my opinions and the idea that our State and the United States Constitution fundamentally recognize that all are created equal and should be treated as so.

Respectfully submitted,

Beth Anderson

Committee: Senate Committee on Ways and Means  
Hearing Date/Time: Tuesday, March 19, 2024 at 10:10am

Aloha Chair Dela Cruz, Vice Chair Moriwaki, and Members of the Committee:

The Change 23 Coalition **SUPPORTS HB2802 HD1**, which proposes a constitutional amendment to remove the legislature's authority to limit marriage to opposite-sex couples. The Change 23 Coalition is a collection of civic organizations with a shared goal of restoring the broad marriage equality protections of the pre-1998 Hawai'i State Constitution. The founding members of the coalition include:

- [ACLU of Hawai'i](#)
- [Council for Native Hawaiian Advancement](#)
- [Hawai'i Health and Harm Reduction Center](#)
- [Hawai'i LGBT Legacy Foundation](#)
- [Papa Ola Lōkahi](#)

Each of the organizations supports this bill from their own unique perspective and testimony.

It was over 30 years ago in 1993 that three members of our legal community challenged the nation in stating what is now obvious; withholding the right of same-sex couples to marry is discrimination. The 2023 Hawai'i LGBT Legacy Foundation Gala honored a judicial boomer trio of Justice Steve Levinson, Judge Dan Foley, and Judge Kevin Chang with their "Visionary Award". Their pioneering efforts in the *Baehr* decision affirmed the right to same-sex marriage in the Hawai'i State Constitution. In 1998 the foundations of this freedom would be shaken by the successful constitutional amendment that added Article 1, Section 23 to the Bill of Rights that invested the legislature the authority to grant marriages.

*"The legislature shall have the power to reserve marriage to opposite-sex couples."*

My name is Jeff Hong, I am the Chair of the Change 23 Coalition. The 1998 fight opposing Section 23 was a personal one. I had recently returned to Hawai'i to open Microsoft's office. I was also serving part time as a Major in the Hawai'i Army National

Guard. In the era of "Don't Ask, Don't Tell" openly discussing the right to marry would be self-incriminating evidence at a court martial.

I reached out to "Save Our Constitution", the organization opposing the constitutional amendment, to offer my discreet technical support. The staff was grateful for the assistance and wanted to introduce me to their executive director. Unknown to me their executive director was former State Representative Jackie Young. I was still semi-closeted and meeting Representative Young was a surprise. She was long-time friend of my family in the Korean community and a fierce civil rights advocate. She lost voter



support in her district as the cost paid as one of six representatives voting against the constitutional amendment in the legislature. I was inspired that she was leading the fight for our civil rights while also battling cancer.

Jackie won her battle with cancer, but we lost the amendment vote by 2 to 1. The people of Hawai'i were not yet ready to accept marriage equality and voted with the weight of historical

prejudice. Constituents punished their legislators who had earlier opposed the amendment. Their votes had serious political costs; many faced tight elections, hateful vocal opposition, and ultimately, some lost their seats. We are grateful to those who chose to remain or return to public office and support civil rights.

It would be a 15-year continuous battle before marriage would be legal in Hawai'i. Thankfully, time has changed hearts and minds. In 1998, the majority in my large fifth-generation family had frustratingly voted for Section 23. This changed in 2013 when my family and the community rallied at the legislature for statutory marriage equality. My Australian partner of 10 years, Jason Alcock and I rushed a first-day-of-legal wedding to start the immigration process. We had the honor of Justice Levinson officiating. The best man at my father's wedding, the former Adjutant General of the Hawai'i National Guard, would have adjudicated my court martial in 1998. He celebrated our wedding with his wife as witnesses. Our reception seven months later had hundreds of friends and family celebrating. The discrimination fever of the past had broken, and the world was changing. Acceptance and





love were returning. Hawai'i was returning to its Aloha state.

It is a measure of success that after 10 plus years of marriages, Gen Z is unaware marriage equality issues exist. Many people are surprised to discover the poisonous language of Section 23 remains in our constitution, suppressed by statute and a 5-4 Supreme Court decision. Unfortunately, these people were horrified to discover a Supreme Court decision like *Dobbs* could change 50 years of bodily autonomy rights overnight. Suppressed poisonous language can be resurrected. We must learn from this recent lesson of the past.

Military servicemembers are now free to choose who they marry, but we see a backlash hidden with discrimination to the trans community. I feel obligated to use the voice denied to me 25 years ago, liberated by the work of others, to advocate for change. I am encouraged to be working with a new generation of civil rights advocates to remove this historical stain. We urge your support of this amendment. The people of Hawai'i are ready to restore our constitution and finish the work started by a judicial boomer trio over 30 years ago.

Mahalo for your consideration.

Jeffrey Hong  
jeff@change23.org  
Coalition Chair  
<https://change23.org>

**CHANGE23**  
marriage equality for everyone

**HB-2802-HD-1**

Submitted on: 4/3/2024 9:37:10 AM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Cambria Moss	Individual	Support	Written Testimony Only

Comments:

Aloha, I strongly support this bill. We need protection of Marriage equality, especially considering the way the national elections seem to be going, and the loss of such protections in other states.

Ho'oponopono, do the right thing, Mahalo for your service.

**HB-2802-HD-1**

Submitted on: 4/3/2024 9:54:16 AM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Deb Nehmad	Individual	Support	Written Testimony Only

Comments:

Please please please support this bill which assures equal treatment for all Hawaii citizens.

Mahalo

Deborah Nehmad

**HB-2802-HD-1**

Submitted on: 4/3/2024 10:03:10 AM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jeck Navarrete	Individual	Support	Written Testimony Only

Comments:

*Aloha Members of the Committee:*

*I am writing in strong support of HB 2802, HD 1, which would place a constitutional amendment on the November ballot to expressly repeal Article I, Section 23, of the Hawai‘i Constitution.*

*LGBTQ families in Hawai‘i deserve dignity and respect – and the certainty that no matter what happens in the future, whether in the U.S. Supreme Court or in our legislature, their marriages and families are protected.*

*Please pass this bill unamended to assist its progress toward a floor vote by the Senate in the near future.*

*Mahalo for the opportunity to provide testimony.  
Jeck Navarrete*

**HB-2802-HD-1**

Submitted on: 4/3/2024 10:03:39 AM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
DT Sasano	Individual	Support	Written Testimony Only

Comments:

I support this bill. It needs to be an equal right.

**HB-2802-HD-1**

Submitted on: 4/3/2024 10:04:34 AM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Laurel Johnston	Individual	Support	Written Testimony Only

Comments:

I strongly support this measure. It is time to align Hawaii state law to assure equality in civil rights offered through marriage to citizens previously denied such.

Mahalo nui loa for your consideration and support of this measure.

**HB-2802-HD-1**

Submitted on: 4/3/2024 10:06:11 AM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Martha Nakajima	Individual	Support	Written Testimony Only

Comments:

I strongly support this bill. Thank you. Martha Nakajima, Honolulu

Aloha Chair Dela Cruz, Vice Chair Moriwaki, and Committee Members,

I am writing in strong support of HB 2802, a bill to put a constitutional amendment on the November ballot to repeal Article I, section 23, of the Hawai'i constitution. LGBTQ families in Hawai'i deserve dignity and respect – and the certainty that no matter what happens in the future, whether in the U.S. Supreme Court or in our legislature, their marriages and families are protected.

I am grateful that marriage equality was passed into law by our state legislature 10 years ago and I want to see marriage equality further protected.

Mahalo for your time,  
Michael Paul



**LATE**

**HB-2802-HD-1**

Submitted on: 4/3/2024 10:23:41 AM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Randolph Hack	Individual	Support	Written Testimony Only

Comments:

Please for the sake of our whole population including gender minorities, I am in support of this measure. Let the people vote on a constitutional amendment.

**LATE**

**HB-2802-HD-1**

Submitted on: 4/3/2024 10:27:08 AM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
John L. Johnson-Przybylski	Individual	Support	Written Testimony Only

Comments:

**HB2802 and Marriage Equality for Everyone**

**" LGBTQ2 Famliies in Hawai'i deserve dignity and respect ", After reading this quote I'm sitting here thinking about all the hurdles my husband I have had over the last twenty-one years we have been together. Most recently the last five years, see my husband was injured five years ago he had two heart attacks and two brain stem strokes and completely flatlined once. Proving I was his legal spouse I still experienced issues, in the hospitals, and having to becom his advocate and his POA. Over the last five years I've invested time and energy in securing his safety in society and certainly our community here in Hawai'i, I've dealt with Social Security, the banking systems, Insurance Companies and everyone we have come in contact with, some of these people highly educated I have had to share laws with them regarding sames sex couples, how to address us and especially in the insurance field and medical communities, thats the respect part! We take our relationship and our vows seriously. My husband survived, he is incapacitated and a paraplegic, when we apply for Special Housing accomadations especially in Skilled Nursing Centers in Hawai'i we deserve to be treated as a couple, we were legally married here in Hawaii, I've been told often that I probably would not find a Senior Home that would accomadate us, that they have never heard of a same sex couple being accepted into one of the residents, one of the staff said " that would be unique " even in 2024. How much longer how many ways do we as same sex families have to prove our relationship and are just as valid as a oppsite sex couple? We the LGBTQ2 community in Hawaii needs to secure our relationships not only for our community but for our State of Hawaii. We need your support on this measure.**

Respectively,

**John L. Johnson-Przybylski & Bruce J. Johnson-Przybylski**

**LATE**

**HB-2802-HD-1**

Submitted on: 4/3/2024 10:30:38 AM

Testimony for WAM on 4/4/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
PHILIP STEINBACHER	Individual	Support	Written Testimony Only

Comments:

*Aloha Members of the Committee:*

*I am writing in strong support of HB 2802, HD 1, which would place a constitutional amendment on the November ballot to expressly repeal Article I, Section 23, of the Hawai‘i Constitution.*

*LGBTQ families in Hawai‘i deserve dignity and respect – and the certainty that no matter what happens in the future, whether in the U.S. Supreme Court or in our legislature, their marriages and families are protected.*

*Please pass this bill unamended to assist its progress toward a floor vote by the Senate in the near future.*

*Mahalo for the opportunity to provide testimony and protect my marriage.*

**LATE**

**HB-2802-HD-1**

Submitted on: 4/3/2024 10:52:26 AM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Shaz	Individual	Support	Written Testimony Only

Comments:

Aloha Members of the Committee:

I am writing in strong support of HB 2802, HD 1, which would place a constitutional amendment on the November ballot to expressly repeal Article I, Section 23, of the Hawai‘i Constitution.

LGBTQ families in Hawai‘i deserve dignity and respect – and the certainty that no matter what happens in the future, whether in the U.S. Supreme Court or in our legislature, their marriages and families are protected.

Please pass this bill unamended to assist its progress toward a floor vote by the Senate in the near future.

Mahalo for the opportunity to provide testimony.

**LATE**

**HB-2802-HD-1**

Submitted on: 4/3/2024 10:53:36 AM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Heather McVay	Individual	Support	Written Testimony Only

Comments:

Support!

**LATE**

**HB-2802-HD-1**

Submitted on: 4/3/2024 11:00:53 AM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Julia Marrack	Individual	Support	Written Testimony Only

Comments:

Aloha Members of the Committee:

I am writing in strong support of HB 2802, HD 1, which would place a constitutional amendment on the November ballot to expressly repeal Article I, Section 23, of the Hawai‘i Constitution.

LGBTQ families in Hawai‘i deserve dignity and respect – and the certainty that no matter what happens in the future, whether in the U.S. Supreme Court or in our legislature, their marriages and families are protected.

Please pass this bill unamended to assist its progress toward a floor vote by the Senate in the near future.

Mahalo for the opportunity to provide testimony.

Julia Marrack

**LATE**

**HB-2802-HD-1**

Submitted on: 4/3/2024 11:03:10 AM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Sharon Paris	Individual	Support	Written Testimony Only

Comments:

I strongly support this bill and urge you to pass it.

**LATE**

**HB-2802-HD-1**

Submitted on: 4/3/2024 11:04:30 AM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Thomas Kevin Kekoa Dolan-Ma	Individual	Support	Written Testimony Only

Comments:

*Aloha Members of the Committee:*

*I am writing in strong support of HB 2802, HD 1, which would place a constitutional amendment on the November ballot to expressly repeal Article I, Section 23, of the Hawai‘i Constitution.*

*LGBTQ families in Hawai‘i deserve dignity and respect – and the certainty that no matter what happens in the future, whether in the U.S. Supreme Court or in our legislature, their marriages and families are protected.*

*Please pass this bill unamended to assist its progress toward a floor vote by the Senate in the near future.*

*Mahalo for the opportunity to provide testimony.*



**LATE**

**HB-2802-HD-1**

Submitted on: 4/3/2024 11:09:22 AM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Susie Fujikawa	Individual	Support	Written Testimony Only

Comments:

Dear Members of the Committee:

I am submitting written testimony in strong support of HB 2802, HD 1, which would place a constitutional amendment on the November ballot to expressly repeal Article I, Section 23, of the Hawai'i Constitution.

LGBTQ families in Hawai'i deserve dignity and respect – and the certainty that no matter what should take place in the future, whether in the U.S. Supreme Court or in our legislature, that their marriages and families are protected.

I humbly ask that you please pass this bill unamended to assist its progress toward a floor vote by the Senate in the near future.

Thank you for the opportunity to provide testimony in support of HB 2802.

**LATE**

**HB-2802-HD-1**

Submitted on: 4/3/2024 11:09:53 AM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dan Gardner	Individual	Support	Written Testimony Only

Comments:

Dear Ways & Means Committee:

My wife Deborah and I believe it's well past time to update this legislation. It is overdue and should be passed unanimously. Please support HB 2802. Sincerely,

Dan Gardner

Honolulu, Hawaii

**LATE**

**HB-2802-HD-1**

Submitted on: 4/3/2024 11:15:46 AM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
George Beck-Millan	Individual	Support	Written Testimony Only

Comments:

I am in support of HB2802 HD1!

**LATE**

**HB-2802-HD-1**

Submitted on: 4/3/2024 11:17:41 AM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Ken plonsky	Individual	Support	Written Testimony Only

Comments:

I strongly support this bill It is important to pass this It protects the future of marriage equslity

I have worked for many years for marriage equality

I live in Waikiki

Thank yu for your consideration

**HB-2802-HD-1**

Submitted on: 4/3/2024 12:19:37 PM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Claudia L. Webster	Individual	Support	Written Testimony Only

Comments:

Yes, on HB 2802, SD1. I am writing in strong support of this bill which would place a Constitutional amendment on the November ballot to repeal Article 1, Section 23, of the Hawaii Constitution..

I believe that every person has the right to marry the person they love no matter the gender.

Please pass this bill as currently written.

Mahalo,

Claudia L. Webster

14 Aulike St., #305

Kailua, HI 96734

clwswim@gmail.com

808-262-6243 or 808-673-5057 cell

**HB-2802-HD-1**

Submitted on: 4/3/2024 12:36:14 PM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Stephanie Kendrick	Individual	Support	Written Testimony Only

Comments:

I urge you to pass this important legislation to protect marriage equality for Hawai'i's families. Even in the Aloha State we have seen how attitudes can shift on the issue of LGBTQ+ rights in painful ways. We were at the vanguard on marriage equality, and we took a huge step back. Now that we've caught back up, please protect those advances from future lawmakers who might seek to disenfranchise members of our 'ohana.

Mahalo for your consideration.

Steph Kendrick

Kapahulu



JAPANESE AMERICAN CITIZENS LEAGUE  
HONOLULU CHAPTER  
P.O. BOX 1291, HONOLULU, HAWAI'I 96807  
EMAIL: [jaclhon@gmail.com](mailto:jaclhon@gmail.com) WEBSITE: [www.jaclhonolulu.org](http://www.jaclhonolulu.org)  
INSTAGRAM: @jaclhonolulu

**LATE**

April 3, 2024

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**To:** Chair Donovan M. Dela Cruz and Members of the Senate Committee on Ways and Means

**From:** Minda Yamaga, President, Japanese American Citizens League, Honolulu Chapter

**Re:** **SUPPORT OF H.B. 2802, PROPOSING AN AMENDMENT TO ARTICLE 1, SECTION 23, OF THE HAWAI'I CONSTITUTION TO MARRIAGE**

Chair Dela Cruz and Members of the Committee:

The Japanese American Citizens League (JACL) is the oldest Asian civil rights organization in our country, and we seek to protect and defend the rights of all persons.

HB 2802 proposes a constitutional amendment which removes the legislature's authority to reserve marriage to opposite-sex couples. We are deeply troubled by the discriminatory language contained in Section 23 which has been in our state's Constitution for 26 years. Even though the Hawai'i Marriage Equality Act of 2013 codified in Hawai'i law the right to marry for LGBTQ couples, Section 23 would allow a future legislature to undo that progress.

Our concerns are not hyperbolic as we have seen national attacks on the LGBTQ community through the passage of discriminatory laws across our country. Moreover, the U.S. Supreme Court's recent rulings threaten to overturn *Obergefell v. Hodges* which would obliterate the judicial precedent finding that the right to marry is a fundamental liberty.

Hawai'i must stand against bigotry, and we believe passing HB 2802 is critically necessary given the perils we currently face. This first step will allow the voters to right our prior wrongs and ensure that Hawai'i's Constitution is inclusive, fair, and just.

Minda K. Yamaga  
President  
JACL Honolulu Chapter

**LATE**

**HB-2802-HD-1**

Submitted on: 4/3/2024 2:00:53 PM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Mary Smart	Individual	Oppose	Written Testimony Only

Comments:

The contents of the amendment is still valid and what was action the Legislature was authorized to take. The fact that the Legislature did the exact opposite of what was authorized should be remembered and future legislators should be authorized to correct..

Vote No.



**LATE**

**HB-2802-HD-1**

Submitted on: 4/3/2024 2:07:00 PM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lezlie Kiaha	Individual	Support	Written Testimony Only

Comments:

I am in **STRONG** support of this amendment. As written, Article I Section 23 of our State Constitution is violative of due process and equal protection, including fundamental principles of liberty, in direct contravention to Section 5, which states: "*No person shall be deprived of life, liberty or property without due process of law, nor be denied the equal protection of the laws, nor be denied the enjoyment of the person's civil rights or be discriminated against in the exercise thereof because of race, religion, sex or ancestry.*"

**LATE**

**HB-2802-HD-1**

Submitted on: 4/3/2024 2:40:50 PM

Testimony for WAM on 4/4/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Sami LA Akuna	Testifying for Hawaii LGBT Legacy Foundation	Support	Written Testimony Only

Comments:

*Aloha Members of the Committee:*

*I am a staunch supporter of HB 2802, HD 1, which would place a constitutional amendment on the November ballot to expressly repeal Article I, Section 23, of the Hawai‘i Constitution.*

*LGBTQ and MVPFAFF+ families in Hawai‘i deserve dignity and respect – and the certainty that no matter what happens in the future, whether in the U.S. Supreme Court or in our legislature, their marriages and families are protected.*

*I humbly ask this bill unamended to assist its progress toward a floor vote by the Senate in the near future.*

*Mahalo for the opportunity to provide testimony.*

*Always with Aloha*

*Sami L.A. Akuna*

**LATE**

**HB-2802-HD-1**

Submitted on: 4/3/2024 3:11:42 PM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Gregory K. Wickstrom	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Dela Cruz, Vice Chair Moriwaki & WAM Committee Members:

I am writing in strong support of HB 2802, HD 1, which would place a constitutional amendment on the November ballot to expressly repeal Article I, Section 23, of the state constitution

Section 23 provides the legislature with the authority to limit marriage to opposite-sex couples, potentially leaving the door open to discrimination should there be a change in federal court precedent and legislation.

I also ask that you pass this bill unamended to assist its progress toward a floor vote by the Senate in the near future.

I support marriage equality because justice is not only the right of every American citizen, but every person, full stop. There can be no justice if outdated laws that hold on to past prejudices and fear are allowed to take away those inherent rights every single individual is privy to.

I implore you to see fair treatment of every individual as the opportunity to uphold the ideals our great country were founded upon. The right to life, liberty, and the pursuit of happiness.

Thank you for the opportunity to provide testimony.

Mahalo,

Gregory K. Wickstrom

**LATE**

**HB-2802-HD-1**

Submitted on: 4/3/2024 3:24:26 PM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Donald Carroll	Individual	Oppose	Written Testimony Only

Comments: The 2010 amendment to Article 1, Section 23 is clear that a valid marriage shall only be between a man and a woman as husband and wife. Legislators in 2010 were wise and wanted to protect the institution of marriage. The history of our country has shown this to be true. The Bible is clear on this. I would like all of you to really consider the future consequence's of this amendment being proposed. Ask yourself this question. How it will affect our society as a whole. Personally I understand we live in a changing culture. Where everyone does what is right in there own eyes. Respectably

**LATE**

**HB-2802-HD-1**

Submitted on: 4/3/2024 3:37:08 PM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Sarah Delgadillo	Individual	Support	Written Testimony Only

Comments:

Aloha,

I strongly support H2802, HD1 to place an amendment on the November ballot to repeal Article 1, Secion 23 of the Hawaii constitution.

LGBTQ rights are Human Rights and himan rights should not be subject to the political whims of the day. We need to protect our Hawaii families.

Please pass the bill unamended and move to the Senate floor.

Mahalo, Sarah Delgadillo

**LATE**

**HB-2802-HD-1**

Submitted on: 4/3/2024 4:03:56 PM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Nancy Yang	Individual	Support	Written Testimony Only

Comments:

I'm an OBGYN physician and identify as LGBTQ and I strongly support this bill. This bill will ensure LGBTQ providers will be protected and supported in work in Hawaii.

**HB-2802-HD-1**

Submitted on: 4/3/2024 4:46:27 PM

Testimony for WAM on 4/4/2024 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Grace Alvaro Caligtan	Individual	Support	Written Testimony Only

Comments:

*Aloha Members of the Committee:*

*I am writing in strong support of HB 2802, HD 1, which would place a constitutional amendment on the November ballot to **expressly repeal** Article I, Section 23, of the Hawai‘i Constitution.*

*LGBTQ families in Hawai‘i deserve dignity, belonging, safety, recognition and respect – and the certainty that no matter what happens in the future, whether in the U.S. Supreme Court or in our legislature, their marriages and families are protected.*

*Please pass this bill unamended to assist its progress toward a floor vote by the Senate in the near future.*

*Mahalo for the opportunity to provide testimony.*

*Grace Alvaro Caligtan*

**HB-2802-HD-1**

Submitted on: 4/3/2024 5:26:08 PM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kyle K Kajihiro	Individual	Support	Written Testimony Only

Comments:

To the Chair and Members of the Senate Ways and Means Committee

Thank you for the opportunity to testify.

It is time for Hawai'i to remove discriminatory language in Hawai'i's Constitution that allows the Legislature to limit marriage only to opposit sex couples and denies same-sex couples legal marriage.

HB2802 does just that. I urge your support for HB2802.

Thank you.

Kyle Kajihiro



**HB-2802-HD-1**

Submitted on: 4/3/2024 7:20:49 PM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Avery Olson	Individual	Support	Written Testimony Only

Comments:

The support of the bill is clear to me. Supporting this means supporting my patients, my friends, and the people of the Hawaiian islands. Please support this bill.

-Avery Olson, MD

**HB-2802-HD-1**

Submitted on: 4/3/2024 7:46:08 PM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Marion McHenry	Individual	Support	Written Testimony Only

Comments:

It is time to undo the unfortunate constitutional amendment of the past. Even our great senators Inouye and Akaka were very saddened by that amendment which was only passed due to fear campaigns.

Mahalo,

Marion McHenry

Kauai

**HB-2802-HD-1**

Submitted on: 4/3/2024 10:57:53 PM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Olivia Manayan	Individual	Support	Written Testimony Only

Comments:

Aloha Members of the Committee:

I am writing in **strong support** of HB 2802, HD 1, which would place a constitutional amendment on the November ballot to expressly repeal Article I, Section 23, of the Hawai‘i Constitution.

It is time that we change our laws to accurately represent the world we are living in today. All people, regardless of background, ethnicity, religion, gender identity, or sexual orientation, deserve love, and the opportunity to express that love through the act of marriage. LGBTQ families in Hawai‘i deserve dignity and respect – and the certainty that no matter what happens in the future, whether in the U.S. Supreme Court or in our legislature, their marriages and families are protected.

Please pass this bill unamended to assist its progress toward a floor vote by the Senate in the near future.

Mahalo for the opportunity to provide testimony.

Most Sincerely,

Olivia Manayan

**HB-2802-HD-1**

Submitted on: 4/4/2024 12:40:51 AM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Bo Breda	Individual	Support	Written Testimony Only

Comments:

*Aloha Members of the Committee:*

*I am writing in strong support of HB 2802, HD 1, which would place a constitutional amendment on the November ballot to expressly repeal Article I, Section 23, of the Hawai‘i Constitution.*

*LGBTQ families in Hawai‘i deserve dignity and respect – and the certainty that no matter what happens in the future, whether in the U.S. Supreme Court or in our legislature, their marriages and families are protected.*

*Please pass this bill unamended to assist its progress toward a floor vote by the Senate in the near future.*

*Mahalo for the opportunity to provide testimony.*

**HB-2802-HD-1**

Submitted on: 4/4/2024 12:41:32 AM

Testimony for WAM on 4/4/2024 10:15:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Peter Wilson	Individual	Support	Written Testimony Only

Comments:

*Aloha Members of the Committee:*

*I am writing in strong support of HB 2802, HD 1, which would place a constitutional amendment on the November ballot to expressly repeal Article I, Section 23, of the Hawai‘i Constitution.*

*LGBTQ families in Hawai‘i deserve dignity and respect – and the certainty that no matter what happens in the future, whether in the U.S. Supreme Court or in our legislature, their marriages and families are protected.*

*Please pass this bill unamended to assist its progress toward a floor vote by the Senate in the near future.*

*Mahalo for the opportunity to provide testimony.*